

# **APPENDIX C: NOTICE OF INTENT**

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## **2017 Notice of Intent**

Thirty-six (36) M1151 High Mobility Multipurpose Wheeled Vehicles (HMMWVs)

Seventy-seven (77) M1151 up-armored HMMWVs

*Non-MDE:* All necessary equipment and accessories to outfit two Peshmerga Regional Brigades and two support artillery battalions, to include twelve (12) 3 kilowatt tactical quiet generator sets, body armor, helmets, and other Organization Clothing and Individual Equipment (OCIE); small arms and associated accessories including tripods, cleaning kits, magazines, and mounts; mortar systems and associated equipment; Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) detection and protective equipment; dismounted and mounted radio systems; commercial navigation equipment including compasses, binoculars, and Geospatial Position System (GPS) limited to the Standard Positioning System (SPS); M1142 HMMWVs; medical equipment; Mine Resistant Ambush Protected Vehicles (MRAP); cargo and transportation equipment, including light tactical vehicles, medium tactical vehicles, water trucks, fuel trucks, and ambulances; thirty-six (36) refurbished M119A2 105mm howitzers; RF-7800V Very High Frequency (VHF) dismounted radios; spare parts, training and associated equipment related to the mentioned vehicles and artillery systems.

(iv) *Military Department:* Army (ADI, ADJ)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* April 18, 2017

\* As defined in Section 47(6) of the Arms Export Control Act.

#### **POLICY JUSTIFICATION**

##### *Government of Iraq—Equipment for Two Peshmerga Infantry Brigades and Two Support Artillery Battalions*

The Government of Iraq has requested a possible sale of the equipment necessary to fully outfit two full Peshmerga Regional Brigades of light infantry, as well as the equipment necessary to outfit two artillery battalions that will ultimately provide support to those regional brigades. These artillery battalions and infantry brigades will operate under the Kurdistan Regional Governments Ministry of Peshmerga (KRG MOP) with

the concurrence of the central government. Requested equipment includes the following: (4,400) M16A4 rifles; (46) M2 50 caliber machine guns; (186) M240B machine guns; (36) M1151 HMMWVs; (77) M1151 up-armored HMMWVs; (12) 3 Kilowatt Tactical Quiet Generator sets; body armor, helmets, and other Organization Clothing and Individual Equipment (OCIE); small arms and associated accessories including tripods, cleaning kits, magazines, and mounts; mortar systems and associated equipment; Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) detection and protective equipment; dismounted and mounted radio systems; commercial navigation equipment including compasses, binoculars, and Geospatial Position System (GPS) limited to the Standard Positioning System (SPS); M1142 HMMWVs; medical equipment; Mine Resistant Ambush Protected Vehicles (MRAP); cargo and transportation equipment, including light tactical vehicles, medium tactical vehicles, water trucks, fuel trucks, and ambulances; (36) refurbished M119A2 105mm howitzers; spare parts, training and associated equipment related to the mentioned vehicles and artillery systems.

This proposed sale will contribute to the foreign policy and national security objectives of the United States, by supporting Iraq's capacity to degrade and defeat the Islamic State of Iraq and the Levant (ISIL). Iraq will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There are a number of contractors involved in this effort, including but not limited to AM General, Oshkosh Defense, Navistar Defense, Harris Radio, and Colt Corporation. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the deployment of any additional U.S. Government or contractor personnel to Iraq.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2017-08455 Filed 4-26-17; 8:45 am]

**BILLING CODE 5001-06-P**

## **DEPARTMENT OF DEFENSE**

### **Department of the Army, Corps of Engineers**

#### **Supplemental Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Mid-Barataria Sediment Diversion, in Plaquemines Parish, Louisiana**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The Coastal Protection and Restoration Authority of Louisiana (CPRA) has requested approval from the U.S. Army Corps of Engineers, New Orleans District (USACE-MVN) to construct, maintain, and operate a sediment diversion structure off the right descending bank of the Mississippi River, at approximately 60.7 miles above "Head of Passes" in Plaquemines Parish, Louisiana. The proposed project, referred to as the Mid-Barataria Sediment Diversion (MBSD), would be designed to deliver sediment, freshwater, and nutrients from the Mississippi River into Barataria Basin. USACE-MVN intends to serve as the lead federal agency in preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA). At this time, Cooperating Agencies on the EIS includes the: Environmental Protection Agency (EPA), Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and U.S. Department of Agriculture (USDA). The EIS for CPRA's proposed MBSD project will inform a permit decision for a Department of Army (DA) permit pursuant to Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act of 1899 (Section 10), and permissions under Section 14 of the Rivers and Harbors Act of 1899 (Section 408). In addition to informing USACE-MVN's decisions, the EIS will inform decisions made by the *Deepwater Horizon* Natural Resource Damage Assessment Louisiana Trustee Implementation Group (NRDA LA TIG) regarding restoration evaluation and related funding decisions relevant to the *Deepwater Horizon* natural resource damage settlement, any decision by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA NMFS) that may be required under the Marine Mammal Protection Act (MMPA), and any additional regulatory or permit

processes that may be required for the MBSD Project, to the extent practicable. USACE–MVN filed an original Notice of Intent (NOI) to prepare a DEIS for the MBSD project which was published in the **Federal Register** on October 4, 2013 (78 FR 61843). This Supplemental NOI serves to supplement the original NOI to update the MBSD project details, contact information for the proposed MBSD project, scoping provisions, and other pertinent information.

**FOR FURTHER INFORMATION CONTACT:**

Questions concerning the DA permit process should be directed to Mr. Brad LaBorde at U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN–OD–SE, 7400 Leake Avenue, New Orleans, LA 70118, by phone (504) 862–2225, or by email at [CEMVN-Midbarataria@usace.army.mil](mailto:CEMVN-Midbarataria@usace.army.mil).

Questions and comments concerning the Section 408 permissions should be directed to Mr. Brad Inman at U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN–PM–P, 7400 Leake Avenue, New Orleans, LA 70118, by phone (504) 862–2124, or by email at [CEMVN-Midbarataria@usace.army.mil](mailto:CEMVN-Midbarataria@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

1. *Proposed Action.* CPRA describes the MBSD project as a large scale, complex ecosystem restoration project. When operated, a maximum nominal design flow of 75,000 cubic feet per second of sediment-laden water would be diverted from the Mississippi River into the Barataria Basin to reconnect and re-establish the natural or deltaic sediment deposition process between the Mississippi River and the Barataria Basin by delivering sediment, freshwater, and nutrients to reduce land loss and maintain and sustain wetlands. The sediment diversion would be approximately 1 to 2 miles long and primary features would include a gated diversion structure, a conveyance channel, and a potential back structure (for flood protection). The secondary features of the diversion would include a pump station or other mean of forced drainage, bridge or culvert crossing at Louisiana Highway 23, concrete side walls, earthen guide levees, scour protection and erosion control, and culverted road crossings. Under Section 10 and Section 404, the District Engineer will render a permit decision for the discharge of dredged and/or fill material into the waters of the U.S., as well as work, to include the installation and maintenance of structures, in navigable waters of the U.S., based on the public interest review and Section 404(b)(1) Clean Water Act guidelines. Under 33 U.S.C. 408, the Chief of Engineers reviews the potential impacts

associated with proposals, operation or construction of which use, alter or modify existing USACE–MVN projects based on whether the project would be injurious to the public interest and the potential for the proposed project to impair existing or future Civil Works projects. If constructed as proposed, the MBSD footprint would directly impact 52.3 acres of jurisdictional wetlands and 4.5 acres of waters of the U.S. The MBSD project footprint would also impact and require the potential relocation of numerous public utilities and facilities. In addition, the MBSD project would directly and/or indirectly impact multiple USACE–MVN projects, including but not limited to, projects within the Mississippi River & Tributaries Program; the Mississippi River (federal navigation) Ship Channel, the Gulf to Baton Rouge, Louisiana project; and the future New Orleans to Venice (NOV) Hurricane Protection Levee project.

2. *Alternatives.* The EIS will address an array of alternatives based on the project purpose and need. USACE must identify the “overall” project purpose, evaluate practicable alternatives, and determine whether the project is water dependent. Some alternatives will be considered from, but not limited to, existing studies including the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) Program, Louisiana Coastal Area (LCA) Ecosystem Restoration Study, LCA Medium Diversion at Myrtle Grove with Dedicated Dredging Feasibility Study, the State and non-governmental organizations (NGOs) Myrtle Grove Delta Building Diversion Modeling Effort in Support of LCA Medium Diversion at Myrtle Grove with Dedicated Dredging, the 2012 Louisiana Coastal Master Plan (LCMP), and the 2017 LCMP. The LA TIG may develop alternatives based on considerations under the Oil Pollution Act (OPA) NRDA restoration planning process and associated decision-making. Alternatives for purposes of any additional regulatory or permitting processes also would be developed and evaluated to the extent practical. Other alternatives may be developed through the NEPA scoping process.

3. *Scoping.* Scoping is the NEPA process utilized for seeking public involvement in determining the range of alternatives and significant issues to be addressed in the EIS USACE–MVN invites full public participation to promote open communication on the issues surrounding the proposed action. The public will be involved in the scoping and evaluation process through advertisements, notices, and other

means. Project information will also be available on USACE–MVN’s Web site at: <http://www.mvn.usace.army.mil/Missions/Regulatory/Permits/Mid-Barataria-Sediment-Diversion-EIS/>. All individuals, organizations, NGOs, affected Indian tribes, and local, state, and Federal agencies that have an interest are urged to participate in the scoping process. Public scoping meeting(s) will be held to present information to the public and to receive comments from the public. The date, time, and location of the scoping meeting(s) will be announced once determined on the USACE–MVN public notice Web page (<http://www.mvn.usace.army.mil/Missions/Regulatory/Public-Notices/>) and in any other forms deemed appropriate. Comments will also be accepted via email or postal mail; USACE–MVN will provide information to the public as to where, when, and how to submit comments. Scoping meetings may happen in coordination with NOAA and the NRDA LA TIG in order to present to the public, solicit comments and inform other required authorizations and collaborative restoration evaluation involving the proposed project.

4. *Potentially Significant Issues.* The EIS will analyze the potential impacts on the human and natural environment resulting from the project. The scoping, public involvement, and interagency coordination processes will help identify and define the range of potential significant issues that will be considered. Important resources and issues evaluated in the EIS could include, but are not limited to, the direct, indirect, and cumulative effects on tidal wetlands and other waters of the U.S.; aquatic resources; commercial and recreational fisheries; wildlife resources; essential fish habitat; water quality; cultural resources; geology and soils including agricultural land and prime and unique farmland; hydrology and hydraulics; air quality; marine mammals; threatened and endangered species and their critical habitat; net impacts on ecosystem services; navigation and navigable waters; induced flooding; employment; land use; property values; tax revenues; population and housing; community and regional growth; environmental justice; community cohesion; public services; recreation; transportation and traffic; utilities and community service systems; and cumulative effects of related projects in the study area. USACE–MVN will also consider issues identified and comments made throughout scoping, public involvement, and interagency

coordination. USACE–MVN expects to better define the issues of concern and the methods that will be used to evaluate those issues through the scoping process.

5. *Environmental Consultation and Review.* USACE–MVN anticipates developing an EIS that meets NEPA requirements of several federal agencies evaluating whether to authorize and/or fund the proposed project. At this time the cooperating agencies includes: EPA, DOI, NOAA, NMFS, USFWS, and USDA. Other federal interests in the development of the EIS include those related to NMFS's obligations under the MMPA and the NRDA LA TIG Federal trustees' obligations under OPA NRDA regulations, Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement, and the Consent Decree entered into in *In re: Oil Spill by the Oil Rig "Deepwater Horizon" In the Gulf of Mexico*. In addition to the federal interests noted above for general development of the EIS, USFWS will assist in documenting existing conditions and assessing effects of project alternatives through the Fish and Wildlife Coordination Act consultation procedures. Consultation will be accomplished with USFWS and NMFS concerning threatened and endangered species and their critical habitat per the Endangered Species Act. NMFS will be consulted regarding the effects of this proposed action on Essential Fish Habitat per the Magnuson-Stevens Fisheries Conservation and Management Act. USACE–MVN anticipates CPRA will submit an application for an incidental take authorization to NMFS in accordance with the MMPA.

Questions regarding consultation or compliance requirements described herein, will be directed to the appropriate jurisdictional agency.

6. The USACE–MVN will consult with the Louisiana State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officers (THPO), per the National Historic Preservation Act.

7. *Availability.* The DEIS is presently scheduled to be available for public review and comment by April 30, 2020. All comments received throughout the review process will become part of the administrative record for the proposed MBSD project and subject to public release.

8. *NRDA LA TIG NOI: The Deepwater Horizon* NRDA LA TIG has published a Notice of Initiation of Restoration Planning that seeks to facilitate public involvement and streamline future processes by specifically seeking public comment on a controlled river diversion

in Barataria Basin, such as the MBSD, in a future Restoration Plan under OPA. To facilitate the potential consideration of the MBSD under OPA, it is the intent of the NRDA LA TIG Trustees to assist the USACE in the preparation of the EIS for the Mid-Barataria Sediment Diversion.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2017–08413 Filed 4–26–17; 8:45 am]

**BILLING CODE 3720–58–P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0054]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Consolidated State Plan Assurances Template

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a non-substantive change to an existing collection.

**DATES:** Interested persons are invited to submit comments on or before May 5, 2017.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2017–ICCD–0054. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 226–62, Washington, DC 20202–4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Melissa Siry, (202)260–0926.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general

public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

**Note:** OESE requests public comment on a non-substantive change to an existing collection approved under 1810–0576 currently running a separate comment period under ED–2017–ICCD–0021. OESE is seeking OMB approval to use these non-substantive changes to the assurances data collection instrument by May 17, 2017. You may provide comments to the assurances template under 1810–0576 ED–2017–ICCD–0054 by May 5, 2017. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Consolidated State Plan Assurances Template.

*OMB Control Number:* 1810–0576.

*Type of Review:* Non-substantive change to an existing collection.

*Respondents/Affected Public:* State, Local and Tribal Governments.

*Total Estimated Number of Annual Responses:* 52.

*Total Estimated Number of Annual Burden Hours:* 108,155.

*Abstract:* On March 9, 2017, pursuant to the Congressional Review Act (CRA) (5 U.S.C. 801–808), Congress approved a joint resolution disapproving the U.S. Department of Education's (Department's) regulations related to State plans, including consolidated State plans, statewide accountability systems, and data reporting. The President signed the Congressional resolution on March 27, 2017, which means that the regulations have no force or effect. As a result, the Department updated the assurances that each State must submit in order to receive FY 2017 funding to align only with the statutory assurances required in ESEA Section

**BILLING CODE:** 3720-58

**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

Supplemental Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Mid-Barataria Sediment Diversion, in Plaquemines Parish, Louisiana.

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent.

**SUMMARY:** The Coastal Protection and Restoration Authority of Louisiana (CPRA) has requested approval from the U.S. Army Corps of Engineers, New Orleans District (USACE-MVN) to construct, maintain, and operate a sediment diversion structure off the right descending bank of the Mississippi River, at approximately 60.7 miles above “Head of Passes” in Plaquemines Parish, Louisiana. The proposed project, referred to as the Mid-Barataria Sediment Diversion (MBSD), would be designed to deliver sediment, freshwater, and nutrients from the Mississippi River into Barataria Basin. USACE-MVN intends to serve as the lead federal agency in preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA). At this time, Cooperating Agencies on the EIS includes the: Environmental Protection Agency (EPA), Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and U.S. Department of Agriculture (USDA). The EIS for CPRA’s proposed MBSD project will inform a permit decision for a Department of Army (DA) permit pursuant to Section 404 of the Clean Water Act (Section 404) and

Section 10 of the Rivers and Harbors Act of 1899 (Section 10), and permissions under Section 14 of the Rivers and Harbors Act of 1899 (Section 408). In addition to informing USACE-MVN's decisions, the EIS will inform decisions made by the *Deepwater Horizon* Natural Resource Damage Assessment Louisiana Trustee Implementation Group (NRDA LA TIG) regarding restoration evaluation and related funding decisions relevant to the *Deepwater Horizon* natural resource damage settlement, any decision by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA NMFS) that may be required under the Marine Mammal Protection Act (MMPA), and any additional regulatory or permit processes that may be required for the MBSD Project, to the extent practicable. USACE-MVN filed an original Notice of Intent (NOI) to prepare a DEIS for the MBSD project which was published in the **Federal Register** on October 4, 2013 (78 FR 61843). This Supplemental NOI serves to supplement the original NOI to update the MBSD project details, contact information for the proposed MBSD project, scoping provisions, and other pertinent information.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the DA permit process should be directed to Mr. Brad LaBorde at U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN-OD-SE, 7400 Leake Avenue, New Orleans, LA 70118, by phone (504) 862-2225, or by e-mail at [CEMVN-Midbarataria@usace.army.mil](mailto:CEMVN-Midbarataria@usace.army.mil). Questions and comments concerning the Section 408 permissions should be directed to Mr. Brad Inman at U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN-PM-P, 7400 Leake Avenue, New Orleans, LA 70118, by phone (504) 862-2124, or by e-mail at [CEMVN-Midbarataria@usace.army.mil](mailto:CEMVN-Midbarataria@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** 1. Proposed Action. CPRA describes the MBSD project as a large scale, complex ecosystem restoration project. When operated, a maximum nominal design flow of 75,000 cubic feet per second of sediment-laden water would be diverted from the Mississippi River into the Barataria Basin to reconnect and re-establish the natural or deltaic sediment deposition process between the Mississippi River and the Barataria Basin by delivering sediment, freshwater, and nutrients to reduce land loss and maintain and sustain wetlands. The sediment diversion would be approximately 1 to 2 miles long and primary features would include a gated diversion structure, a conveyance channel, and a potential back structure (for flood protection). The secondary features of the diversion would include a pump station or other mean of forced drainage, bridge or culvert crossing at Louisiana Highway 23, concrete side walls, earthen guide levees, scour protection and erosion control, and culverted road crossings. Under Section 10 and Section 404, the District Engineer will render a permit decision for the discharge of dredged and/or fill material into the waters of the U.S., as well as work, to include the installation and maintenance of structures, in navigable waters of the U.S., based on the public interest review and Section 404(b)(1) Clean Water Act guidelines. Under 33 U.S.C. 408, the Chief of Engineers reviews the potential impacts associated with proposals, operation or construction of which use, alter or modify existing USACE-MVN projects based on whether the project would be injurious to the public interest and the potential for the proposed project to impair existing or future Civil Works projects. If constructed as proposed, the MBSD footprint would directly impact 52.3 acres of jurisdictional wetlands and 4.5 acres of waters of the U.S. The MBSD project footprint would also impact and require the potential relocation



of numerous public utilities and facilities. In addition, the MBSD project would directly and/or indirectly impact multiple USACE-MVN projects, including but not limited to, projects within the Mississippi River & Tributaries Program; the Mississippi River (federal navigation) Ship Channel, the Gulf to Baton Rouge, Louisiana project; and the future New Orleans to Venice (NOV) Hurricane Protection Levee project.

2. Alternatives. The EIS will address an array of alternatives based on the project purpose and need. USACE must identify the “overall” project purpose, evaluate practicable alternatives, and determine whether the project is water dependent. Some alternatives will be considered from, but not limited to, existing studies including the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) Program, Louisiana Coastal Area (LCA) Ecosystem Restoration Study, LCA Medium Diversion at Myrtle Grove with Dedicated Dredging Feasibility Study, the State and non-governmental organizations (NGOs) Myrtle Grove Delta Building Diversion Modeling Effort in Support of LCA Medium Diversion at Myrtle Grove with Dedicated Dredging, the 2012 Louisiana Coastal Master Plan (LCMP), and the 2017 LCMP. The LA TIG may develop alternatives based on considerations under the Oil Pollution Act (OPA) NRDA restoration planning process and associated decision-making. Alternatives for purposes of any additional regulatory or permitting processes also would be developed and evaluated to the extent practical. Other alternatives may be developed through the NEPA scoping process.

3. Scoping. Scoping is the NEPA process utilized for seeking public involvement in determining the range of alternatives and significant issues to be addressed in the EIS USACE-MVN invites full public participation to promote open communication on the

issues surrounding the proposed action. The public will be involved in the scoping and evaluation process through advertisements, notices, and other means. Project information will also be available on USACE-MVN's website at:

<http://www.mvn.usace.army.mil/Missions/Regulatory/Permits/Mid-Barataria-Sediment-Diversion-EIS/>. All individuals, organizations, NGOs, affected Indian tribes, and local, state, and Federal agencies that have an interest are urged to participate in the scoping process. Public scoping meeting(s) will be held to present information to the public and to receive comments from the public. The date, time, and location of the scoping meeting(s) will be announced once determined on the USACE-MVN public notice web page (<http://www.mvn.usace.army.mil/Missions/Regulatory/Public-Notices/>) and in any other forms deemed appropriate. Comments will also be accepted via email or postal mail; USACE-MVN will provide information to the public as to where, when, and how to submit comments. Scoping meetings may happen in coordination with NOAA and the NRDA LA TIG in order to present to the public, solicit comments and inform other required authorizations and collaborative restoration evaluation involving the proposed project.

4. Potentially Significant Issues. The EIS will analyze the potential impacts on the human and natural environment resulting from the project. The scoping, public involvement, and interagency coordination processes will help identify and define the range of potential significant issues that will be considered. Important resources and issues evaluated in the EIS could include, but are not limited to, the direct, indirect, and cumulative effects on tidal wetlands and other waters of the U.S.; aquatic resources; commercial and recreational fisheries; wildlife resources; essential fish habitat; water

quality; cultural resources; geology and soils including agricultural land and prime and unique farmland; hydrology and hydraulics; air quality; marine mammals; threatened and endangered species and their critical habitat; net impacts on ecosystem services; navigation and navigable waters; induced flooding; employment; land use; property values; tax revenues; population and housing; community and regional growth; environmental justice; community cohesion; public services; recreation; transportation and traffic; utilities and community service systems; and cumulative effects of related projects in the study area. USACE-MVN will also consider issues identified and comments made throughout scoping, public involvement, and interagency coordination. USACE-MVN expects to better define the issues of concern and the methods that will be used to evaluate those issues through the scoping process.

5. Environmental Consultation and Review. USACE-MVN anticipates developing an EIS that meets NEPA requirements of several federal agencies evaluating whether to authorize and/or fund the proposed project. At this time the cooperating agencies includes: EPA, DOI, NOAA, NMFS, USFWS, and USDA. Other federal interests in the development of the EIS include those related to NMFS's obligations under the MMPA and the NRDA LA TIG Federal trustees' obligations under OPA NRDA regulations, Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement, and the Consent Decree entered into in *In re: Oil Spill by the Oil Rig "Deepwater Horizon" In the Gulf of Mexico*. In addition to the federal interests noted above for general development of the EIS, USFWS will assist in documenting existing conditions and assessing effects of project alternatives through the Fish and Wildlife Coordination Act consultation

procedures. Consultation will be accomplished with USFWS and NMFS concerning threatened and endangered species and their critical habitat per the Endangered Species Act. NMFS will be consulted regarding the effects of this proposed action on Essential Fish Habitat per the Magnuson-Stevens Fisheries Conservation and Management Act. USACE-MVN anticipates CPRA will submit an application for an incidental take authorization to NMFS in accordance with the MMPA.

Questions regarding consultation or compliance requirements described herein, will be directed to the appropriate jurisdictional agency.

6. The USACE-MVN will consult with the Louisiana State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officers (THPO), per the National Historic Preservation Act.

7. Availability. The DEIS is presently scheduled to be available for public review and comment by April 30, 2020. All comments received throughout the review process will become part of the administrative record for the proposed MBSD project and subject to public release.

8. NRDA LA TIG NOI: The *Deepwater Horizon* NRDA LA TIG has published a Notice of Initiation of Restoration Planning that seeks to facilitate public involvement and streamline future processes by specifically seeking public comment on a controlled river diversion in Barataria Basin, such as the MBSD, in a future Restoration Plan under OPA. To facilitate the potential consideration of the MBSD under OPA, it is the intent of the NRDA LA TIG Trustees to assist the USACE in the preparation of the EIS for the Mid-Barataria Sediment Diversion.

## **2013 Notice of Intent**

any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 30, 2013.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013-24287 Filed 10-3-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Notice of Intent To Prepare an Environmental Impact Statement: Department of the Army Permit Application Pursuant to the Clean Water Act and Rivers and Harbors Act and Permissions Under the Coastal Protection and Restoration Authority of Louisiana for the Mid-Barataria Sediment Diversion, Plaquemines Parish, LA

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) intends to prepare an Environmental Impact Statement (EIS) to inform a decision relative to the request for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act, and permissions under 33 U.S.C. Section 408, to the Coastal Protection and Restoration Authority (CPRA) for their proposed action on the Mid-Barataria Sediment Diversion (MBSD). The EIS will be used to ensure compliance with the National Environmental Policy Act (NEPA) and as a basis for both the permit decision and the Section 408 permissions.

The DA permit and the 408 permissions are two separate processes with different authorities analyzed by different mission areas (including Regulatory and Civil Works) inside the USACE. Under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act, the District Engineer permits the discharge of dredged or fill material into waters of the United States as well as work, to include the installation and maintenance of structures, in navigable waters of the U.S., if the discharge meets the requirements of the Environmental Protection Agency's 404(b)(1) guidelines, and the proposal is determined to not be contrary to the overall public interest. Under 33 U.S.C. 408, the Chief of Engineers grants permission to alter, modify, or impair an existing USACE project if it is not injurious to the public interest and does not impair the usefulness of such work. The project involves structural crossings of the Federal Mississippi River and Tributaries (MR&T) Levee and the future New Orleans to Venice (NOV) Hurricane Protection Levee and could impact the Mississippi River Navigation Channel, Davis Pond Freshwater Diversion as well as other Federal projects. USACE Regulatory and Civil Works will coordinate on all aspects of the production of the EIS.

**ADDRESSES:** Written comments and suggestions should be addressed to Mr. Nathan Dayan at USACE, CEMVN-PDN-CEP, P.O. Box 60267, New Orleans, LA 70118-0267, by phone (504) 862-2530, or by email at [CEMVN-Midbarataria@usace.army.mil](mailto:CEMVN-Midbarataria@usace.army.mil). Request to be placed on the mailing list should be mailed to this address.

#### FOR FURTHER INFORMATION CONTACT:

Questions on the DA permit should be directed to: Mr. Robert Tewis by phone (504) 862-2041 or at the email above. Questions on the 408 permissions should be directed to: Mr. Nathan Dayan (see **ADDRESSES**) or at the email above.

#### SUPPLEMENTARY INFORMATION:

1. *Authority:* Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408); Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); Section 404 of the Clean Water Act (33 U.S.C. 1344); and, Section 102 of the National Environmental Policy Act (42 U.S.C. 4332).

2. *Proposed Action.* The USACE will prepare an EIS to analyze the impacts of diverting sediment-laden Mississippi River water into the Mid-Barataria Basin by CPRA. This permit request is proposed to re-establish a connection between the Mississippi River and the Basin to build, sustain, and maintain

land. CPRA is proposing to construct the diversion intake through the levee on the west side of the Mississippi River at approximately river mile 60.7, in Plaquemines Parish, LA, and the diversion outfall through the future NOV Hurricane Protection Levee into the Mid-Barataria Basin to allow sediment laden water from the Mississippi River to flow into the Barataria Basin.

3. *Alternatives.* The EIS will address an array of alternatives to re-establish a connection between the Mississippi River and the Basin. Some alternatives will be brought forward from existing studies and projects including the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Program, Louisiana Coastal Area (LCA) Ecosystem Restoration Study, LCA Medium Diversion at Myrtle Grove (MDMG) with Dedicated Dredging Feasibility Study, the State/Non-governmental Organization (NGO) Myrtle Grove Delta Building Diversion Modeling Effort in Support of LCA Medium Diversion at Myrtle Grove with Dedicated Dredging, the 2012 Louisiana Coastal Master Plan, and alternatives developed through the NEPA scoping process.

4. *Scoping.* Scoping is the process utilized for determining the range of alternatives and significant issues to be addressed in the EIS. The USACE invites full public participation to promote open communication on the issues surrounding the proposed action. All individuals, organizations, NGOs, and local, state, and Federal agencies that have an interest are urged to participate in the NEPA scoping process. Public scoping meeting(s) will be held to present information to the public and to receive comments from the public. Public scoping meetings for both processes will be conducted jointly. The dates, times and locations of the scoping meetings will be determined in conjunction with CPRA at a later date and announced through local media channels as well as Regulatory public notice Web site—<http://www.mvn.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>.

5. *Significant issues.* The EIS will analyze the potential social, economic, and natural environmental impacts resulting from the proposed project. Important resources and issues that will be evaluated in the EIS could include but would not be limited to effects on tidal wetlands and other waters of the U.S.; aquatic resources; commercial and recreational fisheries; wildlife resources; essential fish habitat; water quality; cultural resources; geology and soils including agricultural and prime/unique

farmland; hydrology and hydraulic; air quality; threatened and endangered species and critical habitat. Socioeconomic issues include navigation; induced flooding; land use; property values, tax revenues; population and housing, community and regional growth; environmental justice (effect on minorities and low income populations), community cohesion; public services, recreation, transportation and traffic, utilities and community service systems and cumulative effects of related projects in the study area.

6. *Environmental Consultation and Review.* The U.S. Fish and Wildlife Service (Service) will assist in documenting existing conditions and assessing effects of project alternatives through the Fish and Wildlife Coordination Act consultation procedures. Consultation will be accomplished with the USFWS and the National Marine Fisheries Service (NMFS) concerning threatened and endangered species and their critical habitat per the Endangered Species Act. The NMFS will be consulted regarding the effects of this proposed action on Essential Fish Habitat per the Magnuson-Stevens Act. The USACE will consult with the State Historic Preservation Officer per the National Historic Preservation Act.

7. *Availability.* The draft EIS is estimated to be available for public review and comment no sooner than the spring of 2015. At that time a 45-day public review period will be provided for individuals and agencies to review and comment on the DEIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the DEIS circulation.

Dated: September 26, 2013.

**Richard L. Hansen,**  
Colonel, U.S. Army District Commander.  
[FR Doc. 2013-24234 Filed 10-3-13; 8:45 am]  
BILLING CODE 3720-58-P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### North Atlantic Coast Comprehensive Study

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) is requesting peer reviewed information that would be useful in the preparation of the North

Atlantic Coast Comprehensive Study (Hurricane Sandy). The USACE is preparing a report that will be submitted to Congress in 2015. The goals of the North Atlantic Coast Comprehensive Study authorized under the Disaster Relief Appropriations Act, Public Law 113-2 are to (1) provide risk reduction strategies to reduce risk to which vulnerable coastal populations are subject, and (2) promote coastal resilient communities to ensure a sustainable and robust coastal landscape system, considering future sea level rise and climate change scenarios, to reduce risk to vulnerable population, property, infrastructure and ecosystems.

**DATES:** The USACE will accept data and literature in response to this request until December 31, 2013.

**ADDRESSES:** Methods for submission include: *Email:* Send information by electronic mail to: *NACCS@usace.army.mil*. Please include your name and contact information in the body of your email. *Fax:* Fax information to: (410-962-4698), ATTN: Mr. David Robbins. *Mail:* Send information by mail to: Mr. David Robbins, U.S. Army Corps of Engineers, 10 South Howard Street Baltimore Maryland 21201, ATTN: North Atlantic Coast Comprehensive Study.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Information on a CD ROM should be formatted as a MS Word, Rich Text, or Adobe Acrobat PDF file.

**FOR FURTHER INFORMATION CONTACT:** For further information, please contact: Mr. David Robbins, Project Manager, at *David.W.Robbins@usace.army.mil*, or by telephone at (410) 962-0685.

**SUPPLEMENTARY INFORMATION:** The Congressional response to the devastation in the wake of Hurricane Sandy included a mandate to address as a regional system the vulnerability of populations at risk in the U.S. Army Corps of Engineers (USACE) North Atlantic Division. The draft analyses of the Comprehensive Study will be coordinated amongst interagency stakeholders in early 2014 and a report will be submitted to Congress in 2015.

The USACE would appreciate receiving information from the public to facilitate the preparation of the Study. The USACE prefers information which has been peer reviewed. Interested persons may provide scientific analyses, studies, and other pertinent scientific information, preferably information which has undergone scientific peer review. The USACE will consider all submissions but will give preference to all peer reviewed data and literature

sources. Please understand that not all data and sources provided may be reflected in the draft analyses socialized in early 2014, but the resources will be incorporated into the final report.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2013-24237 Filed 10-3-13; 8:45 am]

BILLING CODE 3720-58-P

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9011-5]

### Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 09/23/2013 through 09/27/2013 Pursuant to 40 CFR 1506.9.

#### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

*EIS No. 20130287, Final EIS, USFS, ID, Idaho Panhandle National Forests, Revised Land Management Plan, Review Period Ends: 11/26/2013, Contact: Mary Farnsworth 208-765-7223.*

The above document was inadvertently omitted from EPA's **Federal Register** Notice Published 09/27/2013. The review/wait period will start 09/27/2013 and end 11/26/2013.

*EIS No. 20130288, Final EIS, USACE, TX, Luce Bayou Interbasin Transfer Project, Review Period Ends: 11/04/2013, Contact: Jayson Hudson 409-766-3108.*

*EIS No. 20130289, Draft EIS, USACE, CA, Los Angeles River Ecosystem Restoration Integrated Feasibility Report, Comment Period Ends: 11/18/2013, Contact: Erin Jones 213-300-9723.*

*EIS No. 20130290, Draft EIS, NPS, CA, Restoration of Native Species in High Elevation Aquatic Ecosystems Plan, Sequoia and Kings Canyon National Parks, Comment Period Ends: 11/25/2013, Contact: Woodrow Smeck 559-565-3101.*

*EIS No. 20130291, Final EIS, BOEM, 00, Gulf of Mexico OCS Oil and Gas Lease Sales: 2014 and 2016; Eastern*



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267  
SEP 26 2013

REPLY TO  
ATTENTION OF

Regional Planning and Environment  
Division South  
Environmental Planning Branch

Ms. Brenda S. Bowen  
Army Federal Register Liaison Officer  
U.S. Army Records Management  
and Declassification Agency  
(JDRP-RDR-C)  
Casey Building, Room 102  
7701 Telegraph Road  
Alexandria, Virginia 22315-3860

Dear Ms. Bowen:

Please reference the U.S. Army Corps of Engineers, Department of the Army Procedures for Implementing the National Environmental Policy Act, 33 CFR Part 230 (Appendix C) dated July 1, 1994.

Enclosed are three original signed copies of a Notice of Intent to prepare a Draft Environmental Impact Statement for the Department of the Army permit application pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, as well as, permissions under 33 U.S. C Section 408 for the Mid-Barataria Sediment Diversion, Plaquemines Parish, Louisiana.

The electronic information contained on the enclosed CD-ROM is certified to be a true copy of the original document. Filename is: USACE MBSD Notice of Intent 9-25-13.docx. Please note that the electronic file is in MS Word format.

If you have any questions, please contact Mr. Nathan Dayan at (504)862-2530, by fax at (504) 862-2572 or by email at [Nathan.S.Dayan@usace.army.mil](mailto:Nathan.S.Dayan@usace.army.mil).

Sincerely,

A handwritten signature in cursive script that reads "Richard L. Hansen".

Richard L. Hansen  
Colonel, U.S. Army  
District Commander

Enclosures



**Billing Code: 3720-58**

**DEPARTMENT OF DEFENSE**

**Department of the Army; Corps of Engineers**

**Notice of Intent to Prepare an Environmental Impact Statement for both a Department of the Army permit application pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act and permissions under 33 U.S.C Section 408 to the Coastal Protection and Restoration Authority of Louisiana for the Mid-Barataria Sediment Diversion, Plaquemines Parish, LA**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) intends to prepare an Environmental Impact Statement (EIS), to inform a decision relative to the request for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act, and permissions under 33 U.S.C Section 408, to the Coastal Protection and Restoration Authority (CPRA) for their proposed action on the Mid-Barataria Sediment Diversion (MBSD). The EIS will be used to ensure compliance with the National Environmental Policy Act (NEPA) and as a basis for both the permit decision and the Section 408 permissions.

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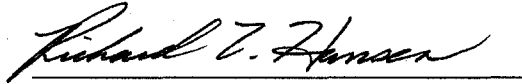
including agricultural and prime/unique farmland; hydrology and hydraulic; air quality; threatened and endangered species and critical habitat. Socioeconomic issues include navigation; induced flooding; land use; property values, tax revenues; population and housing, community and regional growth; environmental justice (effect on minorities and low income populations), community cohesion; public services, recreation, transportation and traffic, utilities and community service systems and cumulative effects of related projects in the study area.

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notice and provide a current address if they wish to be notified of the DEIS circulation.

Date: 26 September 2013

A handwritten signature in black ink, reading "Richard L. Hansen", written over a horizontal line.

Richard L. Hansen  
Colonel, U.S. Army  
District Commander