

Reference: RGL 81-02

Subject: NEPA-CORPS EIS

Title: REVIEW OF ANOTHER AGENCY'S EIS

Issued: 03/17/81 Expires: 12/31/83

Originator: DAEN-CWO-N

Description: EIS WILL ONLY BE PREPARED WHEN CORPS PERMIT ACTION ITSELF IS THE MAJOR FEDERAL ACTION EFFECTING THE HUMAN ENVIRONMENT.

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1. With reference to the last sentence of paragraph 23 of Appendix B to 33 CFR 230, a draft and final supplement to another agency's EIS should be prepared only if the Corps' permit action itself is determined by the district engineer to be a major Federal action significantly affecting the human environment. Otherwise the district engineer should prepare an EA. The EA may, at the district engineer's discretion, be filed as a Supplemental Information Report in accordance with paragraph 11d of the basic regulation. District engineers should make maximum use of information provided by the applicant, particularly where the applicant is responsible for the NEPA environmental documentation (see paragraphs 4a and 3a of the 404(q) MOAs with USDA and DOT respectively).
 2. In the unusual case where the district engineer determines a draft and final EIS supplement is needed rather than an EA, he should determine if the lead agency wants to supplement the EIS using its approved NEPA implementing procedures. The Corps would then act as a cooperating agency on the supplement. If the other agency does not want to supplement the final EIS, the district engineer shall supplement it with a draft and final EIS supplement.
 3. This guidance is effective through 31 December 1983 unless sooner revised or rescinded.

FOR THE CHIEF OF ENGINEERS: