

past. Enforcement and compliance violations such as those mentioned by the commenters will occur. When they do, we will resolve the violations in the most expeditious and equitable manner possible.

12. Public Hearing

Many commenters requested that a public hearing be held. For the most part, commenters did not specify reasons for holding a hearing. However, some commenters did present more definitive reasons, which included increasing community awareness of the proposal, discussing in greater detail the individual and cumulative effects, and allowing property owners a chance to address the proposal in an open forum. A few others stated that a change in permitting procedures of this magnitude warranted a public hearing.

A public hearing is held when there is a need to acquire new information to consider in evaluating a proposed Department of the Army permit action. Upon close scrutiny of the comments in response to this NWP, we concluded that it was unlikely that new information regarding the single-family housing NWP would be obtained through a public hearing. Therefore, a public hearing will not be held for the NWP. Public hearing requests for local and regional issues, regional conditions, and regional modifications, will be evaluated by Corps district and division offices, which will determine if a public hearing is warranted locally.

13. Need for Environmental Impact Statement

Several commenters requested that an environmental impact statement be completed. One commenter recommended that a systematic scientific study be undertaken to determine the degree of potential impacts. Other commenters stated that the NWP is inconsistent with the 404(b)(1) Guidelines.

Environmental documentation has been prepared for the NWP and includes an environmental assessment and Section 404(b)(1) Guidelines compliance review. Copies of this document are available for inspection at the office of the Chief of Engineers and at each Corps district office. The document demonstrates that this NWP complies with the requirements for issuance under general permit authority. This includes consideration that, because some projects that may be authorized by the NWP may have a potential to cause more than minimal adverse effects on the environment, the NWP has been conditioned to require notification to the District Engineer.

Furthermore, there are several conditions imposed on the NWP to further minimize impacts of single-family housing activities. In this way, we have ensured that activities will not occur under the NWP which would cause more than minimal adverse effects on the environment. Furthermore, although secondary and cumulative impacts, in general, have been considered in the documentation, the notification requirement will allow for further consideration of these impacts. The Corps has made a final determination that this action does not constitute a major Federal action significantly affecting the quality of the human environment.

14. Miscellaneous

A few commenters recommended a checklist, document or booklet be established that would outline what permits are necessary, the purposes, identify the entity processing the permit, timeframes associated with processing, and a fee schedule. One commenter suggested that many landowners would not know the answers to many issues that will need to be addressed in utilizing this NWP, nor will they be inclined to hire a consultant to assist them. Concurrent with this **Federal Register** notice, Corps district offices will issue local public notices. These public notices will include regional information about the NWP and how to notify the district offices. We agree that additional information regarding this and other NWPs would be useful to landowners. We will begin developing a manual or booklet to address this. One commenter requested that the Corps quantify, by district, the "large number of permit applications" for single-family housing activities referenced in the proposal for this NWP, because the need for such a permit may not be nationwide. The Corps conducted an internal survey of Corps districts requesting information on the number of permit applications for which this NWP would apply to determine the need for such a permit. The results warranted the proposal of a single-family housing NWP. One commenter stated that no information was provided about the wetlands potentially affected by this NWP or about the general, special and regional conditions of this NWP. Another commenter questioned if the existing general conditions apply to this NWP. The type of wetlands, specifically non-tidal, were identified in the public notice. The NWP general conditions and Section 404 conditions were not rewritten but were referenced in this NWP proposal. All general conditions

pertaining to the other NWPs also apply to this NWP, with the exception of notification condition which still applies but has been modified for the purpose of this NWP only. For clarity, the NWP conditions are published in this **Federal Register** notice below. Furthermore, regional conditions will be added by the Division Engineer, where appropriate, for a specific area; and special conditions will be added by the District Engineer on a case-by-case basis, where applicable. A few commenters stated that the NWP does not involve activities similar in nature, and therefore, does not qualify as a NWP. One commenter raised the issue of the Corps' failure to discuss, in the environmental assessment, that the activities are similar in nature and will cause minimal individual and cumulative adverse impacts. We believe that we have narrowly defined the scope of this NWP for activities similar in nature. The only activities authorized by this NWP are construction or expansion of a single-family homesite with attendant features. In the preliminary environmental assessment, we discussed, in detail, both the individual and cumulative impacts likely to result from this NWP. One commenter stated that the public notice made no reference to an expiration date for public comment. The expiration date of May 8, 1995, was published in the **Federal Register**; that publication was to be accompanied by a public notice from each Corps district that reiterated the date. Another commenter asserted that the permit language refers only to states and not to sovereign Tribal Nations and to Public interest but not Tribal interest. We do consider Tribal interest in addition to public interest where concerns are raised. General condition number 8 addresses Tribal rights and requires that they be considered. A few commenters declared that the nationwide would not be in compliance with Executive Orders 11988 and 11990. The NWP does not encourage the destruction of wetlands or development within the floodplain, but rather is a tool designed to reduce regulatory burdens while maintaining appropriate levels of protection. This NWP would not be in conflict with Executive Orders 11988 or 11990. A few commenters provided general recommendations related to the economics of the program. One recommended that we provide financial incentives for wetland protection; one recommended that the program be based on the applicant's resource capability, not tax status; one recommended that everyone involved in the Corps evaluation process be held