



# **SECTION 408 PERMISSION NEPA COMPLIANCE SUBMITTAL CHECKLIST**

**United States Army Corps of Engineers, Los Angeles  
District (USACE-SPL)**

The purpose of this Checklist is to provide the Los Angeles District of the U.S. Army Corps of Engineers (USACE-SPL) sufficient information to determine if a Categorical Exclusion is legally sufficient, if an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required to comply with the National Environmental Policy Act (NEPA). It is recommended the individual filling out this portion of the checklist is familiar with environmental compliance undertaken for the proposed project.

Please Provide an Environmental Compliance POC, the POC should be familiar with environmental compliance undertaken for this proposed project. Please include e-mail address and phone number where the individual can be reached during normal business hours.

Environmental Compliance POC Contact Information:

Name:

Affiliation:

Phone:

E-mail:

(Application will not proceed without POC contact information)

Note:

If a Section 408 Permit and a Regulatory Standard Individual permit are both required for the same proposed alteration/activity, then a single environmental compliance decision document can cover both the Section 408 and Regulatory Permit NEPA Compliance requirement. A sample Environmental Assessment may be found at:

**<https://www.spl.usace.army.mil/Missions/Section-408-Permits/>**

## **PROJECT DESCRIPTION**

### Part -1

Provide a detailed and complete project description, including all areas of disturbance to the federal structure or other structures; include areas to be used for ingress, egress, or staging of materials or equipment within the FLOOD CONTROL R/W.

### Part -2

Provide a detailed and complete overall project description including project work outside flood control R/W, describe construction techniques to be used on that part of the project for which a 408 permit is required. If a Section 404/10/103 permit is required, fully describe jurisdictional waters of the U.S. and impacts to those waters<sup>1</sup>. Include quantities/types of materials used as fill or removed from the site. Accurately describe any ground disturbing activity that will occur and provide acreage or lineal area of impact. Include maps/pictures/figures as necessary to fully explain proposal. Include duration/timing of activity (year-round, seasonal, etc.).

## **MAPS**

Submit the Google Earth files as polygons for the areas listed below:

- Provide baseline maps depicting the project study area overlaid with the Section 408 permit area, and waters of the U.S. and special aquatic sites on an aerial image.
- Provide a map depicting the project footprint overlaid with the Section 408 permit area and Section 404/10/103 permit areas as distinct areas on an aerial image.
- Provide a map depicting the project footprint overlaid with the temporary and permanent impacts to waters of the U.S. and special aquatic sites on an aerial image.
- Provide a map showing staging areas, stockpile areas, haul roads, and ingress and egress to and from work site.

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<sup>1</sup> Nationwide Permit General Condition 31

***NEPA PURPOSE AND REVIEW NEED***

Please provide a concise explanation for the project purpose and describe the need for the Alternation within the Flood Control R/W.

Please answer the questions below. If separate documentation was prepared for the project, provide summary and page references in addition to the electronic files. If any of the questions are checked no, below, a justification why the information is not relevant or not required must be provided. This information is necessary pursuant to EC 1165-2-220, Appendix D – Environmental and Cultural Resources Compliance. The EC 1165-2-220 may be found at:

<https://www.spl.usace.army.mil/Missions/Section-408-Permits/>

**GENERAL**

1. Was a document prepared under the National Environmental Policy Act or the California Environmental Quality Act? (If yes, please provide electronic file)  
 Yes       No
  
2. Are you required to pursue authorization pursuant to Section 10 of the River & Harbors Act? (If yes, please provide a draft Regulatory application. Provide Regulatory Project Manager contact, if coordination with Regulatory Division has occurred.)  
 Yes       No
  
3. Are you required to pursue authorization pursuant to Section 404 of the Clean Water Act? (If dredged and/or fill material is to be discharged, provide reasons for discharge. If yes, provide a draft Regulatory application. Please note, per Nationwide Permit General Condition 31, if a 408 permit is required, a pre-construction notification is required. Provide Regulatory Project Manager contact, if coordination with Regulatory Division has occurred)  
 Yes       No
  
4. If there are any fills such as for BMPs/diversions such as sand bags or concrete barriers, a Section 404 permit is required. Please specify what work and activities are required within the culvert. Will any sand bags/concrete barriers, etc. be needed within the channel?  
 Yes       No
  
5. Are you required to pursue authorization pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act? (If yes, please provide a draft Regulatory application. Provide Regulatory Project Manager contact, if coordination with Regulatory Division has occurred)  
 Yes       No

6. Are any other permits required for this action? (If yes, please identify and provide status)

Yes       No       Don't Know

***EARTH RESOURCES***

7. Would there be a significant change to local topography, increase in erosion, or increase in seismic impacts by the proposed project? (Please explain.)

Yes       No

***BIOLOGICAL RESOURCES***

8. Are there any State or Federal Threatened or Endangered Species (TES) present?

Yes       No

If yes, what species? Provide recent surveys.

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9. Has California Department of Fish and Wildlife (CDFW) consultation been initiated? (applicable only if Question 7 was answered "yes")

Yes       No

***NOISE***

10. Are there any sensitive receptors nearby?

Yes       No

11. If yes, provide description of the receptor and its distance from the source.

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***HAZARDOUS, TOXIC AND RADIOACTIVE WASTE (HTRW)***

12. Is HTRW an issue on the site? (Please explain.)

Yes       No

***RECREATION***

13. Will recreation amenities be impacted? (Please explain.)

Yes       No

**CULTURAL RESOURCES**

14. Has a Records Search been done at the State Information Center? (If yes, please provide electronic file)

If the project will have potential ground disturbing activities, is near a known or potential cultural/historical resource or is on/near a structure greater than 50 years old, a records search and pedestrian survey is required. Please coordinate with the Corps Environmental Coordinator on developing an Area of Potential Effects Map. A sample cultural resources report may be found at:

<https://www.spl.usace.army.mil/Missions/Section-408-Permits/>

**Note: Without a draft Cultural Resources report, your application will be incomplete and may not proceed for review.**

Yes       No

15. Has a Literature Review been prepared? (If yes, provide electronic file)

Yes       No

16. Has a Cultural Survey been done in the last five years? (If yes, please provide electronic file)

Yes       No

17. Has a Tribal Contact List been obtained from the Native American Heritage Commission within the last two years? *California only.* (If yes, please provide electronic file)

Yes       No

18. Has Tribal Consultation been conducted under the National Historic Preservation Act (NHPA "Section 106"), California Assembly Bill 52 (AB-52) or Senate Bill 18 (SB-18)? (If yes, please provide electronic file)

Yes       No

19. Has consultation with the California/Arizona/Nevada State Historic Preservation Officer (SHPO) been conducted under Section 106 (Federal Agency) or through the Local Government Assistance Program? (If yes, please provide electronic file)

Yes       No

Note: If the Tribal Consultation is confidential, please call to be referred to a District Archaeologist. If Section 106 consultation is required, the project proponent is responsible to provide the background, field studies, and reports in consultation with the Corps. The Corps is required to conduct the Tribal and SHPO consultation; a minimum of 60 days is required.

20. Who is proposing to undertake the action and which agencies and/or organizations have authority over it and responsibility for it?

21. What activities need to be accomplished to fully implement the action? Include vertical project area in feet, linear feet of linear project, and horizontal project area in acres or square feet. This should cover all aspects of construction, including staging areas and access routes.

22. Where is the proposed action going to be implemented, and where are all of the activities necessary for its implementation going to occur?

23. How will the proposed action be implemented, including details on the required support elements, and can it be broken down into various components or phases? Include information about staging area.

### ***AIR QUALITY***

24. Has an Air Quality Analysis been prepared? (If yes, please provide electronic file)

Yes       No

25. Please provide the following:

- List of equipment and vehicles to be utilized for construction.
- Duration of construction.

### ***CLIMATE CHANGE***

26. Has a Climate Change Analysis been prepared? (If yes, please provide electronic file)

Yes       No

**WATER QUALITY**

27. Will 401 Certification be required? (If yes, please provide status.)

Yes       No

**PUBLIC SERVICES**

28. Will any Public Services be disrupted by the proposed project? (Please explain.)

Yes       No

**PUBLIC HEALTH AND SAFETY**

29. Will public health and/or safety be impacted or at risk by the proposed project?  
(Please explain.)

Yes       No

**TRAFFIC AND TRANSPORTATION**

30. Will local traffic or other means of transportation be impacted by the proposed project? (If yes, please provide a Traffic Control Plan)

Yes       No

**SOCIOECONOMICS/ENVIRONMENTAL JUSTICE**

31. Would a minority or low income population be adversely impacted by the proposed project? (Please explain.)

Yes       No

By submittal of this information, the applicant certifies that the information provided is complete and correct, and acknowledges that if information provided is not sufficient for environmental review, the applicant will submit a draft environmental assessment for the proposed action developed in accordance with the National Environmental Policy Act before further action can be taken on the request for the permit

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name/Title

**Submit above applicable require documents in the Folder identify as**

**“E-Environmental”:**



## **REFERENCES**

Please consider the following references in the design, construction, and/or work to be performed for the proposed alteration. These references are not inclusive but needs to be considered prior to submitting the Complete Permit Package. USACE publications are available from the Internet at: <http://www.usace.army.mil/library>.

The following table categorizes some of the relevant engineering guidance. Please reference EC 1165-2-220 for additional engineering guidance.

Environmental and Cultural Resources	<ul style="list-style-type: none"><li>• Rivers and Harbors Act of 1899</li><li>• National Environmental Policy Act</li><li>• Endangered Species Act of 1973</li><li>• National Historic Preservation Act</li></ul>
Environmental and Cultural Resources (continued)	<ul style="list-style-type: none"><li>• Clean Water Act 1972</li><li>• 33 CFR Part 230, Procedures for Implementing NEPA</li><li>• 40 CFR Part 1500-1508, Council on Environmental Quality</li></ul>