



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-P

19 March 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Processing Final Environmental Impact Statements for Civil Works Projects

1. Reference Memorandum from the Assistant Secretary of the Army for Civil Works (ASA(CW)) to the Commanding General of the U.S. Army Corps of Engineers (USACE), subject: Processing Final Environmental Impact Statements for Civil Works Projects, 06 July 2020, enclosed.
2. The referenced memorandum provides guidance regarding the completion of final Environmental Impact Statements (EIS). These procedures are effective immediately.
3. Pursuant to National Environmental Policy Act regulation at 40 C.F.R. 1503.1(b), an agency may request comments on a final EIS before the final decision and set a deadline for providing such comments. Except in extraordinary circumstances, public comments will not be solicited as part of the final EIS notice of availability. The referenced memorandum requires that any request to seek public comments on a final EIS under 40 C.F.R. 1503.1(b) be submitted for approval by the ASA(CW). In these instances, vertical team coordination (to include the District, Major Subordinate Command, and Headquarters) should occur prior to the Agency Decision Milestone after public comments on the draft EIS have been consolidated.
4. The point of contact regarding this guidance is Mindy Simmons, Senior Environmental Policy Advisor, Planning and Policy Division, Headquarters, USACE. Questions regarding this guidance can be directed to Mindy Simmons at (202) 761-4127 or mindy.m.simmons@usace.army.mil

A handwritten signature in black ink, appearing to read "Alvin B. Lee".

Encl

ALVIN B. LEE
Director of Civil Works

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SUBJECT: Processing Final Environmental Impact Statements for Civil Works Projects

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SUBJECT: Processing Final Environmental Impact Statements for Civil Works Projects

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DEPARTMENT OF THE ARMY
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108 ARMY PENTAGON
WASHINGTON DC 20310-0108

SACW

6 July 2020

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF
ENGINEERS

SUBJECT: Processing Final Environmental Impact Statements for Civil Works Projects

1. References

- a. 40 Code of Federal Regulations, Part 1500
- b. 33 Code of Federal Regulations, Part 230
- c. Engineer Regulation 1165-2-100 Appendix H, Planning Guidance Notebook - Policy Compliance Review and Approval of Decision Documents, April 22, 2000
- d. Flood Control Act of 1944

2. Reference c provides guidance on conducting Environmental Impact Statement (EIS) reviews to include state and agency reviews and publication of the final EIS in the Federal Register. There is a need for greater consistency for United States Army Corps of Engineers (USACE) processes regarding reviews and comments on final EISs and actions taken between the publication of the final EIS and signing of the record of decision.

3. Within 60 days of receipt of this memorandum, you are to provide draft guidance to my point of contact to consistently implement the below direction.

a. Final EISs should be provided to states and agencies as part of the State and Agency review process for review only. There is no mandatory public comment period for a final EIS. A notice of availability for the final EIS will be published in the Federal Register after consideration and resolution of any State and Agency comments received from the State and Agency review. Public comments will not be solicited except in extraordinary circumstances as part of the notice of availability of the final EIS. Any request to solicit comments on a final EIS must be submitted for approval by the Assistant Secretary of the Army (Civil Works).

b. Should public comments be received in response to the notice of availability of the final EIS, USACE will include such comments as part of the Administrative Record and will provide the decision-maker with copies of the comments and a summary of any substantive comments received regarding the final EIS and how they were addressed.

c. A final decision of approval of the Chief's Report, Director's Report or a Record of Decision can be made no earlier than 30 days after the notice of availability was published in the Federal Register. No actions implementing the recommended plan can be taken prior to signing the Record of Decision.

SACW

SUBJECT: Guidance on Processing of Final Environmental Impact Statements

4. My point of contact regarding this guidance is Mr. Gib Owen, Office of the Assistant Secretary of the Army for Civil Work. Questions regarding this guidance can be directed to Mr. Owen at gib.a.owen.civ@mail.mil or 703-695-4641.



R.D. JAMES
Assistant Secretary of the Army
(Civil Works)

CF:
DCG-CEO, USACE
DCW, USACE