

supplement for the proposed project, a notice of intent will be issued. The district commander will, in accordance with 40 CFR 1506.6, prepare and circulate the draft EIS or supplement for review and comment to agencies, groups and individuals known who may be interested or affected. Five (5) copies will be sent to Director, Office of Federal activities (A-104), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 for filing after distribution has been accomplished.

c. *Agency Review.* The district commander will prepare the final EIS or supplement after receipt and evaluation of comments. Eight (8) copies will be transmitted to the division commander for review. After review the division commander will file five (5) copies with the Washington office of EPA. A copy of the final EIS or supplement and transmittal letter to EPA will be provided to the appropriate counterpart office within HQUSACE. The division commander will file the final EIS when the district commander has made distribution.

d. *Final Review.* Letters of comment on the final EIS or supplement will be answered by the district commander on an individual basis as appropriate. Two (2) copies of the incoming letters and the district commander's reply together with two copies of the final EIS or supplement and a draft of the record of decision will be submitted to the appropriate Corps official having approval authority. After review of the NEPA documents and letters, the appropriate approving official will sign the record of decision.

4. *Other Corps Projects.* Draft and final EISs for other Civil Works projects or activities having significant environmental impacts which may be authorized by Congress without an EIS having been previously filed and for certain real estate management and disposal actions which may require an EIS should be processed in a manner similar to that discussed in paragraph 3 of this appendix except that CERE-MC will be the coordinating office within HQUSACE for real estate actions.

#### APPENDIX B TO PART 230 [RESERVED]

#### APPENDIX C TO PART 230—NOTICE OF INTENT TO PREPARE A DRAFT EIS

1. *Purpose.* This appendix provides guidance on the preparation and processing of a notice of intent to prepare a draft EIS for publication in the FEDERAL REGISTER. A notice of intent to prepare a draft EIS or a draft supplement is discussed in 40 CFR 1508.22.

2. *Procedure.* District commanders shall publish a notice of intent in the FEDERAL REGISTER as soon as practicable after a decision is made to prepare a draft EIS or draft supplement. See 40 CFR 1507.3(e) for timing of notice of intent for Corps feasibility stud-

ies. Guidance on the format and content of the notice in the form of a sample notice of intent is contained in paragraph 4 of this appendix. District commanders shall also follow this guidance when publishing a notice of intent to withdraw a notice of intent when a decision has been made to terminate the EIS process.

3. *Publishing Documents in the T3Federal Register.* The following information is furnished for preparation and publication of notices of intent in the FEDERAL REGISTER:

a. A brief transmittal letter inclosing three (3) signed copies of the notice of intent should be processed through local Chief, Information Management channels to: HQDA, SFIS-APP, ATTN: Department of the Army Liaison Officer with the Office of the Federal Register, Alexandria, VA 22331-0302. This office will review and correct (if needed) all documents prior to publication in the FEDERAL REGISTER.

b. The notice must be signed by the official issuing the document along with the signer's typed name, rank and position title for military officials or name and position title for civilian officials. A signer cannot sign "as acting" or "for" if another name is shown in the signature block. All three copies sent forward must be signed in ink. A xerox copy of the signature is not allowed.

c. A six-digit billing code number must be typed or handwritten in ink at the top of the first page on all three copies of a notice. This billing code number can be found on GPO bills, GPO Form 400, in the upper left corner opposite the address. The billing code number will be indicated as 3710-XX. FOAs must submit an open-end printing and binding requisition, Standard Form 1, each fiscal year to cover FEDERAL REGISTER printing costs (reference 3(n)). Completed requisitions (SF-1) must be forwarded to reach HQUSACE (CEIM-SP) WASH DC 20314-1000 by 1 June of each year. Consult the local chief, Information Management for Assistance.

4. *Sample Notice of Intent.* The following is a sample notice of intent to be used by district commanders:

Department of Defense  
Corps of Engineer, Department of the Army, 3710-XX (Use Local Billing Code Number)

Intent To Prepare A Draft Environment Impact Statement (DEIS) For a Proposed (Name and location of project, permit or activity).

Agency: U.S. Army Corps of Engineers, DoD.

Action: Notice of Intent.

Summary: The summary should briefly state in simple language what action is being taken, why the action is necessary, and the intended effect of the action. Extensive discussion belongs under the Supplementary Information caption.

For Further Information Contact: Questions about the proposed action and DEIS can be answered by: (Provide name, telephone number, and address of the person in the district or division who can answer questions about the proposed action and the DEIS).

Supplementary Information: The Supplementary Information should contain the remainder of the necessary information of the document. It should contain any authority citation, FEDERAL REGISTER citation to a previously published document, or CFR citation when appropriate and include a discussion of the following topics:

1. Briefly describe the proposed action.
2. Briefly describe reasonable alternatives.
3. Briefly describe the Corps' scoping process which is reasonably foreseeable for the DEIS under consideration. The description:
  - a. Shall discuss the proposed public involvement program and invite the participation of affected Federal, state and local agencies, affected Indian tribes, and other interested private organizations and parties.
  - b. Shall identify significant issues to be analyzed in depth in the DEIS.
  - c. May discuss possible assignments for input into the EIS under consideration among the lead and cooperating agencies.
  - d. Shall identify other environmental review and consultation requirements.
4. Indicate whether or not a scoping meeting will be held. Indicate time, date and location if a meeting is scheduled.
5. Provide an estimated date when the DEIS will be made available to the public. (Provide date)

\_\_\_\_\_  
(Signature)

See par. 3.b. for instructions on signature

NOTE

- Text to be double-spaced. Use block format.
- Place local billing code number at the top of the first page on all three copies.
- Margins—one inch on top, bottom and right side; and one and one-half inches on the left side.
- Pages must be numbered consecutively.
- Text should be typed on one side only.
- Use 8½ by 11 inch bond paper or photocopy paper.

**PART 236—WATER RESOURCE POLICIES AND AUTHORITIES: CORPS OF ENGINEERS PARTICIPATION IN IMPROVEMENTS FOR ENVIRONMENTAL QUALITY**

Sec.  
236.1 Purpose.

- 236.2 Applicability.  
236.3 References.  
236.4 Background.  
236.5 Policy and procedure.  
236.6 Other agencies EQ measures.

AUTHORITY: Pub. L. 738, 74th Cong.; Pub. L. 89-72; Pub. L. 91-190.

SOURCE: 45 FR 28714, Apr. 30, 1980, unless otherwise noted.

**§ 236.1 Purpose.**

This regulation provides guidance for including Environmental Quality (EQ) measures in Corps of Engineers water resource development plans.

**§ 236.2 Applicability.**

This regulation is applicable to all OCE elements and field operating activities having Civil Works responsibilities.

**§ 236.3 References.**

- (a) PL 89-72
- (b) ER 1105-2-10
- (c) ER 1105-2-200

**§ 236.4 Background.**

(a) The role of the Corps of Engineers in the development of water and related land resources has gradually broadened over the past century. Starting with the development of navigation on the Mississippi River in 1824, the Corps role has grown to encompass, among others, flood control, beach erosion control and hurricane protection, hydroelectric power, recreation, water supply, water quality, fish and wildlife and low-flow augmentation. Laws, executive orders, and national policies promulgated in the past decade require that the quality of the environment be protected and, where possible, enhanced as the nation grows. As a result, the Federal role in EQ, including the Corps, has continued to broaden. Balancing economic and environmental interests is a major requirement to be considered in the planning of all Corps projects.

(b) Enhancement of the environment is an objective of Federal water resource programs to be considered in the planning, design, construction, and operation and maintenance of projects. Opportunities for enhancement of the environment are sought through each