

landowners/tenants when HCIS preventative or corrective maintenance becomes necessary to ensure uninterrupted Intercontinental Ballistic Missile command and control capability. The information collection requirement is necessary to report changes in ownership/lease information, conditions of missile cable route and associated appurtenances, and projected building/excavation projects. The information collected is used to ensure system integrity and to maintain a close contact public relations program with involved personnel and agencies.

*Affected Public:* Business or other for profit; Not-for-profit institutions.

*Annual Burden Hours:* 1,125.

*Number of Respondents:* 4,500.

*Responses per Respondent:* 1.

*Annual Responses:* 4,500.

*Average Burden per Response:* 15 mins.

*Frequency:* On Occasion.

Dated: July 17, 2018.

**Shelly E. Finke,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Special Communication and Contact Control Measures

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice; comment request.

**SUMMARY:** This directive establishes the Special Communications and Contacts Control Measures (SCCCM) program to provide specific limitations on the communications and contacts of Army Corrections Command (ACC) prisoners to protect national security, public safety, the good order, discipline and correctional mission of the Army Corrections System (ACS) facilities from acts of violence or terrorism.

**DATES:** Comments are due by August 20, 2018.

**ADDRESSES:** Mail comments to: Office of the Provost Marshal General (Gregory W. Limberis), 2800 Army Pentagon, Washington, DC 20310.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory Stroebel, (703) 545-5935.

#### SUPPLEMENTARY INFORMATION:

(a) Upon direction of the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA (M&RA)), the Commander, ACC, may authorize the Commander of an ACS Facility to implement SCCCMM that are reasonably

necessary to protect persons against the risk of death or serious bodily injury. These procedures may be implemented upon written notification to the Commander, ACC, by the ASA (M&RA), that there is a substantial risk that a prisoner's communications or contacts with persons could result in death or serious bodily injury to persons or substantial damage to property that would entail the risk of death or serious bodily injury to persons. These SCCCMM ordinarily may include housing the prisoner in administrative segregation and/or limiting certain conditions of confinement, including, but not limited to, correspondence, visiting, interviews with representatives of the news media, and use of the telephone, as is reasonably necessary to protect persons against the risk of death or serious bodily injury. The authority of the Commander, ACC under this paragraph may not be delegated.

(b) Designated ACS facility staff shall provide to the affected prisoner, as soon as practicable, written notification of the restrictions imposed and the basis for the restrictions. The notice's statement as to the basis may be limited in the interest of prison security or safety, to protect against acts of violence or terrorism that could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons. The prisoner shall sign for and receive a copy of the notification. The prisoner's attorney(s) of record shall also provide a written acknowledgement of receipt of the notice and an agreement to abide by the SCCCMM.

(c) Initial placement of a prisoner in administrative segregation and/or any limitation of the prisoner's conditions of confinement in accordance with paragraph (a) of this section may be imposed for up to 120 days or, with the approval of the ASA (M&RA), a longer period of time not to exceed one year. Special restrictions imposed in accordance with paragraph (a) of this section may be extended thereafter by the Commander, ACC, in increments not to exceed one year, upon receipt by the Commander, ACC of an additional written notification from the ASA (M&RA) that there continues to be a substantial risk that the prisoner's communications or contacts with other persons could result in death or serious bodily injury to persons or substantial damage to property that would entail the risk of death or serious bodily injury to persons. The authority of the Commander, ACC under this paragraph may not be delegated.

(d) In any case where the Secretary of the Army specifically so orders, based on information from the Provost Marshal General/Commanding General, United States Army Criminal Investigation Command (USACIDC) that reasonable suspicion exists to believe that a particular prisoner may use communications with attorneys or their agents to solicit, further, or otherwise facilitate acts of terrorism, the Commander, ACC, shall, in addition to the SCCCMM imposed under paragraph (a) of this section, provide appropriate procedures for the monitoring or review of communications between that prisoner and attorneys or attorneys' agents who are traditionally covered by the attorney-client privilege, for the purpose of deterring future acts of terrorism.

(1) The certification by the Secretary of the Army under this paragraph (d) shall be in addition to any findings or determinations relating to the need for the imposition of other SCCCMM as provided in paragraph (a) of this section, but may be incorporated into the same document.

(2) Except in the case of prior court authorization, the Commander, ACC, shall provide written notice to the prisoner and to the attorneys involved prior to the initiation of any such monitoring or review authorized under this paragraph (d). The notice shall explain:

(i) That, notwithstanding the provisions of DoDI 1325.07, AR 190-47, or other rules, all communications between the prisoner and attorneys may be monitored, to the extent determined to be reasonably necessary for the purpose of deterring future acts of terrorism;

(ii) That communications between the prisoner and attorneys or their agents are not protected by the attorney-client privilege if they would facilitate criminal acts or a conspiracy to commit criminal acts, or if those communications are not related to the seeking or providing of legal advice.

(3) The Commander, ACC, with the concurrence of the Judge Advocate General and the Army General Counsel, shall employ appropriate procedures to ensure that all attorney-client communications are reviewed for privilege claims and that any properly privileged materials (including, but not limited to, recordings of privileged communications) are not retained during the course of the monitoring. To protect the attorney-client privilege and to ensure that the investigation or judicial proceeding is not compromised by exposure to privileged material relating to the investigation, judicial

proceeding or to defense strategy, a privilege team shall be designated by the Judge Advocate General, consisting of individuals not involved in the underlying investigation or judicial proceeding. The monitoring shall be conducted pursuant to procedures designed to minimize the intrusion into privileged material or conversations. Except in cases where the person in charge of the privilege team determines that the acts of terrorism are imminent, the privilege team shall not disclose any information unless and until such disclosure has been approved by a federal or military judge presiding over the legal matter for which attorneys or their agents represent the particular prisoner.

(e) The affected prisoner may seek review of any specific limitation on communications or contacts imposed pursuant to this directive in accordance with AR 190-47, paragraph 10-14. The Commander, ACC will act on any request for review.

The Provost Marshal General is the proponent for this policy and will incorporate the provisions of this directive into AR 190-47 as soon as possible. This directive will be rescinded upon publication of the revised regulation.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Availability of the Final Environmental Impact Statement for the Northern Integrated Supply Project, Larimer and Weld Counties, Colorado

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

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps) Omaha District has prepared a Final Environmental Impact Statement (EIS) to analyze the direct, indirect, and cumulative effects of a water supply project called the Northern Integrated Supply Project (NISP or Project) in Larimer and Weld Counties, CO. The purpose of NISP is to provide the Participants, a group of 15 water providers and communities, with approximately 40,000 acre-feet (AF) per year of new, reliable municipal water supply through a regional project coordinated by the Northern Colorado Water Conservancy District (Northern

Water). NISP would result in direct impacts to jurisdictional waters of the U.S., including wetlands. The placement of fill material into waters of the U.S. requires authorization from the Corps under Section 404 of the Clean Water Act. Northern Water is the applicant for the Section 404 permit, acting on behalf of the Participants. In accordance with Section 176 of the Clean Air Act a Draft General Conformity Determination has been prepared for the Project.

**DATES:** Written comments on the Final EIS and the Draft General Conformity Determination will be accepted on or before September 4, 2018.

**ADDRESSES:** Send written comments regarding NISP, the Final EIS, and the Draft General Conformity Determination to John Urbanic, NISP EIS Project Manager, U.S. Army Corps of Engineers, Omaha District, Denver Regulatory Office, 9307 South Wadsworth Boulevard, Littleton, CO 80128, or by email to [nisp.eis@usace.army.mil](mailto:nisp.eis@usace.army.mil). Requests to be placed on or be removed from the NISP mailing list should also be sent to this address.

**FOR FURTHER INFORMATION CONTACT:** John Urbanic, NISP EIS Project Manager, telephone 303-979-4120, fax at 303-979-0602, or email at [nisp.eis@usace.army.mil](mailto:nisp.eis@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The Final EIS was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Corps' regulations for NEPA implementation (33 Code of Federal Regulations [CFR] Parts 230 and 325, Appendix B). The Corps, Omaha District, Denver Regulatory Office is the lead federal agency responsible for the Final EIS. Information contained in the EIS serves as the basis for a decision regarding issuance of a Section 404 Permit. It also provides information for local and state agencies that have jurisdictional responsibility for affected resources.

The Corps released a Draft EIS for NISP on April 30, 2008 and a Supplemental Draft EIS on June 19, 2015. The Corps has considered the comments received on the Draft and Supplemental Draft EIS in the development of the Final EIS. The purpose of the Final EIS is to provide decision-makers and the public with information pertaining to the Project, disclose environmental impacts of the alternatives, and identify mitigation measures to reduce impacts. In NISP, Northern Water proposes to construct Glade Reservoir with a total storage capacity of approximately 170,000 AF. The Project would also involve

rehabilitating the existing diversion and intake structure in the Cache la Poudre River as well as constructing a new diversion and intake structure, forebay, pumping facility, and outlet channel. Glade Reservoir would inundate approximately 7 miles of U.S. Highway 287 and a section of the Munroe (North Poudre Supply) Canal, requiring a relocation of the highway and the canal. Northern Water also proposes to construct the South Platte Water Conservation Project (SPWCP) which includes Upper Galeton Reservoir with a total storage capacity of approximately 45,624 AF. The SPWCP includes the construction of a new diversion and intake structure in the South Platte River, pumping facilities, and new pipelines for Upper Galeton Reservoir.

This FEIS evaluates the effects of the following alternatives to NISP: Alternative 1—No Action Alternative; Alternative 2M—Glade Reservoir with modified conveyance and the South Platte Water Conservation Project (Applicant's Preferred Alternative); Alternative 2—Glade Reservoir and the South Platte Water Conservation Project; Alternative 3—Cactus Hill Reservoir, Poudre Valley Canal Diversion, and the South Platte Water Conservation Project; and Alternative 4—Cactus Hill Reservoir, with multiple diversion locations, and the South Platte Water Conservation Project.

In accordance with Section 176 of the Clean Air Act and the Environmental Protection Agency's general conformity regulations (40 CFR part 93, subpart B), a Draft General Conformity Determination has been prepared for the Project. Section 176 of the Clean Air Act requires federal agencies to ensure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria air pollutants. The Corps has prepared a Draft Conformity Determination for the Project and has included it in Chapter 4.14.7 of the Final EIS. The Draft General Conformity Determination finds that all alternatives of the Project conform with the State Implementation Plan.

The U.S. Environmental Protection Agency Region VIII, U.S. Fish and Wildlife Service, Bureau of Land Management, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Department of Public Health and Environment, and Larimer County participated as cooperating agencies in the development of the Final EIS.

Copies of the Final EIS will be available for review at: