

Reference: RGL 82-13

Subject: PUBLIC NOTICE-COMMENT PERIOD

Title: PUBLIC NOTICE COMMENT PERIOD

Issued: 09/22/82 Expires: 12/31/84

Originator: DAEN-CWO-N

Description: GUIDANCE ON VARIABLE LENGTH COMMENT PERIODS.

1. In Regulatory Guidance Letter 82-7, we encouraged district commanders to consider shortening the comment period on public notices as one method for reducing the time required for the processing of permits. Since some district commanders have interpreted this guidance as a recommendation to reduce comment periods across the board, which was not our intent, further guidance is required.
2. Our permit regulations provide for initial comment periods of not less than 15 days or more than 30 days. This gives district commanders the flexibility to specify comment periods appropriate for the nature of the permit application being processed.
3. When determining the length of the comment period, district commanders should consider (but not be limited to) such items as:
 - a. The routine or non--controversial nature of the proposal.
 - b. The need for comments from remote areas.
 - c. The results of previous comment periods for similar proposals.
 - d. The need for joint review or a site visit with other Federal or state agencies.
 - e. The overall anticipated processing time.
4. In view of the provisions of the new MOA's, district commanders should consult with the EPA, FWS, & NMFS to develop procedures to facilitate meeting the 60-day processing goal while providing a reasonable time for these agencies to make meaningful comment. Possible ways for accomplishing this balance could involve, in appropriate cases:
 - a. Using shorter comment periods for activities for which these agencies routinely do not provide comments or objections or provide only standard/routine comments.

b. Including discussion/review of recently received applications, even though public notice has not yet occurred, during scheduled joint review meetings.

c. Coordinating, where site visits are necessary, with these agencies to reduce duplicative site visits.

5. Reducing the length of the comment period is one method available to meet the 60-day goal. However, it is not the only means. District commanders must consider other procedures available which can be implemented to meet the 60-day goal and not just reducing the comment period. Furthermore, comment periods less than 30 days which do not aid in a shortened processing time because of other constraints are generally not acceptable.

6. District commanders are required to mail public notices on or before the date of the public notice.

FOR THE COMMANDER: