

## § 338.2

etc. While these activities are normally addressed in the existing environmental impact statement for the project, new technology or unexpected events such as storms or high waters may require maintenance or remedial work not fully addressed in existing environmental documents or state permits. In determining compliance with the applicable environmental laws and regulations the district engineer should use the CWA exemptions at 404(f) and NEPA categorical exclusions to the maximum extent practicable. If the district engineer decides that the changes have not been adequately addressed in existing environmental documentation, the procedures of this part should be followed.

[53 FR 14920, Apr. 26, 1988]

### **§ 338.2 Activities involving the discharge of dredged or fill material into waters of the U.S.**

(a) Generally, fill activities conducted by the Corps for operations and maintenance of existing Civil Works water resource and navigation projects are routine and have little, if any, potential for significant degradation of the environment. District engineers are encouraged to develop general authorizations in accordance with section 404 of the CWA and 104 of the ODA following the procedures of § 337.5 of this chapter for categories of such routine activities. The general authorization should satisfy all compliance requirements including water quality certifications and, if applicable, coastal zone consistency determinations. For activities which are not conducive to the development of general authorizations or are more appropriately evaluated on an individual basis, the following procedures should be followed.

(b) A public notice should be issued using the procedures § 337.1 of this chapter.

(c) Water quality certifications should be requested and, if applicable, coastal zone consistency determinations should be provided using the procedures of § 336.1(b) (8) and (9) of this chapter.

(d) The discharge site should be specified through the application of the section 404(b)(1) guidelines.

## 33 CFR Ch. II (7-1-01 Edition)

(e) The procedures of 40 CFR part 230 should be used to determine the NEPA compliance requirements.

(f) The factors of § 336.1(c) of this chapter should be followed when evaluating fill activities.

(g) Upon completion of all required coordination and after receipt of the necessary state certifications, the district engineer should prepare an SOF in accordance with § 337.6.

[53 FR 14920, Apr. 26, 1988]

## **PART 384—INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF THE ARMY CORPS OF ENGINEERS PROGRAMS AND ACTIVITIES**

Sec.

384.1 What is the purpose of these regulations?

384.2 What definitions apply to these regulations?

384.3 What programs and activities of the Corps of Engineers are subject to these regulations?

384.4 [Reserved]

384.5 What is the Corps of Engineers' obligation with respect to federal interagency coordination?

384.6 What procedures apply to the selection of programs and activities under these regulations?

384.7 How does the Corps of Engineers communicate with state and local officials concerning its programs and activities?

384.8 How does the Corps of Engineers provide states an opportunity to comment on proposed federal financial assistance and direct federal development?

384.9 How does the Corps of Engineers receive and respond to comments?

384.10 How does the Corps of Engineers make efforts to accommodate intergovernmental concerns?

384.11 What are the Corps of Engineers obligations in interstate situations?

384.12 [Reserved]

384.13 May the Corps of Engineers waive any provision of these regulations?

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