

Reference: RGL 81-06

Subject: PUBLIC NOTICE-EIS STATEMENT

Title: STATEMENT OF NEED FOR AN EIS IN PUBLIC NOTICES

Issued: 06/08/81 Expires: 12/31/83

Originator: DAEN-CWO-N

Description: DELETES THE REQUIREMENT TO PUT A STATEMENT ABOUT PREPARATION OF AN EIS IN THE PUBLIC NOTICE.

1. Our permit regulations currently require that public notices include a statement concerning the preliminary determination on the need for an EIS (33 CFR 325.3(a)(8)).
2. Section 404(a) of the Clean Water Act of 1977 requires that the subject notices be issued not later than 15 days after a complete application is received by the Corps. Any preliminary review of the case, including environmental considerations, must be limited to that which can be accomplished within this time constraint. The requirement for even a preliminary statement on the need for an EIS will be eliminated with the publication of new permit regulations. The requirement has already been eliminated in ER 200-2-2 (25 August 1980), Environmental Quality Policy and Procedures for Implementing NEPA, Appendix B, paragraph 8(a).
3. This guidance is effective through December 31, 1983, unless sooner revised or rescinded.

FOR THE CHIEF OF ENGINEERS: