



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION MIRAMAR
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StaO 5090.2

S-7

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STATION ORDER 5090.2

From: Commanding Officer
To: Distribution List

Subj: STANDARD OPERATING PROCEDURES FOR NATIONAL ENVIRONMENTAL
POLICY ACT COMPLIANCE

Ref: (a) MCO P5090.2A
(b) SECNAVINST 5090.6A
(c) MCAS MIRAMAR StaO 5090.1

Encl: (1) NEPA Responsibilities
(2) MCAS Miramar NEPA Procedures
(3) NEPA Planning Process
(4) MCAS Miramar NEPA Review Request Form

1. Situation. To provide specific installation guidance related to the National Environmental Policy Act (NEPA) and responsibilities for the consideration of environmental consequences of actions, activities, exercises, and projects conducted aboard Marine Corps Air Station (MCAS) Miramar.

2. Mission. To explore viable alternatives and solutions to situations where the potential for significant environmental impact exists. NEPA facilitates in making decisions that directly and indirectly impact environmental procedures and actions aboard MCAS Miramar.

3. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. The requirements of this Order apply to all actions which may have an impact on the human environment (i. e., those which may result in a change to the physical environment; social and economic impacts alone are not sufficient to trigger NEPA). Any action meeting the NEPA threshold must be documented in accordance with the procedures established in enclosures (1), (2), (3), and (4), unless the action is exempt from NEPA documentation in Chapter 12 of reference (a).

(2) Concept of Operations. The command that is proposing to conduct an action (referred to as action sponsor/action proponent) has primary responsibility for the development, funding and staffing of environmental documentation.

b. Tasks. Any command/staff section planning to conduct an action, activity, or project shall first have the station staff section with cognizance over the proposed action (lead department) review the proposed project for compliance with other station regulations and policies, (construction projects are reviewed by the S-4 I & L Department, training activities are reviewed by the S-3 Operations Department) prior to starting formal NEPA documentation. After obtaining the lead department approval a preliminary review will be conducted by the Environmental Management Department (EMD) to assist the action sponsor in determining the level of NEPA required and in initiating the NEPA planning and documentation process described in enclosures (2) and (3).

c. Coordinating Instructions.

(1) The National Environmental Policy Act is the basic national charter for the protection of the environment and requires Federal decision-makers, at all levels, to consider the environmental consequences of a proposed action in the decision-making process before deciding to take an action. For certain actions, NEPA requires decision-makers to open the decision making process to public scrutiny and involvement.

(2) NEPA is a procedural law that requires full public disclosure of environmental impacts, alternatives, and mitigation measures expected from proposed actions. In reviewing an action for environmental considerations, the action sponsor and the decision-maker must determine applicability and requirements of statutes, regulations, Executive Orders, and environmental laws such as the Clean Water Act (CWA), Endangered Species Act (ESA), Clean Air Act (CAA), Resource Conservation and Recovery Act (RCRA), etc., and factor these requirements into the overall decision to conduct an action. Measures needed for compliance with these other requirements may be accomplished as part of the NEPA process or as separate actions (sometimes being completed after NEPA). Actions subject to NEPA include all new and some continuing or recurring activities, including projects, exercises and/or approved programs entirely or partly funded, assisted, conducted or regulated by a federal agency. Typical actions may include implementation or approval of specific projects, such as construction or management activities

located aboard MCAS Miramar (i.e., MILCON projects, public/private venture projects, special projects, and land acquisition) as well as training events and routine maintenance.

(a) Requirements. Chapter 12 of reference (a) establishes specific policies, procedures and requirements to be followed in order to comply with NEPA. Key among these is:

1. Establishing a command Environmental Impact Review Board (EIRB) consisting of a cross section of command personnel, including both environmental and legal staff as per reference (c).

2. The designation of an individual responsible for approval and signature of decision memorandum, for actions identified as a Categorical Exclusion (CATEX).

3. The prompt submission of Finding of No Significant Impacts (FONSI) and minutes of EIRB meetings to the Commandant of the Marine Corps.

4. Conducting analysis on the environmental effects of current and proposed actions per regulations issued by Council on Environmental Quality 40 CFR 1500-1508 and Department of the Navy 32 CFR 775.

5. The encouragement of appropriate public participation in the environmental evaluations of projects or programs.

6. The inclusion of environmental analysis and the NEPA process at the initial planning stages and at each following procedural step or decision milestone in the development of a project or program.

7. Ensuring the administrative record supporting the NEPA process for the proposed action is assembled and maintained.

(b) Terms and Definitions. NEPA terms and definitions are provided in Chapter 12 of reference (a).

(c) Responsibilities. References (a) and (b) identify responsibilities under NEPA. Specific responsibilities for action sponsors/action proponent; Commanding Officer MCAS Miramar; staff sections; Commanders stationed or operating aboard MCAS Miramar; resident and non-resident federal agencies,

and non-federal agencies, organizations and individuals operating aboard MCAS Miramar for complying with the NEPA planning and documentation process are identified in enclosure (1).

(d) Timeframes and Milestones. Typically, the time required to complete the NEPA process and documentation (including supporting resource surveys and studies) ranges from several weeks for Categorical Exclusions to several years for Environmental Impact Statements. Environmental Assessments can take from two months to two years, depending on their complexity. The early initiation of the NEPA process will allow action sponsors to adequately plan for the effort required or identify alternatives which may require a lesser level of review and documentation. After obtaining the lead department approval a preliminary review will be conducted by EMD to assist the action sponsor in determining the level of NEPA required and in initiating the NEPA planning and documentation process described in enclosures (2) and (3).

4. Administration and Logistics. This Order is issued under Distribution Statement A and is published electronically. It can be accessed online via the MCAS Miramar SharePoint at <https://eis.usmc.mil/sites/miramar/orders/Forms/AllItems.aspx>.

5. Command and Signal

a. Command. This Order is applicable to all tenant commands aboard MCAS Miramar.

b. Signal. This Order is effective the date signed.



J. G. WOODWORTH

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1. Action Sponsors/Action Proponents.

a. Analyze and document, in coordination with the Environmental Management Officer (EMO), environmental impacts for all proposed actions per the provisions of this Order and the references. Have all supporting studies, permits and required National Environmental Policy Act (NEPA) documents prepared. Ensure no irretrievable, irreversible commitment of resources that change the physical environment is taken prior to completion of the NEPA process.

b. Whenever possible, incorporate pollution prevention measures in all stages of project formulation, from early planning and NEPA documentation through implementation as described in reference (a). Consider life-cycle costs and options available in employing pollution prevention alternatives to minimize these costs.

c. Ensure that adequate funding and personnel are available for environmental review and all related ancillary studies, regulatory consulting, permits, public involvement requirements and mitigation requirements. Coordinate with the EMO and fund the development of an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and the publication of the Finding of No Significant Impact (FONSI), Notice of Intent (NOI), or Record of Decision (ROD), as appropriate, in local newspapers.

d. Coordinate with the appropriate lead department and the EMO at the earliest possible opportunity to determine the level of NEPA documentation required. Submit an MCAS Miramar NEPA Review Request (REIR) Form including a project map with sensitive resources identified to the EMO, via the lead department, during the initial planning phases of a project or action to initiate NEPA compliance. Coordinate any project changes, in advance, with EMO to ensure that NEPA documentation and environmental recommendations remain valid.

e. Sign the decision memorandum's acknowledgment of receipt for actions that are categorically excluded with environmental conditions to be met, and return the original to the EMO prior to initiation of the proposed action or 14 days from the date of the transmittal, whichever comes first. Maintain a copy of the decision memorandum with the project file. Provide copy of decision memorandum to project personnel (i.e., ROICC,

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contractor, etc.) to facilitate implementation of the environmental measures during the course of the work.

f. Ensure that analyses are conducted for the environmental effects of current and proposed actions per DoD regulations, CEQ regulations (40 CFR 1500-1508), MCO P5090.2A, and this Station Order 5090.2.

g. Ensure environmental analysis and the NEPA process are included at the initial planning stages and at each following procedural step or decision milestone in the development of a project or program.

h. Ensure the administrative record supporting the NEPA process for the proposed action is assembled and maintained. Keep all related documents and files until the completion of the project and dispose of them in accordance with reference (a).

i. Represent the proposed action during the review process and attend EIRB meetings when proposed actions are considered. Describe proposed actions, environmental analysis and mitigation commitments to the EIRB.

j. Develop a Plan of Action & Milestones (POA&M) for implementing and completing all mitigation and avoidance measures required by EAs and EISs. Provide this POA&M to the EIRB via EMD as part of the briefing on the final document.

k. Take required mitigation action, fund and ensure compliance with all conditions in the project Decision Memorandum, FONSI or ROD. Fund and implement necessary corrective actions resulting from failure to comply with the provisions of those documents. Notify the EMO in any case where mitigation or required conditions of an action can not be met as scheduled/required.

2. Commanding Officer MCAS Miramar.

a. Designate, and provide for establishing a command EIRB consisting of a cross section of command personnel, including both environmental and legal staff.

b. Designate an individual and alternate, in addition to the commander exercising FONSI signature authority, in cases where the action has been identified as a CATEX.

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c. Promptly notify the CMC (LF) when a decision to prepare an EA that meets conditions in paragraph 12201.4.e of reference (a), or a DEIS has been made.

d. Based on EIRB's recommendation, decide if a FONSI is appropriate, recommend preparation of an EIS, or recommend that the action not proceed.

e. Ensure that adequate funding and personnel are available for environmental review and that appropriate orders include the requirements of planning and funding environmental documents.

f. As appropriate, encourage public participation in environmental evaluations of projects or programs.

g. Ensure that environmental analysis and the NEPA process are included at the initial planning stages and at each following procedural step or decision milestone in the development of a project or program, and that analysis are conducted per DoD regulations, reference (a) and other applicable regulations.

h. Ensure that all agency consultations and coordination, excluding permits (e.g., wetland or stormwater permits), are completed prior to signing FONSI's and prior to forwarding final EISs to CMC (LFL).

i. Ensure the administrative record supporting the NEPA process for the proposed action is assembled and maintained.

j. Identify and submit to the Commandant of the Marine Corps, Logistics, Facilities, CMC (LFL), and CMC (LFF) project documentation and funding requests for NEPA-related actions that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with NEPA requirements. Pay appropriate Federal, State, and local fees. Ensure that the Environmental Management Hierarchy is employed, pollution prevention alternatives evaluated, and life-cycle cost impacts assessed, in evaluating and selecting projects that address compliance requirements.

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k. Ensure that impacts to installation resources are mitigated, as required per applicable environmental statutes.

l. Ensure that permit conditions and commitments are met.

3. Commanders Stationed or operating aboard MCAS Miramar.

a. Develop, implement and enforce programs that ensure compliance with the provisions of this Order.

b. Ensure assigned personnel are adequately trained to carry out the provisions of this Order.

c. Fund and prepare environmental documentation for proposed actions to be conducted aboard MCAS Miramar in accordance with the provisions of this Order.

4. Resident and non-resident federal agencies, and non-federal agencies, organizations and individuals operating aboard MCAS Miramar.

a. Serve as the action sponsor/action proponent for your actions proposed to be conducted aboard MCAS Miramar and/or requiring the approval of the MCAS Miramar Commanding Officer in accordance with the provisions of this Order.

b. Fund and prepare environmental documentation for proposed actions to be conducted aboard MCAS Miramar, coordinating preparation and action with the EMO and the appropriate lead department.

c. Coordinate all proposed mitigation with the EMO, prior to finalizing any commitment.

5. Environmental Impact Review Board (EIRB).

a. Review environmental documentation to determine if there is the potential for environmental degradation or public controversy and ensure that the documentation meets mission requirements. Submit documentation and recommendations to the MCAS Miramar Commanding Officer after ensuring that all NEPA documents fully comply with all legal and procedural requirements through a review for technical sufficiency, including but not limited to:

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(1) Complete analysis of alternatives and their associated impacts.

(2) Appropriateness of alternatives analyzed.

(3) Appropriateness of proposal as required, to co-exist with other actions on the installation.

b. EMD will consult with EIRB members when necessary. EIRB will meet as required to consider environmental documentation and issues referred by the environmental planners.

c. Review completed EAs, and make recommendation to the CO for a FONSI, the development of an EIS, or no-action. When appropriate approve the proposed FONSI and forward both the EA and FONSI to the CO for signature.

d. If proposed action/EA falls within one or more of the following categories, forward the proposed FONSI, EA, and recommended course of action to the CMC (LF) via Marine Corps Installation (MCI) West for review and appropriate action:

(1) The proposed action is, or is closely similar to, one which normally requires the preparation of an EIS.

(2) The proposed action is of a nature that is without precedent.

(3) The proposed action is to develop substantial acreage of undeveloped land.

(4) The proposed action has or can be expected to have substantial public or Congressional interest.

e. Provide continual review of the NEPA process to ensure compliance with the spirit and intent of reference (c).

f. Ensure that all NEPA documents have undergone appropriate staff review and coordination.

g. Review and approve draft NOI, DEIS, and EIS, and forward to the MCAS Miramar Commanding Officer for approval and/or

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forwarding to the Commandant of the Marine Corps via the Commanding General of Marine Corps Installation West (MCI West).

6. Station Executive Officer.

- a. Participate as a standing member of the EIRB.
- b. Delegated "By direction" authority of the Commanding Officer to sign Categorical Exclusion Decision Memorandum.

7. Environmental Management Officer (EMO), S-7.

- a. Participate as a standing member and chair of the EIRB.
- b. Develop and oversee the implementation and execution of programs that document the consideration of environmental impacts and achieve compliance with the goals and objectives of NEPA.
- c. EMO shall ensure that adequate personnel are available to provide environmental planning assistance and regulatory consultation for environmental documentation as requested by the action sponsor and lead department. Actively participate in the review and evaluation of environmental documents and impacts at initial planning stages and at each subsequent procedural step or decision milestone. Provide comments and recommendations regarding sensitive resources and environmental concerns to the action sponsor and lead department.
- d. Ensure that all EIRB members receive documents with sufficient time for review prior to meetings. Compile, approve and disseminate minutes for all EIRB meetings.
- e. Provide continual review of the MCAS Miramar NEPA process to ensure compliance with the spirit and intent of reference (c).
- f. Identify and program NEPA training for station and tenant personnel involved in complying with NEPA requirements.
- g. Consult with Counsel and/or the EIRB when the level of NEPA documentation may be subject to legal or other qualifying interpretations.

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h. As the Station's designated Categorical Exclusion approval authority, review, approve and sign decision memorandums.

i. Promptly provide FONSI's, and minutes of EIRB meetings to the CMC (LF) via MCI West.

j. Follow-up of planning documentation and actions during project implementation, to ensure compliance with mitigation and procedures agreed to as part of the NEPA process are being carried out.

k. Retain on file, as required by Chapter 12 of reference (a), copies of all decision memorandums, completed EAs and EISs, published FONSI statements, RODs, other related environmental documents, and minutes taken during EIRB meetings.

8. Counsel.

a. Participate as a standing member of the EIRB.

b. Provide continual review of the NEPA process to assure compliance with the spirit and intent of the Act. Provide review of projects, NEPA documents, and review NEPA decision making for compliance with applicable laws and regulations.

9. Community Plans & Liaison Officer.

a. Participate as a standing member of the EIRB.

b. Provide review of projects and NEPA documents, identify potential community concerns/issues and provide advice and guidance in handling those issues.

10. Installation and Logistics Officer, S-4.

a. Participate as a standing member of the EIRB.

b. As the lead department for approval of facilities repair, construction and maintenance, and real estate licenses, easements and leases, serve as the principal point of contact for action sponsor proposals. Ensure documentation of environmental considerations is accomplished in accordance with this order prior to initiation of any construction, repair or

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maintenance project, and prior to issuance of real estate licenses, easements or leases.

11. Operations Officer, S-3.

a. Participate as a standing member of the EIRB.

b. Serve as the lead department for action sponsor proposals for land use and military training actions and ensure appropriate environmental documentation is completed prior to approval of land use requested by resident and non-resident action sponsors.

12. Comptroller Officer, S-8. Ensure the requirement for action sponsor funding and preparation of environmental documents and studies for proposed actions and projects is included in those Memoranda of Understanding and Inter-Service Support Agreements established with MCAS Miramar.

13. Marine Corps Community Services Officer. Serve as the lead department for action sponsor proposals for recreational self-help construction, repair and maintenance projects and activities, and ensure appropriate environmental documentation is completed prior to initiation of any recreational activity, construction, repair or maintenance project.

14. Public Affairs Officer. Assist with the public participation aspects of the NEPA process, as required.

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1. Overview. Any action that may have an impact on the human environment and meets the National Environmental Policy Act (NEPA) threshold must be documented, unless the action is exempted from NEPA documentation in accordance with Chapter 12 of Reference (a). There are three levels of NEPA documentation. For actions that have minimal environmental impacts, a Categorical Exclusion (CATEX) found in Reference (a) can be used and is documented in a Decision Memorandum. For actions that meet the NEPA threshold and are not categorically excluded, or uncertainty exists as to the significance of the action's impact, an Environmental Assessment (EA) can be used. An EA is documented by a Finding of No Significant Impact (FONSI). Major federal actions significantly affecting the quality of the human environment require an Environmental Impact Statement (EIS) which is documented by a Record of Decision (ROD). The command/staff section that is proposing to conduct an action (referred to as action sponsor) has primary responsibility for ensuring proper timely development and staffing of environmental documentation. The Environmental Management Officer (EMO) provides the action sponsor with assistance in complying with NEPA.

2. Process Initiation. Any command/staff section planning to conduct an action, activity, or project shall first have the Station staff section with cognizance over the proposed action (lead department) review the proposed project for compliance with other Station regulations and policies, (construction projects are reviewed by the S-4 I & L Department, training activities are reviewed by the S-3 Operations Department, etc.) prior to starting formal NEPA documentation. After obtaining the lead department approval, a preliminary review will be conducted by EMD to assist the action sponsor in determining the level of NEPA required and in initiating the NEPA planning and documentation process. Informal consultation with EMD is highly encouraged to best identify the requirements to be addressed in the project description. The action sponsor/action proponent will then complete and submit an MCAS Miramar NEPA Review Request Form (REIR), including a project map with sensitive resources identified, and lay down areas and access routes necessary for the action, to the Environmental Management Department (EMD) in order to assist in determining the level of NEPA documentation required (Categorical Exclusion, EA, or EIS). The request is submitted on the NEPA Manager database, which is an automated NEPA review process that facilitates reviews of proposed actions. Most actions under S-4 I&L oversight are

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submitted through Facilities Planning Branch for processing and submission to the NEPA Manager database. Access to the NEPA Manager database, and an electronic format of the NEPA Review Request Form (REIR) may also be obtained from the EMD's Environmental Planner. A hard copy of the request form is provided in enclosure (4). The NEPA Review Request Form (REIR) form shall be completed with an emphasis on providing the following:

a. A clear, detailed description of the proposed action, the need and purposes (objectives) for the action, its expected results, and its proposed size and location, a project map with sensitive resources identified, including lay down areas and access routes necessary for the action.

b. A brief description of reasonable alternatives considered, including the selection criteria and reasons for eliminating the alternatives from further consideration.

c. A description of the likely results of canceling the proposal (i.e., the "no action" alternative) and not meeting the need for action.

d. A brief description of potential adverse impacts that might result from engaging in the proposed action or any of the alternative actions considered in detail.

e. Identification of any controversial aspects of the project, including a list of the supporters and likely opponents of the proposed action and alternatives.

f. A list of the names of persons and organizations familiar with the proposal, and additional agencies to be contacted.

g. A description of any associated support or facility requirements that would be necessary to accomplish the proposed action and any other connected actions, similar actions, or cumulative impacts.

h. A list of Federal or non-federal entities with specialized expertise in an environmental issue, which should be considered as a cooperating agency.

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i. A list of other, past, present or reasonably foreseeable future actions with the potential together with the proposed action, to cause cumulative environmental impacts.

3. Project/Action Review.

a. The proposed project is routed first to the Station staff section with staff cognizance over the action (lead department) for staff review and concurrence, (construction projects are reviewed by the S-4 I & L Department, training activities are reviewed by the S-3 Operations Department, etc.). The lead department reviews the proposed action described for compliance with other Station regulations and policies. This review should also ensure that the proposed action does not conflict with other actions or activities planned or ongoing.

b. After obtaining the lead department's approval, the MCAS Miramar NEPA Review Request Form (REIR), is completed and submitted in the NEPA Manager database, which is an automated NEPA review process that facilitates reviews of proposed actions which is routed to EMD staff for review. Most actions under S-4 I&L oversight are submitted through Facilities Planning Branch for processing and submission to the NEPA Manager database. To facilitate early resolution of potential environmental issues related to the proposed action, an internal scoping meeting may be scheduled. As part of the scoping process, the action sponsor and the EMO will:

(1) Check for completeness, discuss details and alternatives of the action, and identify avoidance measures which may allow the action to be categorically excluded. Categorically excluded actions are those kinds of actions that do not significantly affect the quality of human the environment, that result in no significant change from existing conditions at the site of the proposed action, or whose effect is primarily economic or social, and the action is not listed as a condition not permitting the use of a CATEX in Chapter 12 of Reference (a). If an action is categorically excluded a Decision Memorandum (DM) can be issued. A list of categorically excluded actions is provided in Chapter 12 of Reference (a).

(2) Identify agency consultation or permit requirements.

(3) Identify potential cooperating agencies.

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(4) Determine appropriate level of documentation. There are some actions that HQMC has identified as requiring a specific level of NEPA documentation (EA or EIS). These are normally large construction projects, actions which significantly impact the quality of the human environment, actions that may adversely affect a Federal threatened or endangered species, actions that would affect historic or cultural sites eligible for listing in the National Register of Historic Places, or actions that may have controversial environmental effects. Actions requiring an EA or EIS are identified in Chapter 12 of Reference (a). The EMO review of a proposed action will consider whether the proposed action falls into these categories.

(5) Determine if unusual public concern/interest is anticipated and determine if more than normal/additional public participation may be warranted.

(6) Identify staff section involvement, develop a POA&M, including time frames for each required activity, and assign responsibilities.

(7) Identify additional information and/or studies required.

(8) Assist action sponsor to identify a contracting method for preparation of EA or EIS, if required.

c. If an EIS is determined to be the appropriate level of documentation for the proposed project, the action sponsor must provide a brief on the action to the EIRB if requested. This brief will include a description of the proposed action, the need for the proposed action, the objectives to be obtained by the proposed action, its location, and its timing.

d. The action sponsor contracts/arranges for the development of EAs and EISs. The EMO will assist with the development of the scope of work and review of draft documents. EMD will manage the development and serve as the point of contact for EAs and EISs contracted out or prepared by an external organization for the action sponsor.

4. NEPA Documentation.

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a. Emergency Actions. When emergency circumstances outside Marine Corps control make it necessary to take an action with significant environmental impact without observing the provisions of CEQ regulations, and require immediate action (for the defense of and protection of national security, human life or property), the emergency action shall be reported to the EMO. The EMO will immediately report the emergency action to CMC (LF) via Marine Corps Installation (MCI) West who has responsibility for consultation with SECNAV and the Council on Environmental Quality (CEQ). The CMC (LF) via MCI West will consult with the CEQ and make alternative arrangements as appropriate to effect NEPA compliance on an emergency basis. These alternative arrangements cover only those aspects of an action that must proceed on an emergency basis. Remaining actions (to include cleanup, restoration etc.) to be taken are subject to normal NEPA review. Ordinarily, the failure to plan properly does not establish an emergency. Note: Regulations implementing other environmental laws (i.e., Clean Air Act (CAA), National Historic Preservation Act (NHPA), Clean Water Act (CWA), Endangered Species Act (ESA), etc.) contain requirements for consultation with the applicable regulatory agencies for actions taken relative to emergency circumstances.

b. Continuing Activity(ies).

(1) NEPA documentation is required for continuing activities (ongoing activities which are presently being carried out in fulfillment of the Marine Corps mission, including existing training functions) under the following circumstances:

(a) Where the currently occurring environmental effects of the activity have not been previously evaluated in a NEPA document, and there is a discovery that substantial environmental degradation is occurring, or is likely to occur, as a result of ongoing operations (i.e., new listing or discovery of an endangered species residing in the area of the activity).

(b) There is a discovery that the environmental effects of an ongoing activity are significantly and qualitatively different or more severe than predicted in a NEPA document prepared in connection with the commencement of the activity.

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(c) There is a substantial change in a continuing activity (such as a substantial change in operational tempo, area of use, or in methodology/equipment) which has the potential for significant environmental impacts. Such a change should be considered a proposal for a new action and be documented accordingly. Preparation of a NEPA document is not a necessary prerequisite, nor a substitute, for compliance with other environmental laws.

(2) Many activities may qualify as "continuing activities." Since NEPA documentation is required for continuing activities under certain circumstances, action sponsors must coordinate any changes in the scope, intensity or location of continuing activities with the EMO. The environmental baseline for continuing activities is the present level of activity at MCAS Miramar (covered by the Realignment of NAS Miramar EIS) and not a pristine condition. Should an EA or an EIS be required for changes to a continuing activity, the no-action alternative would be to continue the activity under the current conditions at the installation. Changes to continuing activities are to be reported using the MCAS Miramar NEPA Review Request Form (REIR) for Environmental Action and NEPA Documentation and identifying only what specific changes are proposed.

(3) During the initial NEPA/project review meeting the level of NEPA required will be determined. If a continuing activity has the potential for significant environmental degradation and will require an EIS, the action sponsor must provide a brief on the action to the EIRB. This brief will include a description of the proposed action, the need for the proposed action, the objectives to be obtained by the proposed action, its location and its timing.

c. Categorical Exclusions (CATEX).

(1) Overview. Chapter 12 Reference (a) provides a list of established CATEXs for actions that have been found to have no significant effect individually or cumulatively on the human environment and, therefore, neither an EA nor an EIS is required. CATEX's apply to those kinds of actions that do not significantly affect the quality of the human environment, that result in no significant change from existing conditions at the site of the proposed action, or whose effect is primarily economic or social. A CATEX cannot be used if the proposed

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action is one of the conditions not permitting the use of a CATEX in Chapter 12 of Reference (a). Note: Application of a categorical exclusion does not affect the applicability of other laws/regulations (e.g., CAA, ESA, CWA, NHPA, etc.) to the proposed action.

(2) Documentation.

(a) The decision to forgo preparation of an EA or EIS on the basis of a categorical exclusion is documented through the use of a decision memorandum, which must include the applicable CATEX number being used, the facts supporting their use, and reference conditions that do not permit the use of a CATEX in Chapter 12 reference (a). The CO, who is tasked by Chapter 12 of reference (a) to sign all decision memorandums, has directed the EMO to review and sign decision memorandums for him. The action sponsor signs and returns the original decision memorandum to the EMO prior to initiation of the proposed action or 14 days from the date of the transmittal, whichever comes first. By signing the Decision Memorandum, the Action Proponent must acknowledge and agree to comply with the environmental requirements in the Decision Memorandum and incorporate them into the project. A copy of the decision memorandum, and any records of correspondence with regulatory agencies, must accompany the project file through project planning and execution by the action sponsor.

(b) Recurring actions are some activities with little risk of significant environmental effects that generate no practical need or benefit for preparing additional REIRs or Decision Memorandums (DM). Examples of such recurring or continuing actions are maintenance and repair of paved surfaces, routine building maintenance and repair, and trash collection services. In those cases the recurring actions can be grouped into an REIR or DM (Multi-Use CATEX) to document the application of the CATEX to a set of future actions, periodically reviewed for potential presents of Extraordinary Circumstances and revalidated afterwards.

d. Environmental Assessments (EA).

(1) Overview. An EA is prepared for those proposed actions that meet the NEPA threshold, specific actions listed in Chapter 12 of Reference (a), actions that are not included on the USMC/DON list of CATEXs, and when the action sponsor:

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(a) Initially predicts that the proposed action will not have a significant impact on the environment, or

(b) Is uncertain whether the effects of the proposed action will have a significant impact on the human environment, or

(c) Believes the proposed action may be environmentally controversial. Based on these criteria, an EA will result in either a FONSI or a decision to prepare an EIS.

(2) EA Public Participation. In the preparation of an EA, regulations require that the public be involved to the extent practicable. Normally, this consists of publishing a notice of availability of the EA and FONSI in local newspapers before starting the action. However, when public concern/interest is anticipated, additional public participation should be considered. Therefore, during the initial NEPA/project review, the action sponsor and EMD will determine if more than normal public involvement may be required. If it is determined that the project will require more than routine public involvement, a recommended public involvement strategy will be developed with the assistance of Counsel and the PAO. In determining the extent to which public participation is practicable, the following factors must be considered.

(a) Those who would be interested in or affected by the proposed action.

(b) The magnitude of the environmental considerations associated with the proposed action.

(c) The extent of anticipated public interest.

(d) Methods that would most effectively notify and involve the public.

(e) Any relevant issues of national security or classification.

(3) EA Procedures.

(a) Following the determination that an EA should be prepared for a proposed action, the action sponsor must augment

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the information provided on the original request form with more details and coordinate with EMD staff to initiate the environmental analysis process.

(b) The action sponsor, as the responsible section for the EA preparation, determines how the EA is to be prepared, and follows EA preparation and format provided in Chapter 12 of Reference (a) and USMC NEPA Manual. EA preparation can be accomplished via contractor, NAVFAC as a reimbursable service, or action sponsor staff. Early determination by the action sponsor of which entity will prepare the EA will allow the preparer to be involved in the initial discussions and decisions. These discussions must include the following:

1. Any impacts, including any potentially significant impacts, which may result from the proposed action or alternatives.
2. Potential mitigation measures which may be integrated into the proposed action's design and funding for the mitigation.
3. Consultations and surveys required by other environmental laws, positions of the affected and interested public and regulatory requirements.

(c) The EMO will assist the action sponsor in their selection and tasking of an entity to prepare the document, provide review, comments and recommended changes to the action sponsor on all deliverables and drafts received.

(d) Once the EA is acceptable to the action sponsor, it will be forwarded to EMO with a draft recommendation of findings and conclusions and a draft FONSI.

(e) The EMO will review the documents to ensure that they are complete and meet the requirements of this order and reference (a). Following this review, documents will be distributed to the EIRB members for review and an EIRB meeting scheduled if necessary.

(f) The EIRB will review completed EAs, making a recommendation to the CO that an EA is appropriate, that a DEIS be developed or that no action be taken. If an EA is considered appropriate, the EIRB will modify the proposed FONSI until it is

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acceptable and forward both the EA and FONSI to the CO for signature. For actions described in Chapter 12, Section 2, Paragraph 12201.4(e) of reference (a), the CO will seek HQEIRB CMC (LF) review and approval before signing the FONSI .

(g) Once the FONSI has been signed by the CO and if the action does not involve one of two conditions in Chapter 12, Section 2, Paragraph 12201.4(g)(3)(b) of reference (a), the action sponsor publishes the FONSI or the Notice of Availability (NOA) of the FONSI in local newspapers for at least 3 consecutive days (preferably over a weekend). Copies of published FONSI and related EIRB recommendations (in the form of minutes taken during board meetings) will be submitted to the CMC (LF) and MCI West. If the proposed action involves one of the two conditions in Chapter 12, Section 2, Paragraph 12201.4(g)(3)(b) of reference (a), the Action Proponent must make the FONSI available for review (including in State and area wide clearing-houses and forward FONSI to the CMC (LF) for publication in the Federal Register) for 30 days before making the final determination whether to prepare an EIS and before the action may begin.

(h) The proposed action may begin at the end of the publication period.

e. Environmental Impact Statement (EIS). An EIS is required for those actions that are likely to have a significant impact on the quality of the human environment or have potentially controversial environmental impacts. Actions for which an EIS must be prepared are listed in Chapter 12 of Reference (a). An EIS provides a full and unbiased discussion of significant environmental impacts and informs decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment while still accomplishing the purpose and need of the action. Developing an EIS can be a lengthy process (several years) because of the required detailed documentation and public involvement. The EIS process includes public "scoping," the issuance and posting of notice in the Federal Register of a draft EIS (DEIS), a final EIS (FEIS), and the opportunity for public comment. The process culminates with the issuance of a Record of Decision (ROD). The exact process for an EIS will depend on the action proposed and will be developed through detail discussions involving the action sponsor, the chain of command (including CMC (LF) and MCI West), the EMO, and Counsel.

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Follow EIS preparation and format provided in Chapter 12 of Reference (a), and USMC NEPA Manual. In general the EIS process follows the following steps:

(1) Notice of Intent to Prepare an EIS (NOI). As soon as it has been determined that an EIS is required and the chain of command has been notified, the action sponsor will arrange for a draft NOI to be prepared for the MCAS Miramar Commanding Officer's approval and forwarding to the CMC (LF) via MCI West for HQEIRB review and approval. If approved, the Deputy Chief of Installations and Logistics or designee signs the NOI. The CMC (LF) must publish the NOI to prepare an EIS in the Federal Register. Action sponsors then mail the NOI to national and local organizations that they reasonably expect to be interested in the matter and those who have requested it.

(2) Preparation of the EIS. A draft EIS (DEIS) and a final EIS (FEIS) are prepared and the public notified through the Federal Register and local press. Interested parties and other federal agencies are given an opportunity to submit comments on the draft and final documents. Comments submitted on the DEIS are responded to in the FEIS and comments on the FEIS are reviewed before the ROD is signed.

(3) Review of DEIS/FEIS. Once the DEIS/FEIS is completed to the satisfaction of the action sponsor, the document is reviewed and approved by the EIRB for forwarding to the CMC (LF) via MCIWEST for HQEIRB approval. If approved by the HQEIRB, the DEIS/FEIS is forwarded to the Deputy Assistant Secretary of the Navy (Installations and Environment) (DASN I&E) or a designee for signature. The CMC (LF) delivers copies of the document to the Environmental Protection Agency (EPA) headquarters while the action proponent distributes the DEIS/FEIS to all other interested parties.

(4) Record of Decision. The ROD is a public record of the decision selecting one alternative for implementation from among the alternatives considered in detail in the EIS. The ROD, as proposed by the activity/action sponsor, will be finalized by CMC (LF) for consideration by HQEIRB and approval, and will state the decision, identify the alternatives considered (including those that were environmentally preferable), and discuss all factors, including non-environmental considerations, that influenced the decision. The ROD will commit the action sponsor to the appropriate mitigation, if applicable, to

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minimize environmental harm, and to identify these measures that were considered, but not selected, for implementation. Additionally, any monitoring program associated with the selected mitigation measures will be addressed. The CMC (LF) must forward the ROD to the DASN I&E or a designee for signature. The CMC (LF) must publish the signed ROD in the Federal Register and the command or Action Proponent publishes the document in the local newspaper(s) and mails it to appropriate agencies, organizations, and individuals.

f. Classified EA and EIS Documents. The fact that a proposed action is of a classified nature does not relieve the Action Proponent from complying with the requirements of reference (a). Prepare, safeguard, and disseminate documents per requirements applicable to classified information, and when feasible, organize these documents in a manner that unclassified portions can be available to the public.

g. Acquisition Program. Acquisition program Manager must comply with reference (a) when a proposed action within an acquisition program imposes a physical effect on the natural environment.

h. Pollution Prevention

(1) The EPA evaluates NEPA documentation for incorporation of pollution prevention measures to assist Federal Agencies in acknowledging and receiving credit for pollution prevention.

(2) Pollution prevention includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. During all stages of project formulation, Action Proponents should seek opportunities to incorporate pollution prevention in their programs.

i. Tiering. Encourage tiering whenever appropriate to eliminate repetitive discussions per reference (a).

j. Supplemental Statements. Prepare supplements to either a DEIS or FEIS per reference (a), if substantial changes are made in the proposed action and they are relevant to

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environmental concern or if significant new circumstances or information arises that is relevant to environmental concerns.

MCAS MIRAMAR NEPA REVIEW REQUEST FORM

Introduction: This is a tool used to gather initial information to understand proposed projects. This information is an important basis for the Environmental Management Department to begin the process of planning for the appropriate environmental studies, NEPA documentation and required environmental coordination and permits. Based on information provided and coordination among the project proponents, planners, and project managers, applicable technical inputs will be obtained, an appropriate NEPA process identified, and other coordination and permitting requirements will be identified. Desired milestones, assignment of tasks (in house, contractor, SWDV, other) and funding will be jointly developed in cooperation with the PWD, EMD and others concerned to support effective project development and execution, while complying with environmental laws, policies and regulations. A formal tasking from the Action Proponent/Sponsor will be needed at the point in time that actual study preparation, NEPA document preparation, formal agency coordination or permitting actions are to be initiated. Please contact Environmental Planner at (858) 577-1264 for coordination of the completed information or assistance in completing the form.

Project Title:		Project Number:		Date:	
Action Sponsor:		Point Of Contact: PM: Proponent:		Phone/Fax: PM: Proponent:	
Project Requirement: <input type="checkbox"/> Correct Environmental Deficiency <input type="checkbox"/> Correct OSHA Deficiency <input type="checkbox"/> Accomplish Military Training <input type="checkbox"/> Enhance Quality of Life <input type="checkbox"/> Conduct Non-Routine/Sp. Project <input type="checkbox"/> Other () <input type="checkbox"/> Conduct Regular/Recurring Maintenance			Action Will be Performed By: <input type="checkbox"/> Self Help <input type="checkbox"/> Station Work Force <input type="checkbox"/> Contractor		
Current Project Stage (e.g., early project formulation, PCE, CAF, 30% design, etc.):		Estimated CAF/Award Date or Project Award/Start Date:		Estimated Duration of Project:	
1. THE PROPOSED ACTION: (Describe your understanding of changes associated with action.)				YES	NO
a) Will result in a change to vehicle, aircraft traffic patterns, or aircraft flight operations on or off base.				<input type="checkbox"/>	<input type="checkbox"/>
b) Will cause an increase or decrease in the on or off base population				<input type="checkbox"/>	<input type="checkbox"/>
c) Will require demolition of existing <input type="checkbox"/> or construction of new facilities and/or infrastructure <input type="checkbox"/> .				<input type="checkbox"/>	<input type="checkbox"/>
d) Will require digging, grading, clearing, mowing, or grubbing vegetation.				<input type="checkbox"/>	<input type="checkbox"/>
e) Will require work in a drainage ditch, creek, vernal pool or other water body/wetland.				<input type="checkbox"/>	<input type="checkbox"/>
f) Will be located in or near sensitive environmental areas? (Refer to Sensitive Resources map)				<input type="checkbox"/>	<input type="checkbox"/>
g) Will be located in or near cultural, archeological, or historical areas? (Refer to Cultural Resources map)				<input type="checkbox"/>	<input type="checkbox"/>
h) Will result in changes in the direction or amount of water runoff (including storm water) from the site.				<input type="checkbox"/>	<input type="checkbox"/>
i) Will introduce increased (permanent or temporary [construction emissions]) air emissions from non-tactical equipment greater than 50 Brake Horsepower or other emissions sources (e.g. new or additional equipment or increase in operational hours of engines or boiler).				<input type="checkbox"/>	<input type="checkbox"/>
j) Involves hazardous material/hazardous waste or other regulated substances Will introduce new, relocated, or increased hazmat use or generation of a new hazardous waste (e.g. lead, asbestos, ozone depleting substances, PCBs, petroleum, oil, and lubricants (POL), ordnance explosives, UXO).				<input type="checkbox"/>	<input type="checkbox"/>
k) Will be on or near Installation Restorations (IR) sites, underground storage tanks (USTs)/above ground storage tanks (ASTs).				<input type="checkbox"/>	<input type="checkbox"/>
l) Will require the use of pesticides, herbicides, fungicides or rodenticides during or to maintain the project.				<input type="checkbox"/>	<input type="checkbox"/>
m) Will require the use or application of any painting or solvents use for immediate and long-term operations				<input type="checkbox"/>	<input type="checkbox"/>
n) Will increase noise levels, either permanently or during construction				<input type="checkbox"/>	<input type="checkbox"/>
o) Will cause a change in land use				<input type="checkbox"/>	<input type="checkbox"/>
p) Will require upgrade of utilities or infrastructure.				<input type="checkbox"/>	<input type="checkbox"/>
q) Will be located within Air Installations Compatible Use Zones (AICUZ), Accident Potential Zones (APZ), Surface Danger Zones (SDZ), or Explosive Safety Quantity Distance (ESQD) arcs				<input type="checkbox"/>	<input type="checkbox"/>
r) Involves a Real Estate Action: Will require right-of-entry for short term, non- intrusive activity. <input type="checkbox"/> Will require a lease, easement, out grant or other interest in real property <input type="checkbox"/> Will require review and approval or entitlement under existing real estate agreement. <input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>

MCAS MIRAMAR NEPA REVIEW REQUEST FORM

REQUIRED INFORMATION/DOCUMENTATION FOR THE ACTION – (The following documents will be needed for EMD personnel and others to clearly understand and describe your project or action. The information should be submitted with this checklist or as separate project description package). Existing information may be used for details, with a brief summary provided in several short paragraphs below to capture the essence of the requirements, proposed project and alternatives:

Purpose and Need :

Proposed Action:

Alternatives that have been or could be considered:

Areas/Environment that could be changed or affected.

3. ATTACHMENTS AND REFERENCED INFORMATION. (Attach information to form or indicate where it can be obtained.)

DESCRIPTIVE INFORMATION. (DD1391 and any other detailed project description.)

See attachment
See report
See plans and spec, etc.
See attached MS Word or Excel file

Location and Access, work areas.

See report
See plans and spec, etc.
See attached MS Word file or Excel file

Impact Avoidance/Enhancement Measures included in Action. Describe any environmental considerations already “built-in” to project. (In many cases projects can be formulated to avoid and offset detrimental effects or may include measures that would enhance some aspect of environment.) Examples:

(1) Water, spoil material, and construction waste, dust, erosion, air emissions. Identify proposed construction Best Management Practices, if any. (e.g., silt fences, dust control, concrete waste management, etc.) Identify sources of borrow material or that it will be from clean off-station sources. Identify disposal sites.

(2) Describe special access routes as needed to avoid sensitive land uses, habitat areas, safety concerns. Is timing of work important to avoid conflicts? Are there measures to address loud noises during construction and operation that could affect sensitive land uses and people?

(3) How will work limits be designated and controlled in vicinity of sensitive resources to avoid impacts?

See Attachment:

See attached MS Word file or Excel file: This information not available until contract let and work plan for project submitted.

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