Regulatory Guidance Letter 89-04

SUBJECT: Mandatory Public Notice Language

DATE: October 16, 1989   EXPIRES: December 31, 1992

1. The Public Notice is the primary mechanism for soliciting public comments for individual permit applications. While the public notice includes the factors that are considered in reaching permit decisions, it does not fully express how the Army Corps of Engineers will use the public comments. Doing so will help the public and interested parties provide more meaningful comments and will enhance public involvement in the decision process.

2. The district engineer shall include in public notices for all individual permit applications the following statement:

"The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity."

3. This statement shall be included in the public notice after the paragraph on evaluation factors required by 33 CFR 325.3(c).

4. This requirement shall become effective as soon as possible, but in no case later than 15 January 1990.

5. This guidance expires 31 December 1992, unless sooner revised or rescinded.

FOR THE DIRECTOR OF CIVIL WORKS:

JOHN P. ELMORE
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