

February 18, 2010.

Nancy Sutley,  
Chair, Council on Environmental Quality.  
[FR Doc. 2010-3531 Filed 2-22-10; 8:45 am]  
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## COUNCIL ON ENVIRONMENTAL QUALITY

### National Environmental Policy Act (NEPA) Draft Guidance, "Consideration of the Effects of Climate Change and Greenhouse Gas Emissions."

**AGENCY:** Council On Environmental Quality.

**ACTION:** Notice of Availability, Draft Guidance, "Consideration of the Effects of Climate Change and Greenhouse Gas Emissions."

**SUMMARY:** On February 18, 2010, the Council on Environmental Quality (CEQ) announced four steps to modernize, reinvigorate, and ease the use and increase the transparency of implementation of the National Environmental Policy Act (NEPA). Enacted in 1970, NEPA is a fundamental tool used to harmonize our economic, environmental, and social aspirations and is a cornerstone of our Nation's efforts to protect the environment. NEPA recognizes that many Federal activities affect the environment and mandates that Federal agencies consider the environmental impacts of their proposed actions before acting. Additionally, NEPA emphasizes public involvement in government actions affecting the environment by requiring that the benefits and the risks associated with proposed actions be assessed and publicly disclosed.

CEQ, which is charged with implementing NEPA, recognizes that it is a visionary and versatile law that can be used effectively to address new environmental challenges facing our nation and also to engage the public widely and effectively. Furthermore, CEQ wants to develop more effective and accessible tools for citizen involvement in government decision-making. These actions are designed to provide carefully-tailored new assessment and reporting requirements, facilitate agency compliance with NEPA, and enhance the quality of public involvement in governmental decisions relating to the environment. **DATES:** Comments should be submitted on or before May 24, 2010.

**ADDRESSES:** The NEPA Draft Guidance documents are available at <http://www.nepa.gov>. Comments on the NEPA Draft Guidance "Consideration of the Effects of Climate Change and

Greenhouse Gas Emissions" should be submitted electronically to [GCC.guidance@ceq.eop.gov](mailto:GCC.guidance@ceq.eop.gov), or in writing to The Council on Environmental Quality, Attn: Ted Boling, 722 Jackson Place, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Ted Boling, Senior Counsel, at (202) 395-5750.

**SUPPLEMENTARY INFORMATION:** CEQ is issuing draft guidance for public comment on when and how Federal agencies must consider the impacts of proposed Federal actions on global climate change, as well as the expected environmental effects from climate change that may be relevant to the design of the proposed Federal action. CEQ has been asked to provide guidance on this subject informally by Federal agencies and formally by a petition under the Administrative Procedure Act. The draft guidance explains how Federal agencies should analyze the environmental impacts of greenhouse gas emissions and climate change when they describe the environmental impacts of a proposed action under NEPA by (1) providing practical tools for agency reporting, including a presumptive threshold of 25,000 metric tons of carbon dioxide equivalent emissions from the proposed action to trigger consideration of a quantitative analysis, and (2) suggestions to agencies on how to assess the effects of climate change on the proposed action, and, in turn, on the design of agency actions. CEQ will seek public comment on this guidance for 90 days. Draft guidance documents are now available at the Council on Environmental Quality Web site at <http://www.nepa.gov>.

Public comments are requested on or before May 24, 2010.

February 18, 2010.

Nancy Sutley,  
Chair, Council on Environmental Quality.  
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## COUNCIL ON ENVIRONMENTAL QUALITY

### National Environmental Policy Act (NEPA) Draft Guidance, "NEPA Mitigation and Monitoring."

**AGENCY:** Council On Environmental Quality.

**ACTION:** Notice of Availability, Draft Guidance, "NEPA Mitigation and Monitoring."

**SUMMARY:** On February 18, 2010, the Council on Environmental Quality

(CEQ) announced four steps to modernize, reinvigorate, and ease the use and increase the transparency of implementation of the National Environmental Policy Act (NEPA). Enacted in 1970, NEPA is a fundamental tool used to harmonize our economic, environmental, and social aspirations and is a cornerstone of our Nation's efforts to protect the environment. NEPA recognizes that many Federal activities affect the environment and mandates that Federal agencies consider the environmental impacts of their proposed actions before acting. Additionally, NEPA emphasizes public involvement in government actions affecting the environment by requiring that the benefits and the risks associated with proposed actions be assessed and publicly disclosed.

CEQ, which is charged with implementing NEPA, recognizes that it is a visionary and versatile law that can be used effectively to address new environmental challenges facing our nation and also to engage the public widely and effectively. Furthermore, CEQ wants to develop more effective and accessible tools for citizen involvement in government decision-making. These actions are designed to provide carefully-tailored new assessment and reporting requirements, facilitate agency compliance with NEPA, and enhance the quality of public involvement in governmental decisions relating to the environment.

**DATES:** Comments should be submitted on or before May 24, 2010.

**ADDRESSES:** The NEPA Draft Guidance documents are available at <http://www.nepa.gov>.

Comments on the NEPA Draft Guidance "NEPA Mitigation and Monitoring" should be submitted electronically to [Mitigation.guidance@ceq.eop.gov](mailto:Mitigation.guidance@ceq.eop.gov), or in writing to The Council on Environmental Quality, Attn: Ted Boling, 722 Jackson Place, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Ted Boling, Senior Counsel, at (202) 395-5750.

**SUPPLEMENTARY INFORMATION:** Draft Guidance Clarifying (1) the Appropriateness of "Findings of No Significant Impact" and (2) Specifying the Need for Ongoing Monitoring of Environmental Mitigation Commitments: Many Federal actions receive an environmental review, known as an Environmental Assessment. In those instances, NEPA compliance is usually completed with a "Finding of No Significant Impact" (FONSI) on the environment and a more

detailed Environmental Impact Statement is not required. The draft guidance clarifies that the environmental impacts of a proposed action may be mitigated to the point when the agency may make a FONSI determination, and thereby ease the NEPA review requirements. When the FONSI depends on successful mitigation, however, such mitigation requirements should be made public and be accompanied by monitoring and reporting. The draft guidance reinforces and also applies to monitoring and reporting of mitigation commitments agencies make in an EIS and the Record of Decision that follows. CEQ has issued this draft guidance for 90 days of public comment. Draft guidance documents are now available at the Council on Environmental Quality Web site at <http://www.nepa.gov>.

Public comments are requested on or before May 24, 2010.

February 18, 2010.

**Nancy Sutley,**

*Chair, Council on Environmental Quality.*

[FR Doc. 2010-3535 Filed 2-22-10; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army; Army Corps of Engineers

#### Notice of Intent To Prepare a Joint Environmental Impact Statement and Environmental Impact Report for the Lower Walnut Creek General Reevaluation Report

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

**ACTION:** Notice of Intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers, Sacramento District (USACE) intends to prepare a joint environmental impact statement/environmental impact report (EIS/EIR) for the Lower Walnut Creek General Reevaluation Report (LWCGRR). USACE will serve as lead agency for compliance with NEPA, and the Contra Costa County Flood Control and Water Conservation District (CCCFCWCD) will serve as lead agency for compliance with CEQA. The LWCGRR will evaluate alternatives, including a locally preferred plan, for providing flood risk management and ecosystem restoration along the northern portion of the Walnut Creek watershed in the Central Coast of California. The approximate drainage

area of the proposed action and analysis is 180 square miles.

**DATES:** Written comments regarding the scope of the environmental analysis should be received by March 23, 2010.

**ADDRESSES:** Written comments concerning this study and requests to be included on the LWCGRR mailing list should be submitted to Ms. Jamie LeFevre, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jamie LeFevre via telephone at (916) 557-6693, e-mail at [Jamie.M.Lefevre@usace.army.mil](mailto:Jamie.M.Lefevre@usace.army.mil), or mail at (see ADDRESSES).

#### SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* USACE is preparing an EIS/EIR to analyze the environmental impacts associated with a range of alternatives for providing flood damage reduction and ecosystem restoration along the northern portion of the Walnut Creek watershed (Figure 1).

2. *Alternatives.* The EIS/EIR will address an array of alternatives for providing flood risk management within the project area. Alternatives analyzed during the investigation may include, but are not limited to, a combination of one or more of the following flood risk management measures: modifying the channel cross section and building setback levees along the lower reaches of the creek to recreate a larger floodplain; increasing conveyance by raising levees; widening channels and floodway areas; dredging; and various floodplain management measures. Ecosystem restoration measures may include, but are not limited to: restoring riparian, wetland, and floodplain habitats for habitat restoration and/or providing fish passage.

#### 3. *Scoping Process.*

a. A public scoping meeting will be held to present an overview of the LWCGRR and the EIS/EIR process, and to afford all interested parties with an opportunity to provide comments regarding the scope of analysis and potential alternatives. The public scoping meeting will be held at the Contra Costa County Public Works Department at 255 Glacier Drive in Martinez, CA on February 22, 2010, from 4 p.m. to 8 p.m.

b. Potentially significant issues to be analyzed in depth in the EIS/EIR include project specific and cumulative effects on hydraulics, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, esthetics, cultural resources, recreation, land use, fisheries, water quality, air quality, and transportation.

c. USACE will consult with the State Historic Preservation Officer to comply with the National Historic Preservation Act and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act. USACE is also coordinating with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act. In addition, USACE or CCCFCWCD will need to obtain permits from the California Department of Fish and Game and the San Francisco Bay Regional Water Quality Control Board.

d. A 45-day public review period will be provided for all interested parties individuals and agencies to review and comment on the draft EIS/EIR. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS/EIR circulation.

4. *Availability.* The draft EIS/EIR is currently scheduled to be available for public review and comment in 2016.

Dated: February 8, 2010.

**Thomas Chapman,**

*COL, EN, Commanding.*

[FR Doc. 2010-3493 Filed 2-22-10; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Duke Energy Carolinas, LLC, Offshore Wind Demonstration Project Within the Pamlico Sound, Dare County, NC

**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), Wilmington District, Regulatory Division has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, from Duke Energy Carolinas, LLC, to construct up to three (3) power generating wind turbines within the Pamlico Sound and to conduct research relating to the development of future offshore wind energy projects. This project is located within a 3-mile square area located approximately 7.3 miles west of Avon and 9.1 miles north of Frisco within the Pamlico Sound, NC. In order to maximize exposure to prevailing winds, the turbines will be oriented in a northwest to southeast