

Environmental Review Process

Clean Water State Revolving Fund (CWSRF) Program

Presented by
Environmental Review Unit
February 2014



CEQA Basics

What is CEQA?

California

Environmental

Quality

Act

CEQA was enacted in 1970 to ensure that state and local agencies consider the environmental impact of their decisions when approving a public or private project.

Why was CEQA created?

CEQA has several objectives

- Disclose to decision makers and the public the significant environmental effects of proposed activities
- Identify ways to avoid or reduce environmental damage by requiring implementation of feasible mitigation measures or considering other alternatives.

CEQA Objectives cont.

- Disclose to the public reasons for agency approval of projects with significant environmental effects
- Foster interagency coordination in the review of projects
- Enhance public participation in the planning process

Who is responsible for implementing CEQA?

State and local Agencies

including the

State Water Resources Control Board

Agency Responsibility

Three levels of agency responsibility in CEQA:

Lead Agency – Agency with the principal responsibility for carrying out or approving a project. Must complete the CEQA document.

Responsible Agency – Agency that has a legal responsibility for carrying out or approving a project (e.g. issue permit or give funding *State Water Board*).

Trustee Agency – Agency with jurisdiction over certain resources held in trust for the people of California but does not have a legal authority over approving or carrying out the project (e.g. CDFW).

Responsible Agency

The State Water Board must consider the CEQA document prepared by the Lead Agency before approving any project.

Additionally, we make written findings for each significant environmental impact.

What is a Project?

A project, under CEQA, is defined as:

“the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and that include any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof, (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies, (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.”

CEQA – Notice of Exemptions

Projects may be exempt from CEQA requirements if the Project will not have a significant environmental impact.

This means no mitigation measures or any type of avoidance measures may be used to try and qualify it for the CEQA Exemption.

Exceptions to exemptions include location, cumulative impacts, significant effects, impacts to scenic highways, hazardous waste sites, and impacts to historical resources.

Note: Just because CEQA doesn't require it, doesn't mean that CWSRF doesn't!

Types of CEQA Documents

Initial Study

Negative Declaration

Mitigated Negative Declaration

Environmental Impact Report

Supplemental Environmental Impact Report

Subsequent Environmental Impact Report

Addendum

CEQA Documents – Initial Study

The Initial Study is the backbone of the environmental evaluation under CEQA.

Most Agencies use the checklist provided in the CEQA Guidelines (Appendix G).

After completing the Initial Study, the Lead Agency decides whether there are any potentially significant environmental impacts associated with the project.

Example of CEQA Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>I. AESTHETICS</u> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CEQA Documents – Negative Declaration

A Negative Declaration is the simpler of the two major CEQA documents. It usually consists of the Initial Study combined with location and setting information for the project identified.

A Mitigated Negative Declaration (MND) has mitigation measures incorporated to avoid significant environmental impacts

CEQA Documents – Environmental Impact Report

An Environmental Impact Report (EIR) is necessary when there are likely to be significant environmental impacts due to the project. Usually all impacts are able to be mitigated, but not always.

The EIR includes the Initial study, but also has an in-depth analysis of a variety of environmental issues.

CEQA Documents – Supplemental and Subsequent EIR

A Supplemental EIR is done when a change in project description changes the Environmental Impact previously found in an initial ND or EIR.

A Subsequent EIR is done after a Program EIR. This is “teiring” of a project. A Subsequent EIR is an EIR done to assess impacts of a project within a larger project.

CEQA Documents – Addendums

An Addendum is a CEQA document that documents a change in project description for a Project but not a change in Environmental Impacts.

According to CEQA, an Addendum does not need to go through the same CEQA process as the ND or the EIR.

However! CWSRF requires that addenda have a comment period and have Notice of Determinations.

CEQA Process – State Clearinghouse

Regardless of whether the Agency completes an ND or EIR, the document must be circulated through the State Clearinghouse for public review because of State Water Board funding.

This is an opportunity for everyone – the public, interested organizations, and other governmental agencies – to review the document and provide comments.

CEQA Process- State Clearinghouse

Negative Declaration – 30 days

Addendum – 30 days

Environmental Impact Report – 45 days

Once the review period ends, the State Clearinghouse forwards all the comments they have received and the Lead Agency considers and may respond to those comments.

CEQA – Final Document/Notice Of Determination

- Once the public review process is complete, the Lead Agency considers comments, and may make updates to their document.
- **For CWSRF, we require all comments must be responded to in writing.** The actual written comments received, along with the Agency's response, must be included in the Environmental Package.
- Once the environmental document is complete and the Lead Agency has approved the project, the Agency files a Notice of Determination (NOD).
- The NOD decreases the statute of limitations from 180 days to 30 days and is ***required*** by CWSRF for **all** CEQA documents.

CEQA Process – State Water Board

As a Responsible Agency, the State Water Board is involved in several steps of this process.

- During the public review period, we provide comments.
- When a project comes to us for funding or review, we review the document and decide if it is sufficient for our purposes.
- We must make findings when we approve a project based on the Lead Agency's environmental document.
- Once we approve the project, we file our own Notice of Determination
- Any CEQA documents older than 5 years needs to be re-evaluated and noticed



Environmental Review and Federal Coordination

CWSRF Program Federal Cross-Cutters

1. Federal Clean Air Act
2. Coastal Barriers Resources Act
3. Coastal Zone Management Act
4. Section 7 of the Federal Endangered Species Act
5. Environmental Justice
6. Farmland Protection Policy Act
7. Flood Plain Management
8. Section 106 of the National Historic Preservation Act
9. Magnuson-Stevens Fishery Conservation and Management Act
10. Migratory Bird Treaty Act
11. Protection of Wetlands
12. Safe Drinking Water Act, Sole Source Aquifer Protection
13. Wild and Scenic Rivers Act

Federal Clean Air Act

Air Emissions Table- Air quality modeling data for federal criteria pollutants air emissions for project construction and operation

Pollutant	Federal Status (Attainment, Nonattainment, Maintenance, or Unclassified)	Nonattainment Rates (i.e., moderate, serious, severe, or extreme)	Threshold of Significance for Project Air Basin (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Ozone (O ₃)					
Carbon Monoxide (CO)					
Oxides of Nitrogen (NO _x)					
Reactive Organic Gases (ROG)					
Volatile Organic Compounds (VOC)					
Lead (Pb)					
Particulate Matter less than 2.5 microns in diameter (PM _{2.5})					
Particulate Matter less than 10 microns in diameter (PM ₁₀)					
Sulfur Dioxide (SO ₂)					

Total emissions (construction + operation) cannot exceed federal *de minimis* (which is based on Nonattainment Rates) or the Threshold of Significance for the Project Air Basin

Federal Clean Air Act

Attainment Areas- If the Project is located in attainment areas for federal criteria pollutants, then the applicant has satisfied the requirements.

Nonattainment/Maintenance Areas- If the Project is located in nonattainment and/or maintenance areas for federal criteria pollutants, the applicant must conduct a Clean Air Act General Conformity Analysis:

- **Project conforms:** Total emissions are **below *de minimis*** levels
- **Project does not conform and requires a general conformity determination:** Total emissions are **above *de minimis*** levels = State Water Board must coordinate with the USEPA to develop a general conformity determination and complete a public review/comment process

Coastal Barriers Resources Act

Discourages development in a Coastal Barrier Resources System, which is a collection of undeveloped and ecologically sensitive barrier formations along the Atlantic and Gulf Coasts of the US, and the shore areas of the Great Lakes.

Restricts federal funding and assistance that encourages development in the Coastal Barriers Resource System and the adjacent wetlands, marshes, estuaries, inlets and near-shore waters.

As of today, there are no designated Coastal Barrier Resource Systems in California.

Coastal Zone Management Act

Federal agencies must ensure that projects in coastal areas are consistent with the state coastal zone management plans approved by the United States Department of Commerce.

Applicant's must consult early with the state Coastal Zone Management Agency (California Coastal Commission, the San Francisco Bay Conservation and Development Commission) to ensure consistency with the state coastal zone management plan, including identifying appropriate project locations, and provide SWRCB with all documentation.

State Water Board required to consult with the California Coastal Commission and/or the San Francisco Bay Conservation and Development Commission, to obtain a consistency determination (if the applicant has not yet completed the process).

Federal Endangered Species Act

Biological Assessment - Applicant must submit a biological assessment to determine any direct/indirect effects to federally listed (threatened or endangered) species or critical habitat

- Required to review current lists of species (less than one year old) expected to be in the project area and type of suitable habitat:
 - U.S. Fish and Wildlife Service (USFWS) species list
 - California Department of Fish and Wildlife, California Native Diversity Database (CNDDDB)
 - California Native Plant Survey
- Biological survey (less than one year old) must include:
 - Results of site surveys and surrounding area stating if any species were observed
 - Identification of designation critical habitat and known species range
 - Analysis of potential impact to species
 - Determinations for effect on listed species
 - Identification of measures to reduce, avoid and minimize impacts

Federal ESA Informal Consultation

May Affect, But is Not likely to Adversely Affect

Impacts to a species or its designated critical habitat are likely to be discountable, wholly beneficial, and insignificant. Must initiate informal consultation and obtain written concurrence from USFWS and/or before proceeding with project construction.

ERU staff must develop a letter requesting Section 7 Informal Consultation with the USFWS which includes State Water Board's Section 7 ESA finding for each species.

*Note that Informal Section 7 ESA consultation with the National Marine Fisheries Service (NMFS) must be coordinated with the USEPA. ERU staff must develop a template letter and forward to the USEPA with all supporting documents and surveys to use in the consultation process.

(**Note on Fish:** USFWS is consulted for impacts related to the **Delta smelt**. NMFS is consulted on potential impacts to **salmon**.)

Federal ESA Formal Consultation

May Affect, and Likely to Adversely Affect

Project will directly or indirectly have an adverse affect to a listed species or its designated Critical Habitat.

ERU staff must coordinate with USEPA to initiate formal Section 7 ESA consultation with the USFWS and NMFS. ERU staff must develop a template consultation letter for the USEPA to use, and forward a Biological Assessment done for the project.

USFWS and NMFS may request additional information, and must issue a Biological Opinion before the State Water Board approves the CWSRF financing and prior to the applicant proceeding with construction.

Environmental Justice

Federal agency must identify and address any “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

- Environmental Justice concern:
 - Create new disproportionate impacts on minority, low-income, or indigenous populations;
 - Exacerbate existing disproportionate impacts on minority, low-income, or indigenous populations; or
 - Present opportunities to address existing disproportionate impacts on minority, low-income, or indigenous populations that are addressable through the project.

Farmland Protection Policy Act

Federal agencies must consider a project's effect on agricultural land and take alternative/mitigating measures to ensure valuable farmland is preserved.

Important farmland includes:

- Unique and Prime farmland
- Farmland of local and statewide importance
- Farmland under a Williamson Act Contract (important farmland)

ERU staff must:

- Determine if important farmland is located within project area, and if the project will result in a temporary or permanent conversion of important farmland to non-agricultural use.
- Notify (via letter) the United States Department of Agriculture, local and state soil conservationist representatives, of the project and proposed measures identified to avoid, minimize, or mitigate farmland impacts.

Flood Plain Management

Evaluate and determine project location with respect to 100-year floodplain (FEMA maps).

If project is located in a flood plain, the applicant must prepare:

- A flood plain assessment, including assessing flooding impacts, alternative locations, and measures/design modifications to reduce flooding impacts; and
- And publicly notify reasons for proposing the project in a flood plain.

ERU staff makes a finding on the Executive Order No. 11988 compliance and must notify FEMA (FEMA may provide additional measures) via letter.

Section 106 of the National Historic Preservation Act

Applicant must submit a Section 106 report including:

- Identifying the area of potential effects (APE)
- Current records search (no more than one year old & ½ mile radius)
- Native American consultation
- Draft consultation letter for State Historic Preservation Officer (SHPO)

Cultural Resources Officer for the State Water Board reviews the cultural documents submitted by applicants to see if sufficient information has been provided to support Section 106 findings.

May initiate Section 106 NHPA consultation with the SHPO if “**no effect**” finding can not be made (why we need the draft consultation letter)

Magnuson-Stevens Fishery Conservation and Management Act

Applicants must provide Essential Fish Habitat (EFH) Assessment and maps (from the NMFS) to identify designated EFH in their project areas and assess if the project will have the potential to adversely impact EFH.

Must consult with NMFS for any adverse impacts to EFH.

- If EFH may be adversely impacted, ERU must prepare a letter and enclose any applicable surveys (EFH Assessment) documents for USEPA to initiate EFH consultation with the NMFS.

NMFS must provide concurrence (informally or written) and may provide EFH Conservation recommendations, which will be included as a special condition of the applicant's CWSRF financing agreement.

Migratory Bird Treaty Act

Applicants must address potential impacts to migratory, raptor and fully protected species in their Biological Assessment or CEQA document. A survey must be completed to determine the presence of nests and impacts from construction noise, vibration, modification of habitat (tree removal, riparian vegetation) must be addressed.

Must consult with the USFWS (as well as the Department of Fish and Wildlife under Fish and Game codes 3511 and 3513) to identify appropriate measures for mitigating/avoiding impacts to species.

Protection of Wetlands

U.S. Army Corps of Engineers (USACE) has a “no net loss of wetlands” policy. Therefore, applicants must comply by completing and submitting:

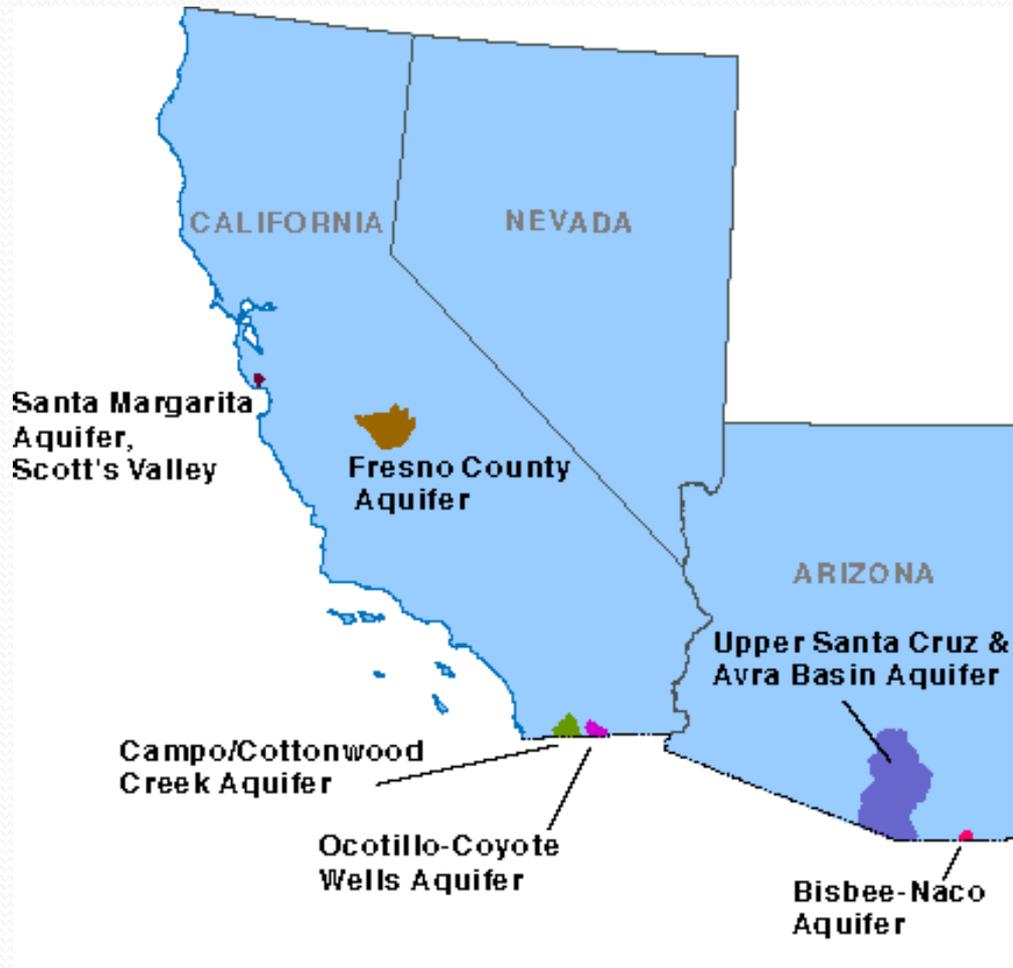
- Biological surveys which addresses potential impacts to wetlands

Potential affects to wetlands requires:

- A Preliminary Wetland Delineation Report
- Field verification report done by the USACE
- Section 401 WQ Certification (Regional Water Board) approval
- USACE Permit application for CWA Section 404 permits (only need 401 if 404 required)

If consultation with the USACE and USFWS is required, ERU staff must initiate consultation via letter and forward all supporting documentation, including information on alternative sites and measures to reduce or avoid impacts to wetlands, other waters and waters of the US.

Safe Drinking Water Act, Sole Source Aquifer Protection



Sole Source Aquifer Protection

All applicants must determine if the project is located in a USEPA designated sole source aquifer (SSA).

If is located in SSA- Applicant must provide documentation of surveys done to determine if a project could contaminate a sole source aquifer (normally done in consultation with the Department of Public Health).

In consultation with DPH and USEPA, applicant must identify alternative site(s) or identify adequate mitigation measures. Those measures and/or alternative sites must be integrated into the project design.

Wild and Scenic Rivers Act

As of today, 22 water body sections have a wild and scenic river designation in CA.

This Act prohibits federal assistance (including financing) for water resource projects that would have a direct and adverse effects on, invade, or unreasonably diminish, the special values of a designated wild and scenic river.

Requires consultation with state (California State Parks) and federal authorities (National Park Service, US Forest Service, Bureau of Land Management) with jurisdiction over the rivers in the project area, and evaluate alternatives.

Alternatives that will result in adverse effect on the wild and scenic designation of the river, must be eliminated. Applicant must identify other alternatives.

Northern California Wild and Scenic Rivers



Central California Wild and Scenic Rivers



Southern California Wild and Scenic Rivers



Introduction to Section 106 of the the National Historic Preservation Act



Christopher Corey
Associate State Archaeologist/Cultural Resources Officer



Regulatory Framework

The Clean Water State Revolving Fund (CWSRF) Program is partially funded by a capitalization grant from the United States Environmental Protection Agency (EPA) and issuance of Clean Water State Revolving Funds is considered a Federal Action, necessitating compliance with Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800, Section 106) under a Programmatic Agreement on Historic Preservation executed for the CWSRF by the EPA, the Advisory Council on Historic Preservation, and the National Conference of State of State Historic Preservation Officers. *The EPA has delegated lead federal agency responsibility to the State Water Resources Control Board for carrying out the Section 106 requirements.*



What is Significance?

❖ The quality of *significance* in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of *location, design, setting, materials, workmanship, feeling, and association*, **and**:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of significant persons in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield, information important in history or prehistory.

❖ Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies *to take into account the effects of their undertakings on historic properties*.

❖ Revised regulations, "Protection of Historic Properties" (36 CFR Part 800), became effective August 5, 2004

❖ The term "historic property" is defined in the NHPA as: "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places";

❖ "Historic Properties" include artifacts, records, and remains which are related to such districts, sites, buildings, structures, or objects. 16 U.S.C. Section 470(w)(5).

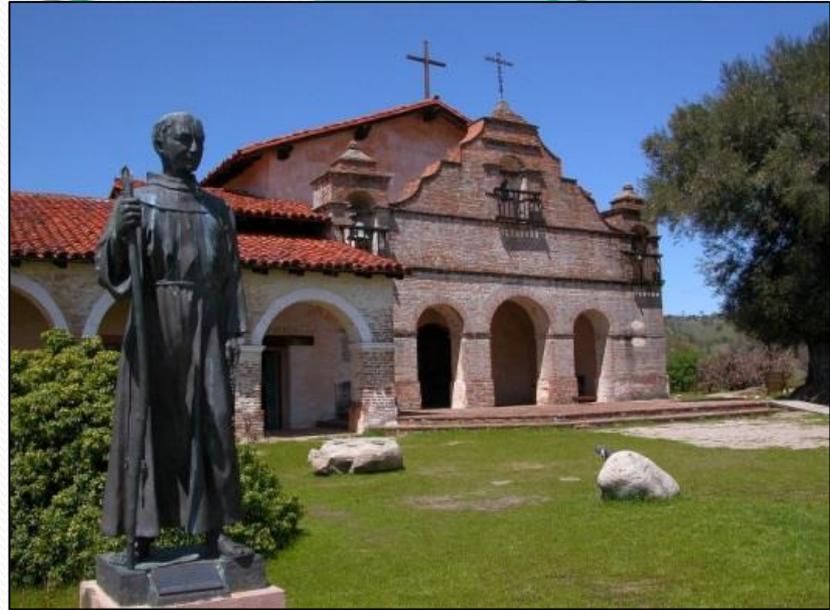
❖ A historic property need not be formally listed on the National Register to receive NHPA protection, it need only meet the National Register criteria (i.e., be eligible for listing in the National Register of Historic Places) as determined by a qualified cultural resources professional meeting the Secretary of the Interior's Standards.

What is a “Historic Property”?

- ❖ Generally speaking, a resource must be 50 years old or older to be considered as a “historic property” under the Federal law, **and**
- ❖ A historic property must also meet the requirements of integrity and significance in order to qualify as eligible.



Is this a historic property?



- ❖ Fifty years old or older?
- ❖ Associated with events that have made a significant contribution to the broad patterns of our history?
- ❖ Embodies the distinctive characteristics of a type, period, or method of construction?
- ❖ Possess integrity of location, design, setting, materials, workmanship, feeling, and association?



Is this a historic property?

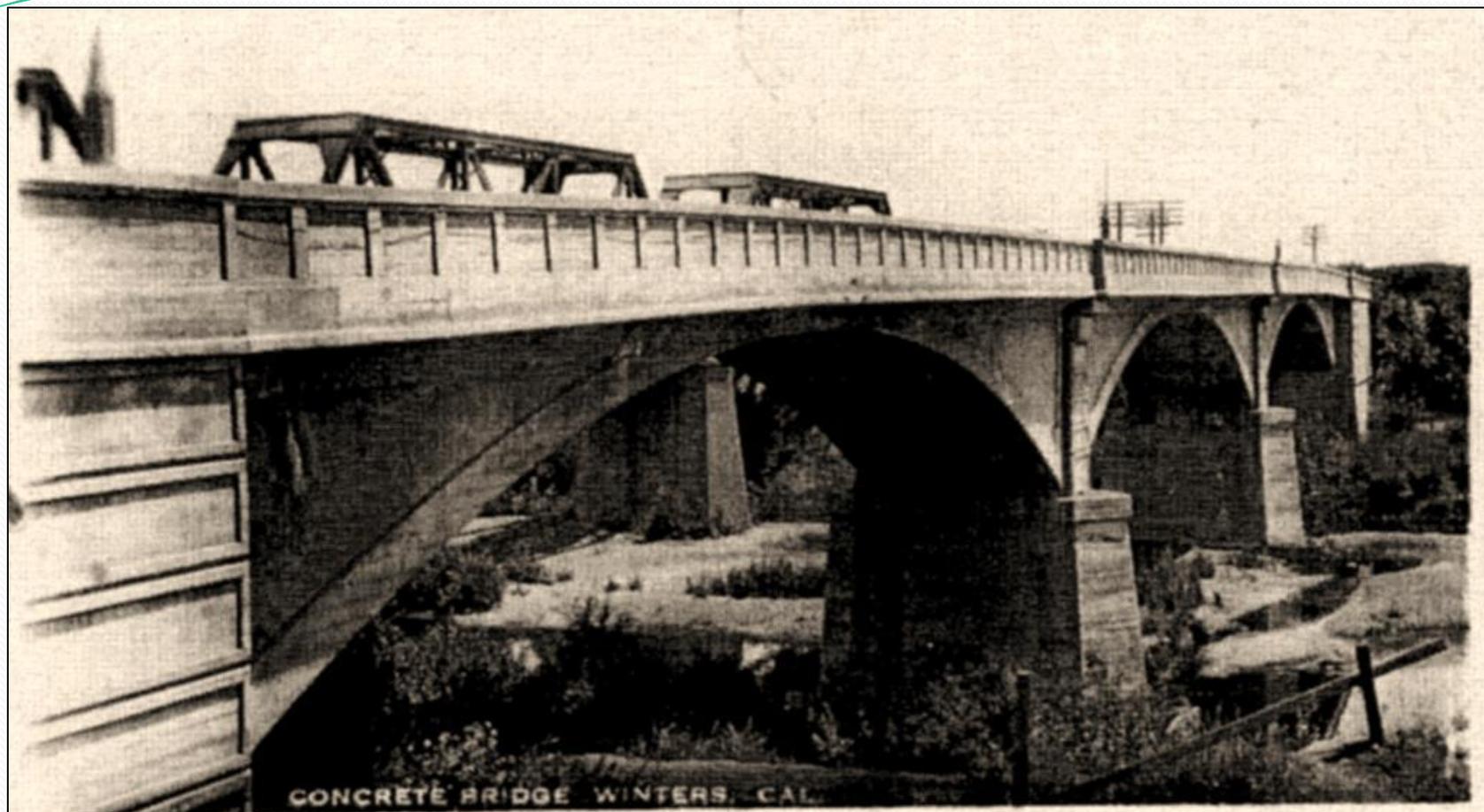
Is this resource:

- ❖ Fifty years old or older?
- ❖ Associated with events that have made a significant contribution to the broad patterns of our history?

Does it:

- ❖ Embody the distinctive characteristics of a type, period, or method of construction?
- ❖ Possess integrity of location, design, setting, materials, workmanship, feeling, and association?





Historical ca. 1908 Photo
Source: HAER Documentation

The Winters Road Bridge 23C-0243 was evaluated by the California Department of Transportation in 1986 and in 2003. Originally evaluated as part of the Bridge Inventory, it was found eligible for listing on the National Register of Historic Places under Criteria A and C. Constructed mainly in 1907, the bridge provided a link between Yolo and Solano Counties, was made part of the California Highway system in 1911, and linked Yolo County with the Bay Area. Moreover, the multi span reinforced concrete structure was the first of its kind in the region, the three 123-foot concrete spans being the longest in the state until 1911. Contributing factors include the region surrounding the bridge, as well as the bridge's three arches, supported by reinforced concrete piers, and concrete abutments. Noncontributing are the newer features to the surrounding landscape (California Department of Transportation 2006:34).

Criteria for Evaluation

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A.** That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B.** That are associated with the lives of significant persons in or past; or
- C.** That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D.** That have yielded or may be likely to yield, information important in history or prehistory.

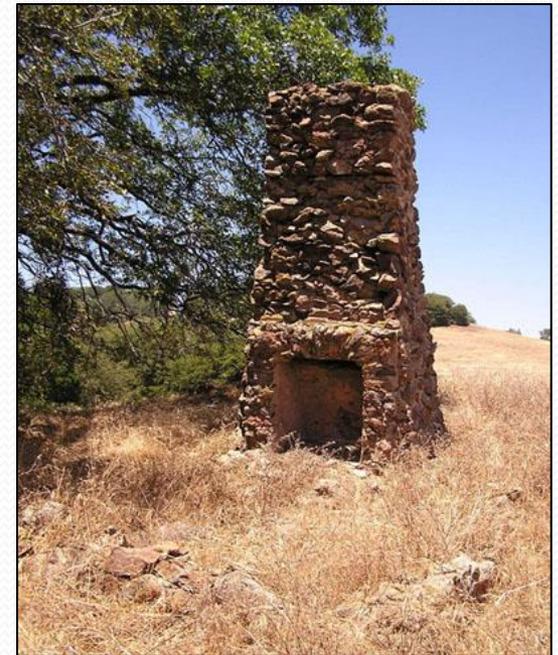


Historic Property?



Historic properties?

- ❖ Fifty years old or older?
- ❖ Associated with events that have made a significant contribution to the broad patterns of our history?
- ❖ Embody the distinctive characteristics of a type, period, or method of construction?
- ❖ Possess integrity of location, design, setting, materials, workmanship, feeling, and association?





Historic property?

Basic Criteria for Cultural Resources Report Preparation

Report should include:

One of four “findings” :

“No historic properties affected”

“No effect to historic properties”

“No adverse effect to historic properties”

“Adverse effect to historic properties”

Requires State Historic Preservation Office (SHPO) consultation to develop and evaluate alternatives to avoid or mitigate effects

Archaeological Records Search

Less than a year old

One half mile beyond project Area of Potential Effect (APE)



Native American Consultation:

Initiate at planning phase of project

Map and project description sent via certified mail to all local tribes and individuals identified by Native American Heritage Commission (NAHC)

Interested Party Consultation:

Local Historical Societies, preservation organizations, individuals with a demonstrated interest in the project

Copies of all correspondence and documentation must be included in the report.

SHPO Consultation Letter

Draft template available on State Water Board web page.

Precautions:

A finding of “no known resources” without supporting evidence is unacceptable.

The report must contain evidence that resources were identified or demonstrate that none are present.

“The area is sensitive for buried archaeological resources” followed by a statement that “monitoring is recommended”. Monitoring is not an acceptable option unless accompanied by a good-faith effort to demonstrate that no known resources are present.

If “the area is already disturbed by previous construction”, or is in an area that is already built up, documentation is still required to demonstrate that the project will not affect “historic properties”.

Things to be aware of:

Existing roads may be protecting a buried archaeological deposit, and will still require archaeological survey and monitoring if the project is in an archaeologically sensitive area (as demonstrated by records search and survey).

Roads, rail lines, and trails may be “historic properties” subject to evaluation and preservation under Section 106.

Previous construction in a built environment may have occurred without benefit of proper evaluation in the past. Federal law (Title 36, Part 800 of the Code of Federal Regulations) was signed into law in 1986 and amended in 1999.



Environmental Review Unit (ERU) Review Process

Click Here to Navigate

Home → Water Issues → Programs → Grants Loans

Financial Assistance Funding - Grants and Loans



Environmental Review Requirements

- [Clean Water State Revolving Fund Program Reference Documents](#)
- [Drinking Water State Revolving Fund \(DWSRF\)](#)
- [State Clearinghouse Review Basic CEQA Information](#)
- [Useful Links](#)

Section 7 ESA guidance

Download the Latest Package Requirements

Section 106 NHPA guidance

The State Water Board is required to conduct an environmental review (ERU) in the State Clearinghouse when funding projects from the State Water Board's Financial Assistance Program. The ERU fulfills the State Water Board's CEQA requirements by reviewing the environmental documents provided by the applicant and developing environmental findings. All projects pursuing funding from the State Water Board's Financial Assistance Program must comply with the CEQA requirements. The Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF) are funded from the United States Environmental Protection Agency (USEPA) grants. In addition to CEQA, the projects must also comply with the applicable CWSRF Program federal environmental statutes and authorities (also referred to as the federal cross-cutters).

This webpage provides basic information on the Division's environmental review process. For more information, please refer to the State Water Board Environmental Review Requirements.

ERU Contacts

2 Environmental Review stages

Completeness: (LGTS Line 612)

- Have each of the required environmental documents and attachments been received?
 - ☑ Environmental Package
 - ☑ CEQA documents
 - ☑ Federal Cross-cutter Attachments

Adequacy: (LGTS Line 615) more on this later...

- Is the documentation sufficient to support the environmental findings?
- Are the documents adequate for the State Water Board to make CEQA findings?

Environmental Review Initiation and Completeness Check

- 1) PM receives the complete environmental package, and notifies the ERU (via e-mail) of where to download the complete environmental package contents.
- 2) The environmental review is initiated when the reviewer acknowledges receiving the package by replying to the PM's e-mail.
- 3) ERU staff screens the package contents and determines if all the required CEQA and supporting documents have been submitted
- 4) ERU staff prepares a "Completeness Checklist" identifying the missing information, sends it to the PM and uploads a copy to LGTS Line 612 (this date will populate on Line 600 of 'Project Milestones')

NOTE: The "Completeness Checklist" is only to determine if all required environmental documents have been submitted, and **does not** review the package for **adequacy**.

II. CEQA DOCUMENTS*** (Complete this section only if the CEQA process has been completed for this project)

Please check all box(es) that describe this application and submit the required attachments for the applicable section(s).

- Project is covered under a CEQA Categorical or Statutory Exemption (complete Section A below and attach documents)
 Project is covered under a Negative Declaration (complete Section B below and attach documents)
 Project is covered under a Mitigated Negative Declaration (complete Section C below and attach documents)
 Project is covered under an Environmental Impact Report (complete Section D below and attach documents)

*** If a Joint CEQA/NEPA document (EIR/Environmental Assessment or EIR/Environmental Impact Statement) is prepared for the project, submit the applicable Record of Decision and/or Finding of No Significant Impact.

Required Attachments	Section A	Section B	Section C	Section D
E1- EVALUATION FORM FOR ENVIRONMENTAL REVIEW AND FEDERAL COORDINATION AND SUPPORTING ATTACHMENTS E1.1 TO E1.13				
E2- DRAFT AND FINAL INITIAL STUDY/NEGATIVE DECLARATION (IS/ND)				
E3- DRAFT AND FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)				
E4- DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORT (EIR)				
E5- COMMENTS AND RESPONSES				
E6- STATEMENT OF OVERRIDING CONSIDERATION (If Applicable)				
E7- MITIGATION MONITORING AND REPORTING PLAN/PROGRAM (MMRP)				
E8- RESOLUTION APPROVING THE CEQA DOCUMENTS				
E9- NOTICE OF EXEMPTION				
E10- NOTICE OF DETERMINATION				

FOR STATE USE ONLY

CWSRF Project #	
Project Manager	
Date Received	

E1 – ENVIRONMENTAL REVIEW AND FEDERAL COORDINATION ATTACHMENTS

Check the box next to each item to indicate which supporting attachments you have provided with your application. The supporting documents must be provided unless it is not applicable.

E1.1 – **Clean Air Act**

- Air quality modeling data
- Complete air emissions chart (see Evaluation Form below)
- General conformity and/or air quality studies, *as applicable*

E1.2 – **Coastal Barriers Resources Act**

- Consultation record for CBRA resources in the vicinity of the project area with the USFWS, *if applicable*

E1.3 – **Coastal Zone Management Act**

- Copy of coastal zone permit or coastal exemption, *if applicable*

E1.4 – **Endangered Species Act**

- Up-to-date (less than one year old) USFWS, CDFW Natural Diversity Database, and CNPS species lists
- Project-level biological resources and habitat evaluation including field survey and species lists review
- Record of federal consultation and correspondence, *if applicable*

E1.5 – **Environmental Justice**

- Consultation record for the affected areas with the USEPA Office of Enforcement and Compliance Assurance, *if applicable*

E1.6 – **Farmland Protection Policy Act**

- Assessment of the conversion of prime/unique farmland and farmland of statewide/local importance to non-agricultural uses, *if applicable*
- Assessment of Williamson Act lands converted and/or affected, *if applicable*
- Consultation with USDA and correspondence, *if applicable*

- E1.7 – **Flood Plain Management**
 - FEMA flood mapping of the project area, *if applicable*
 - Assessment of flood hazard and drainage pattern alteration, *if applicable*

- E1.8 – **National Historical Preservation Act**
 - Cultural Resources Report (with less than one year old record search, extending to a half-mile beyond the project APE) on historic properties consistent with the National Historic Preservation Act requirements

- E1.9 – **Magnuson-Stevens Fishery Conservation and Management Act**
 - Essential Fish Habitat Assessment (EFH Assessment) for the State Water Board's consultation with the NOAA National Marine Fisheries Service, *if applicable*
 - Please see regulation E1.4 above for EFH Assessment requirements

- E1.10 – **Migratory Bird Treaty Act**
 - List of migratory birds including avoidance measures, *if applicable*

- E1.11 – **Protection of Wetlands**
 - Copy of 401 Certification from the Regional Water Quality Control Board, *if applicable*
 - Copy of 404 permit from the USACE, *if applicable*
 - Wetland delineation and survey assessment, *if applicable*

- E1.12 – **Safe Drinking Water Act, Sole Source Aquifer Protection**
 - Consultation record with the USEPA Region 9 Ground Water Office, *if applicable*

- E1.13 – **Wild and Scenic Rivers Act**
 - Consultation record with the USDA Forest Service Region 5 Office, *if applicable*

Completeness Checklist

California Environmental Quality Act (CEQA) Documents	
Notice of Exemptions - Copy filed with County Clerk and Governor's Office of Planning and Research (OPR)	
Negative Declaration - Draft and final, comments and responses, resolution adopting and making CEQA findings and Notice of Determination filed with the County Clerk and OPR	
Mitigated Negative Declaration -Draft and final, comments and responses, mitigation and monitoring reporting program/plan, resolution adopting and making CEQA findings and Notice of Determination filed with the County Clerk and OPR	
Environmental Impact Report - Draft and reporting program/plan, resolution adopted with the County Clerk and OPR	Findings of Fact, SOC's , and Benefits, too!
filed	
Federal Cross-cutting Information	
Evaluation Form for Environmental Review and Federal Coordination with the substantiating documents for the following items	
1	Air Quality - (air quality data analysis report)
2	Cultural Resources – (section 106 report, SHPO Letter, record search, and Native American consultations)
3	ESA, MBTA and EFH - (USFWS species list / biological assessment)
4	Flood Plain management - (flood map)
5	Wetland Protection - (wetland delineation report)
6	Other (coastal zone and barrier, environmental justice, farmland protection, safe drinking water, and wild and scenic river)
Other Relevant Information	
Federal Consultations - (ESA, SHPO, etc.)	
Permits - (401, 404, 1601 etc.)	
National Environmental Policy Act Documents - (CE, FONSI, EIS, ROD, etc.)	

Required CEQA Documents

Note: Just because CEQA doesn't require it, does not mean that it is not required for CWSRF!

- Notice of Exemption – Copy of filed NOE containing the local county clerk(s) and OPR date stamps, plus any supporting documentation to complete the Federal Cross-cutting requirements
- Initial Study and Negative Declaration or Mitigated Negative Declaration
 1. Draft and Final IS/ND or IS/MND
 2. Resolution adopting the IS/ND or IS/MND, any applicable Mitigation Monitoring and Reporting Program (if using IS/MND), and making CEQA findings
 3. Comment letters and response to comments
 4. Notice of Determination filed with the county clerk(s) and OPR
 5. Supporting documents (including copies of consultations, permits, etc.)

Required CEQA Documents

continued

Environmental Impact Report (EIR) or Addendum

- Draft and Final EIR
- Resolution certifying the final EIR, adopting an MMRP, making CEQA findings, and SOCs & benefits
- Comment letters and response to comments
- Notice of Determination filed with the local county clerk(s) and OPR
- Supporting documents (including copies of consultations, permits, etc.)

Adequacy

- “We’re not looking for perfection, but for completeness, adequacy, and good faith effort at full disclosure.”
- Once all required environmental documents are received, based on the priority of the project, the ERU staff will start the adequacy review process and determine:
 - Documentation adequacy, and whether federal consultation is required to complete the review and draft CEQA findings for the State Water Board.
 - Starts consultation with Federal agencies if required
 - If the environmental documents are complete and federal consultation is **not** required, the ERU will proceed with the review and prepare:
 - Environmental Summary Checklist
 - CEQA findings for the State Water Board signature
 - Exhibit D (Special conditions), if applicable

Adequacy (cont.)

If the Environmental document is not adequate, the ERU staff will:

- Notify PM of the additional information required.
- Coordinate with PM to schedule a teleconference meeting with the applicant, if necessary

Environmental Summary Checklist

The Environmental Summary Checklist (ESC) includes 7 Sections:

- Sections I-III- A synopsis of the **CEQA review process** for the project
- Section IV- A summary of how the project complies with the **federal cross-cutting regulations** and any applicable federal consultations (e.g., Section 7 ESA, Section 106 NHPA, Sections 404/401 CWA, etc.), as well as public participation done for the project.
- Section V- Impacts, Mitigations, and SOC determinations, if applicable
- Sections V & VI- The State Water Board's **draft CEQA determination**, and **draft CEQA findings** prepared for the Deputy Director . OR, draft State Water Board **environmental agenda item** for Board approval.

Routine & Controversial

Routine and non-controversial: project CEQA finding is approved by the Deputy Director of Division

Non-routine and controversial: project CEQA finding is made by the Board

Few scenarios where a project could be considered controversial:

- Controversial and non-routine
- Litigation
- Public controversy

If a project is determined to be controversial, ERU staff in consultation with PM and management will determine the appropriate approval process;

1. State Water Board, or
2. Deputy Director

Exhibit D

Special Environmental Conditions

The conditions can include, but are not limited to:

- Compliance with permit conditions/measures issued by federal/state agencies responsible for administering the CWSRF federal cross-cutters (i.e., CWA Sections 401/404, Endangered Species Act, National Historic Preservation Act etc.)
- Adopted Mitigation Measures will need to be written into the Special Conditions for IS/MND's or EIR's
- **If a project includes special conditions, the PM will need to ensure that the quarterly project report includes discussion of the listed conditions, and forwards a copy to ERU staff for review and adequacy.**



Thank You