

**ATTACHMENT 9.1.1 (12509-SPD EIS SOP)  
Major NEPA Milestones, EIS Process Checklist and General Timelines**

<b>NEPA MILESTONE</b>	<b>LEGAL CITATION</b>	<b>RESPONSIBLE PARTY</b>	<b>SCHEDULE/TIMELINE</b>
Publish Notice of Intent (NOI) to Prepare an EIS	40 CFR 1501.7; 40 CFR 1508.22.	Prepared by the Corps; published in the <i>Federal Register</i> by EPA	No statutory time limit, but typically allow 30 days to prepare, sign and publish the NOI
Scoping and Public Scoping Meeting(s)	40 CFR 1501.7; 40 CFR 1506.6; 40 CFR 1501.7(a)(1); 33 C.F.R. 230.12; 33 CFR 230.12	Corps (as the lead Federal agency) with the assistance from the third-party contractor	No time limit, but generally the NOI identifies 30-60 days, although scoping comments may be received up to the release of the DEIS
Prepare Draft EIS	40 CFR 1502.9(a)	Third-party contractor with direction and oversight from the Corps (as the lead Federal agency)	No statutory time limit. Timeline will vary depending on the scope and intensity of significant issues, complexity of proposed action, range of alternatives, etc.
Publish Notice of Availability (NOA) of Draft EIS	40 CFR 1506.9 and 1506.10(a), and notice provided to the public per 40 CFR 1506.6(b). Need to send a copy of Draft EIS to HQ. 33 CFR Part 325 Appendix B ¶14.	NOA prepared by the Corps (as the lead Federal agency); published in the <i>Federal Register</i> by EPA	No statutory time limit, but typically allow 30 days to prepare, sign and publish the NOA
Circulate Draft EIS	40 CFR 1506.10(c)	Third-party contractor with approval from the Corps (as the lead Federal agency)	Minimum 45 days
Public Meeting or Hearing (optional)	40 CFR 1506.6	Corps with assistance from the third-party contractor	Occurs during the 45-day public review period. The EIS must be made available to the public at least 15 days in advance of the hearing/meeting.
Prepare Final EIS	40 CFR Part 1503.4(c); 33 CFR 230.19(c)	Third-party contractor with direction and oversight from the Corps (as the lead Federal agency)	No statutory time limit. Timeline will vary depending on extent of public comment received and issues raised.
Publish NOA of Final EIS	40 CFR 1506.10(a).	NOA prepared by the Corps; published in the <i>Federal Register</i> by EPA	No statutory time limit, but typically allow 30 days to prepare, sign and publish the NOA
Circulate Final EIS	40 CFR 1506.10(b)	Third-party contractor with approval from the Corps (as the lead Federal agency)	30 days
Prepare and Issue ROD	40 CFR 1506.10(b); to 33 CFR Part 325 Appendix B ¶18	Corps with assistance from the third-party contractor	Cannot be signed until 90 days after publication of the Draft EIS or 30 days after the NOA of the Final EIS, whichever is later in time.

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INITIAL PERMIT APPLICATION REVIEW	APPROXIMATE # OF DAYS
<p><b>1. Initial Permit Application Review</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Receive DA permit application and assign action identification number in ORM</li> <li><input type="checkbox"/> Within first 15 days, determine whether the application is “complete” per 33 C.F.R. 325.1(d)(9)</li> <li><input type="checkbox"/> If complete, issue initial Public Notice (PN) requesting public input on the applicant’s proposed action to inform decisions on SOA and whether there will be significant effects that necessitate the preparation of an EIS.</li> </ul>	<b>15</b>
PRE-SCOPING (EARLY NEPA COORDINATION)	APPROXIMATE # OF DAYS
<p><b>2. Establish Scope of Analysis and Determine whether an EIS is needed</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Establish the scope of analysis (SOA), including cumulative Federal control and responsibility</li> <li><input type="checkbox"/> Determine whether “a major Federal action significantly affecting the quality of the human environment” within SOA and prepare MFR documenting determination of significance <ul style="list-style-type: none"> <li>✓ If there is no potential for significant effects within SOA or the significance is unknown, prepare an EA</li> <li>✓ If FONSI is reached, then no further NEPA action is required of the Corps</li> <li>✓ If FONSI cannot be reached (including a mitigated FONSI), inform applicant in writing of the need for an EIS</li> </ul> </li> <li><input type="checkbox"/> Provide instructions to applicant about selection and procurement of third-party contractor and required information for the EIS, including necessary qualifications of the third-party contractor</li> </ul>	<b>15-30</b>
<p><b>3. Determine Role(s), if any, of Other Corps Business Lines in the EIS and Other Required Approvals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Coordinate with other district business lines to determine if other Corps approvals required</li> <li><input type="checkbox"/> If yes, then identify district lead for EIS</li> <li><input type="checkbox"/> Share EIS schedule with PDT, modify as needed</li> <li><input type="checkbox"/> Identify specific data needs and analyses related to other business lines and provide to applicant and third-party contractor for inclusion in scope of work (SOW)</li> <li><input type="checkbox"/> Prepare Project Management Plan, if needed</li> </ul>	<b>30</b>
<p><b>4. Select Third-Party Contractor, Approve Scope of Work (SOW) and Execute Statement of Responsibilities (SOR)</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Applicant submits statement of qualifications for at least three potential third-party contractors and identifies the applicant’s order of preference</li> <li><input type="checkbox"/> Respond in writing accepting the first contractor fully acceptable to the Corps</li> <li><input type="checkbox"/> Review and approve SOW <ul style="list-style-type: none"> <li>✓ Per RGL No. 05-08 the Corps should approve in writing the third-party contractor and SOW <u>prior to</u> the award of the third-party contract</li> </ul> </li> <li><input type="checkbox"/> Receive signed copies of CEQ-mandated disclosure statement(s), SOR and final SOW from contractor</li> <li><input type="checkbox"/> Complete EIS milestone schedule, with estimated target date for completion</li> <li><input type="checkbox"/> Establish schedule for regularly occurring coordination meetings with third-party contractor and progress report meetings with the applicant</li> </ul>	<b>30-45</b>

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(and cooperating agency(s) once identified) <input type="checkbox"/> Revise detailed EIS schedule with third-party contractor, as needed	
<b>5. Invite Cooperating Agencies to Participate in the EIS Process</b> <input type="checkbox"/> Identify potential cooperating agencies <input type="checkbox"/> Prepare and send letter(s) inviting cooperating agency(s) to participate in the EIS process <input type="checkbox"/> Establish roles and responsibilities of cooperating agencies through letter, MOU or other means to ensure a clear understanding of expectations	<b>45</b>
<i>Note: Process step #2 may have a longer timeline if an EA is first prepared. In most cases, Steps #3 and #5 will happen concurrently. Step #3 may have a longer timeline if a PMP is prepared.</i>	
<b>NEPA SCOPING</b>	<b>APPROXIMATE # OF DAYS</b>
<b>6. Notice of Intent and Public Scoping Meeting</b> <input type="checkbox"/> Determine place, date(s), time(s) for public scoping meetings with third-party contractor assistance <input type="checkbox"/> Prepare draft NOI <input type="checkbox"/> Send draft NOI to HQ Regulatory CoP or Army Federal Register Liaison for review <input type="checkbox"/> Transmit final NOI (3 signed copies) to HQ Regulatory CoP or Army Federal Register Liaison for FR publication <input type="checkbox"/> Prepare and issue district-level NOI public notice <input type="checkbox"/> Hold scoping meeting(s)	<b>30-60</b>
<b>DRAFT EIS DEVELOPMENT</b>	<b>APPROXIMATE # OF DAYS</b>
<b>7. Purpose and Need</b> <input type="checkbox"/> Initiate or continue discussions with applicant on project need and purpose statement <input type="checkbox"/> Review documentation provided on project need and purpose; <input type="checkbox"/> Hold meetings with applicant and third-party contractor, as needed <input type="checkbox"/> Finalize NEPA project purpose and overall project purpose statement	<b>30</b>
<b>8. Evaluate Scoping Input</b> <input type="checkbox"/> Corps and third-party contractor review scoping comments <input type="checkbox"/> Third-party contractor prepares and provides scoping report to Corps <input type="checkbox"/> Based on scoping input/comments, identify significant issues to be evaluated in DEIS and range of alternatives to be evaluated; adjust SOA if justified.	<b>45</b>
<b>9. Develop NEPA/404 Project Alternatives</b>	<b>60</b>

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<ul style="list-style-type: none"> <li><input type="checkbox"/> Develop initial range of potential alternatives (“reasonable” and “practicable”)</li> <li><input type="checkbox"/> Develop screening criteria for considering costs, logistics and existing technology</li> <li><input type="checkbox"/> Evaluate alternatives as to whether they meet project purpose and are “reasonable” and “practicable”</li> <li><input type="checkbox"/> Document rationale for those alternatives eliminated from further analysis</li> <li><input type="checkbox"/> Carry remaining alternatives through as reasonable range of alternatives under NEPA</li> </ul>	
<p><b>10. Third-Party Contractor Prepares Draft EIS Under Corps Direction</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct literature search and review</li> <li><input type="checkbox"/> Perform fieldwork, surveys and analyses</li> <li><input type="checkbox"/> Document and describe affected environment (baseline conditions)</li> <li><input type="checkbox"/> Prepare draft technical reports, including draft jurisdictional delineation/determination</li> <li><input type="checkbox"/> Hold regularly scheduled coordination meetings with third-party contractor and cooperating agency(s), as appropriate</li> <li><input type="checkbox"/> Corps issues preliminary JD or approved JD</li> <li><input type="checkbox"/> Evaluate environmental effects of alternatives; propose compensatory mitigation measures, as appropriate</li> <li><input type="checkbox"/> Ensure NEPA alternatives analysis is rigorous enough and includes the criteria of the Guidelines to avoid having a separate section 404(b)(1) alternatives analysis</li> <li><input type="checkbox"/> Prepare administrative Draft EIS (ADEIS) for Corps and cooperating agency(s) review</li> <li><input type="checkbox"/> Incorporate comments on ADEIS and submit to SPD for policy review</li> <li><input type="checkbox"/> Prepare screen-check, “camera-ready” Draft EIS and upon Corps approval reproduce document</li> </ul>	<b>180</b>
<p><b>11. File Draft EIS with HQ EPA and Publish NOA in <i>Federal Register</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Electronically file DEIS with HQ EPA</li> <li><input type="checkbox"/> HQ EPA publishes NOA in <i>Federal Register</i>; minimum 45-day public review period commences</li> <li><input type="checkbox"/> Provide copy of DEIS to HQUSACE, SPD, cooperating agency(s), EPA regional office, DOI, other State and local agencies, Indian tribes and members of the public</li> </ul>	<b>15</b>
<p><b>12. Circulate Draft EIS for Public Review and Comment and Issue District-Level Public Notice re: NOA of DEIS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Issue district-level PN re: NOA of DEIS and solicit public comment on applicant’s preferred alternative, if known</li> <li><input type="checkbox"/> Post DEIS on district website or provide link to FTP site. When required, mail hard copies or CDs of DEIS to agencies and/or other interested parties</li> </ul>	<b>45 (minimum)</b>
<p><b>13. Hold Public Hearing/Meeting(s)</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> With assistance from third-party contractor, hold public hearing or meeting(s) on DEIS during public review period</li> </ul>	--
<p><i>Note: Steps #7 through #13 will generally happen sequentially. The timeline for Step #10 may vary. Step #12 involves CEQ-mandated minimum 45-day public review period. Step #13 is not mandatory, but is highly advised.</i></p>	

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FINAL EIS DEVELOPMENT	APPROXIMATE # OF DAYS
<p><b>14. Respond to Comments Received on the Draft EIS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Corps and third-party contractor review comments received on DEIS</li> <li><input type="checkbox"/> Third-party contractor prepares draft responses to comments, often with input from the applicant</li> <li><input type="checkbox"/> Corps reviews and approves responses to comments prior to incorporation into the administrative FEIS</li> </ul>	<b>45</b>
<p><b>15. Applicant Develops Compensatory Mitigation Plan</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Applicant or third-party contractor sends Corps draft mitigation plan for unavoidable impacts resulting from implementation of the applicant's preferred alternative</li> <li><input type="checkbox"/> Corps reviews draft mitigation plan. Mitigation plan must be consistent with 33 CFR 332 and may also include other mitigation measures determined appropriate or necessary per 33 CFR 320.4(r)</li> <li><input type="checkbox"/> Applicant or third-party contractor incorporates Corps comments and prepares final mitigation plan</li> <li><input type="checkbox"/> Corps responds in writing accepting/rejecting mitigation plan</li> </ul>	<b>60</b>
<p><b>16. Prepare Final EIS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Third-party contractor prepares administrative FEIS (AFEIS) <ul style="list-style-type: none"> <li>✓ Incorporate public comments and responses</li> <li>✓ Make any necessary revisions to document</li> <li>✓ Integrate Corps-approved mitigation measures</li> <li>✓ Address the status of compliance with applicable laws, regulations and EOs</li> <li>✓ Identify any unresolved issues, etc.</li> </ul> </li> <li><input type="checkbox"/> Submit AFEIS for Corps and cooperating agency(s) review</li> <li><input type="checkbox"/> Incorporate Corps and cooperating agency(s) comments on AFEIS and submit to SPD for policy review</li> <li><input type="checkbox"/> Prepare screen-check FEIS and upon Corps approval third-party contractor reproduces the document</li> </ul>	<b>90</b>
<p><b>17. File Final EIS with HQ EPA and Publish NOA in <i>Federal Register</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Electronically file FEIS with HQ EPA</li> <li><input type="checkbox"/> HQ EPA publishes NOA in <i>Federal Register</i>; 30-day comment period commences</li> <li><input type="checkbox"/> Provide copy of FEIS to HQUSACE, SPD, cooperating agency(s), EPA regional office, DOI, other State and local agencies, Indian tribes and members of the public</li> </ul>	<b>15</b>
<p><b>18. Circulate Final EIS and Issue District PN re: NOA of FEIS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Issue district-level PN Re: NOA of FEIS and notification to agencies and public of pending Corps permit decision</li> <li><input type="checkbox"/> Post FEIS on district website or provide link to FTP site. When required, mail hard copies or CDs of FEIS to agencies and/or other interested parties</li> </ul>	<b>30</b>

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<b>DECISION</b>	<b>APPROXIMATE # OF DAYS</b>
<p><b>19. Record of Decision</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Corps, with the assistance of the third-party contractor, reviews and addresses comments on FEIS for incorporation into the ROD, if appropriate</li> <li><input type="checkbox"/> Corps prepares ROD, including: <ul style="list-style-type: none"> <li>✓ Explain basis of decision</li> <li>✓ Determine LEDPA and document applicant’s compliance with 40 CFR § 230 section 404(b)(1) Guidelines – Subparts B-H</li> <li>✓ Make public interest review determination</li> <li>✓ Identify the “environmentally preferred” alternative, if different from the LEDPA</li> <li>✓ Document compliance with all applicable laws, regulations and EOs</li> </ul> </li> <li><input type="checkbox"/> Staff ROD for signature by NEPA responsible official</li> <li><input type="checkbox"/> Execute/sign ROD, post to district website</li> <li><input type="checkbox"/> Issue district-level special public notice Re: availability of the ROD</li> </ul>	<b>30-60</b>
<i>Note: If proposed action involves Corps approval under 33 U.S.C. 408, ROD may not be signed until Section 408 approval is granted</i>	
<p><b>20. 404 Permit Decision</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Issue (with or without special conditions) or deny 404 permit based on ROD</li> </ul>	<b>Following ROD</b>
<i>Note: The ROD is the Corps’ decision document and therefore, the DA permit decision will be based upon the findings presented in the ROD.</i>	