DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3640

REPLY TO
ATTENTION OF:

18 MAY 11

Regulatory Division

PUBLIC NOTICE
PROPOSAL FOR INCLUSION OF NATURAL RESOURCES CONSERVATION SERVICES CATEGORICAL EXCLUSIONS UNDER NATIONWIDE PERMIT 23 - REQUEST FOR COMMENTS

On May 13, 2011, the US Army Corps of Engineers (USACE) published in the Federal Register, a proposal to authorize Natural Resources Conservation Service (NRCS) approved categorical exclusions for inclusion under Nationwide Permit 23 (NWP 23).

NWP 23 is used to authorize certain actions by other Federal agencies that are categorically excluded under the National Environmental Policy Act (NEPA), in accordance with Title 40 Code of Federal Regulations Parts 1500 to 1508, because the action is included within a category of actions that have no more than minimal individual and cumulative adverse environmental effects.

The NRCS has requested approval of their 26 categorically excluded activities for inclusion for verification under NWP 23. The list of NRCS categorically excluded activities was approved by the Council on Environmental Quality and has been finalized by the NRCS. Inclusion of NRCS categorically excluded activities under NWP 23 is intended to reduce duplicative Federal processes and to expedite Department of the Army authorizations for those activities that involve a discharge of dredged or fill material and/or structures or work in waters of the United States that have no more than minimal individual and cumulative adverse environmental effects on the aquatic environment.

Detailed information on the proposal, including the list of NRCS Categorical Exclusions being considered is available through the USCAE web page at http://www.usace.army.mil/CECW/Pages/nnpi.aspx or the Federal Register at http://www.gpo.gov/fdsys/pkg/FR-2011-05-13/pdf/2011-11831.pdf.

Interested parties are invited to submit comments, identified by docket number COE-2011-0008, within 60 days by any of the following methods:

- Federal eRulemaking Portal: http://www.regulations.gov at docket number
- COE–2011–0008. Please see the Federal Register notice for instructions on submitting comments.

- E-mail: Karen.mulligan@usace.army.mil. Include COE–2011–0008 in the subject line of the message.

- Mail: US Army Corps of Engineers, ATTN: CECW-CO-R (Karen Mulligan), 441 G Street NW, Washington, D.C. 20314-1000.

- Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

The current NWP 23 was issued on March 12, 2007 (see 72 FR 11092), and expires on March 18, 2012. In the February 16, 2011, issue of the Federal Register (76 FR 9174), the USACE proposed to reissue NWP 23 without any changes. The process for approving categorical exclusions for use with NWP 23 is independent of the rulemaking process for reissuing or modifying NWP 23. If any additional agency categorical exclusions are approved for use with NWP 23, a new Regulatory Guidance Letter will be issued, but the NWP itself will not be affected.

Additional information about the USACE Regulatory program can be found at: http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx.