COMBINING THE MULTI-AGENCY NEPA/CEQA ENVIRONMENTAL REVIEW PROCESS

Grantee identifies and defines activity. Lead Federal Agency evaluates activity against the requirements of 24 CFR Part 58. Grantee evaluates activity against the requirements CEQA Guidelines. Then both concur in utilizing one of the following environmental process.

If Grantee determines activity is statutorily exempt from CEQA and the Lead Federal Agency determines the project is exempt under NEPA, **THEN it is probably is not necessary to try to combine the CEQA/NEPA process.**

Grantee's Chief Executive Officer signs and files the CEQA Notice of Exemption. Lead Federal Agency documents NEPA exemption.

Grantee and Lead Federal Agency documents compliance with any other state or federal environmental laws.

Environmental Review Process is complete.

If Activity is a project under CEQA and NEPA but is categorically exempt from CEQA (Admin. Code Section 15300 through 15306), and categorically excluded under NEPA (24 CFR Part 58.35 and USDA Rural Development regulations), **THEN it is probably is not necessary to try to combine the CEQA/NEPA process.**

Grantee/Lead Federal Agency completes Categorical Exclusion Form (NEPA). Grantee complies with CEQA requirements and files a CEQA Notice of Exemption or Notice of Categorical Exemption with county clerk.

Grantee and Lead Federal Agency documents compliance with any other state or federal environmental laws.

Environmental Review Process is complete.

IF the Activity is a "project" under both CEQA and NEPA. The activity is not exempt by CEQA nor categorically excluded from NEPA, **THEN** (1) the Activity requires the preparation of a CEQA Initial Study and a NEPA Environmental Assessment and (2) one of the following options will help to minimize the duplication of effort and paperwork, especially if an EIR is required.

OPTION 1 involves a jointly prepared combined CEQA and NEPA document for combining the CEQA/NEPA process. This Option 1 is generally, the preferred option.

Grantee complies with CEQA and prepares a NEG DEC or an EIR. If an EIR is prepared it should be done concurrently and jointly with the NEPA process It needs to include the information listed in the "**Multi-Agency CEQA/NEPA Processing Checklist**" (Attachment 3). The Lead Federal Agency must be directly involved in the preparation of this combined CEQA/NEPA environmental document to meet both NEPA and CEQA requirements.

OPTION 2 involves the utilization of the NEPA document to meet both NEPA and CEQA requirements.

Grantee provides environmental information to the Lead Federal Agency. Lead Federal Agency completes Environmental Assessment (NEPA) to meet both NEPA and CEQA requirements. Grantee provides any required CEQA or NEPA public notices. If HUD is the Lead Federal Agency the environmental document will be prepared by the "recipient" (applicant) if they are a local government entity, state agency or an Indian tribe. If not, then it will be done on behalf of the "recipient", by a local government entity, state agency or an Indian tribe.

OPTION 3 is the CEQA and NEPA are done separately, but data and resources of information are shared.

Grantee complies with CEQA and prepares a NEG DEC or an EIR. Grantee provides environmental information to Lead Federal Agency and Lead Federal Agency completes the Environmental Assessment to meet NEPA requirements. Environmental information derived through the CEQA process will be provided by the grantee to the Lead Federal Agency and utilized to the extend possible.

Lead Federal Agency prepares a NEPA Environmental Impact Statement if there are significant impacts as defined by NEPA. This may or may not be combined with the CEQA EIR process.

Notes:

1. For HUD Community Development Block Grant Programs the term applicant, recipient and "responsible entity" all mean the same. If the recipient completes the environmental review process on behalf of HUD and it includes the items in the attached "Multi-Agency CEQA/NEPA Processing Checklist" the environmental review document will meet the federal NEPA requirements of both HUD and USDA Rural Development.
2. Circulation of the project through the State Clearinghouse process should fulfill the requirements of the "Issue Notice of Preparation of EIR", if an EIR is required. The longer CEQA waiting periods for comments must be allowed.
3. CEQA and federal public notice requirements need to be determined and consolidated to the extent possible. Federal agencies require a 30 day public notice if a project will directly or indirectly affect floodplains, wetlands, rangeland, forestland or farmland (prime farmland or farmland designated by state or local area to be important). For the NEG DEC process this may require a separate public notice, but may be combined with any other required public notice. For the EIR process this 30 day public notice could be combined and included with any appropriate CEQA public notice. These notice should be done early in the environmental review process and must comply with federal agency requirements. Send the notice to all agencies and parties required by both the federal agency and by CEQA.
4. If a floodplain or wetland is affected federal agencies require a "final notice". If a NEPA environmental assessment was prepared a Finding of No Significant Impact (FONSI) notice is also required. Both require a 15 day comment period. These two notices should be combined and included with any appropriate CEQA public notice.
5. The NEPA environmental assessment content will cover the items listed in the **Multi-Agency CEQA/NEPA Processing Checklist** (Attachment 3).