
UNITED STATES MARINE CORPS
NATIONAL ENVIRONMENTAL POLICY ACT
(NEPA) MANUAL



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PREFACE

This manual provides an overview of the National Environmental Policy Act (NEPA) and its implementing regulations, as well as specific information regarding its applicability to U.S. Marine Corps (USMC) actions. It supplements the NEPA guidance provided in Chapter 12 of the MCO P5090.2A, Change 2, dated 21 May 2009. This manual, like Chapter 12, does not directly apply to overseas installations, but can be used as best management practice (BMP) to govern how environmental reviews abroad are conducted under Executive Order (EO) 12114 and Title 32 Code of Federal Regulations (CFR) Part 187.

This manual provides USMC action proponents, planners, and environmental professionals, in Headquarters, Commands, and Installations with basic guidance on why and how to integrate the environmental impact analysis process into their decision-making process. This manual has been developed to guide expectations on the processes and outcomes of environmental planning. It is not intended to substitute for the expertise of USMC environmental staff; rather, it explains what action proponents and other responsible parties should expect during the NEPA process. USMC environmental professionals may also find this useful when used in conjunction with USMC policy and procedures on the implementation of environmental planning. This manual does not supersede the NEPA policy and procedures found in MCO P5090.2 (series), SECNAV Instruction 5090.6A, 32 CFR 775, or 40 CFR 1500-1508.

While it may be read from cover to cover, the manual is designed with a detailed table of contents to enable readers, who may want answers to specific questions about NEPA or environmental planning, to access the appropriate sections quickly without having to read the entire document. Flowcharts and tables are provided as useful and quick visual guides to the process of environmental planning, and to the requirements for NEPA documentation.

After reading this manual, you should have a better appreciation of the role of environmental planning in USMC decision-making, and the value of incorporating environmental planning into existing USMC program and mission planning processes. Understanding this inter-relationship will enable you to make the most informed and, therefore, the best decisions for your Command, the USMC, and the communities we serve.

In addition to this guidance on the procedural requirements of NEPA, Environmental Assessment (EA) and Environmental Impact Statement (EIS) preparers should also become familiar with guidance and procedures on writing “reader-friendly” or “plain language” documents (see www.plainlanguage.gov and <https://intranet.emportal.usmc.mil/sites/hqnepa/nepa/default.aspx>). NEPA documents “shall be concise, clear and to the point,” and “written in plain language...so that decision-makers and the public can readily understand them.” Additionally, “Agencies should employ writers of clear prose or editors to write, review or edit” their EISs and EAs (see 40 CFR 1500.2(b) and 1502.8). Documents should be written to inform, rather than befuddle decision-makers and the interested public.

1. MARINE CORPS GUIDANCE FOR COMPLYING WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

On January 1, 1970, President Richard Nixon signed the National Environmental Policy Act (NEPA) of 1969. NEPA establishes a national environmental policy with goals of protection, maintenance, and enhancement of the environment, and provides a process for implementing these goals within federal agencies. Its main objective is to create a better decision-making process for implementing projects and programs that could adversely impact the environment. NEPA requires federal agencies to incorporate environmental considerations in their planning and decision-making processes along with the proposed action's technical and economic considerations, and requires the use of a systematic and interdisciplinary approach. Specifically, federal agencies must formally assess the environmental impacts of their actions and consider reasonable alternatives to meet the purpose and need of the action. The NEPA process facilitates this effort by directing various levels of environmental analyses and public involvement. It contains three important elements:

- 1) Declaration of national environmental policies and goals;
- 2) Establishment of action-forcing provisions for federal agencies to implement the policies and goals; and
- 3) Establishment of a Council on Environmental Quality (CEQ) in the Executive Office of the President.

“Ultimately, of course, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork - even excellent paperwork- but to foster excellent action.” – *40 CFR 1500.1(c)*

1.1 MARINE CORPS NEPA POLICY

Chapter 12 of MCO P5090.2A, Change 2, outlines the USMC policy and applicable drivers regarding NEPA compliance, as well as describes the roles and responsibilities of the major organizations (see Appendix A). Headquarters Marine Corps, Facilities and Services Division (CMC (LF)) is the cognizant organization within the USMC for effecting compliance with NEPA and should be consulted regarding USMC interpretation of the procedures contained in NEPA-implementing regulations.

“Federal agencies shall integrate the requirements of NEPA with other planning and environmental review procedures required by law or agency practice so that all such procedures run concurrently rather than consecutively.”
– *40 CFR 1500.2 (c)*

NEPA is not simply a paperwork exercise. EAs, EISs, and Categorical Exclusion (CATEX) Decision Memorandums are the written documentation of the USMC’s deliberative consideration of environmental

impacts. NEPA is the cornerstone of USMC environmental planning. Adherence to the NEPA process can provide an efficient method of protecting, restoring, and enhancing the environment while achieving the USMC mission.

Other laws and Federal mandates also require environmental planning and consideration of environmental issues, such as Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act, and the Coastal Zone Management Act. Although completing the NEPA process does not mean the requirements of these other laws and mandates have been met, the NEPA process provides a single, systematic way to ensure that all environmental requirements are fully considered by the USMC and that applicable procedures can run “concurrently rather than consecutively.” Thus, NEPA is frequently called the

“Environmental Umbrella Law.” Integration of other environmental requirements into the NEPA process can also reduce redundant and excessive paperwork. MCO P5090.2A Section 12103.2 lists other environmental laws, regulations, and EOs that should be considered during USMC environmental planning.

Whenever possible, action proponents and action sponsors must ensure that, consistent with other national policies and national security requirements, practical means and measures are used to protect, restore, and enhance the quality of the environment; to mitigate adverse consequences of Federal actions; and to attain NEPA (Section 101 of the Act) objectives. In addition, the Command or Region Environmental Impact Review Board (EIRB) must include individuals with appropriate expertise to ensure that the document meets the requirements of the law, is consistent with the Command’s operational and master planning goals, and meets the policies and goals of the USMC.

NEPA does not apply to review of actions conducted at overseas installations. Environmental review of overseas actions follows the guidance provided in EO 12114 and 32 CFR 187, which outline a process similar to that encompassed by NEPA. Accordingly, while the content of this manual is focused on the NEPA process; the information provided here can be applied by overseas installations as BMPs to inform the environmental review process.

1.2 MAJOR ORGANIZATION, ROLES, AND RESPONSIBILITIES

Chapter 12 of MCO P5090.2A, Change 2, details the roles and responsibilities relative to the NEPA process for:

- CMC(LF);
- USMC Regions;
- Commanding Generals/Commanding Officers (CG/CO) of installations exercising Finding of No Significant Impact (FONSI) signature authority;
- Commander, Marine Forces Reserve Command (MARFORRES), Marine Corps Systems Command (MARCORSYSCOM), and Marine Corps Community Services (MCCS) exercising Finding of No Significant Impact (FONSI) signature authority;
- Headquarters EIRB (HQEIRB);
- Installation-level environmental planning staff; and
- Action proponents and action sponsors.

Additional roles and responsibilities are described below.

- **Assistant Secretary of the Navy (Energy, Installations and Environment) (ASN (EI&E)).** Advise Secretary of the Navy on Navy policy regarding NEPA and EO 12114/32 CFR 187 compliance; serve as the principal NEPA point of contact with CEQ, Environmental Protection Agency (EPA), Assistant Deputy Under Secretary of Defense (Environment, Safety and Occupational Health) (ADUSD(ESOH)) or Deputy Under Secretary of Defense (Energy, Installations and Environment) (DUSD(EI&E)), other DoD components, federal agencies, and private environmental groups; approve preparation of EISs, publications of FONSI and Records of Decision (RODs) in the *Federal Register*; and maintain liaison with the Chief of Naval Information and the Office of Legislative Affairs (OLA).

- **CMC (LF).** Under MCO P5090.2A Chapter 12, CMC(LF) is assigned broad responsibilities for maintaining NEPA policy and procedures, and supporting and overseeing USMC NEPA compliance.
- **Chief of Staff/Chief of Installations and Commander Marine Forces Reserve.** Designate, chair, and provide for establishing a Command EIRB consisting of a cross-section of Command personnel; promptly notify CMC (LF) when a decision to prepare an EA that meets the threshold of significance or a draft EIS has been made; ensure environmental analysis and the NEPA processes are included in initial planning stages of a project; ensure adequate funding and personnel are available for environmental reviews; and ensure that an administrative record (AR) supporting the NEPA process for a proposed action is assembled and maintained.
- **Marine Corps Installations (MCI) East and West.** MCI East Order 5090.12 (MCI East NEPA Procedures, September 1, 2009) and MCI West draft Order 5090.x (NEPA Standing Operating Procedures), establish additional procedures and responsibilities for NEPA compliance at installations within their regions. Consistent with other USMC policies and procedures, these orders state that the action proponent is responsible for funding and preparing environmental documentation such as EAs and EIS, related scientific studies, mitigation and monitoring, and coordinating with other appropriate parties.
- **Legal Counsel.** The Office of Counsel for the Commandant (CL) and its field Counsel are component offices of the Navy Office of General Counsel and provide legal support and assistance to USMC and use and environmental planning activities worldwide. Action proponents/action sponsors shall consult with HQMC or CL field Counsel on all questions of a legal or policy nature. In addition, Counsel should play an integral role on the NEPA management team and should be included in all phases of the decision-making process, including CATEX, EA and EIS formulation leading to the final agency action. Specific areas to involve counsel include, but are not limited to: (1) advise on issues such as AR formulation and confidential communications; (2) review, advise, and consent on description of the proposed action and alternatives (DOPAA), all NEPA document drafts and responses to public comments; (3) review, advise, and consent on all ancillary supporting documents, including but not limited to Programmatic Agreements and Biological Opinions; and (4) participate in internal project and team meetings, as well as events involving external agencies and the public.
- **Public Affairs.** In coordination with the action proponent/action sponsor, prepare and disseminate public press releases, notices, decision documents, and reports; ensure released information is accurate, appropriate, and timely; and maintain records of all news releases, queries answers, and coverage in print and electronic media.
- **Federal and State Agencies.** The EPA reviews all Draft and Final EISs, comments on and notifies the proponent of any deficiencies in the NEPA document or process, and publishes the Notice of Availability (NOA) and its findings in the *Federal Register*. Additional federal, state, and local agencies provide special expertise and consultations during the NEPA process.
- **EIRBs.** MCO P5090.2A, Change 2, includes requirements for Installation/Command and HQMC EIRB participation and responsibilities.

- **Interdisciplinary Project Team (IPT) Lead/EA or EIS Project Manager.** Works under the authority of Commanding Generals and Commanding Officers (CGs/COs) of Installations, Commands, and Regions (MCO P5090.2A Section 12303.5) to direct the IPT and EA or EIS business processes to achieve a quality and timely NEPA document. Works with the action proponent/action sponsor, Installations, Commands, Regions, counsel, and Land Use and Military Construction (LFL) Natural Resources to establish IPT members representing all necessary USMC organizations to plan and direct the preparation and review of EAs or EISs. Responsible for ensuring that an early scoping process is conducted; appropriate consultation and public participation is conducted; that documents focus on the evaluation of potentially significant impacts; that documents are reviewed for technical adequacy; and that cost and schedule are tracked and reported to LFL-1 on lessons learned after completing the NEPA process. Appendix B contains guidance on IPTs and EA/EIS Project Manager.
- **Organizations and Individuals.** Provide input during the NEPA process when their involvement is reasonably foreseeable, particularly during the scoping process.

2. NEPA BY THE NUMBERS

The following sections outline the various steps in completing the NEPA process; from framing a comprehensive project description and the purpose and need statement, to determining the level of analysis required for the proposed action, scoping of alternatives, analyses, document preparation, internal and public reviews, and compilation of the AR. Supplemental information, providing greater detail, can be found in the appendices. Overseas installations will follow the process provided in EO 12114 and 32 CFR 187, but can also refer to the guidance in this chapter for those topics common to both NEPA and overseas environmental review processes.

2.1 DETERMINING NECESSITY

Initially, a determination must be made as to whether the proposed action requires NEPA analysis or triggers NEPA. Section 102(2)(C) of NEPA directs agencies to prepare an EIS on “major Federal actions significantly affecting the quality of the human environment.” The CEQ regulations at 40 CFR 1508.27 define “significantly,” and at 40 CFR 1508.18 define a “Major Federal Action” to include nearly everything an agency does—including actions *that have the potential to significantly affect the environment*:

- Adoption of official policy
- Adoption of formal plans
- Adoption of programs
- Approval of specific projects.

In determining the scope of the action, be sure to consider all “connected actions,” as defined by 40 CFR 1508.25(a). Section 2.4.2 and 6.4 of this manual further discuss connected actions and inappropriate segmentation of an action. Actions may also include continuing activities. Continuing activities that might trigger NEPA review include activities that are being carried out where:

- The currently occurring environmental effects have not been evaluated previously in a NEPA document, and there is a discovery that substantial environmental degradation is occurring or is likely to occur, or
- There is a discovery that the environmental effects of an ongoing activity are significantly and qualitatively different, or more severe than predicted, in a previous NEPA analysis.

A substantial change in a continuing activity (e.g., operational tempo, area of use, or equipment use) that has the potential for significant environmental impacts should be considered a proposal for a new action and reviewed accordingly. **Table 1** lists typical actions that trigger the NEPA process.

Table 1. Activities that Trigger the NEPA Process

Activity	Explanation
Real Property Development Planning	Only projects that are to be implemented in the reasonably foreseeable future should be analyzed in a NEPA document. Speculative construction or “wish list” projects should be excluded.
Federal Real Property Acquisition, Granting Use, and Disposal	<ul style="list-style-type: none"> • <i>Acquisition</i> - purchase, condemnation, donation, transfer from another federal agency, recapture, withdrawal of federal lands • <i>Granting Use</i> - leases, licenses, permits, easements, consents • <i>Disposal</i> - transfer to another agency, sale to the public, negotiated sale to local government, demolition, donation, abandonment <p>Mere administrative transfer of title (or interest in real property) does not, in and of itself, cause environmental effects. Rather, it is the use to which the newly acquired property might be put that must be the focus of the NEPA analysis.</p>
Conservation Easement and Buffers	NEPA compliance for the creation of conservation easements or buffers follows the same guidelines as those outlined above in federal real property acquisition, granting use, and disposal.
Military Construction/Operations and Maintenance	Includes facility maintenance and repair, minor construction, emergency construction, replacement of damaged/destroyed facilities, unspecified minor military construction, and major military construction.
Equipment Modernization/Weapon Acquisition	Acquisition, testing, and fielding of new equipment must be analyzed because using or maintaining it may result in environmental effects not associated with existing systems.
Military Training	Training area management helps provide balance between use of land for training and mandates for environmental stewardship. This effort requires appropriate NEPA analysis to lessen the adverse environmental effects of training.
Force Structure Management and Stationing	Structure and stationing changes should be screened to determine if they fall under a CATEX, most realignments require NEPA analysis.
Environmental Management Plans	CEQ regulations encourage incorporation of environmental management plans, such as Integrated Natural Resources Management Plans (INRMPs), and environmental analysis into the NEPA document, as long as the analysis meets NEPA procedural requirements.
Classified Actions within the United States	Although classified information cannot be openly disseminated to regulatory agencies or the public, classification does not relieve the action proponent of the requirement to assess potential environmental effects.
Actions That Support Overseas Deployments	Stateside preparations for overseas deployments can require NEPA analysis; however, routine movements may fall under a CATEX. Domestic actions in preparation of an emergency overseas deployment do not require NEPA analysis.

Some actions could have an environmental impact but be exempted from consideration under NEPA for various reasons. Some possible exemptions are as follows:

- The proposed action is a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup action. While the USMC has the option of conducting a joint NEPA-CERCLA analysis, the DoJ policy is that NEPA is not required for CERCLA cleanup actions.¹
- The proposed action is one for which the USMC has no decision-making authority and no discretion in implementing the action (actions carried out under a nondiscretionary mandate from Congress or as an operation of law). One example is the transfer of Federal property to a particular entity for a specific purpose that leaves the DoN with no discretion on the transfer (32 CFR 775.3(b)). BRAC decisions to close or expand military installations are not subject to NEPA analysis, but implementation details are subject to NEPA analysis. For example, the 1993 Defense BRAC Commission, as approved by Congress and the President, directed the USMC to close Marine Corps Air Station (MCAS) El Toro and transfer personnel and equipment to Naval Air Station (NAS) (now MCAS) Miramar and MCAS Camp Pendleton, but did not specify *how* closure and operational changes would occur. Therefore, USMC decisions on *how* to implement BRAC were subject to NEPA, but not the decision on *if* to implement BRAC.
- The proposed action is exempt by statute. Congress has, on several occasions, specifically directed an agency that an action was exempt from the NEPA review process. For example, under the Alaska Railroad Transfer, Congress specifically stated that “the provisions of NEPA...shall not apply to actions of the Commission” (45 U.S.C. 1207). In other cases, Congress has stated that a specific action is not “a major Federal action” or is not subject to judicial review, implicitly exempting the action from NEPA. Note that these exemptions are very rare and none are currently applicable to the USMC.
- Operations Outside of the Continental United States (OCONUS). Actions that occur outside of the United States are not subject to NEPA, but must comply with the provisions of EO 12114 and DoD Directive (DoDD) 6050.7 for implementing the EO in 32 CFR 187. Section 2-5 of EO 12114 lists specific actions that are exempt from the Order, including actions that occur “in the course of an armed conflict.”

Host/Tenant Responsibility for NEPA Compliance

The USMC is responsible for evaluating the environmental impacts of its actions, including the actions of tenant agencies on our installations and our actions on other DoD facilities. Possible courses of action include:

1. Host installation conducts the NEPA analysis on behalf of the tenant.
2. Tenant/action proponent conducts the NEPA analysis and host installation reviews/approves the document. If a tenant on a USMC installation conducts the analysis and uses their CATEX and process (e.g., Army CATEX and REC), the USMC must ensure that the action similarly fits within a USMC CATEX ,
3. Tenant/action proponent and host installation participate cooperatively (formally or informally) in the analysis, and each party reviews/approves the document. Ensure a copy of the NEPA document is retained in our Administrative Record for the action.

¹ DOJ Environment & Natural Resources Division Memorandum, Lois J. Schiffer, Agreed to Report of March 31, 1994 Meeting Regarding The Application of NEPA to CERCLA Cleanups, January 23, 1995.

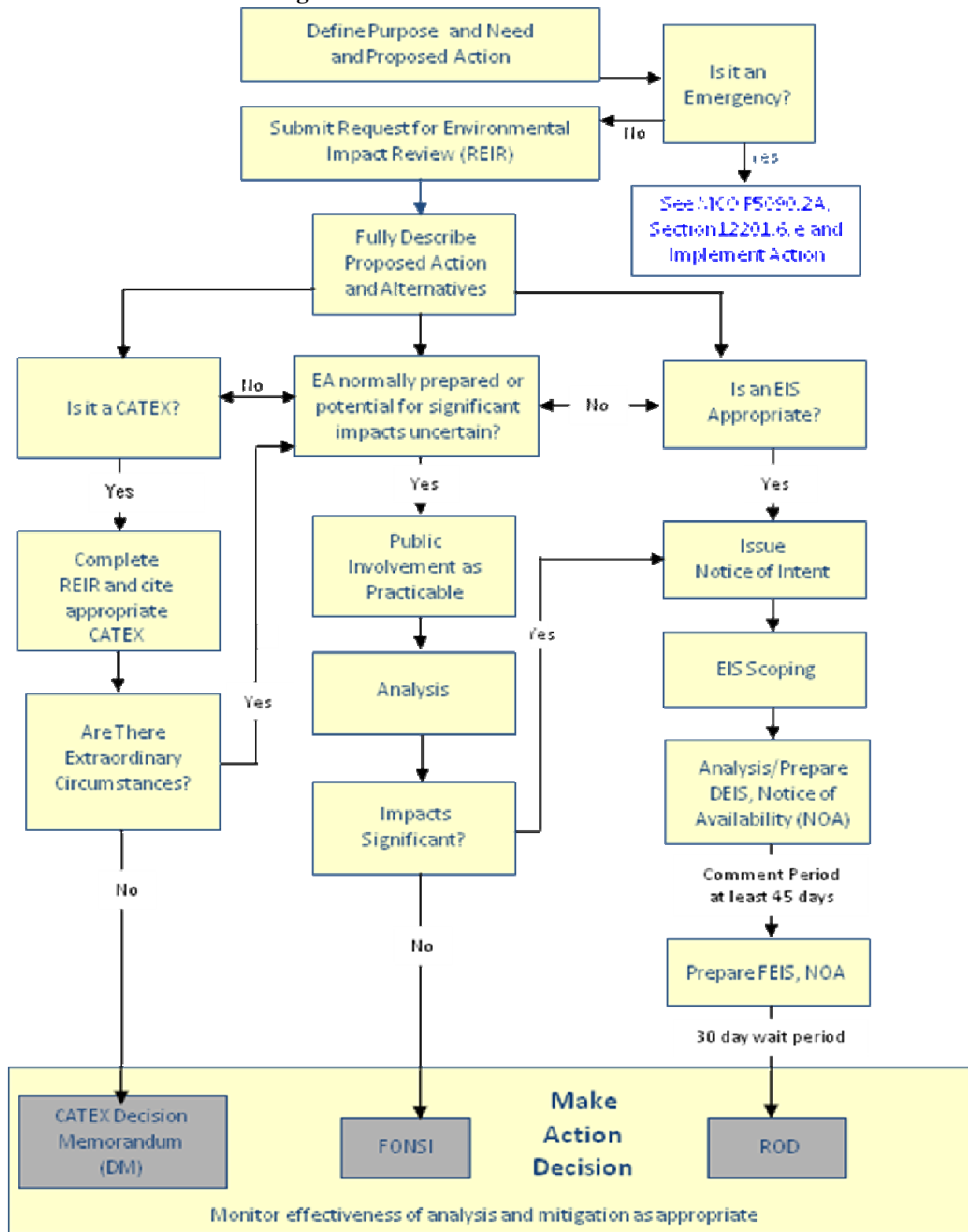
- **Emergencies.** An action is exempt from the requirement to prepare an EIS if timely action is required for the promotion of national defense and protection of national security, human life, or property. The CEQ regulations at 40 CFR 1506.11 discuss alternative procedures for “emergency circumstances.” Other CEQ guidance defines emergency circumstances as “actions necessary to preserve life and resources.” The CEQ regulations call for coordination with the CEQ on alternative procedures; however, immediate actions necessary to secure lives and safety of citizens should not be delayed, and the CEQ should be consulted as soon as feasible. For example, following Hurricane Katrina, the CEQ worked with FEMA to develop alternative procedures for critical physical infrastructure actions and other activities. The CEQ subsequently issued a guidance memorandum discussing the application of NEPA in emergency situations (see: [http://ceq.hss.doe.gov/nepa/regs/Memo to NEPA Contacts September 8 05.pdf](http://ceq.hss.doe.gov/nepa/regs/Memo%20to%20NEPA%20Contacts%20September%208%2005.pdf)). The emergency provision is not an exemption from NEPA, but rather an alternate path to comply with NEPA. Also be aware that implementing the emergency provisions of NEPA does not necessarily mean the USMC has met the requirements of other environmental laws and regulations. For example, an emergency provision in 36 CFR 800.12 takes disasters and emergencies into account in the NHPA Section 106 process. There are also provisions in 50 CFR 402.05 for emergency consultations with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) on the ESA Section 7 process during emergencies and disasters.
- The proposed action is one for which compliance with NEPA would cause a clear and unavoidable conflict with another law. Such conflicts are rare. LFL is not aware of any current conflicts applicable to the USMC.

2.2 INITIATING THE NEPA PROCESS

The first step in initiating a NEPA analysis is mapping out, in general terms, what activities are to occur and then organizing resources to accomplish the work involved in the analysis. To ensure that adequate time and resources are allocated to the analysis, the proponent must coordinate with a NEPA Subject Matter Expert (SME) to make an initial decision on the appropriate level of analysis and documentation (CATEX, EA, EIS), develop a well-defined statement of the Purpose and Need for the action (Section 2.4.1), a DOPAA, and determine the scope of the analysis (see also Section 2.4.3 on Alternatives). Action proponents/action sponsors need to program funds to conduct environmental planning.² The proponent also must consider whether to contract the analysis or prepare the NEPA document in-house, and whether to invite cooperating agencies to participate in the process. USMC Action proponents/action sponsors, Installations, and Regions are encouraged to prepare EAs in house if they have the capability. See **Figure 1** for an overview of the NEPA process.

² Action Proponents/Action Sponsors may need to use Appropriated Funds for NEPA and related studies, must program funds for those circumstances, and should seek the advice of the comptroller and CL to determine whether Appropriated Funds or Non-Appropriated Funds (NAF) are appropriate for NEPA and related site studies.

Figure 1. Overview of the NEPA Process



Numerous tools are available for making decisions and compiling necessary information to focus and frame the NEPA analysis. Many agencies and installations have checklists designed to assist the action proponent/action sponsor. The USMC uses the Request for Environmental Impact Review (REIR) as the basic checklist. A sample REIR is included in Appendix C. See also Section 2.2.3 on preparing the REIR and Decision Memorandum (DM), and Section 2.2.1 on the NEPA Process Automation & Management Support (PAMS) decision support system.

2.2.1 NEPA PAMS

HQMC LFL is supporting the development of an enterprise-wide Decision Support System (DSS) to support the NEPA process at USMC Installation (MCI) regions, Marine Corps Bases (MCB) Japan, MCB Hawaii, Commands, and individual USMC installations. The web-enabled NEPA PAMS has been identified as the DSS to support the NEPA process and workflow tracking. NEPA PAMS is designed to automate the preparation of the REIR (see also Section 2.2.3), identify the appropriate level of NEPA analysis, review and comment on a proposed action, document potential impacts and mitigation measures, support AR development, and document archiving. NEPA PAMS will also have search and reporting capabilities. NEPA PAMS will be customizable for installation-specific REIR and process requirements. NEPA PAMS as an enterprise-wide DSS is currently under development. Marine Corps Base (MCB) Camp Pendleton has been designated as lead installation for NEPA PAMS development.

2.2.2 Selecting the Appropriate Level of NEPA Analysis

The NEPA process begins with the proponent fully describing the complete proposed action. Consideration of the proposed action, its location, and its duration in context to the proposed location in which it is proposed to occur shapes the potential environmental impacts and is essential to determining the appropriate level of analysis. Under procedures established in the CEQ regulations, there are three basic levels of environmental analysis and documentation: CATEX, EA, and EIS (refer to Sections 2.5, 2.6, or 7.2 - Glossary for definitions of these terms). The determining factors in selecting the appropriate level hinge on the type of action proposed and the anticipated significance of the environmental effects associated with the action (see Section 2.4.6 on the discussion on *significance* and examples of significance criteria, and Section 7.2 - Glossary). Historically, most USMC proposed actions evaluated under NEPA (other than those categorically excluded from detailed analysis) have involved the preparation of EAs. Early coordination with the installation environmental planning staff is essential for the proponent to select the appropriate level of analysis. In determining the scope of the action, be sure to consider all “connected actions” as defined by 40 CFR 1508.25(a). Sections 2.4.2 and 6.4 of this manual further discuss inappropriate segmentation of an action and connected actions.

The next step in the NEPA process is to determine whether the proposed action is categorically excluded from further NEPA analysis (USMC CATEXs are listed in MCO P5090.2A in Appendix A) because the DoN has determined that the action fits into a class of actions that would not have an individual or cumulative adverse effect on the environment. If the action is not segmented from a larger action, does not involve any extraordinary circumstances, and fits within one of the listed DoN/USMC CATEXs, then, the proponent may proceed with the action once all appropriate documentation is complete. Section 2.2.3 provides detailed guidance on how to complete an REIR, and Section 2.3 provides detailed guidance on determining when and how to use a CATEX.

If the proposed action is not categorically excluded, either an EA or an EIS must be prepared. The proponent should consult with installation, command, and other SMEs and Environmental Protection Specialists to make an initial determination of the likely significance of effects that could be expected as a result of implementing the action (see discussion on the meaning of *significance* and examples of significance criteria in Section 2.4.6, and the definition in Section 7.2 - Glossary). For those actions where significant effects are not expected, the proponent should prepare an EA to confirm the initial determination, and to inform the decision-makers and reviewers of the likely environmental consequences of implementing the action. If potentially significant effects could occur but can be adequately mitigated to less-than-significant levels, preparation of a mitigated EA/FONSI might be appropriate; otherwise, the proponent should prepare an EIS.

When a proponent is uncertain whether an action would result in significant effects or believes that significant effects are unlikely, the proponent should prepare an EA to first determine what environmental effects would likely occur as a result of implementing the action. If it becomes clear, while preparing the EA, that significant effects that cannot be mitigated would occur, work on the EA can be stopped and an EIS can be started.

Before beginning preparation of an EA or EIS, it is important to ascertain whether the action has already been adequately addressed in another EA or EIS prepared by the USMC or another agency. When deciding whether an action is addressed adequately by an existing NEPA analysis, the proponent should consider the scope of the proposed action, previous activities at the proposed project location, changes in regulatory requirements, or new technical information. Thus, an existing EA or EIS may no longer be adequate if significant changes have occurred in the affected environment, in the nature or consequences of reasonable alternatives considered since the original EA or EIS was completed, or in the environmental laws and regulations affecting the proposed action. The proponent should also consider any increases in the scope of actions already analyzed before citing an existing NEPA document. For example, if the use of 50 tanks in a training exercise was analyzed in a previous EA and the proposed action calls for using 100 tanks, it would be appropriate to evaluate the possibility of additional effects in a new or supplemental document. If, after reviewing an older EA/EIS, the proponent determines that the proposed action description would not change and there would be little or no change to the environmental effects, consideration can be given to using the original document without preparing a supplement.

When only certain portions of a prior EA or EIS remain valid (such as, affected environment descriptions and impact analysis results for certain resources), valid portions of the analysis that are applicable to a new or modified proposal might still be suitable for incorporation by reference into the new NEPA analysis. Use of existing information might help simplify new data collection and analysis efforts, and help reduce on the bulk of the new document.

2.2.3 Preparing the REIR

The USMC uses the REIR to initiate the NEPA process. Action proponents are required to work with the appropriate NEPA/environmental SMEs to satisfy USMC responsibilities under NEPA, which include identifying any known or suspected environmental impacts, and determining whether a proposed action requires the preparation of an EA or an EIS (MCO P5090.2A Section 12201.1). Therefore, it is necessary for the action proponent to advise the Installation/Command NEPA/environmental SME of the action and any known or suspected environmental impacts.

Action proponents are encouraged to begin coordination with the appropriate NEPA/environmental SME as early as possible to provide for sufficient review time and completion of any supporting studies or regulatory consultations. Even though the action proponent may determine that a proposed action might qualify for a CATEX, the NEPA/environmental SMEs may determine that an EA or an EIS is necessary due to extraordinary conditions or circumstances present that may cause the proposed action to have significant environmental impacts.

The REIR leads to an environmental analysis determination that the proposed action qualifies for CATEX, or that further NEPA analysis (EA or EIS) is necessary. A sample REIR is included in Appendix C. Installations/Commands can modify or expand the REIR as appropriate to their circumstances. Resources can only be deleted from the REIR if they can be shown not to apply, such as that no historic properties were identified following comprehensive base-wide surveys and SHPO has concurred with that finding.

Purpose and Need for Action. The Purpose and Need statement explains why the proposed action is necessary, the need that would be met, or the problem the action would resolve (see also Section 2.4.1).

Project Description. The complete project needs to be described in enough detail to fully explain the project or activity. It should be as specific as possible, using additional sheets if needed; this will help you and the NEPA SME to determine the CATEX for which the action might qualify and how to complete the rest of the checklist. Include reasonable alternatives to the proposed action, construction and operational timeframe, and any associated support or facility requirements (connected actions), such as required demolition. Detailed site plans showing ground disturbing and construction related activities should always accompany the REIR. Background information on why the action is needed and decisions made to this point are also helpful. The action proponent should also list all recent or proposed actions that could result in cumulative effects.

Preliminary Environmental Survey/Questionnaire. The preliminary environmental survey or questionnaire (Section II of sample REIR in Appendix C) covers broad categories of resources that could be impacted by USMC actions, such as air and water quality, AICUZ (noise and accident potential), cultural and natural resources, and socioeconomics. The preliminary environmental survey/questionnaire is based upon guidance in 32 CFR 775 and MCO P5090.2A (series) - which incorporate the CEQ's regulations for implementing NEPA - as well as other federal statutes and regulations designed to protect the Nation's natural, cultural, and socio-economic resources.

Since the action proponent is likely to be most familiar with what the proposed action would do (energy and material components and requirements, emissions, operational parameters, location considerations, etc.), they are requested to complete the preliminary environmental survey to initially identify any adverse or beneficial impacts of the action. Responses should be validated by the appropriate SME. Various Installation/Command REIR questionnaires might ask for a Yes/No/Undetermined, or "+" (beneficial or positive impact), "-" (adverse or negative impact), "o" (both beneficial and adverse impacts), or "U" (unknown or undetermined). If the action proponent does not know if there is the potential for impact to one of the resources, the answer is "U" for "unknown" or "undetermined." Answering "Yes" or checking "+" on the REIR does not

necessarily mean that an EA or an EIS is required, but rather that more analysis is required to determine the potential significance of the action on that resource.

The action proponent should also include backup information on the action (emissions, operational parameters, other requirements) that the installation NEPA/environmental SME can use to determine potential impacts on the installation environment.

The action proponent and NEPA/environmental SMEs should work cooperatively to complete the preliminary environmental survey. Completing the survey requires judgment by the action proponent and NEPA/environmental SMEs about the likelihood that a particular kind of environmental consequence will result from the proposed action. Also consider the sensitivity of the project and identify, to the extent possible, current and existing surrounding conditions and potential topics of controversy (such as, facility footprint, size, increased/decreased population, and type of facility). It is recommended that backup documentation supporting the impact determination should accompany the REIR through the review process.

The REIR might include a category of “Other Considerations.” In addition to the cultural and natural resources, and socio-economic REIR questions asked, also consider factors such as:

- Is the action likely to generate controversy on environmental grounds?
- Is there a high level of uncertainty about the action’s environmental effects?
- Is the action likely to do something especially risky to the human environment?
- Is the action part of an ongoing pattern of actions (whether under USMC control or others) that are cumulatively likely to have adverse effects on the human environment?
- Is the action likely to set a precedent for, or represent a decision in principle about, future DoN actions that could have significant effects on the human environment?
- Is the action likely to have some adverse effect on the environment or public health and safety in addition to those identified elsewhere on the REIR?

The preliminary environmental survey/questionnaire is not complete until all “Unknown” issues have been resolved and all blocks are checked either Yes/No or +/- . External environmental experts and agencies with jurisdiction by law or expertise (such as the USFWS and the appropriate SHPO) should be consulted as needed, along with local government representatives, interest groups, and Indian tribes/Native Hawaiian organizations, as appropriate. Any consultations, findings, or determinations should be completed before signing the DM. Consultations should be documented in the project file (such as e-mail exchanges).

Action Proponent/Action Sponsor Certification. A responsible official from the action proponent or action sponsor’s organization should approve/certify that the scope of the proposed project is accurate.

Environmental Planning Staff Review. Review the action proponent/action sponsor’s responses to the REIR questionnaire and ensure that data gaps are resolved. In accordance with your Installation/Command procedures, ensure that all appropriate environmental SMEs (i.e., natural or cultural resources, IRP, safety, etc.) review and concur on the REIR findings. You may need to inform the action proponent/action sponsor of existing environmental constraints, permits, and mitigation requirements that will influence the determination of potential significance. This is

likely to be an iterative process to include design changes to avoid or minimize adverse environmental impacts.

Environmental Analysis Determination. Installation/Command NEPA/environmental SMEs should review the REIR preliminary environmental survey/questionnaire, review each “Yes” or “+” response and consider if any indicate potential for significant effects to the human environment. Disagreements over the potential impacts of a proposed action need to be resolved. Consult with legal counsel as necessary. Remember that the human environment includes both the natural and historic/cultural environment. Note that a significant impact on the socioeconomic environment and environmental justice *alone* does not trigger an EA or EIS per 40 CFR 1508.14. However, if an EA or EIS is prepared due to the potential for significant environmental impacts, the EA or EIS should include potentially significant socioeconomic or environmental justice impacts.

To categorically exclude a proposed action, it must fit into one of the CATEXs listed in MCO P5090.2A (series) and no extraordinary circumstance can be present (see Section 2.3 on CATEXs). Note that if unusually lengthy or detailed documentation is required to justify the use of a CATEX, it might be an indication that extraordinary circumstances might exist and the use of a CATEX in this situation is not appropriate. For example, CEQ staff frequently cite very long (approximately 100-page) CATEX determinations as an obvious indicator of extraordinary circumstances that should require the preparation of an EA or EIS. If no CATEX is clearly applicable to the action, an EA or EIS *must* be prepared to assess potential effects.

The NEPA/environmental SMEs might also recommend modifications to the proposed action to avoid, minimize, or mitigate environmental impacts, or set conditions on the proposed action to ensure that impacts are avoided, minimized, or mitigated. For example, an Installation might have established standard conditions that apply to minor construction projects such as meeting local stormwater, sediment, erosion, or dust control requirements; use of low VOC paints and coatings; or vehicle washing to prevent the spread of invasive species. Action proponents are required to acknowledge and agree to such conditions (for example, by signing and returning the DM to the Installation/Command planning staff), and the conditions need to be incorporated into contracting language so that the individuals implementing the action are aware of and comply with the conditions. To respond to annual HQMC data calls, action proponents must be able to demonstrate that mitigation measures or best management processes agreed to were actually implemented.

2.3 CATEGORICAL EXCLUSIONS

A CATEX is a category of actions excluded from further NEPA review by a federal agency because the actions do not individually or cumulatively have a significant effect on the human environment and do not require an EA or an EIS. CATEXs are not exemptions from the NEPA process; they are the minimum level of analysis required under NEPA for actions that have been determined by the agency not to have the potential for significant impacts. For the actions in this category, applying a CATEX will reduce delays in initiating and completing the actions, and will minimize the amount of paperwork associated with review of those actions.

In accordance with CEQ regulations, every federal agency may adopt a list of CATEXs. Each agency is responsible for determining the types of its actions that should be categorically excluded, and for developing specific regulations regarding the use of CATEXs. While public

participation is not specifically required for application of a CATEX, the CEQ³ encourages agencies to seek outside input on CATEXs when it would be appropriate, such as from a resource agency, to help identify the potential existence of an extraordinary circumstance. Additionally, remember that the use of a CATEX does not automatically mean that the requirements of all other applicable laws and regulations have been met.

A CATEX is intended to completely address the effects of a single entire action. CEQ direction and DoN policy is that a proposed action may not be divided into multiple components such that more than one CATEX may be applied. If a single CATEX doesn't completely address the entire action, the action does not fit into the category for which the CATEX was justified or approved. An action proponent/action sponsor must prepare an EA or EIS if more than one CATEX is required for an entire action.

The following sections describe the steps involved in preparing an REIR, determining the availability of CATEXs for proposed actions, and the preparation of a DM on a CATEX determination.

2.3.1 List of Approved USMC Categorical Exclusions

To be categorically excluded, all elements of the proposed action must properly fit under one of the DoN CATEXs. If any portion of the proposed action does not fit within the CATEX, an EA or an EIS is required to assess potential effects. The action proponent/action sponsor must satisfy the following conditions:

- Verify that the action has not been segmented. Segmentation occurs when an action is broken down into small parts to avoid the appearance of significance of the total action. CEQ guidance on CATEXs, and DoN policy on the use of its existing CATEXs, is that only one CATEX should be used for an action. CEQ guidance and Section 6.4 of this manual describe segmentation and the need for a proposed action to have “independent utility” from other actions.
- Verify that no extraordinary circumstances exist (40 CFR 1508.4 and Section 2.3.2 below).
- The action is not one for which an EA or an EIS would normally be prepared (see MCO P5090.2A Section 12201.5.c).
- Analysis documented in an REIR found there would be no significant direct, indirect, or cumulative effects.

Categorical Exclusions are not programmatic and may not be applied programmatically. The term “programmatic CATEX” is not described in 32 CFR 775 or MCO P5090.2A and therefore use of the term should be avoided. See also Section 2.3.3 on DMs for Recurring Actions.

2.3.2 Extraordinary Circumstances

With respect to the second criterion listed above for determining use of a CATEX, the CEQ regulations (40 CFR 1508.3) and MCO P5090.2A (series) requires consideration of extraordinary circumstances. These are situations or environmental settings that require an

³ CEQ Memorandum, “Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act,” November 23, 2010.

otherwise categorically-excludable action to be further analyzed in an EA or EIS. DoN's extraordinary circumstances are:

- The action would adversely affect public health or safety.
- The action involves effects that might be uncertain or scientifically controversial.
- The action establishes precedents for future actions that might have significant effects.
- The action threatens a violation of federal, state, or local laws applicable to the DoN.
- The action, as determined in coordination with the appropriate resource agency, might:
 - Adversely affect federally listed endangered/threatened species or marine mammals
 - Adversely affect coral reefs or federally designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands
 - Have an adverse effect on the size, function, or biological value of wetlands
 - Have an adverse effect on archaeological resources
 - Have an adverse effect on resources listed or eligible to be listed on the National Register of Historic Places (NRHP)
 - Result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under the standards of the Clean Air Act (CAA) General Conformity Rule.

Where an extraordinary circumstance might exist, action proponents/action sponsors should conduct additional analysis to confirm/deny whether extraordinary circumstances are present that warrant analysis in an EA. For example, if a NEPA/environmental SME suspects that an extraordinary circumstance might be present (i.e., a property that might be eligible for listing on the NRHP), further analysis should be conducted to determine the property's eligibility for the NRHP and—if it might be eligible—if there might be an adverse effect.

2.3.3 Preparing the CATEX DM

MCO P5090.2A Section 12305.3 requires action proponents to sign a CATEX DM.⁴ The DM should include a concise description of the proposed action, which CATEX applies, the rationale for why that particular CATEX applies (if it is not obvious), and a statement that no extraordinary circumstances exist. Any required conditions should be included or attached. The completed REIR and Facility Impact Report (FIR) Response Form (if applicable) must be attached. Examples of REIRs are in Appendices C1 and C2, and an example CATEX DM is included in Appendix C-3. Installations and Commands are allowed to tailor the REIR to fit their particular circumstances.

Per MCO P5090.2A Section 12201.6.c, the AR for CATEXs includes the REIR, CATEX DM (or equivalent document), and the results of consultations or coordination activities.

DMs for Recurring Actions. There are some activities with little risk of significant environmental effects that generate no practical need or benefit for preparing additional REIRs

⁴ MCO P5090.2A assigns responsibilities but does not identify all parties involved. The term "action proponent" should be interpreted broadly and could include the action sponsor or other party responsible for NEPA compliance.

and DMs. Examples of such recurring or continuing actions are routine personnel actions, repair of paved surfaces, routine building maintenance, trash collection services, or purchases of supplies. In those cases, the recurring actions can be grouped into an REIR and DM to document the application of the CATEX to a set of future actions (such as trash collection services for the next FY). CEQ guidance “strongly discourages procedures that require the preparation of additional paperwork to document that an activity has been categorically excluded” (48 FR 34263). The use of one REIR and DM for recurring actions streamlines the NEPA review process while ensuring compliance with all applicable environmental laws and regulations.

Developing an REIR and DM for recurring actions may require specific BMPs, conservation measures, and limitations of use (locations, timing, number and scope of activities, etc.). The REIR and DM for a recurring action should be periodically reviewed for the potential presence of Extraordinary Circumstances (see Section 2.3.2) and revalidated afterwards.

2.4 PROPOSED ACTION AND ALTERNATIVES

This section outlines the steps involved in developing a comprehensive description of the proposed action, the Purpose and Need statement, and alternatives to the proposed action to be considered in the NEPA analysis.

2.4.1 Identifying Purpose and Need

What is “Purpose and Need” in a NEPA analysis?

Defining the Purpose and Need of a proposed action is one of the first steps in the NEPA process. For a given proposed action, the Purpose and Need statement should provide answers to the questions:

- Why does the action need to occur? (At 40 CFR 1501.8(b)(iv), the CEQ regulations use the term “the public need”)
- Why must the USMC take action at this time and in this place?
- What are the underlying objectives or outcomes that the USMC needs from the action?
- What is to be accomplished by implementing the proposed action?

A clear, well-justified Purpose and Need statement explains to the public and decision-makers that the proposed action is necessary, and that potential impacts to the environment are warranted based on a clear public need for the action. The Purpose and Need statement for an EIS will naturally be more detailed for an EIS than for an REIR. The process of crafting the Purpose and Need statement can also be a “reality check” for cases in which a proponent might not have clearly formulated the action proposed. As a result, the Purpose and Need statement can - and probably should - be refined through the NEPA process. Note that there could be more than one need that

“The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.”—40 CFR 1502.13

Two Usages of “Purpose and Need”

NEPA documents refer to “Purpose and Need” in two ways:

- 1) The Purpose and Need statement as described in this section is typically one subsection of the EA or EIS and Part 2 of the REIR on project description.
- 2) The first section or chapter of an EA or EIS, which is broader than the Purpose and Need statement and typically includes a Background or Introduction subsection, Location, Public Involvement, Cooperating Agencies, and Document Organization (see also 40 CFR 1502.10(d) and Section 2.7.4 and 2.8.5 on document format).

an action will resolve, and the USMC has great latitude in defining the proposal's Purpose and Need. Understanding the relationship between the Purpose and Need statement and the alternative actions proposed is of great importance since only alternatives that meet the purpose and need for action are to be analyzed in a NEPA document. Without a well-defined and focused Purpose and Need, it will be difficult to determine which alternatives are reasonable, prudent and practicable, and it may be impossible to dismiss unreasonable alternatives or the no-action alternative. The decision as described in the FONSI or ROD, should be closely tied to the Purpose and Need statement.

It is important to clarify that NEPA practitioners use the term "Purpose and Need" to refer to the statement described above, and also the first section or chapter of an EA or EIS. The "Purpose and Need statement" described above is typically one subsection of the EA or EIS. The Purpose and Need section or chapter of an EA or an EIS is broader than the "Purpose and Need statement" and typically includes a Background or Introduction subsection, and discussion of Location, Public Involvement, Cooperating Agencies, and Document Organization (see also 40 CFR 1502.10(d) and Section 2.5.4 and 2.6.5 on document format). The Purpose and Need statement is included in Part 2 of the REIR.

The Purpose and Need statement, at a minimum, is a statement of the problem to be solved by the proposed action. The statement of Need should establish evidence that the problem exists or will exist. The Purpose and Need statement is often (but is not required to be) presented in two parts: broad goals and objectives of the problem to be solved (Purpose), and a description of the conditions underlying the problem (Need). In this case, the Need and Purpose are two separate but related concepts. However, the purpose and need statement is not required to be presented separately (nor in that order), and can be presented as a unified concept. The CEQ regulations do not distinguish between "purpose" and "need" and use the terms both together and separately:

- "The [EIS] shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." (40 CFR 1502.13)
- "[Recommend EIS format includes] Purpose of and need for action." (40 CFR 1502.10(d))
- "[Consideration of time limits on EIS preparation may include] Degree of public need for the proposed action." (40 CFR 1501.8(b)(iv))
- "[EAs] shall include brief discussions of the need for the proposal." (40 CFR 1508.9(b))
- "The EIS must contain a complete discussion of scope and purpose of the proposal." (*Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* [FAQ] #22)
- "[W]ithin the time frame necessary to meet the need and purpose of the proposed facility." (FAQ #29b)
- "[A] reasonable alternative for meeting the projected need for power." (FAQ #29b)
- "[EAs] should contain a brief discussion of the need for the proposal." (FAQ #36a)

Examples of the Purpose and Need statement as a single, unified concept are:

- The Purpose of and Need for the Proposed Action is to (1) remove inadequate facilities that are a current flight line restriction, (2) provide adequate facilities to train Reserve personnel to load and upload military and civilian cargo aircraft for air-land and drop missions, and (3) train Reservists to perform duties as a mobile control team responsible for establishing and controlling landing zones and cargo marshaling areas for on/off loading of cargo aircraft in forward area of operations.
- The Purpose of and Need for the proposed action is to provide suitable replacement office space to enable the Command to house 50 full-time employees, perform activities necessary to meet the Command mission, and address force protection concerns.

Examples of separated Purpose and Need statements:

- The purpose of the Proposed Action is to provide adequate facilities to train Reserve personnel to load and upload military and civilian cargo aircraft for air-land and drop missions, and to resolve flight line restrictions. The Proposed Action is needed because existing facilities are inadequate to support Reservists training and proficiency as a mobile control team capable of establishing and controlling landing zones and cargo marshaling areas for on/off loading of cargo aircraft in a forward area of operations.
- The purpose of the Proposed Action is to assess the ability of the vehicle to conduct safe and effective amphibious and land operations in below-freezing air temperatures, and to evaluate the effectiveness, suitability, and survivability of the current design in maritime arctic conditions. The Proposed Action is needed to aid in identifying and evaluating deficiencies and to characterize the performance envelope of the vehicle during land and amphibious operations conducted in below-freezing, arctic climates.
- The purpose of the proposed action is to fulfill the USMC's requirement to provide sustained, combined-arms, live-fire and maneuver field training for MEB-sized Marine Air-Ground Task Forces (MAGTFs), and to resolve training range deficiencies. The proposed action is needed because existing training bases, facilities, ranges, and live-fire ground and air maneuver areas are inadequate to support the requirement for MEB training.

Common problems with Purpose and Need statements. The statement of the Purpose and Need for an action is critical to identifying the range of reasonable alternatives to be considered in the analysis. If the Purpose and Need are defined too broadly, the number of alternatives that might require analysis could be virtually limitless. On the other hand, it is inappropriate in most situations to define the Purpose and Need so narrowly that competing alternatives are defined to not be reasonable, only a single alternative could be identified for analysis, and the outcome of the EIS analysis becomes a predetermined formality. For example, in a May 12, 2003, letter from the CEQ to the Department of Transportation (DOT), the CEQ said that the “[c]ourts have cautioned agencies not to put forward a purpose and need statement that is so narrow as to define competing ‘reasonable alternatives’ out of consideration (and even out of existence).”

The mission of the USMC or Command should not simply be restated. Purpose and Need statements should be developed that are specific to the need being addressed by the proposed action.

The preferred course of action usually represents only one of several possible means of meeting the Purpose of and Need for an action. Also, the Purpose and Need statement should not be

overly long (i.e., multiple pages). Focus on what the decision-maker must know about the purpose and need.

An ill-defined Purpose and Need can induce delays (by not focusing the analysis), waste resources (by examining alternatives that do not solve the problem), and result in the development of inadequate solutions for fulfilling the need. A poorly-defined Purpose and Need statement will yield a poor solution. **Table 2** provides examples of incorrect or misleading Purpose and Need statements and recommended improvements:

Table 2. Incorrect or Misleading Purpose and Need Statements

Original	Issue	Modified
The purpose of the action is to construct a new Command Headquarters on the Main Base at the corner of Ent and Main Streets.	Too specific so that only one proposed action could meet the purpose and need, and the Purpose and Need statement and proposed action will be virtually identical.	The purpose of the action is to provide modern administrative offices in a consolidated location to support Command Headquarter operations.
The USMC requires one-thousand Acme XJ 4000a detection systems to replace obsolete equipment.	Too specific so that only the proposed action could meet the purpose and need. Also, do not specify a particular technology if other technologies could be used. An appropriate statement of purpose and need would allow different technologies to be included as reasonable alternatives.	The USMC needs a network Intrusion Detection Systems to support Computer Network Defense (CND) requirements of DoDD O-8530.1.
The purpose of the Proposed Action is to construct six new, modernized, automated fueling stations to meet the Base's tactical fueling needs and result in a cost savings of approximately \$4 million over a 20-year period. The feasibility study identified the six fueling stations as the most efficient distribution locations. The Proposed Action is needed to support Base training missions and on-going operations in a more efficient, safe, uniform, and cost effective manner.	Too specific, that only one alternative could meet the purpose and need	The purpose of the Proposed Action is to provide automated fueling stations to efficiently meet the Base's tactical fueling needs. The Proposed Action is needed to support Base training missions and on-going operations in a more efficient, safe, uniform, and cost effective manner.
The USMC requires development of newer and less costly aircraft.	Too broad so that the number of reasonable alternatives is practically limitless.	The need for the Proposed Action is to replace aging legacy F/A-18 and AV-8B aircraft and integrate the operational and OT&E F-35B squadrons into the existing Marine Corps command and organizational structure. The purpose of the Proposed Action is to efficiently and effectively maintain combat capability and mission readiness as the Marine Corps faces increased deployments across a spectrum of conflicts and a corresponding increased difficulty in maintaining the aging aircraft inventory.

Original	Issue	Modified
To obligate funds for the Flight line Facility and get construction started ASAP.	Focuses on the funding process instead of the proposed action. The Purpose and Need statement is not a justification of what the USMC proposes to do nor is it a rationale for the preferred alternative.	The new Fire/Crash Rescue Station is needed to replace the existing station which was built in 1962, has inadequate equipment bays, and is a flightline obstruction.
The purpose of the action is to comply with NEPA and MCO P5090.2A.	Focuses on the NEPA process instead of the proposed action.	The new Fire/Crash Rescue Station is needed to replace the existing station which was built in 1962, has inadequate equipment bays, and is a flightline obstruction.
The existing EIS is 20 years old and needs to be updated.	Focuses on the NEPA process instead of the proposed action.	<p>The proposed action is needed to modernize and expand the capacity and capability of aging (1940s/50s era) utility systems and infrastructure to:</p> <ul style="list-style-type: none"> • Accommodate ongoing and future growth at the Base • Provide reliable services and alternate sources for planned maintenance and unscheduled repairs, and periods of emergency and natural disaster recovery Sustain compliance with current and future regulatory and code requirements. • Conserve and effectively manage resources

- *The purpose of the action is to construct a new Command Headquarters on the Main Base at the corner of Ent and Main Streets.* (Too specific so that only one proposed action could meet the purpose and need, and the Purpose and Need statement and proposed action will be virtually identical.)
- *The USMC requires development of newer and less costly aircraft.* (Too broad so that the number of reasonable alternatives is practically limitless.)
- *The USMC requires one-thousand Acme XJ 4000a detection systems to replace obsolete equipment.* (Too specific so that only the proposed action could meet the purpose and need. Also, do not specify a particular technology if other technologies could be used. An appropriate statement of purpose and need would allow different technologies to be included as reasonable alternatives.)
- *To obligate funds for the Flight line Facility and get construction started ASAP.* (Focuses on the funding process instead of the proposed action. The Purpose and Need statement is not a justification of what the USMC proposes to do nor is it a rationale for the preferred alternative).
- *The purpose of the action is to comply with NEPA and MCO P5090.2A.* (Focuses on the NEPA process instead of the proposed action).

- *The existing EIS is 20 years old and needs to be updated. (Focuses on the NEPA process instead of the proposed action).*
- *The purpose of the Proposed Action is to construct six new, modernized, automated fueling stations to meet the Base's tactical fueling needs and result in a cost savings of approximately \$4 million over a 20-year period. The feasibility study identified the six fueling stations as the most efficient distribution locations. The Proposed Action is needed to support Base training missions and on-going operations in a more efficient, safe, uniform, and cost effective manner... (Too specific, that only one alternative could meet the purpose and need).*

The following are excerpts from adequate EA and EIS Purpose and Need statements:

- *The purpose of the proposed action is to determine the basing location(s) for MV-22 squadrons that would provide medium lift capability to support I MEF and meet West Coast requirements for reserve component medium lift capability, and provide for efficient training through ready access to ranges, training areas and airspace... The need for the proposed action is to base the USMC's new medium lift aircraft where it can best support the I MEF and 4th MAW missions, while making use of existing facilities to the greatest extent practicable and preventing impacts to combat capability and mission readiness during the transition to meet current and future operational requirements of the USMC... (West Coast Basing of the MV-22).*
- *The purpose of the Proposed Action is to replace the Grow the Force (GTF) interim facility with permanent facilities at the Base. The need for the Proposed Action is to provide permanent facilities that enhance the capability of GTF units to accomplish their respective missions, thereby ensuring the USMC is sufficiently manned, well trained, and properly equipped to meet any crisis or conflicts that may arise.*
- *The purpose of the proposed action is to support the Grow the Force (GTF) initiative by providing permanent bed-down, support, training, infrastructure, and parking facilities that would enable the additional GTF personnel to be properly garrisoned and trained at the Base. The proposed action is needed:*
 - *because existing bed-down, support, parking, training, and infrastructure facilities at the Base lack sufficient capacity to support the additional forecasted GTF personnel without compromising the quality of life and training of currently garrisoned units; and*
 - *to ensure that these permanent bed-down, support, parking, training, and infrastructure facilities provide sufficient capacity to accommodate the surge of additional GTF personnel.*
- *The purpose of the Proposed Action is to replace the aging jet petroleum fuel (JP-5) UST system with belowground facilities, to provide additional fuel storage capacity, and reduce the potential for any environmental impact within Rose Canyon. The action is needed because the underground storage and delivery system is approximately 50 years old, has exceeded its useful lifecycle, and is incurring excessive operation and maintenance costs. The action is also needed to avoid a risk of reducing fuel supply capacity at MCAS Miramar below the level needed to meet mission requirements. The aging system has the potential for undetected leaks that could contaminate the soil and/or*

enter the Rose Canyon drainage. If a leak is detected, the tank would be removed from service resulting in an immediate 35 percent reduction in JP-5 fuel distribution capacity (EA for Replacement of Jet Fuel Underground Storage Tanks and Distribution System).

- *The VH-3D aircraft has been in use for approximately 25 years and the CH-46 has been in service since the early 1960s. The E/A-6B has been in use since the early 1970s and the F/A-18C/D and AV-8B since the early 1980s. The purpose of the Proposed Action is to operate new, more modern replacement aircraft for these older aircraft at MCAF Quantico. The assessment evaluates replacement of the VH-3D aircraft 3D with an aircraft having the operational characteristics of the VH-71, and the CH-46 with the MV-22, all within the 2020 timeframe. The evaluation of these aircraft, both based at MCAF Quantico in HMX-1, also considers their operation elsewhere in the Metropolitan Washington airshed for purposes of air quality. Additionally, the EA assesses the F-35B replacement of three older transient fixed-wing aircraft, the F/A-18C/D, AV-8B, and E/A-6B, by 2020. Overall, the need to replace the aircraft with more modern models is one of mission effectiveness as better technology is implemented to replace aircraft that have reached the end of their useful life. At MCAF Quantico, the need is to operate and support these replacement aircraft (EA of Replacement of Aircraft at Marine Corps Air Facility Quantico).*

How is the Purpose and Need Statement developed? The first step of any decision-making process is to identify the problem(s) to be solved. The action proponent should clearly and concisely define the problem(s) before developing any possible solutions. The defined problem(s) should include the decision criteria, environmental or otherwise, that will be used to make the final conclusion on the best course of action. In some cases, a proposed action may be defined by higher headquarters or an outside entity. An example of this is equipment modernization or force structure changes within the USMC and directed by DoN, Congress, or the President. In such cases, the statement of purpose and need should make reference to the directed nature of the proposed action as well as the underlying mission-related requirements for the action (note: actions taken directly by Congress, the Judiciary, or the President are not subject to NEPA per 40 CFR 1508.12. For example, if the President signs a treaty, the action of signing the treaty is exempt from NEPA). The need leading to a proposal can come from:

- Your organizational unit
- Other HQ organizations
- Bases/units/organizations
- Marine Corps Combat Development Command (MCCDC) and the acquisition community
- Congress

Cooperating Agency input on developing the purpose and need statement. In a 12 May 2003, letter from the CEQ to the DOT on the role of cooperating agencies in preparing purpose and need statements, the CEQ said that “The lead agency - the federal agency proposing to take an action - has the authority for and responsibility to define the ‘purpose and need’ for purposes of NEPA analysis. In situations involving two or more agencies that have a decision to make for the same proposed action and responsibility to comply with NEPA or a similar statute, it is prudent to jointly develop a purpose and need statement that can be utilized by both agencies. In the case

of a proposal intended to address transportation needs, joint lead or cooperating agencies should afford substantial deference to the DOT agency's articulation of purpose and need. Thoughtful resolution of the purpose and need statement at the beginning of the process will contribute to a rational environmental review process and save considerable delay and frustration later in the decision-making process.”

2.4.2 Defining the Proposed Action

Following establishment of the purpose of and need for the action, the proponent must describe the details of the proposed action. The description of the proposed action is the foundation for the entire environmental analysis process. This description can be either a broad characterization of the goals or objectives that would be achieved by implementing one of several alternatives, or it can be presented as a detailed, stand-alone, preferred course of action. In either case, objectivity must be maintained not only in the description of the proposed action but also throughout the analysis, so that reasonable alternative courses of action can be developed and equally considered.

The proposed action must be carefully and clearly defined; a poorly defined proposed action might lead to inadequate or inappropriate impact identification and analysis and possible legal challenge. It is important that all activities associated with the proposed action be identified and described in sufficient detail to permit a meaningful analysis of the potential environmental consequences. Defining the action too narrowly (e.g., underestimating the number of individual events or participants in planned training exercises) could result in constant modifications as a result of small changes to the proposed action. Too broad a definition (e.g., not providing sufficiently detailed information to describe where a new facility is to be located) could lead to a misunderstanding of the specifics of the action and an analysis that does not indicate the real effects that could occur.

The description of the proposed action should answer the questions below. Depending on the approach used to characterize the proposed action, some of these questions might be fully answered only by describing the alternatives to implementing the proposed action:

- **Who** is proposing the action, and which agencies have authority over it and responsibility for it?
- **What** is the decision to be made, and what activities are associated with the proposed action?
- **When** would the proposed action occur, and what would its duration be?
- **Where** would the proposed action occur?
- **How** would the action take place, and could it be broken down into components or a series or phases (without segmentation)?

If possible, the description of the proposed action should contain the following elements, as appropriate and relevant to understanding the potential environmental effects:

- **Project Timing and Progression.** Include information that identifies project milestones, the frequency and duration of activities and any aspects of the proposed action that could result in effects that vary over time such as time of day or season of the year.

- **Construction Activities.** Include information about the number of construction workers involved and the type of equipment to be used; site clearing and grading requirements; use of temporary access roads, staging areas, and borrow sites; and any other activities that would be necessary to support construction activities. This information is relevant to the modification of existing facilities and infrastructure.
- **Operational Activities.** Include information about the project and related support operations, such as facilities, equipment, and materials to be used; numbers of personnel involved; any testing, training, and maintenance activities; utility demands; and related transportation requirements.
- **Permits.** Identify all necessary environmental-related or use permits in the description of the proposed action.

The description of the proposed action should be straightforward and concise, but sufficiently detailed to form the basis for the analysis that will follow. The description of the proposed action for an EIS will naturally be more detailed for an EIS than for an REIR.

It is important that the description of the proposed action include all *connected actions* (if the action is dependent on or part of one or more other actions) and that it acknowledge any *similar actions* (if the proposed action is similar to existing activities or recent or pending actions).

Understanding similar actions is particularly useful when determining the potential for the proposed action to produce cumulative effects. For construction and for operational activities, identify resulting waste streams and emissions (including rate and duration), including how they will be treated and/or disposed. Use maps, sketches, facility layouts, and photos of site alternatives as necessary to fully explain details of the proposed action. In addition, describe standard construction practices and required mitigation measures (see also Section 6.9), if already planned as part of the proposed action, along with other measures that likely would be required if the action is to proceed (such as, scheduling activities so as not to affect the nesting season for a migratory or endangered bird species).

2.4.3 Alternatives

2.4.3.1 Include Reasonable Range of Alternatives

Once you establish the need and purpose for the action, you can generate a list of reasonable alternatives (options) that will address the problem. Alternatives represent the various ways the proponent can fulfill the purpose and need for the action. Action proponents/action sponsors must explore and consider all reasonable alternatives in terms of actions and/or locations. Alternatives identified and selected as appropriate for analysis should be addressed at a similar level of detail throughout the document. The CEQ regulations recognize three types of alternatives:

1. **No-Action Alternative.** CEQ regulations require analysis of the no-action alternative in all EAs and EISs. The no-action alternative provides a baseline against which the effects of a proposed action and all other alternatives are compared. Depending on the nature of the proposed action, there are three possible interpretations of *no action*.
 - The first possible situation pertains to a proposal or plan to update or change ongoing activities. In such a case, *no action* would equate to no change in the ongoing activity or maintaining the status quo.

- The second involves proposals for new projects. No action would mean that the new projects would not take place.
- The third occurs when certain ongoing actions that are external to the project are to be discontinued (expiration of a lease, elimination of weapon system testing) before a proposed action is to be implemented. This situation requires that the no-action alternative take into account those changes that result from the discontinuing external actions and that will impact the project's affected environment (see also Section 2.4.5).

When evaluating the no-action alternative, remember that adverse effects sometimes will occur under this alternative. Potential impacts of the no-action alternative forecast current conditions into the *future* under the influence of activities that would continue *and* other decisions previously made. For example, the affected environment's air quality discussion might describe the current ambient concentrations of air pollutants including site emissions, emission rates, existing air quality permits, and the attainment status for criteria pollutants. The impact assessment for the no-action alternative would forecast future site emissions and emission rates without any of the action alternatives. The impact assessment also would identify the impacts of future emissions on compliance with applicable air quality regulations and permits, the attainment status for criteria pollutants, and human health and environment. In a second example, undeveloped land experiences some level of hunting, training, and natural resources management related activities. Continuation of those activities should be compared to the proposed action and alternatives.

- 2. Other Reasonable Courses of Action.** CEQ regulations require a proponent to consider all reasonable alternatives that would fulfill its purpose and need for a proposed action. Reasonable alternatives include those that are practical or feasible from a technical and economic standpoint, support the underlying purpose of and need for the proposed action, and are ready for decision. The application of selection or screening criteria (such as, budget constraints, time constraints, and specific training criteria) can help to narrow the range of reasonable alternatives. Where such criteria are applied, they should be described in the NEPA document. An alternative might be considered reasonable even if it is outside the DoN's legal jurisdiction.

As a general guide, use the sliding-scale approach (see Section 5.1) when determining how many alternatives to identify and analyze in an EA/EIS and the depth of analysis to provide for each alternative (larger, more complex EIS actions warrant more scrutiny of alternatives and analysis than smaller, simple EA actions). Consider alternatives that might have fewer or smaller impacts than the proposed action. A potential conflict with federal, state, or local law does not necessarily render an alternative unreasonable, although such conflicts must be considered. For example, a proposed action/alternative could be incompatible or inconsistent with land use designations, zoning or plans. In such cases, the ability to modify the land use designation or plan and environmental effects of the change would need to be evaluated. For some proposals, a very large number of reasonable alternatives might exist. In these situations, the analysis evaluates only alternatives representative of the full range of reasonable alternatives (see CEQ FAQ # 1, Appendix D). Proponents are cautioned not to develop fictitious or absurd alternatives simply to increase the number or range of alternatives.

Other Limitations on Alternatives. For some projects there might also be action-limiting requirements on alternatives. For example, EO 11990 on Wetlands and the Clean Water Act (CWA) Section 404(b)(1) guidelines require a “Least Environmentally Damaging Practicable Alternative” (LEDPA). However, an alternative that does not meet the need for the project is not practicable.

- 3. Mitigation Measures Not Included in the Proposed Action.** Identified mitigation measures not already included in the proposed action provide opportunities for alternative means of implementing a proposed action (constructing noise barriers to lower noise levels even further below legal standards). These “add-on” mitigation measures must be analyzed for their potential environmental effects and can be treated as separate alternatives in the environmental analysis. See also Section 6.9, Mitigation.

2.4.3.2 Formulating Alternatives

The formulation of reasonable alternatives - like all problem-solving - is an iterative process. Within the bounds established by the Purpose and Need statement, action proponents/action sponsors and NEPA/environmental SMEs must sincerely consider alternative courses of action. The action proponent/action sponsor and NEPA/environmental SMEs must be open to identifying alternatives beyond the initial description of the proposed action. NEPA/environmental SMEs must be able to discuss alternate Courses of Action with senior USMC leaders. Recognize that - while it might be uncomfortable discussions - avoiding open and forthright discussions of alternatives could lead to critical problems down the road if an alternative becomes non-viable.

The following are suggestions to help identify alternative means to meet the purpose and need of the action:

- Conduct an open scoping process and engage experts within the physical, natural, and social sciences.
- Examine and validate assumptions behind the Purpose and Need statement and proposed action. Ask why the action must be as it was described?
- Consider timeframes, including options, which can be put in place immediately and those, which can be phased in over time.
- Consider mitigation measures that would avoid, minimize, or reduce impacts.
- Analyze alternatives that seem impractical only because of current programmatic assumptions, but otherwise would be reasonable. Also, consider whether it is foreseeable that technical or economic factors might change such that an apparently infeasible but otherwise reasonable alternative would become feasible.

Example: The proposed action is acquisition of new equipment. The action proponent has extensive experience with a particular technology and expects to use that technology in the new equipment. Other technologies might be applicable, but they have received less development funding. In the NEPA document, include alternatives that use other technologies, particularly those that might have environmental, safety, or cost advantages.

- Consider basing alternatives, location alternatives (on- and off-site), design alternatives, construction techniques, timing or phasing of alternatives, technology alternatives, and

alternative components within the proposed action. Do not overlook reasonable technology or siting alternatives, including off-site alternatives.

Example: The proposed action is development of a replacement facility. The action proponent needs to develop screening criteria and work with the installation to identify siting alternatives, including compatibility with land use plans, footprint size, proximity to utilities, environmental or safety constraints, and traffic/transportation requirements. In the NEPA document, include on- and off-site alternatives that might have environmental, safety, or cost advantages.

- Alternatives should be defined broadly enough to allow small changes in the way the USMC implements the selected alternative, but not so broadly to preclude meaningful analysis.
- Ask the action proponent what would they do if their initial plan became not viable? Do they have a “Plan B”?

2.4.3.3 Screening and Elimination of Alternatives

Proponents should consider developing specific screening criteria for alternatives. The screening criteria should reflect the minimum threshold requirements to meet the purpose and need. Each alternative should be compared against those selection or screening criteria.

Example: For the Joint Strike Fighter (JSF) homebasing EIS, the USMC action proponent developed the following screening criteria: 1) Proximity and access to airspace and training ranges, 2) a Class B runway, and 3) sufficient infrastructure currently supporting fixed-wing aircraft that can be readily modified in the timeframe to support USMC Initial Operating Capability.

Example: Criteria might be the land area or airspace required for a certain activity or the distance that would limit training events at an auxiliary field away from a main base.

At times, it is possible that no alternative meets all aspects of the project’s purpose and need. In such a case, it must be determined if the alternatives are acceptable and worth pursuing in light of the cost, environmental impact and less than optimal operational solution. To properly assess this, it is important to determine the elements of the purpose and need that are critical to the project, as opposed to those that may be desirable or simply support it. The critical elements are those, which if not met, at least to some minimal level, would lead to selecting the No-Action Alternative. Determining critical needs could include policy decisions as well as technical considerations. Other times, the cost or level of environmental impact are not acceptable and an alternative that only partially meets the purpose and need must be considered. If the costs are justified in relation to the benefits, then a less than full-build alternative may be acceptable. In the vast majority of cases, however, at least one alternative will fully meet the purpose and need at an acceptable cost and level of impact. In cases where more than one alternative fully meets the purpose and need, a number of factors including cost, operational needs, safety, environmental impact, etc., will be considerations in reaching the decision on the selection of the preferred alternative.

Alternatives that appear obvious or were identified by the public during the public scoping or comment process should be considered. If the proponent determines that these alternatives are not reasonable or feasible and therefore should be eliminated from detailed study in the NEPA analysis, a brief discussion of the reasons for their elimination should be included in the EA or

EIS (e.g., that the cost or time to implement would be impractical, technical implementation would be infeasible). Make the method for screening alternatives clear to readers (see also 2.4.3.3 below). The failure to consider alternatives that **seem** reasonable to others would affect the credibility of an otherwise adequate NEPA review. Infeasible alternatives are certainly unreasonable; feasible alternatives also may be unreasonable.

Example: It might be feasible to build a new facility at a given site without regard to infrastructure because all necessary infrastructure already exists. It might not be a reasonable alternative, however, to build the same facility at another site because the required infrastructure is not in place and could not be provided at a reasonable time or expense.

Historically, the greatest potential causes for delay in the NEPA process are failure to adequately describe the proposed action and failure to appropriately address reasonable alternatives. If an alternative is determined to be reasonable and feasible, it should be evaluated in the NEPA analysis. Circulation of the Description of the Proposed Action and Alternatives (DOPAA) early in the process to all offices and organizations involved is critical to ensuring that all reasonable alternatives are identified and accurately defined. Identification of the full range of reasonable alternatives also is a particularly important part of the scoping process.

2.4.3.4 Problems with Alternatives Development in EAs and EISs

Below are common problems that should be avoided when developing alternatives in a NEPA document:

- The definition of the “problem” (purpose and need requirements) to limit possible “solutions” (alternatives) should not be narrowed arbitrarily.
- The “problem” should not be reverse-engineered to justify the “solution” (don’t tailor the purpose and need to fit the preferred alternative).
- Other alternatives should not be made to look less attractive.
- Screening criteria can be arbitrary - and may not include environmental factors.
- Screening evaluations can also be arbitrary - and may informally exclude alternatives before the more formal evaluation.
- Public involvement occurs too late to influence the development of alternatives.
- Alternatives are developed too late in the agency planning process to consider more strategic solutions.
- “Tokenism” or disingenuous alternatives should be avoided.
- Creating “straw men” alternatives that give the appearance of considering a larger number of alternatives, or that are unreasonable and thereby make the preferred alternative appear to be more attractive should be avoided. This false representation of activities diminishes the ability to examine tradeoffs among genuine alternatives in a NEPA analysis.

2.4.4 Identifying Issues for Analysis

Issues to be considered in NEPA analyses are derived from an understanding of those aspects of the environment that would be affected by the proposed action or an alternative if it was implemented. Such issues are based on the interrelationship between the proposed activities, the

affected area including sensitive receptors, impacted resources, criteria and regulatory standards against which effects are measured, and time (the terms “issues,” “resources,” and “resource areas” are used here somewhat interchangeably to designate environmental concerns to be evaluated in the NEPA analysis).

Characterize issues by their extent of geographic distribution, the duration of time over which the issues are likely to be of interest and the level of interest or controversy they generate. Once identified, group and categorize issues (common resources, common geography, linked to the same action, or linked to cause-effect relationships) to provide focus and direction to the scope of analysis and NEPA documentation. This approach is particularly useful in determining which resources and resource parameters should be addressed in the Affected Environment and Environmental Consequences sections of an EA or an EIS (see Section 2.4.6).

Use various methods to identify issues, including surveys and questionnaires, coordinated discussions with outside participants (such as, natural/cultural resources regulatory agencies, local officials, and special interest groups), review of existing technical documents and journals, and review of published and electronic news media. The scoping process, described in detail in Section 4.3, provides an effective forum for issue identification. Issues can also be identified from cause-effect relationships.

One means of achieving the eventual resolution of issues is through the development of mitigation measures where significant effects or serious controversy are anticipated. Reach agreement on approaches for handling issues early in the process through coordination and consultation with key participants, technical support staff and contractors, environmental experts in other agencies, and the affected public. Subject matter experts should be the lead in dealing with resource-specific issues (such as noise, cultural resources, endangered species, etc.).

2.4.5 Describing the Affected Environment

Once the environmental issues have been identified, prepare an affected environment description (also referred to as the environmental baseline) for the area(s) that could be affected by the proposed action and alternatives. The CEQ regulations require affected environment descriptions be succinct and no longer than necessary to understand the resulting effects. The data and information presented should be commensurate with the importance of the effects, with less important material summarized, consolidated, or simply referenced. A good rule of thumb is that any information presented in the Affected Environment section of an EA or EIS must be evaluated in the Environmental Consequences section.

The discussion of the affected environment in an EA or EIS should succinctly describe the environment of the affected area as it exists before the proposed action, including existing uses and activities in the area (i.e., a baseline description from which to compare the probable impact). If any resource topic is excluded from discussion altogether, explain in this section why it was excluded. **Table 3** lists pertinent information that should be included in the discussion for each resource.

Table 3. Descriptions of Affected Environment

Existing Environment Component	Description to Include, As Appropriate
Location Description	<ul style="list-style-type: none"> • General overview of the environmental setting of the affected installation or site • Geographic setting, general landscape/climate conditions • Ongoing mission(s) and primary activities
Land Use	<ul style="list-style-type: none"> • Land cover; aesthetics and visual resources • Building function and general architecture • Relevant location of local communities • Land use management plans and local zoning, property ownership, leasing, and other property agreements • Local/regional development plans/programs that may contribute to cumulative effects • Real property development plans
Air Quality	<ul style="list-style-type: none"> • Ambient air quality conditions • Existing air emission sources • Air pollution source permits • Federal and state air pollution control regulations and standards • Criteria for attainment/nonattainment areas • Sensitive receptors on and off the installation • Compliance with federal and state implementation plans • Basis of air conformity analysis or Record of Non-Applicability (RONA) • Local or regional meteorological conditions as they relate to pollutant dispersion
Noise	<ul style="list-style-type: none"> • Stationary/mobile noise sources • Sensitive receptors on and off the installation • Noise monitoring results • Federal, state, and local noise standards
Geology and Soils	<ul style="list-style-type: none"> • Topographic conditions • Geologic bedrock types and any unique concerns (e.g., subsidence or radon) • Paleontological resources (where impacts would potentially be significant) • Seismic conditions and fault features • Soil types and any unique concerns (e.g., potential for erosion) • Prime and unique farmland • Mining resources and mineral rights
Water Resources	<ul style="list-style-type: none"> • Hydrology • Quality • Point and nonpoint sources of pollution • Floodplain areas for 100- and 500-year floods • Water resource districts and other water rights
Biological Resources (local fauna, flora, and habitats)	<ul style="list-style-type: none"> • Species commonly found on the installation or on other affected properties, including migratory birds • Occurrence of sensitive species (federally or state-listed threatened, endangered, or candidate species and rare or unique species) on or in the vicinity of the installation or other affected property • Aquatic and terrestrial ecosystem types (e.g., forests, wetlands, fields) found on the installation or on other affected property and their regional importance, if any • Special habitat areas (e.g., areas used by nesting or over-wintering species) • Vegetation and wildlife management plans and practices (e.g., INRMP) • Coordination with the appropriate state office for environmental resources and USFWS or NOAA NMFS

Existing Environment Component	Description to Include, As Appropriate
Cultural Resources (prehistory, history, and a summary of the status of the cultural resources inventory for the project area)	<ul style="list-style-type: none"> • Definition of the area of potential effect (APE) for the proposed action and each alternative; the APE will vary depending on the type of cultural resource • Historic buildings, structures, districts, or landscapes • Archaeological sites, historic buildings, and other properties eligible for listing or listed on the NRHP • Archeological resources and status of archaeological inventories within the APE • Resources of significance to Native American tribes or Native Hawaiian Organizations (NHOs) • Coordination with the State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer (THPO) • Agreement documents such as programmatic agreements (PA), memoranda of agreement (MOA), or program comments that apply to resources in the affected area • Evidence of compliance with the DoD Annotated American Indian and Alaska Native Policy and Department of Defense Instruction (DoDI) 4710.2 • Integrated Cultural Resources Management Plan (ICRMP) • Inadvertent discovery response (the standard operating procedures in the ICRMP are to be followed)
Socioeconomics	<ul style="list-style-type: none"> • Demographics • Regional employment and economic activity • Installation salaries and local expenditures • Housing • Schools • Medical facilities • Shops and services • Recreation facilities • Public and occupational health and safety • Protection of children
Environmental Justice	<ul style="list-style-type: none"> • Geographic distribution of minority populations • Geographic distribution of low-income populations by poverty status • Consumption patterns of populations that principally rely on fish and/or wildlife for subsistence • Access to resources (treaty rights, medicinal plants, pottery clays) required by Native American or Native Hawaiian populations
Infrastructure (utilities and transportation elements associated with the affected location)	<ul style="list-style-type: none"> • Potable water supply • Wastewater treatment • Solid waste disposal, including use of landfills and/or incinerators • Energy sources, including electrical power, natural gas, fuel oil, coal, and/or steam generation • Roadways and traffic on and off the installation • Rail access and service to the installation or other affected property • Air operations at the installation or on other affected property and associated airspace use
Hazardous and Toxic Materials/Wastes	<ul style="list-style-type: none"> • Storage and handling areas • Waste disposal methods and sites • Installation Restoration Program (IRP) • Materials and wastes present, including asbestos, radon, lead paint, polychlorinated biphenyls (PCBs), and radioisotopes • Ordnance use and disposal • Aboveground and underground storage tanks • Pollution prevention programs and plans

Based on the extent and duration of anticipated effects caused by an action, define each relevant resource category according to some geographic boundary or *affected area* and relative to the general timeframe within which effects are likely to occur. Each resource category presented in the affected environment description should have its own distinct affected area, which can be explained in text or delineated on a map. However, an option for describing the affected environment for several of the more common resources (e.g., soils and vegetation) is to use one study area boundary (e.g., the installation or other property boundary, or a radius around the project site) that encompasses the potential effects for all resources. This approach can help simplify the process of delineating individual affected areas, particularly in the early stages of the analysis, when the definition of the proposed action might still be changing.

It also can provide a common frame of reference for discussion and for the presentation of data on maps or other visual aids used in the NEPA document. Some resource categories, such as socioeconomics and air quality, typically have affected areas much larger (e.g., a metropolitan area or regional airshed) than those for other resources because of the factors used in measuring effects on them.

The geographic scope of potential cumulative effects on various resources can require analysis of a much larger study area. When describing the affected environment, use the most current data available or other data that closely represent current conditions. If existing data does not accurately represent current conditions, consider obtaining new data through field surveys or by other means. Depending on the timeframe of a given action, the affected environment description for some resources might require projections of future conditions to more accurately determine long-term effects or effects not expected to occur for several years. This is particularly true for programmatic and lifecycle NEPA studies and typically applies to future land use, socioeconomic, infrastructure, and transportation conditions. As described in Sections 5.5 and 6.3, tiered and/or supplemental NEPA studies for such actions are usually required to account for changing phases of the action and/or changes in the affected environment. All too often, NEPA analyses are completed using insufficient information for evaluating effects on environmental baseline conditions. In some cases, expensive and time-consuming field data collection is necessary, but the specific project for which the data are needed has insufficient funds and/or time for data collection and analysis efforts. In other cases, data might be available but not in a form that can be easily integrated with other information or analysis techniques. To help prevent such problems from occurring, early planning is necessary to determine resource issues and associated baseline data requirements.

Obtain existing baseline data through coordination with the installation environmental planning staff, HQMC environmental planning staff, and various outside agencies. Some installations have developed or are developing extensive environmental databases, usually in the form of geographic information systems (GIS), to define existing baseline conditions at Marine Corps installations. In addition to providing information used in NEPA analyses, use such tools to generate environmental constraints maps to help master planners, trainers, and other proponents in siting and scheduling their proposed actions. Use GIS to do preliminary planning for any projects that require NEPA documentation. GIS is particularly useful in developing alternative locations for a proposed project. NEPA documentation must include maps produced using GIS that meet *GEOFidelis* standards for GIS. Integrated natural and cultural resource management plans (INRMPs and ICRMPs) can often provide valuable baseline data.

2.4.6 Environmental Effects

The CEQ regulations direct that NEPA analyses (e.g., EAs and EISs) assess the direct, indirect (40 CFR 1508.8), and cumulative (40 CFR 1508.7) environmental effects resulting from major federal actions. (Note: The CEQ regulations use the terms *effects* and *impacts* synonymously and interchangeably.)

- **Direct Effects.** A direct effect is caused by the proposed action or alternatives, occurs within the affected area, and occurs concurrently with an activity included as part of the proposed action or alternative. An example of a direct effect is the loss of vegetative habitat from construction of a new road.
- **Indirect Effects.** An indirect effect is caused by the proposed action or alternatives, but occurs later in time or farther removed in distance, although it is still reasonably foreseeable. For example, in the case of sediment runoff from a construction site, the resulting deterioration of water quality downstream represents an indirect adverse effect. An indirect effect may also include degrading habitat that impacts prey for T&E species. Indirect effects are not as apparent as direct effects, and their evaluation may depend on subjective rather than objective factors.
- **Cumulative Effects.** A cumulative effect is an impact on the environment that results from combining the effects (direct and indirect) of the proposed action with the effects of other past, present, and reasonably foreseeable future actions in the affected area, regardless of what agency (federal or non-federal) or person undertakes such other actions. As a result of extensive outside influences, cumulative effects are the most difficult to analyze, and the analysis is frequently more subjective than objective. For further discussion on addressing cumulative effects, see Section 6.1 of this manual.

When analyzing direct, indirect, and cumulative effects, consider the probable duration (short-term or long-term) of each effect. Short-term effects are often those associated with the initial implementation of an action, such as those that might result from initiation of a construction project. Long-term effects are generally those that would occur over the operational life of the project.

Describe the impacts accurately, using either a quantitative or qualitative methodology appropriate to that resource. Concentrate the analysis on resources or issues that are most important or potentially significant. For resources or issues that are less important or that would clearly not have a significant impact, only describe why these impacts would not be considered significant (without unnecessary background data). Discuss mitigation in sufficient detail to ensure that environmental consequences have been fairly evaluated.

In analyzing potential effects, avoid the pitfall of inventorying data instead of analyzing impacts. An inventory involves gathering and displaying data, and it

Sustainability and NEPA Analysis

NEPA sections 101(b)(4), 102(2)(c)(iv), and 40 CFR 1502.16 include sustainability concepts:

- “preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice”
- “the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity”

As such, USMC NEPA analysis should include consideration of sustainability as appropriate to the action and environmental conditions. Examples include, but are not limited to, climate change adaptation, energy conservation and use, and natural resources conservation.

is typically completed before the analysis is conducted and forms the basis of the Affected Environment. Analysis of impacts makes use of an inventory, is performed for specific purposes (like answering a specific question), and involves assessing pertinent information, making value judgments about the data, and coming up with recommendations for suitability. The analysis should focus on the cause and effect relationship that would result in an impact.

As a final note, resource areas are interdependent and the data needs to be consistent across the analysis. For example, air quality and noise analyses will typically quantify each component of the proposed action (acres disturbed, number of personnel, time of day, etc.) to calculate impacts. Since different analysts typically prepare each section of an EA or EIS, it is important to make sure that the numbers used in each section are consistent.

2.4.6.1 Significance of Effects (see also Section 7.2, Glossary)

The Meaning and Use of Significance

The term “significance” (including “significant” and “significantly”) holds special meaning under NEPA because it is the trigger for the requirement to prepare an EIS. NEPA Section 102(2)(C) states that all agencies must include a “detailed statement” for all “major Federal actions significantly affecting the quality of the human environment...” The “detailed statement” is the EIS.”

The CEQ regulations at 40 CFR 1508.27 define “significantly” in terms of the *context* of the action and the *intensity* of the potential impact.

- ***Context*** refers to the potentially affected resources and setting where the impact would occur (i.e., local vs. national; pristine vs. disturbed; common species vs. rare or sensitive species; purely economic vs. risk of accidents and public safety, etc.). This means that the potential significance of each proposed action must be analyzed in several contexts. For example, construction on 1 acre of a parking lot is not the same as on 1 acre of a wetland or habitat of a sensitive species.
- ***Intensity*** refers to the magnitude or severity of the effect and whether it is beneficial or adverse. The CEQ regulations at 40 CFR 1508.27(b) provide 10 factors to consider in determining the intensity of an impact (see also “Indicators of Significance” below).

Note that “significance” in terms of environmental impacts has a legal definition and, therefore, should not be used indiscriminately in a NEPA document.

Significance and the Characterization of Impacts under the NHPA, ESA, and Other Laws

In addition to the use of “significance” in NEPA analysis, other environmental laws and regulations use the term. The Clean Air Act (CAA) Part C is titled “Prevention of Significant Deterioration of Air Quality.” The National Register of Historic Places (NRHP) is composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. Under the Endangered Species Act, the Secretary of Interior is to take action to prevent a significant risk to the well being of any threatened or endangered species (16 U.S.C. 1533(b)(3)).

Are Clean Air Act exceedences, adverse impacts on sites on or eligible for the NRHP, or impacts on a threatened or endangered species considered a significant impact in a NEPA analysis? No - adverse impacts under other laws do not automatically translate into a significant impact in a NEPA analysis (conversely, stating that a proposed action “would be carried out in compliance

with applicable regulatory requirements” does not mean that there would be no impacts or that the impacts would be insignificant). For example, the NHPA Section 106 implementing regulations at 36 CFR 800.8 (coordination with the National Environmental Policy Act) states: “A finding of adverse effect on a historic property does not necessarily require an EIS under NEPA.” While compliance with such laws as the CAA, NHPA, and ESA should be coordinated with the NEPA process, compliance with one does not necessarily substitute for compliance with the other legislation concerning environmental impacts. However, the determination of an impact under such laws as the CAA, NHPA, and ESA can be an important factor in determining intensity and significance per 40 CFR 1508.27(b)(8), (9), and (10). Impacts under these other laws can also affect the level of NEPA analysis, such as the presence of extraordinary circumstances that triggers an EA instead of a CATEX.

Indicators of Significance (Factors to Consider, 40 CFR part 1508.27(b) 1-10)

As defined in 40 CFR 1508.27(b) Section 7.2 (Glossary), the term *significantly* provides a basis for determining severity of effects on the quality of the human environment. Consider both beneficial and adverse effects. Although all aspects of the definition are important, action proponents/action sponsors should pay special attention to the following issues:

- **Geographical Extent of the Action (40 CFR part 1508.27(b)(3)).** For example, construction and land use modification to support a limited maneuver or training exercise by an individual Command might not have a significant effect on the environment. However, training exercises on a broad geographic scale involving diverse natural areas could have a significant effect on the environment.
- **Long-term Impact of the Action (40 CFR part 1508.27(b)(6,7)).** Maintain an objective overview toward the magnitude of environmental effects of the immediately contemplated action and future actions for which the proposed action may serve as a precedent and which may result in a cumulatively significant impact. For example, if construction of a new facility would foster increased training, the impacts of the increased training should be considered in the analysis.
- **Risk Potential (40 CFR parts 1502.22, 1508.27(b)(5)).** For example, even though the environmental impact of an efficiently and safely operated fuel depot may not be significant, if a massive oil spill is reasonably foreseeable in the lifetime of the project, the effects of an oil spill could render significant the effects of construction or operation of such a depot.
- **Sites Having Existing or Possible Historic, Architectural, or Archaeological Interest (40 CFR part 1508.27(b)(8)).** (See Section 5.2.17.)
- **The Potential Impact on Endangered or Threatened Species, and/or Their “Critical Habitat” as designated by the United States Fish and Wildlife Service or National Marine Fisheries Service (NMFS) (40 CFR part 1508.27(b)(9)).** (See Section 5.2.9.)

Additional factors to consider when evaluating significance are:

- **Relevant Legal Requirements.** Consider legal requirements when determining significance, including criteria in federal, state, or local statutes, regulations, or court decisions. Actions that are likely to result in violation of regulatory standards are usually considered to have significant effects.

- **Knowledge of Applicable Court Cases.** Findings in court cases involving the NEPA process can often provide guidance in understanding the types of effects likely to be considered significant. However, the findings of a single court case might not be an up-to-date, definitive statement of the law. Legal counsel should be consulted as necessary.
- **Uncertainty and Controversy.** Consider the degree to which the effects of the action on the human environment are likely to be highly uncertain or controversial. Of particular importance is controversy where a substantial dispute exists as to the size, nature or effect of the major federal action, rather than the existence of opposition to an action, the effect of which is relatively undisputed.
- **Other Considerations.** Specific unique characteristics of the action might influence the determination of significance. Determine the level of significance by not only soliciting the advice and judgment of environmental office personnel, natural or cultural resource agency staff, contractors, and others, and also by using established guidelines that are generally accepted by experts in a given discipline.

How is Significance Determined?

Agency decision-making might be much easier if specific standards existed for when an impact becomes significant. Unfortunately, no such standards exist and the determination must be made on a project-by-project, location-by-location, and resource-by-resource basis. Section 5.2 provides detailed descriptions of resources typically addressed in NEPA analyses for EAs and EISs. Note that only those resources and resource parameters that present issues for analysis (see Section 2.4.4) need be discussed. **Table 4** presents examples of significance criteria for these resources which can be a starting point for a NEPA document.

Table 4. Examples of Significant Effects for Resource Categories

Resource Area	Examples of Significant Effects
Land Use	An alternative could significantly affect land use if it results in substantial new development or prevents such development elsewhere, or if it significantly affects visual resources by introducing new, intrusive visual elements into the landscape in terms of vegetation, topography, or structures when viewed from points readily accessible by the public.
Air Quality	An alternative could result in substantially higher air pollutant emissions or cause air quality standards to be exceeded.
Noise	An alternative could generate new sources of substantial noise, increase the intensity or duration of noise levels to sensitive receptors, or result in exposure of more people to high levels of noise.
Geology and Soils	An alternative could increase geologic hazard or change the availability of a geologic resource.
Water Resources	An alternative could reduce the quantity or quality of water resources for existing or potential future uses, exceed the capacity of the potable water system; or cause substantial flooding or erosion, subject people or property to flooding or erosion, or adversely affect a significant water body such as a stream or lake.
Biological Resources	An alternative could disrupt or remove an endangered or threatened species or its habitat, its migration corridors, or its breeding areas, or result in the loss of a substantial number of individuals of any plant or animal species (sensitive or non-sensitive species) that affect the abundance or diversity of that species beyond normal variability.

Resource Area	Examples of Significant Effects
Cultural Resources	An alternative could result in unauthorized artifact collecting or vandalism of identified important archeological sites; could alter or demolish a historic building or its setting; could promote neglect, resulting in resource deterioration or destruction; could introduce intrusive audio or visual elements to the setting, or could decrease access to resources of importance to federally recognized Native American tribes or NHOs.
Socioeconomics	An alternative could substantially alter the location and distribution of the population within the geographic region of influence (ROI), cause the population to exceed historical growth rates, or substantially affect the local housing market and vacancy rates. Significant effects could occur if an alternative causes disproportionate environmental health or safety risks to children. An alternative also could have a significant effect if it creates a need for new or increased fire or police protection or medical services beyond the current capability of the local community or decreases public service capacities so as to jeopardize public safety.
Environmental Justice	An alternative could disproportionately affect minority or low-income populations.
Infrastructure	An alternative could significantly increase demand over capacity, require a substantial system expansion, or result in substantial system deterioration over the current condition. An example would be an alternative that significantly increases the population of an installation, resulting in increased traffic to/from the installation.
Hazardous and Toxic Materials and Wastes	An alternative could substantially increase in the generation of hazardous substances, increase the exposure of persons to hazardous or toxic substances, increase the presence of hazardous or toxic materials in the environment, or place substantial restrictions on property use as a result of hazardous waste, materials, or site remediation.

In the NEPA analysis for a program or project, if no effects are identified for a particular resource area, that fact should be mentioned. Discuss each resource category separately in the same sequence as presented in the Affected Environment chapter (see also Section 5.1 on the sliding scale approach to impact analysis). Within each resource category discussion, evaluate the direct, indirect, and cumulative effects of the proposed action and each individual alternative, including the no-action alternative. Determine the significance of potential direct, indirect, and cumulative effects through a systematic evaluation of each alternative's effect on individual resources (e.g., ecosystems, water resources, and air quality). Mitigation through avoiding, minimizing, rectifying, or compensating for the impact might reduce the significance of the impact. Consider whether the impact could be minimized or avoided. Evaluation of significance is typically based on an assumption that the full effect of the predicted condition would occur all at once. In reality, the predicted conditions would likely happen incrementally rather than all at once. Thus, actual effects might be less severe than those predicted and described in the NEPA analysis.

The USMC's duty is to take a "hard look" at the potential environmental effects of the project.

Evaluation Criteria versus Significance Criteria

The CEQ regulations provide limited guidance on the methods that agencies should use to determine impacts in an EA or EIS analysis. Agencies commonly use other environmental laws as "evaluation criteria" in an EA or EIS. For example, impacts on cultural resources are typically evaluated in terms of compliance with NHPA Section 106, and impacts on air quality are typically evaluated in terms of the CAA conformity rule. Methodologies and evaluation criteria should be concisely explained for each resource or issue of concern analyzed in an EA or EIS.

Evaluation criteria are not synonymous with significance criteria. Evaluation criteria disclose to the reader what and how impacts are being evaluated, and other regulatory requirements. Significance criteria establish thresholds for which impacts are considered to be significant.

2.4.6.2 *Describing Effects*

Impact Identification and Quantification

Quantify impacts to the extent practicable, consistent with the sliding-scale approach and taking into account available project information and design data.

- Do not attempt to quantify impacts on environmental resources when it is clear from the context that impacts would be virtually absent. Provide a brief negative declaration, such as, “The project would not affect threatened or endangered species or their habitats.” Provide appropriate references, consultation letters, or explanation.
- Compare environmental impacts in their appropriate context. Do not use regional, national, or global comparisons that might trivialize the significance of a local impact. For example, local comparisons may sometimes appropriately provide a context for assessing impact (e.g., withdrawing 10 hectares of agricultural land from use in a county with 10,000 hectares in production of the same crop). However, it would be inappropriate to say, “Five traffic fatalities would be expected locally as a result of the alternative’s shipping campaign, but this is small compared to the approximately 200,000 traffic fatalities that would be expected to occur nationally during the same five-year period.”
- Describe the likelihood of potential impacts whenever possible.
- Where possible, provide both absolute and relative comparison. For example, one acre of wetlands would be disturbed, as would the percent of wetlands present. Stating that “routine emissions would increase by 0.05 percent” does not describe an impact (although it is a valuable part of the description of the alternative). The statement provides neither the absolute value of emissions nor the basis for determining their environmental impacts. Further, relative comparisons, particularly those given without a baseline of absolute magnitude, may be misleading (e.g., “99.9% pure water” could describe raw sewage).
- In general, provide quantitative data in the analysis of effects (e.g., “1.5 acres would be disturbed”). If data needed to quantify impacts are not available, qualitatively describe the most relevant impacts. Be aware that the inability to satisfactorily characterize an important impact in an EA might render the analysis inadequate to support a finding of no significant impact.

EIS Environmental Consequences

This section “shall include discussions of:

(a) Direct effects and their significance...

(b) Indirect effects and their significance...”

-- 40 CFR 1502.16 (a) and (b)

-- MCO P5090.2A Section

12201.5(d)(6) (a) and (b)

“...the environmental consequences section should be devoted largely to a scientific analysis of the direct and indirect environmental effects of the proposed action and of each of the alternatives...”

“The EIS must identify all the indirect effects that are known...”

–CEQ 40 FAQ #7 and #18

In describing potential effects that might result from the implementation of a proposed action, consider the following guidelines:

- Address environmental effects or controversial issues in proportion to their potential significance; that is, focus the analysis and discussion on those issues and associated effects identified through scoping as being most relevant to the proposed action and of greatest concern to the public.
- Quantify effects as much as possible using appropriate units of measure (e.g., acres of habitat lost, tons of sediment entering a stream). If an effect is obviously negligible (e.g., effects of barracks construction on the ozone layer), ignore it unless a specific public comment demands a response.
- The EIS should explicitly state direct, indirect, and cumulative impacts so that the anticipated impacts are accurately and clearly stated. This structure can also help the EIS analyst organize and explain the projected impacts.
- When only impact trends can be indicated (e.g., low, moderate, high), provide careful explanation and interpretation of qualifiers (e.g., numerical range or list of possible site conditions that would represent each qualifier used).
- Although determining the significance of effects can often be subjective, provide as much quantification as possible, in such terms as the number of people affected, the proportion of resources degraded, the rate at which conditions will become worse, key linkages to other more quantifiable resources at risk, and the level or extent of irreversibility of or recoverability from an impact. Determining significance is not, however, subjective in cases where an established regulatory threshold is broken; such cases are usually presumed to be significant.
- Be cautious in using the word *significant* or *significantly*. If such words are used, explain them in terms of context and intensity. In an EIS, use of *significant* or *significantly* is a proper indication for disclosing significant effects (the main purpose for preparing an EIS). In an EA, however, use of *significant* or *significantly* for the effects on even a single resource category, and even when the effect is not adverse, can create a perception, in a legal context, that the EA should have been an EIS. For similar reasons of perception, the term *effect* rather than *impact* is generally preferable for use in an EA. *Significant*, *significantly*, and *impact* may be appropriately used, however, in the FONSI.
- Identify and explain where there are instances of incomplete or unavailable data or where confidence levels are extremely low. Give an honest and realistic appraisal of the effects on all resources. The CEQ regulations provide further guidance on this issue.
- Conduct impact analyses to discriminate among individual alternatives. Do not present a single maximum potential effects estimate that obscures differences between alternatives.
- Avoid describing effects that are severe without also describing the likelihood (i.e., probability or level of risk) of their occurrence.

2.4.7 Incomplete or Unavailable Information

When confronted with incomplete or unavailable information for an analysis of reasonably foreseeable,

Uncertainties About Indirect Effects of A Proposal

“The EIS must identify all the indirect effects that are known, and make a good faith effort to explain the effects that are not known but are ‘reasonably foreseeable’... The agency has the responsibility to make an informed judgment, and to estimate future impacts... The agency cannot ignore...uncertain, but probable, effects of its decisions...”

–CEQ 40 FAQ #18

significant adverse environmental effects, the CEQ regulations (40 CFR 1502.22) require agencies to indicate that such information is lacking and to obtain the information when doing so does not entail an exorbitant cost⁵ and the information is essential to a reasoned choice among alternatives.

There will be times when needed information is unavailable or is incomplete, or where confidence levels in the data are extremely low. In such cases, the agency's duty is to disclose that fact and provide an honest and realistic appraisal of potential significant effects on the resource or issue of concern. Procedures for dealing with incomplete or unavailable information in an EIS are discussed in 40 CFR 1502.22 (51 FR 15618) and MCO P5090.2A Section 12201.5g. Whenever there is incomplete or unavailable information that is relevant to the significance of an impact or choice of alternatives, the USMC must disclose that in the EIS and discuss the implications of the missing information on the analysis. For example, if a rare species is known to inhabit an ecosystem that would likely be adversely impacted by an action, but there is little or no information on the species activities within that habitat (breeding, foraging, migrating through, etc.), it is important to disclose in the EIS that a rare species inhabits the area but that we do not have good quality data on its activities within the habitat. That does not mean that we must know everything about all common species that might occupy the habitat—the focus should be on potentially significant impacts between the alternatives. If the incomplete or unavailable information cannot be reasonably attained (e.g., the means for obtaining it are beyond the state-of-the-art), the EIS must also:

- Describe the importance/relevance of the information to making a reasonable determination of significant adverse impacts. For example, proposed new road construction might severely restrict a key migration corridor of the rare species discussed above. Perhaps the species' ability to traverse narrow corridors or corridors with less than optimal vegetative cover is not known. The unknown information should be explained in the EIS because it is important to determine the significance of the impact and the decision-maker's evaluation of site alternatives.
- Describe what is known about the issue of concern so that the decision-maker and others can reasonably understand the scope and relevance of the incomplete or unavailable information. In this case, it would be useful to explain information, such as what is known about the rare species' population, habitat, and migration patterns.
- Describe the range of potential significant impacts, or a range of possible scenarios. The EA/EIS should include the scenario that would most likely occur, as well as scenarios that are considered less likely but have the most significant impacts that could reasonably be expected. When possible, include a discussion of relative probabilities of occurrence for each scenario. For example, if it is most likely that the new construction would fragment the species habitat but individual animals would likely migrate across the road and continue to occupy the habitat, the EIS should state that. If it is less likely, but possible, that the rare species could not successfully migrate across the road, leading to their eventual eradication from the habitat, the EIS should state that possibility also.

⁵ The CEQ's Federal Register notice on the revised regulation states: "CEQ intends that the term 'overall costs' encompasses financial costs and other costs such as costs in terms of time (delay) and personnel. It does not intend that the phrase be interpreted as a requirement to weigh the cost of obtaining the information against the severity of the impacts, or to perform a cost-benefit analysis. Rather, it intends that the agency interpret 'overall costs' in light of overall program needs."

2.5 ENVIRONMENTAL ASSESSMENT PREPARATION AND CONTENT

An EA presents the analysis of the potential environmental impacts of a proposed action. Prepare an EA for those proposed actions that do not qualify for a CATEX, but that:

- Are not expected to have a significant impact on the human environment
- Are not expected to be environmentally controversial.

The CEQ regulations provide for a considerable degree of agency flexibility in the EA analysis and documentation process.

Many of the same methodological approaches apply to the level of analysis and documentation required for an EIS and an EA. A principal difference, however, is that the level of detail incorporated into an EA typically will be less than that of an EIS, particularly in cases where no significant effects are expected. An EA should provide only information and analysis sufficient to determine whether an action has no significant environmental effects or whether a more detailed analysis is required (40 CFR 1508.9). Although much of the data used in conducting the analysis for an EA might not be incorporated directly into the document, the information still should be included as part of the EA's AR (see Section 2.8) to show that appropriate resource issues were considered and the potential for significant environmental effects evaluated.

2.5.1 Timeline for an EA

Depending on the complexity of the proposed action, completing the EA process can take 10 to 12 months or longer. The Marine Corps policy is to establish a schedule that will ensure completion of the document cost effectively and in a timely manner, but with appropriate levels of review for quality and legal sufficiency and appropriate levels of regulatory consultation. **Table 5** provides a schedule based on an approximate 10-month timeframe as an example of how the process is organized. This schedule assumes that the action is not controversial and does not have national interest. The "ideal timeline" shown in **Table 5** assumes that no unusual issues will be encountered with respect to the views of another agency or the public, and that formal consultation will not be required for threatened and endangered (T&E) species, cultural resources, wetlands, real estate transactions, or other factors that can extend the timeline. The milestone events indicated must occur regardless of the schedule. Actions proposed by HQMC or other outside organizations could require review cycles and coordination times other than those shown. Required regulatory consultations could also add time to the schedule. For example, Endangered Species Act Section 7 consultation is a minimum of 135 days from the date the USMC submits the Biological Assessment (BA) to the USFWS or NMFS. Other factors also can cause a NEPA document schedule to change dramatically, including slippage in review times, lack of available baseline data, and changes in elements of the DOPAA.

Table 5. Sample "Ideal" Timeline for an Environmental Assessment

Milestone	Calendar Days From Project Initiation
Complete project coordination with installation environmental planning staff	0
Hold kickoff meeting	10
Complete draft description of proposed action and alternatives	25
Complete initial coordination/consultation with appropriate outside agencies (i.e., federal, state, local, and tribal)	40
Complete internal draft EA	60
Complete staffing of internal draft EA	70

Milestone	Calendar Days From Project Initiation
Complete preliminary draft EA	75
Complete staffing/approval of preliminary draft EA	120
Schedule and conduct EIRB meeting	134
Publish and distribute draft EA/begin public comment period (optional)*	163
End 30-day public comment period (optional)*	179
Complete internal final EA and preliminary draft FONSI (if applicable)	199
Complete staffing of internal final EA and preliminary draft FONSI	209
Complete draft final EA	214
Complete staffing/approval of draft final EA and draft FONSI	259
Publish and distribute final EA and draft FONSI/begin public review period	274
End 30-day public review period (if applicable)*	304
Schedule and conduct EIRB meeting	311
Sign final FONSI	312
Initiate action	312

* Consult Section 3 for guidance on public participation in the NEPA process.

2.5.2 Document Development

To develop an EA successfully, the proponent must have a basic understanding of the major components of the document. In addition, the action proponent must, in consultation with the installation environmental planning staff, compile the following information:

- A clear, detailed description of the need for and purpose of the proposed action and its expected results
- A brief description of all considered alternatives, including the reasons for eliminating any alternatives from further consideration
- A description of the likely results of canceling the proposal (e.g., no-action alternative) and not meeting the need for action
- A description of the potential adverse effects that might result from engaging in the proposed action and any alternative actions considered in detail
- A list of the names of persons and organizations familiar with the proposal, a summary of any current responses to the proposal, and a list of additional persons or agencies to be contacted during scoping
- 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 actions
- A list of other past, present, or reasonably foreseeable future actions with the potential, together with the proposed action, to cause cumulative environmental impacts.

The basic components recommended for a Marine Corps EA are presented in MCO P5090.2A Section 12201.4f and **Table 8** of this Manual. Appendix E contains a sample EA.

2.5.3 Focus

The EA should be well focused in each of its major components or sections. Writing style should be such that the document attains clarity and brevity but is still legally sufficient. Preparers should use the following guidelines:

- Develop and follow an outline
- Write clearly, concisely, and accurately
- Speak with a single voice
- Provide only relevant information
- Be consistent across all sections of the document
- Use a checklist when available

Preparers should be careful not to inadvertently mix discussions across subject areas, unnecessarily increasing the length of the document and obscuring the line of thought for the analysis. Each section should be pure in its presentation of the subject matter. For instance, the section describing the proposed action should not include a discussion of alternatives to the proposed action. Similarly, the section describing the affected environment should focus only on baseline data (existing conditions) and should not include statements regarding potential impacts or findings. The environmental consequences section should analyze potential effects but should not include supporting baseline data.

EAs do not need to be detailed and lengthy if the effects are not likely to be significant. Present information as clearly and concisely as possible. When appropriate, incorporate existing documentation describing all or portions of the affected environment or other information applicable to describing the analysis results (e.g., technical research papers) by reference to help cut down on the bulk of the EA (see 40 CFR 1502.21). Because the audience is often not technically versed in all subject areas, write the document in plain language.⁶ In addition, provide appropriate figures and graphics that support the text and that the public can interpret easily. Use appendices to support the main components of the EA, as appropriate. Technical editors should review the document to ensure accuracy, consistency, and readability.

2.5.4 Content of an EA

MCO P5090.2A Section 12201.4f and **Table 8** of this Manual provide an outline for the content of an EA. Document preparers are encouraged to use this format as a model in developing EAs. It is an interpretation, not a reinvention, of how CEQ NEPA regulations are to be implemented. There might be situations in which this format is not fully suited to addressing a particular action (e.g., where unique technical program, public involvement, or decision-making requirements exist), in which case some variation in format is appropriate.

Consult other sections of this manual for detailed guidance on the application of NEPA to specific types of actions and on the treatment of certain high-visibility topics and resource areas. The information presented in this section is not intended to be all inclusive. Ultimately, it is the proponent's responsibility to identify, analyze, and document all relevant issues and effects associated with the proposed action and alternatives.

2.5.5 Finding of No Significant Impact (FONSI)

The FONSI is a separate, brief document (usually no longer than five pages) that presents the reasons that the proposed action would not significantly affect the human environment, should

⁶ The CEQ in its 40 FAQ says, "if only technically trained individuals are likely to understand a particular discussion, then it should go in the appendix, and a plain language summary of the analysis and conclusions of that technical discussion should go in the text of the EIS."

that be the conclusion of the EA analysis. It documents the decision that an EIS is not required. Appendix F provides a sample format for a FONSI. If the analysis in the EA concludes that no mitigation measures are necessary for a proposed action, then the corresponding FONSI should contain the following statement: “No mitigation measures will be necessary to reduce any adverse environmental impacts to below significant levels.” The draft FONSI should contain the following:

- Name of the proposed action
- Brief description of the proposed action or preferred alternative, including any other alternatives considered
- Brief discussion of likely environmental effects
- Reasoning behind the determination of no significant effects (including information on mitigation measures, if applicable)

In addition, either the draft FONSI or public notice should include the deadline to submit public comments and point of contact for receipt of comments or requests for further information. Section 4 discusses public participation in the EA process.

2.5.6 Mitigated EA/FONSI

An action proponent/action sponsor may prepare a “mitigated EA/FONSI” when the EA analysis indicates that the action might cause significant environmental effects, but that with mitigation impacts would be less than significant. If the action proponent/action sponsor can show that the potential effects can be reduced to less-than-significant levels through the addition of appropriate mitigation measures, the EA/FONSI may be completed and an EIS is not required (see also Section 6.9, Mitigation). Preparing a mitigated EA/FONSI might require less time and money than preparing an EIS.

For a mitigated EA/FONSI to be considered legally adequate, the EA must show that a thorough analysis of environmental consequences was conducted, that the mitigation measures on which the EA/FONSI is based are specific and project-related, and that measures will reduce the projected effects to less-than-significant levels. CEQ guidance⁷ on the appropriate use of Mitigated FONSI also recommends that mitigated FONSI include: 1) specific measurable performance standards or expected results of the mitigation (performance expectations), and 2) a commitment to mitigation monitoring. The CEQ guidance also cautions that agencies “should not commit to mitigation measures necessary for a mitigated FONSI unless there are the legal authority and resources available to carry out or oversee the mitigation.”

If it is reasonably foreseeable that funding for implementation of mitigation might not be available for the project, disclose in the EA the possible lack of funding and include consideration of the potential effects.

To demonstrate convincingly a commitment to implement mitigation measures with the proposal, incorporate the measures as part of the proposed action (or preferred alternative) description in the early sections of the EA. **If the mitigation measures to which a proponent committed in an EA are eventually not funded, not completed, or not successful, the results presented in the EA might no longer be valid. The proposal and the significance of its**

⁷ CEQ Memorandum For Heads of Federal Departments and Agencies, “Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact,” January XX, 2011.

potential effects must then be reevaluated under NEPA (Section 6.9 provides further discussion regarding mitigation measures and commitments to mitigation). The action proponent/action sponsor is responsible for tracking implementation of any mitigation measures and reporting status information to HQMC for auditing purposes.

The appropriateness of Mitigated EAs/FONSIs are sometimes challenged based on the perception that appropriate public participation is being avoided if an EIS is not prepared. Appropriate public participation in the review of the draft EA can help ensure that all relevant issues have been addressed and that potential effects have been thoroughly evaluated for significance. If an agency cannot convincingly show in an EA that mitigation measures would reduce the effects to less-than-significant levels, the agency should prepare an EIS.

2.5.7 FONSI Publication

Unless the proposed action meets one of the conditions listed below, the action proponent/action sponsor is responsible for publishing the signed FONSI or the NOA in local newspapers for at least three consecutive days if practicable, preferably over a weekend to ensure higher public visibility. The proposed action may begin once the FONSI notice has been published. If the proposed action involves one of the following two conditions, the proponent must make the FONSI available for public review (including in-state and area-wide clearinghouses and forwarding the FONSI to the CMC (LF) for publication in the *Federal Register*) for 30 days before making the final determination whether to prepare an EIS. The action cannot begin until the public review period is completed and a final decision made:

- The proposed action is, or is closely similar to, one that normally requires the preparation of an EIS (e.g., there is a reasonable argument for the preparation of an EIS).
- The nature of the proposed action is without precedent (e.g., if it is an unusual case, a new kind of action, or a precedent-setting case such as a first intrusion of even a minor development into a pristine area).

2.5.8 EA Public Participation

CEQ regulations require agencies to involve the public, to the extent practicable, in the preparation of an EA. Proponents should develop an appropriate public involvement strategy as part of the initial scoping and document development process. In determining the extent to which public participation is practicable, consider the following factors:

- Number of people likely to be affected by the proposed action
- Magnitude of the environmental considerations associated with the proposed action
- Extent of anticipated public interest
- Methods that would most effectively notify and involve the public
- Any relevant issues of national security or classification.

2.6 ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONTENT

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.

2.6.1 Differences between an EA and EIS

Briefly, the EIS process includes public scoping; the issuance of a Draft EIS (Draft EIS), a Final EIS (Final EIS), and a supplemental EIS (if applicable); and an opportunity for public comment. The process culminates in the issuance of a ROD.

The preparation and content of an EIS are similar, to a certain extent, to those of an EA. Many of the same environmental resource areas examined and methodological approaches applied to the analysis and documentation for an EIS also apply to an EA. The EIS process is generally more formal and rigorous than that for an EA. The EIS process also entails more formal and extensive public participation. **Table 6** lists some major differences between an EA and an EIS.

Table 6. Major Differences between an EA and an EIS

EA	EIS
Process usually begins independently, without formal public notification.	Process officially begins with a NOI published in the <i>Federal Register</i> .
Public scoping is not required.	Public scoping is required and typically involves a public scoping meeting(s).
Public notices are typically published only in local newspapers.	NOAs are published in the <i>Federal Register</i> in addition to public notices in local newspapers.
A 30-day public comment period is provided for draft EA (if proponent elects to circulate draft EA); public meetings are not required.	A 45-day (minimum) public comment period for Draft EISs is required and typically includes a public meeting(s) or hearing(s).
EAs are not required to be submitted to the EPA.	Both Draft EISs and Final EISs must be submitted to the EPA for review and filing.
Generally less detailed, less complex, and, therefore, less time-consuming.	Generally more detailed, more complex, and more comprehensive; involves a more time-consuming process.
Process concludes with a 30-day public review period for the final EA and draft FONSI, or with the publication of an NOI.	Process concludes with a ROD following a 30-day (minimum) public review period for the Final EIS.

2.6.2 Timeline for an EIS

Depending on the complexity of the proposed action, the time required to complete and process an EIS is sometimes 24 months or more. USMC policy is for proponents to establish a schedule that will ensure that the analysis is completed cost effectively and in a timely manner, but with appropriate levels of local, regional, and Headquarters review, and results in a legally sufficient document. **Table 7** presents a schedule for an approximate 24-month timeframe as an example of how the EIS process is organized. The milestone events indicated must occur regardless of the schedule. Several factors can cause an EIS schedule to change dramatically, including slippage in review times, additional review cycles, lack of available baseline data, and changes in elements of the DOPAA. Moreover, completion of an EIS can be delayed in cases where initial analysis and documentation are inadequate, proper internal staffing is lacking, the proposed action or alternatives are not properly developed, interested stakeholders are not identified, or coordination with other concerned federal agencies has not occurred or is incomplete.

Publication of the NOI (see Section 4.4) in the *Federal Register* initiates the public scoping period, which is typically 30 to 90 days long. During the scoping period, hold a scoping meeting(s) and invite agencies and the public to learn more about the proposal and to express their views on the process and on issues to be addressed.

Table 7. Sample Timeline for an EIS

Milestone	Calendar Days From Project Initiation
Complete project coordination with USMC/initiate project	0
Hold kickoff meeting	20
Complete public affairs plan	45
Complete draft description of proposed action and alternatives	75
Publish NOI in <i>Federal Register</i> /begin public scoping period	120
Hold public scoping meeting(s)	140
Complete initial coordination/consultation with appropriate outside agencies (federal, state, local, and tribal)	150
End public scoping period	180
Complete preliminary Draft EIS/begin staffing within USMC	240
Complete staffing/approval of preliminary Draft EIS within USMC	390
Conduct Congressional drop	420
Publish and distribute Draft EIS to EPA and public	430
Publish EPA notice and NOA for Draft EIS in <i>Federal Register</i> /begin public comment period	430
Hold public meeting(s)	460
End 45-day public comment period	495
Complete internal Final EIS/begin staffing within USMC	535
Complete staffing/approval of draft Final EIS within USMC	640
Conduct Congressional drop	670
Publish and distribute Final EIS to the EPA and public	710
Publish EPA notice and NOA for Final EIS in <i>Federal Register</i> /begin public review period	710
End 30-day public review period	740
Sign ROD/initiate action/issue public notices	740

2.6.3 Notice of Intent

Prepare an NOI after the decision to prepare an EIS has been validated by the Assistant Deputy Commandant (Installations and Logistics) and approved by the Secretary of the Navy (typically the Assistant Secretary for Energy, Installations and Environment) and the proposed action and the alternatives to be considered have been reasonably well defined. Publish the NOI in the *Federal Register* to formally announce the preparation of an EIS on a proposed action. Publication also solicits the comments and suggestions of affected federal, state, and local agencies, any affected Native American tribes, NHOs, the proponent of the action, and any other interested persons, including those who might not be in accord with the action on environmental grounds.

The following are required contents of an NOI specified in the CEQ regulations:

- A brief description of the proposed action and alternatives, including the purpose and need statement.
- A brief description of the scoping process, including the time, date, and location of any scoping meeting(s) planned, as well as an address to which comments may be mailed and/or sent electronically. Public notice of scoping meetings can be published separately from the NOI but must be published no less than 15 days before the scheduled meeting. In the case of an action with effects of primarily local concern, the notice may include compliance with the affected state's public notice procedures of comparable actions.

- The name and address of the point of contact who can address questions on the proposal and the EIS process. It is recommended that a phone number for the point of contact also be included.

Include information about the availability of project-related documents or supporting information about the proposal that the public can view. Place these documents in a community library or other easily accessible government office, preferably one that is open beyond normal work hours. Documents can also be made available for download from a project website.

Some readers of an NOI might not be familiar with the proposed action or the project location. It is, therefore, prudent to include sufficient background information in the NOI to help readers understand what the proposal is about and why it is needed. Giving readers sufficient information minimizes confusion and helps generate more meaningful comments. Depending on the extent of non-English-speaking persons in the affected community, making appropriate translations of the NOI available to the public might also be prudent. Appendix G provides a sample NOI. If, for some reason, work on an EIS stops or is postponed indefinitely, a cancellation notice must be published in the *Federal Register*. The cancellation notice refers to the original NOI and gives the rationale for ceasing work.

2.6.4 Document Development

To develop an EIS successfully, the proponent must have a basic understanding of the major components of the document. To achieve the NEPA goal of preparing a concise and useful statement, action proponents/action sponsors prepare an EIS per the format in Section 2.6.5 and **Table 8**, following these guidelines:

- 1) Write an analytic EIS, rather than an encyclopedic EIS.
- 2) Discuss impacts in proportion to their significance. Briefly discuss issues that are less significant. As in a FONSI, write only enough to explain why more study is not warranted.
- 3) Keep the EIS concise and no longer than is necessary to comply with CEQ regulations. The length should vary first with potential environmental issues and then with project scope. Normally, an EIS should be less than 150 pages, or, for proposals of unusual scope or complexity, less than 300 pages.
- 4) Outline the criteria for selecting alternatives.
- 5) Outline the range of alternatives, including a no-action alternative, which are discussed in the EIS and which the ultimate decision-maker or by the lead agency should consider if the DoD is a cooperating agency.
- 6) Ensure that cognizant Commands do not make irreversible commitments of resources that change the physical environment before making a final decision.
- 7) Identify and address in the EIS disproportionately high and adverse human health and environmental effects of federal programs, policies, and activities on minority and low-income populations.

EIS preparers should follow the additional guidance in terms of document length and readability discussed in Section 2.6.

In addition, careful consideration should be given to the development of Interdisciplinary Project Teams (IPTs), Executive Steering Committees (ESCs), or other project leadership teams to effectively and efficiently lead the EIS development process. MCO P5090.2A (Series) and this NEPA Manual assign general responsibilities to various players from HQMC EIRB to the installation NEPA staff.

2.6.5 Format and Content of an EA/EIS

The CEQ regulations at 40 CFR 1502.10–1502.18, MCO P5090.2A, and **Table 8** of this Manual provide a recommended outline for EAs and EISs. **Table 8** notes all required content elements for EIS documents and, as appropriate, for EA documents. The MCO and **Table 8** are an interpretation, not a reinvention, of how CEQ NEPA regulations are to be implemented. There might be situations in which this format is not fully suited to addressing a particular action (e.g., where unique technical program, public involvement, or decision-making requirements exist), in which case some variation in format is appropriate. The information presented in this section is not intended to be all-inclusive. Ultimately, it is the proponent’s responsibility to identify, analyze, and document all relevant issues and effects associated with the proposed action and alternatives.

Section 102(2)(A) of NEPA directs agencies to “utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man’s environment.” Therefore, ensure that the EIS is prepared and reviewed by an interdisciplinary group of SMEs representing NEPA, natural and cultural resources, air and water quality, and other physical and social environmental protection specialists.

Table 8. Format and Content of an EA/EIS

Section	Description of Content
Cover Sheet	<ul style="list-style-type: none"> • List of the responsible agencies, including the lead agency and any cooperating agencies • Title of the proposed action that is the subject of the environmental analysis (and, if appropriate, the titles of related cooperating agency actions) together with states, counties, and other jurisdictions where the action is located • Name, address, and telephone number of the person at the responsible Command who can supply further information • Designation of the analysis as an EA, Draft EIS, Final EIS, or draft or final supplement • One-paragraph abstract of the analysis • Date by which comments must be received
Summary	<ul style="list-style-type: none"> • Indication of whether the analysis is an EA, Draft EIS, or Final EIS • Name of the action and whether it is administrative or legislative • Brief description of the action and what geographical region (including state and county, as applicable) is particularly affected • Summary of the adverse environmental impacts and mitigating actions considered, including a statement as to whether the action is subject to the General Conformity Rule under the CAA and, if so, whether applicable requirements have been met

Section	Description of Content
	<ul style="list-style-type: none"> • List of considered alternatives • Statement as to whether the action may have a significant environmental impact or may be environmentally controversial • For Draft EISs, a list of all federal, state, and local agencies from which comments have been requested. For Final EISs, a list of all federal, state, and local agencies and other sources from which written comments have been received • Dates the Draft EIS and Final EIS were made available to the CEQ and public
Table of Contents	<ul style="list-style-type: none"> • Section number and exact title of each section along with its corresponding page number • List of appendices • List of figures • List of tables
Purpose and Need	<ul style="list-style-type: none"> • Specify briefly the underlying need for the project and the objective the Marine Corps or action proponent has in presenting the proposed action and alternatives • Justify succinctly and objectively the proposed action, and explain the essential requirements that must be satisfied to achieve the purposes of the proposed action
Proposed Action/Alternatives	<ul style="list-style-type: none"> • Present the environmental impacts of the proposal and the alternatives in a comparative (matrix) form • Define the issues and provide a basis for choice among the options by the decision-makers and the public <p><i>Proposed Action</i></p> <ul style="list-style-type: none"> • Describe the proposed action and include details as location considerations, numbers of personnel involved, and facility requirements. Estimated project cost can be included; lower cost should generally not be basis for selecting the preferred alternative. <p><i>Alternatives Development and Screening Criteria</i></p> <ul style="list-style-type: none"> • Describe how the alternative actions and/or alternative sites were identified, including the application of selection or screening criteria • Identify the reasonable alternatives that were considered for further evaluation, including the no-action alternative • Explain reasons for rejecting alternatives (if any) found to be unreasonable. If applicable, an analysis of alternatives and their environmental benefits, costs, and risks can be prepared. If a cost-benefit analysis of alternatives is prepared, the relationship between the analysis and any “unquantified” environmental impacts, values, and amenities should be discussed. <p><i>Alternatives to the Proposed Action</i></p> <ul style="list-style-type: none"> • Identify and describe each alternative in a separately numbered subsection • If proposed action represents a fully developed alternative (typically, the preferred alternative), describe each additional alternative action in similar detail • If the information outlining the proposed action is to serve as a general foundation permitting more than one alternative means of implementation (e.g., alternative locations for constructing and operating a new facility), the alternative descriptions presented here should build on that earlier information and provide more specific, unique details on how and where each alternative action would be implemented.

Section	Description of Content
Comparison of Alternatives and Conclusions	<ul style="list-style-type: none"> • Compare and contrast the environmental effects of the alternatives. • Summary matrix that shows the overall effects for each alternative. • Clear, substantive statement regarding the insignificance (or significance) of the effects identified for each of the alternatives analyzed
References	<ul style="list-style-type: none"> • Cite bibliographic information for sources cited in the EA/EIS text. (Draft documents should be cited only if the documents have attained relatively high review or approval within the issuing organization) • Cite only those references that are reasonably obtainable by the public • Cite incorporated material in the statement, and briefly describe its contents • Do not incorporate material by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment
List of Preparers	<ul style="list-style-type: none"> • List the names along with the qualifications (expertise, experience, professional disciplines) of the persons primarily responsible for preparing the EA or EIS or significant background papers, including basic components of the statement • Identify persons who are responsible for the particular analysis, including analyses in background papers
Distribution List	<ul style="list-style-type: none"> • List of all organizations, agencies, and offices to whom copies of the statement should be sent
Correspondence	<ul style="list-style-type: none"> • List all federal, state, and local agencies and their records of correspondence related to the proposed action from which comments and coordination have been requested
Glossary (Optional)	<ul style="list-style-type: none"> • List definitions for technical, unusual, or abstract terms • Provide a list, when appropriate, of the acronyms and abbreviations used in the document
Appendix (Optional)	<ul style="list-style-type: none"> • Normally consists of material prepared in connection with an EIS (as distinct from material not so prepared and that is incorporated by reference) • Normally includes material that substantiates any analysis fundamental to the impact statement • Normally be analytic and relevant to the decisions to be made • Should circulate with the EA/EIS or have readily available upon request

2.6.6 EIRB Reviews

MCO P5090.2A, Change 2, Sections 12300, 12301, and 12304 describes the responsibilities of the HQEIRB, Regional EIRB, and Installation/Command EIRBs, respectively. EIRBs at each level include individuals with appropriate expertise to ensure that the USMC process and documentation meets NEPA requirements, is consistent with operational requirements, and meets all applicable and appropriate DoD, DoN, and USMC policies and goals. MCI East Order 5090.12 (MCI East NEPA Procedures, September 1, 2009), and MCI West Order 5090.x (NEPA Standing Operating Procedures, date TBD), establish additional procedures and responsibilities for EIRBs.

Installation/Command EIRBs are responsible for ensuring that all NEPA documents comply with applicable legal and procedural requirements. Installation/Command and Regional EIRBs can be convened as necessary to advise the CG, action proponent/action sponsor, and others on the appropriate level of NEPA analysis. Installation/Command and Regional EIRBs should

periodically review a representative sample of REIRs and DMs to ensure that REIRs and CATEXs are being used consistently and appropriately; the potential for extraordinary circumstances is being considered; potential mitigation measures are considered, planned for and funded; and that the repeated use of CATEXs are not expected to result in significant cumulative effects within the region. The EIRB confirms the purpose and need, validates the sufficiency of the action proponent/action sponsor's NEPA analysis and documentation, and recommends disposition of those actions brought before it for consideration.

Per MCO P5090.2A Section 12201.4.d(3), Installation/Command EIRBs review and approve all EAs, and endorse the determination to prepare a FONSI, revise the EA to evaluate additional alternatives or mitigation, or prepare an EIS. In addition, all EAs/FONSIs falling into one of the categories listed in MCO P5090.2A Section 12201.4e(3) must be forwarded to CMC (LF) for review and approval.

Following Installation/Command EIRB review and approval of all EISs and select EAs, the Commander of the Installation/Command forwards EAs/FONSIs and EIS documents (NOI, Draft EIS, Final EIS, and ROD) and briefing documents to the appropriate Region (e.g., MCI East, MCI West) or regional Command (e.g., MARFORCOM, MARFORPAC) for review and approval (see Appendix H for sample briefing slides). If approved, the Region forwards EIS documents to the CMC (LF) for HQEIRB review and approval.

Installation/Command and Regional EIRBs must take place prior to formal staffing of the document for HQMC/DoN approval. Cover letters from the Installation/Command and Region, stating that they have completed EIRB reviews and found the documents to be legally sufficient, should accompany the EA/EIS document when it is formally staffed to HQMC for approval.

LFL needs to review EIS documents before they are formally staffed to HQMC/DoN for HQEIRB and DASN/ASN briefs. If HQMC has not previously seen a document, action proponents/action sponsors should allow for a minimum two-week review and comment period prior to the HQEIRB. Address all comments prior to formal staffing back to HQMC.

Action proponents/action sponsors should contact LFL as soon as practical to make them aware of upcoming document reviews and to schedule the HQEIRB and DASN/ASN briefs. It is best to provide a three to four week window for LFL to schedule the HQEIRB and DASN/ASN briefs. The earlier LFL knows that timeframe, the easier it is to coordinate a workable briefing schedule that accommodates HQMC and DASN/ASN schedules. Action proponents/action sponsors should send LFL copies of the briefing documents (see below) a minimum of three days prior to the HQEIRB. HQMC coordinates the HQMC/DoN briefing dates. LFL requires the following briefing documents prior to the HQEIRB:

NOI:

- Installation/Command and Region endorsement letters
- Briefing package consisting of electronic versions of the NOI formatted for submission to the Federal Register, Briefing PowerPoint slides, and backup slides and maps (if applicable)
- LFL will prepare the Action Memo, one-page background paper, and draft Congressional notification letter for the USMC Office of Legislative Affairs (OLA)

Draft EIS:

- Draft EIS (four hard copies and two CDs for LFL, plus three hard copies and three CDs for DASN review)
- Installation/Command and Region endorsement letters
- Briefing package consisting of the NOA/Notice of Public Meeting (NOPM) formatted for submission to the Federal Register, Briefing PowerPoint slides, and backup slides and maps (if applicable)
- LFL will prepare the Action Memo, EPA transmittal letter, one-page background paper, and Congressional notification letter for OLA

Final EIS:

- Final EIS (four hard copies and two CDs)
- Installation/Command and Region endorsement letters
- Briefing package consisting of electronic versions of the NOA formatted for submission to the Federal Register, Briefing PowerPoint slides, and backup slides and maps (if applicable)
- LFL will prepare the Action Memo, EPA transmittal letter, one-page background paper, and Congressional notification letter for OLA

ROD:

- Draft ROD
- Installation/Command and Region endorsement letters
- Briefing package consisting of the NOA formatted for submission to the Federal Register, briefing PowerPoint slides, and backup slides and maps (if applicable)
- LFL will prepare the Action Memo, one-page background paper, and Congressional notification letter for OLA

EAs/FONSIIs falling into one of the categories listed in MCO P5090.2A Paragraph 12201.4e(3):

- Draft FONSI
- Installation/Command and Region endorsement letters
- Briefing package consisting of the NOA formatted for submission to the Federal Register, Briefing PowerPoint slides, and backup slides and maps (if applicable)
- LFL will prepare the Action Memo and one-page background paper

If the EIS documents are approved by the DASN and the ASN EI&E, LFL will coordinate delivery of the NOI, NOPM, and ROD to the Federal Register. LFL will also coordinate delivery of the Draft and Final EIS to the EPA Headquarters. The action proponent/action sponsor distributes the Draft EIS/Final EIS to interested parties, including the appropriate EPA Regional office. LFL will require five hard copies and two CDs of the Draft or Final EIS to file with EPA Headquarters. EISs filed with EPA Headquarters are noticed in the Federal Register the next Friday following the filing. For example, an EIS filed with EPA on Friday, 5 March will have its noticed published in the Federal Register on the following Friday, 12 March. Even if the EIS is filed on Monday, 1 March, the notice will not appear until 12 March - the next Friday following the filing. Further details on filing requirements can be found at: www.epa.gov/compliance/nepa/submiteis/index.html.

2.6.7 Review of EISs by the U.S. Environmental Protection Agency

All Draft EISs and Final EISs must be filed with the EPA. Under Section 309 of the Clean Air Act (42 U.S.C. 7609), the EPA is responsible for reviewing and commenting on EISs and for notifying proponents and lead agencies of any deficiencies.

Section 309 gives the EPA an independent agency review role otherwise absent under NEPA and ensures that federal agencies preparing documentation under NEPA have the benefit of a review by a federal agency whose primary mission is the protection of the environment. It also directs the EPA to comment in writing and to make its comments available for public review.

Section 309 further directs the EPA Administrator to refer “any such legislation, action, or regulation” to the CEQ if it is found to be “unsatisfactory from the standpoint of public health or welfare or environmental quality....” It also provides authority for the EPA to independently determine that an action proposed by a federal agency is a major federal action that would significantly affect the environment, even if the proponent or lead agency has determined otherwise.

The EPA’s review is concerned primarily with identifying and recommending mitigative measures for the significant environmental effects associated with the proposal. The EPA reviews the adequacy of the information and analysis contained in the documentation as needed to support this objective. Adequacy depends on a wide variety of issues, including impact predictions, mitigation measures to be applied, selection of alternatives analyzed, and consistency with environmental protection processes.

The EPA’s policy is to review and comment in writing on all Draft EISs officially filed with the agency, to provide a rating of the Draft EIS, and to meet with the proponent and/or lead agency to resolve significant issues. The EPA rates Draft EISs with respect to the level of their overall concern with the proposal and to define the associated follow-up that EPA intends to conduct with the proponent and/or lead agency. The EPA rating system, which is alphanumeric, rates the environmental acceptability of the proposed action and the adequacy of the NEPA document. In general, the rating refers to the preferred alternative, if identified; otherwise, individual alternatives are rated. **Table 9** lists the EPA’s categories for rating the environmental impact of the action.

The EPA’s rating of a Draft EIS consists of one of the category combinations shown in **Table 10**, which also indicates the level of follow-up that the EPA intends to take based on the level of concern identified in its comment letter. When a follow-up phone call or meeting with the EPA is required, its purpose is to (1) describe the specific EPA concerns and discuss ways of resolving them; (2) ensure that the EPA review has correctly interpreted the proposal and supporting information; and (3) discuss any ongoing proponent/lead agency actions that might resolve the EPA’s concerns. The EPA’s comment letter and the assigned rating are not subject to negotiation and will not be changed on the basis of the phone call or meeting unless errors in the EPA’s understanding of the issues are discovered.

Table 9. EPA Categories for Rating Environmental Impacts of Actions

Rating	Description
LO (Lack of Objections)	The review has not identified any potential environmental impacts requiring substantive changes to the proposal.
EC (Environmental Concerns)	The review has identified environmental impacts that should be avoided to fully protect the environment. Corrective measures could require changes to the proposal or application of mitigation measures.
EO (Environmental Objections)	The review has identified significant environmental impacts that should be avoided to adequately protect the environment. Corrective measures could require substantial changes to the proposal or consideration of some other project alternative.
EU (Environmentally Unsatisfactory)	The review has identified adverse environmental impacts that are of sufficient magnitude that the EPA believes the action must not proceed as proposed.
EPA's Categories for Rating the Adequacy of Draft EIS	
"1" (Adequate)	The Draft EIS adequately sets forth the environmental impact(s) of the preferred alternative, if identified, and those of the alternatives reasonably available to the project or action.
"2" (Insufficient Information)	The Draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives within the spectrum of alternatives analyzed in the Draft EIS that could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the Final EIS.
"3" (Inadequate)	The Draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the EPA reviewer has identified new, reasonably available alternatives outside the spectrum of alternatives analyzed in the Draft EIS that should be analyzed to reduce the potentially significant environmental impacts.

Table 10. EPA Rating Categories and Follow-Up Requirements

Rating Categories	Follow-Up on Draft EIS Comment Letter
LO	None
EC-1, EC-2	Phone call with proponent/lead agency
EO-1, EO-2	Meeting with proponent/lead agency
EO-3, EU-1, EU-2, EU-3	Meeting with proponent/lead agency

2.6.8 Record of Decision

The ROD is the final step in the EIS process. It is a concise public document that identifies the alternatives considered by the agency in reaching its decision. It summarizes the major issues and considerations, documents the decision, and identifies necessary steps (mitigation measures) to lessen the effects on the environment (see Appendix I). No sooner than 30 days following publication of the Notice of Availability (NOA) for the Final EIS in the *Federal Register*, final approval and signature of the ROD may occur. The ROD is then made available to the public through appropriate public notice, such as publication of the ROD or NOA of the ROD in the *Federal Register* and in local newspapers and direct mailings of the ROD to interested parties (see CEQ "Forty Most Asked Questions," Number 34a, in Appendix D). Implementation of the preferred action may begin immediately following approval signature of the ROD. The ROD contains the following:

- A statement of the decision

- Identification of all alternatives considered, specifying the preferred alternative(s) and the environmentally preferred alternative(s) (see CEQ “Forty Most Asked Questions,” Number 6, in Appendix D)
- Discussion of all factors, including any environmental, economic, and technical factors, that the action proponent considered in making a decision
- Rationale for choosing the preferred alternative
- A description of mitigation measures to be implemented, a summary of any monitoring and enforcement program to be adopted, and an explanation of why certain mitigation measures were not adopted (if any) when such mitigation measures would have avoided or minimized environmental harm. Note that the preferred alternative selected in the ROD may be the proponent’s original proposed action, one of the alternative actions, or a mix of the alternatives analyzed in the EIS. Public comment on the ROD is not required; however, it is USMC policy to address public concerns about USMC actions whenever practicable.

2.7 DOCUMENT INTEGRITY AND QUALITY ASSURANCE

2.7.1 Document Integrity

The CEQ regulations require the USMC to ensure “the professional integrity, including scientific integrity, of the analyses in environmental impact statements” (40 CFR 1502.24). The CEQ regulations further state that if an EIS is prepared by a contractor, the USMC must “furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents” (40 CFR 1506.5). Although these sections of the CEQ regulations refer specifically to EISs, they are applicable to all NEPA documents and related baseline studies.

The execution of COI disclosure statements by EIS contractors helps ensure their independence and professional integrity (see Appendix J). USMC reviewers are also expected to demonstrate professional integrity by appropriately questioning potentially inaccurate or incomplete statements of fact or analyses. The USMC retains responsibility over contractor-prepared NEPA documents to “independently evaluate the statement...and take responsibility for its scope and contents.” Therefore, the USMC must exercise a Quality Assurance (QA) oversight (or audit) function to ensure that Quality Control (QC) is properly provided on every project. The USMC QA role will vary based on the scope of the NEPA document and supporting environmental data. HQMC expects the QA review to include an adequate QA review by IPT members, internal review by applicable base Environmental Protection Specialists, a NEPA process compliance review, and a legal sufficiency review. To facilitate these reviews, a sample QA Review Form is provided in Appendix M.

2.7.2 Document Quality

Document Quality Assurance/Quality Control (QA/QC) is typically a requirement of the EIS contractor’s SOW, and might include the preparation of a QA/QC plan. Contractor QC should include data quality, DoD and USMC GIS data standards, scientific peer review of analyses, document management and control, and technical editing (spelling, grammar, punctuation, proper use of acronyms, consistency, proper formatting, and use of one voice).

Due to the variety of environmental data collected and analyses performed for a NEPA document (T&E species surveys, wetland delineations, archaeology, noise, air quality, GIS, etc.), the USMC does not mandate a specific QC process for these activities. However, the USMC expects the environmental analyses to be in accordance with industry standards, and for these analyses to be conducted by a person(s) who possesses the appropriate education, training, and experience for each resource. The USMC expects document QA/QC to be planned for and integrated into all aspects of every project.

NEPA documents “shall be concise, clear and to the point,” and “written in plain language...so that decision-makers and public can readily understand them.” “Agencies should employ writers of clear prose or editors to write, review or edit” their EISs and EAs (see 40 CFR 1500.2(b) and 1502.8). The Presidential Memorandum on Plain Language in Government Writing (63 FR 31885, 10 June 1998), requires Federal agencies to use plain language in government documents. Although The Plain Writing Act of 2010 (Public Law 111-274) does not explicitly apply to “technical documents” such as EAs and EISs, the guidance could be helpful to comply with the CEQ requirements (see www.plainlanguage.gov and <https://intranet.emporal.usmc.mil/sites/hqnepa/nepa/default.aspx>).

The desire for well-written documents is not simply a matter of individual taste. While poor writing might not render an EA or EIS inadequate, poor writing makes documents exceedingly difficult for decision-makers, regulators, and the public to read and understand. When the public cannot understand the material presented in an EA/EIS, they cannot participate in the process. Furthermore, those who cannot comprehend the facts presented in an EA/EIS often will try to obtain clarification from other sources – the local media, for example – which often describe projects inaccurately. The effort to produce a quality, readable document enhances the entire NEPA process. Reviewers are more likely to focus on the most significant issues when presented with clear and accurate information. Decision-makers can better compare alternatives when the analysis is presented clearly and without an abundance of agency or technical jargon.

The CEQ regulations require the USMC to prepare EISs and EAs that are well written. However, they do not instruct authors on *how* to write well. In most cases, different authors write each section and it is clear that no one has edited or even read the entire document for internal consistency or to minimize differences in writing styles. Different names are used for the same item, each chapter spells out the same acronyms repeatedly, and the document is internally inconsistent.

Presenting technical material in language that a lay person understands can be a challenge. Translating technical information into concise, readable text is itself a form of expertise—make sure you have that expertise (a professional editor) on your team. Also allow sufficient time for a thorough “technical edit” or “copy edit.” Action proponents and NEPA specialists must make sure that their schedules allow enough time for review and revision of the entire document by a senior professional or editor. Reviewers should not accept schedules that fail to call for a thorough scrubbing before the review begins. Drafts should be complete, accurate and readable.

Installation/Command, Region and HQMC staff do not have the resources to rewrite lengthy documents. Avoid saying it will be fixed in the next draft; inertia and deadlines hinder a thorough review in the final draft. Below are some examples of writing errors to avoid. The Navy Correspondence Manual (SECNAVINST 5216.5D CH-2), Chapter 3, Naval Writing Standards, also presents recommendations for improved writing:

- Avoid long, imprecise sentences that attempt to convey multiple ideas. It is better to have short, direct sentences that effectively convey individual concepts.
- Keep subject, verb, and object together. Avoid separating them with parenthetical expressions, exceptions, or modifiers.
- Use the active voice instead of passive voice. Instead of “an EIS will be prepared” say “USMC will prepare an EIS.”
- Organization and structure help guide the reader through the text. Consider using a topic sentence and move unrelated information to another paragraph.
- Avoid unnecessary repetition. Repeating the same information in later sentences or paragraphs is time-consuming to read and interpret. Example: A detailed description of an activity that is part of more than one alternative need not be repeated within the DOPAA for each alternative. It is also not necessary to summarize the alternative in the Section 4 analysis.
- Define technical terms that may be unfamiliar to a lay person. Use existing authoritative definitions as much as possible. Provide a glossary when many specialized terms are defined.
- Do not rely solely on the “spell check” function of word processing programs to check for spelling errors. Correctly spelled words are often used incorrectly.
- When in doubt about the proper use of a word, grammar, or spelling, use the Government Printing Office Style Manual, which also provides guidance on document format, organization, and references.
- Reread first drafts and edit for content and style. Could the sentence be edited for length and meaning? Example: A draft USMC EIS contained the sentence, “...potential contamination...is unknown at this time. Notwithstanding, contact with this type of site should be avoided until remediated...” In this sentence, notwithstanding could mean “in spite of” or “however.” The two meanings are distinctly different, and the sentence could be read and interpreted as if the previous sentence did not exist.
- Do not characterize impacts as “acceptable.” Use quantitative comparisons or words such as “very small” or “substantial,” if necessary, to describe impacts.
- Provide scientific names, as well as common names, for biota; to avoid confusion and ambiguity, include the subspecies or variety name if appropriate (particularly for endangered, threatened, or protected species).
- Use consistent, relevant, and conventional units in tables, graphics, and text.
- EO 12770 directs agencies to use the metric system the metric system to the extent possible. When the metric system is used, also include conventional (English) units to facilitate public understanding. When conventional units are used, also include metric conversions.
- In calculations, use appropriate significant figures and round numbers to the least precise figure/digit (do not present an amount with more precision than the underlying data). For example, 130,000 square feet is more correctly converted to “about 3 acres” rather than

“2.984 acres”. Use of “2.984 acres” is inappropriate because it implies a measurement that is more precise than the original measurement.

- Use consistent units throughout the text, figures/graphs, and appendices whenever possible.
- Avoid misleading use of statistics, mixing cause and effect, and implying causation from correlation.

2.7.3 Visual Display of Complex Quantitative Information

- Use maps and drawings to depict all features that are needed to understand the project and its impacts; provide directional arrows and scale indicators.
- Do not include extraneous information, such as irrelevant background information or contour lines on maps.
- In the manual text, differentiate for the reader charts and graphs from GIS maps.
- Provide examples of poor graphics?
- Standard colors on GIS maps?

2.8 ADMINISTRATIVE RECORD

The AR is a required part of the NEPA process (EIS, EA, or CATEX). The AR is a legal record and compilation of all documents, correspondence, comments, and materials directly or indirectly considered by the decision-maker. The AR includes project-related information within the possession of the proponent and/or lead agency (and any contractor). The AR should also identify any other reference materials generated by other sources or obtained from other sources and used in preparing the document (e.g., copyrighted documents at public libraries), even if it was not cited directly in the document. It includes all written data, reports, communications (e.g., correspondence, records of telephone conversations), public outreach materials, studies, reports, modeling results, maps, and illustrations. All references cited in the NEPA document should be traceable to the AR (see Appendix L, “Guidance to Federal Agencies on Compiling the Administrative Record,” DoJ, January 1999.)

What Documents Should be Included in the Administrative Record?

- All documents and materials (paper or electronic) prepared, reviewed, or received by agency personnel and used by or available to the decision-maker, even though the final decision-maker did not actually review or know about the documents and materials.
- Policies, guidelines, directives and manuals.
- Articles and books. Be sensitive to copyright laws governing duplication. Include factual information or data.
- Communications the agency received from other agencies and from the public, and any responses to those communications. Be aware that documents concerning meetings between an agency and OMB should be included but may qualify, either partially or fully, for the deliberative process privilege.
- Documents and materials that contain information that support or oppose the challenged agency decision.
- Technical information, sampling results, survey information, engineering reports or studies.
- Decision documents.
- Minutes of meetings or transcripts thereof.
- Records of telephone conversations and meetings, such as a memorandum or handwritten notes, unless they are personal notes.
- Exclude documents and materials that were not in existence at the time of the agency decision.
- As a general rule, do not include internal “working” drafts of documents that were or were not superseded by a more complete, edited version of the same document. Generally, include all draft documents that were circulated for comment either outside the agency or outside the author’s immediate office, if changes in these documents reflect significant input into the decision-making process. Drafts, excluding “working” drafts, should be flagged for advice from the DOJ attorney or the Assistant United States Attorney (AUSA) on whether: 1) the draft was not an internal “working” draft; and 2) the draft reflects significant input into the decision-making process.

— DOJ, “Guidance to Federal Agencies on Compiling the Administrative Record”

If a decision is challenged, the court will review the decision-making process primarily as it is documented in the AR. The AR needs to demonstrate all of the factors considered and the process relied upon in reaching a final decision (i.e., FONSI or ROD), including public involvement. The AR consists of all of the information before the agency at the time of the final decision, and not just what the decision-maker might have personally read (i.e., Final EIS and ROD). A complete AR is important because the court is required to base its review of the agency's decision on the information contained in the AR. A strong record greatly enhances the USMC's ability to defend its decision; whereas an incomplete record weakens our ability to demonstrate that we followed our established processes and fully considered the alternatives and environmental impacts of our actions. If important information is not in the AR, the courts might not be aware of it or consider it in their deliberation. For example, training and mission support requirements data that shaped the action's Purpose and Need and range of reasonable alternatives needs to be systematically captured by the USMC action proponent/action sponsor and reviewed for inclusion in the AR. For EAs and EISs, the action proponent/action sponsor should establish a process to file and archive project-related e-mails. **Clear direction should also be given to IPT members on where and how project documents should be maintained. It is not acceptable to create documents after the fact to justify or explain the decision, and such documents cannot be included in the record.**

The action proponent/action sponsor is responsible for assembling and maintaining the AR. Should the legal sufficiency of a NEPA document be challenged, the time allowed for producing the AR for review might be quite short. The proponent or, at the proponent's behest, the preparer, should organize the data and information composing the record as a current, accessible file, indexed by topic, to the extent practicable (see *Sample EIS Administrative Record File Structure*). For EAs and EISs prepared by contractors, the contractor should be responsible for maintaining the portion of the AR that pertains to their responsibilities under the SOW, such as references for the parts of the document where they are the primary authors, public involvement, and formal correspondence (see Appendix M, "Sample SOW Text on the Administrative Record"). If a book is cited, only include the title page and relevant pages referenced in the NEPA document.

For CATEX determinations, the AR should include:

- a completed REIR,
- any proposed site plans/maps submitted by the action proponent,
- environmental SME comments and responses made during the review process, including consideration of other applicable environmental laws and regulations,
- considerations of any extraordinary circumstances related to the proposed action that might affect the significance of its environmental effects,
- agency correspondence/concurrence,
- any environmental requirements such as

Sample EIS Administrative Record File Structure

1. Project Management, including records of IPT meetings and calls
2. Public Scoping
3. DOPAA development
4. Preliminary Draft EIS, and comment response matrices
5. Interim Draft EIS
6. Check Draft EIS
7. Draft EIS
8. Public Outreach on the DEIS, including records of agency consultation
9. Public Comments on the DEIS
10. Preliminary Final EIS
11. Interim Final EIS
12. Check Final EIS
13. Final EIS
14. Record of Decision

This sample structure is an example—not a requirement—modify the format to fit project requirements.

standard BMPs, and

- the signed DM.

The administrative record file (which also might be called the project file) should be established at the beginning of the NEPA process and the file should be regularly updated with new information. For EAs/EISs, soon after the kickoff meeting the contractor should submit for USMC review an outline and technical approach to developing their portion of the AR. At the time the Draft EIS/EA is released for public review, the AR should be up-to-date to include *Federal Register* Notices, summaries of public scoping (including attendance lists), records pertaining to consultations, documents or studies incorporated by reference, and background technical reports.

Absent other installation, region, or command guidance, it is recommended that the action proponent/action sponsor's NEPA (or planning and environmental) office serve as the custodian of the AR for NEPA documents. If the action proponent is a tenant on a USMC installation, the AR could be held by the installation NEPA (or planning and environmental) office if the installation agrees to the responsibility.

Be aware that many documents in the AR are subject to disclosure under the Freedom of Information Act and Privacy Act (consult your FOIA Officer). If a document is privileged or FOIA-exempt, it should be clearly marked as such on the document itself, and indicated in the database.

Document Retention. After a FONSI or ROD is signed, the AR should be kept by the USMC proponent (not a contractor) for a minimum of six years after completion of the action to correspond to the general statute of limitations under the Administrative Procedures Act (APA). SECNAV M-5210.1

Practical Tips to Maintain Accurate Project Files During the NEPA Process

The key to compiling a complete administrative record, with minimum delay, is effective record-keeping during the NEPA process. However, given the sheer volume of material generated within a NEPA project team, it can be challenging to determine which documents need to be filed. In addition, regardless of what approach is used, the task of maintaining an up-to-date filing system for a large project is likely to be time-consuming. The following actions can facilitate the maintenance of the project file during the NEPA process:

Record-Keeping Responsibilities. It is important to establish clear responsibilities for record-keeping within the project team. For example, the EIS consultant can be tasked with maintaining a project file for inclusion in the agency's administrative record. Direction should be given to the consultant on what parts of its work product should be submitted for inclusion in the agency's record.

Filing and Indexing Protocols. Regardless of who is responsible for filing, it is useful to establish a written filing protocol that designates the types of documents that should be filed and the information that should be included in the index or database about each document. In developing the protocol, it is useful to consider issues such as (1) how to handle drafts, some of which may be important to include in the administrative record in order to show the agency's thought process; and (2) how to handle sensitive or privileged items, such as communications with legal counsel, archaeological site locations, privileged tribal concerns, and the locations of threatened or endangered plant species.

Clean Originals. The filing system should minimize the need for alteration of original documents. For filing purposes, it may be necessary to mark documents with a tracking number. If so, this marking should be clearly identifiable, should be done consistently, and should not obscure the text of the original document. In general, additional notations should not be made on the originals as part of the filing process.

Periodic Audits. Periodic audits can help to ensure that the filing protocol is being followed. The audits should include spot checks for key documents. For example, project management staff can develop a short list of important documents that clearly will need to be included in the record, and then check to see whether those documents have actually been included in the file.

Filing or Archiving E-Mails. Maintaining a filing system that captures project-related e-mails can be a major challenge, given the number of e-mails generated. One way to handle this task is to establish a "project file" e-mail address, so that e-mails can be sent to the project file simply by forwarding them to that e-mail address. Another possible approach is to designate a single point of contact for filing e-mails, and direct team members to include that person on all messages that should be filed. If these approaches are not used, project-related e-mails should be archived so that relevant e-mails can be retrieved when the administrative record is prepared.

— Modified from the American Association of State Highway and Transportation Officials *Practitioner's Handbook*, July 2006.

(November 2007), “Records Management Manual,” Part III, Chapter 5, “General Environmental Reports and Documentation,” provides further guidance on the retention of environmental planning documents.

SECNAV M-5210.1 states the following documents should be retired to the nearest Federal Records Center (FRC) when five years old and destroyed when 30 years old: “environmental assessments; environmental impact statements; lifecycle analyses; documentation of compliance/noncompliance; documentation required by the Army Corps of Engineers; site inspections; communications with non-DoD federal, state, local and foreign environmental authorities; and all other documentation required by law, regulation, and EO, including reports to the EPA. Records include the effect of activities on air quality; tideland and fresh water wetland resources; wildlife; protected threatened, and endangered species; woodland resources; coastal and contiguous zone waters; noise levels; farm land; private property; land/property of historical/archeological value; and toxic waste sites.”

For the purposes of the USMC NEPA program, NEPA AR s should be retained for a minimum of six years per the APA, and other NEPA-related documents (to include EAs, EISs, REIRs and DMs) for a minimum of five years and then sent to the nearest FRC.

3. SPECIAL TOPICS

3.1 NEPA AND MILCON

3.1.1 Definition

Military Construction (MILCON) is defined in 10 U.S.C. 2801 (Chapter 169, *Military Construction and Military Family Housing*) to include “any construction, development, conversion, or extension of any kind carried out with respect to a military installation, whether to satisfy temporary or permanent requirements, or any acquisition of land or construction of a defense access road.” MILCON projects include all construction work necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility (10 U.S.C. 2801(b)).

Additionally, instances may occur when maintenance and repair work will be accomplished using MILCON funding, either because it is part of a larger project or a decision has been made to use MILCON instead of operations and maintenance (O&M) funds. In some cases, MILCON can be used to fund environmental remediation. MILCON funds are appropriated through Congress for five years but are authorized for three years from the year in which they are appropriated.

MILCON projects generally cost \$750,000 or more. Unspecified Minor Construction projects have a similar but expedited process. Because each MILCON project requires individual approval by Congress, the MILCON process begins a year before the regular USMC Program Objective Memorandum (POM) process. Each fiscal year (FY), HQMC LFL-4 (MILCON) publishes the *MILCON Planning and Programming Guidance* to provide guidance on required MILCON documentation.

The MILCON program includes several categories of actions - facility maintenance and repair, minor construction, emergency construction, replacement of facilities damaged or destroyed, unspecified minor MILCON, and major construction. Those projects are subject to the requirements of EO 12114 (see Section 2.1).

3.1.2 Limits on Actions During the NEPA Process

The CEQ regulations at 40 CFR 1506.1 describe limits on actions during the NEPA process, including actions that would “limit the choice of reasonable alternatives.” The DoN and USMC policy and procedures do not specifically state when NEPA analysis must be completed during the MILCON process. While it is permissible for design activity to occur before the NEPA process is complete, NEPA must be completed before there is an “irretrievable commitment of resources” that forecloses selection of reasonable alternatives. Courts have had differing interpretations of what might constitute an “irretrievable commitment of resources.” The NEPA SME and CL should be consulted if there is any question whether a USMC action might constitute an “irretrievable commitment of resources.”

MILCON planning or “POM-ing” by the USMC is not considered an “irretrievable commitment of resources” because additional DoD approvals are required, and the final decision rests with Congress. Preliminary project design (including conceptual design) is permitted, provided it does not materially affect the objective consideration of alternatives in the NEPA review process. Preliminary design work should be limited to work required to complete the NEPA and related environmental planning processes, to secure regulatory approvals, or to support permit applications. Work on final designs before the NEPA process is complete might be a misuse of

agency resources, could foreclose on the selection of an alternative, and, therefore, should be avoided. Under no circumstances should construction-related ground-disturbing activities (site clearing and grubbing, demolition, excavation, etc.) occur before the NEPA process and related consultations are complete (see also Section 6.8).

3.1.3 Steps in the MILCON and NEPA Processes

The following five subsections describe the MILCON and NEPA processes as shown in **Figure 2**. The top portion of the flowchart illustrates a number of key milestones in the MILCON process, while the bottom portion of the flowchart illustrates key milestones in the NEPA process. Where appropriate, the NEPA process differentiates between projects that require preparation of an EIS, EA, or CATEX. Approximate timeframes for each step are provided, but they are only approximate and will vary by project, year, and other external Federal and DoD budget processes.

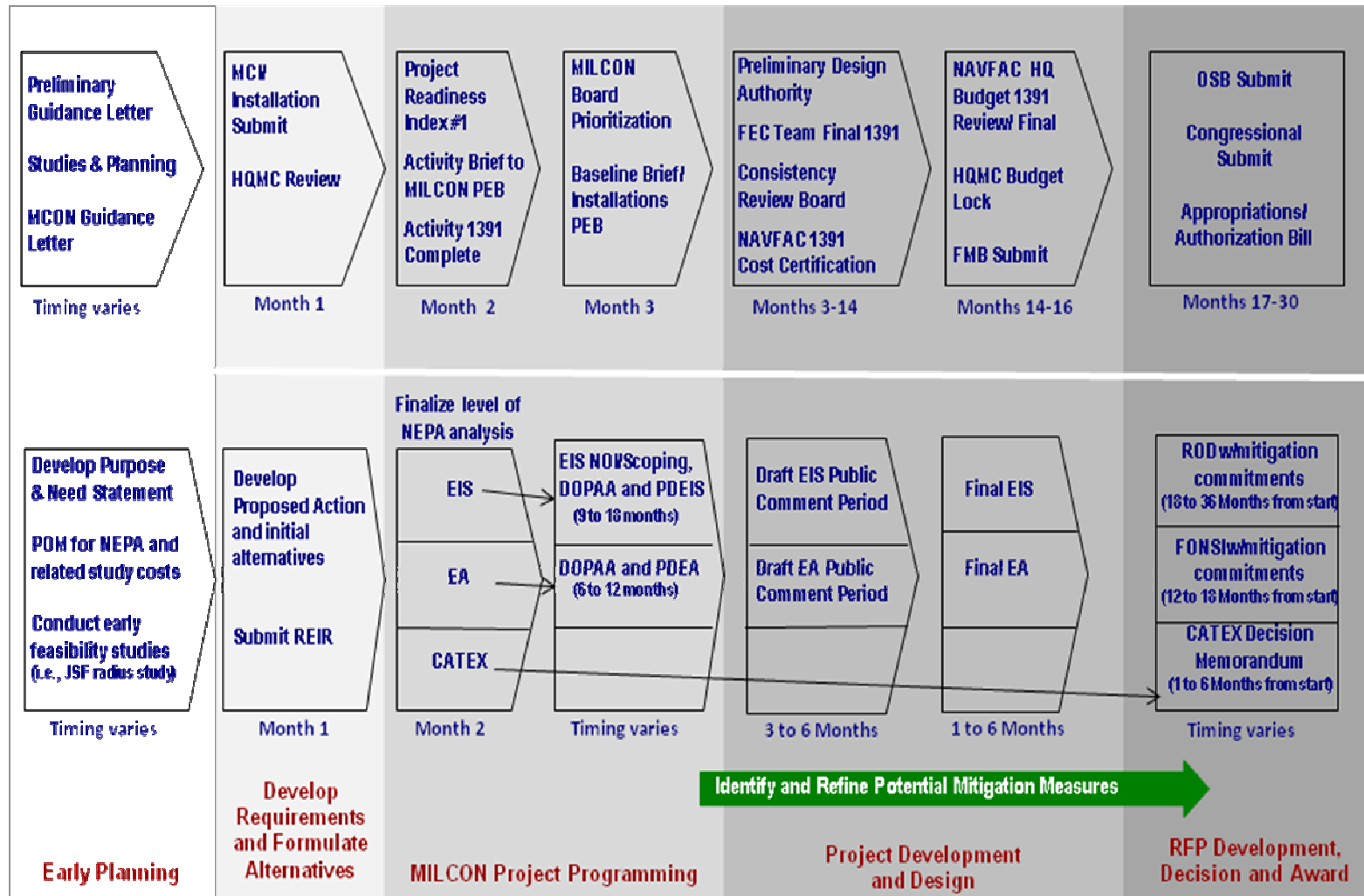
3.1.3.1 Early Planning

In the early planning phase of a MILCON project (first block in **Figure 2**), a Requirements Document is outlined by the project proponent (sometimes called a Requirements and Management Plan [RAMP]). The Requirements Document consists of a detailed description of the project requirements, site conditions, and identification of special or atypical costs. A detailed cost estimate is developed based on these project requirements and serves as the basis for determining the DD Form 1391 (Block 9) programmed amount. A Project Management Plan (PMP) or RAMP identifies the project management team and project strategic decisions, including who will design the project, when the project is needed, and the acquisition method.

Additional technical studies might be needed to support the Requirements Document, such as siting or utility infrastructure feasibility studies. Early studies and planning include obtaining LFL conceptual approval before submitting a 1391, and before commencing planning such as land acquisition surveys or any public notice. Out-year projects (later FYs) only require a 1391 completed as fully and as accurately as possible, and are not subject to the close scrutiny given to budget-year projects.

NEPA documents should be started and other environmental requirements should begin to be identified. The Requirements Document should contain sufficient information to serve as an initial NEPA statement of Purpose and Need (see also Section 2.4.1). The action proponent/ action sponsor should also consult with their NEPA SME or LFL-1 to discuss the type of NEPA document that might be required (CATEX, EA, or EIS). This early planning is necessary to ensure that NEPA and related environmental planning costs are included in the POM process. These activities are identified as advanced planning activities and must be paid for with O&M funds. Studies with longer lead times should be identified as soon as possible (such as multi-seasonal or season-specific studies of rare plants or migratory birds).

Figure 2. MILCON and NEPA Processes



3.1.3.2 *Develop Requirements and Formulate Alternatives*

Developing project requirements is one of the most important actions in MILCON programming and is documented using a DD Form 1391. The DD Form 1391, itself, explains and justifies the project to all levels of the USMC, DoN, OSD, OMB, and Congress. Justification data should clearly describe the impact on mission, people, productivity, lifecycle cost, etc., if the project is not accomplished. The MILCON Planning and Programming Guide for that FY will provide specific details on submission requirements. As part of the MILCON Program Evaluation Board (PEB) Activity Brief, Installations/Commands will provide an initial requirement document, RAMP/PMP, and NEPA compliance strategy to support their MILCON projects. USMC Installations and Commands must review MILCON proposals from a regional perspective and explore alternative ways to meet projected needs. While the Regions will not generate the project priorities for their respective installations, their comments/regional priorities are extremely useful as the Facilities PEB determines overall facility precedence. The PEB consists of voting civilians and Military Officers that represent Headquarters USMC Departments. The Marine Corps Installation Command staffs should serve as “business leaders” who help shape trade-offs between competing objectives in the region to the overall benefit of the Marine Corps.

The DD Form 1391 and Requirements Document should contain enough details to describe the action so that 1391 reviewers can determine that the project is viable, and so that the environmental analysts can determine what the probable environmental impacts would be. Conversely, 1391 reviewers, NEPA SMEs, and decision-makers need to see that viable alternatives were considered. Block 11, “Additional: Economic Alternatives Considered,” is critical to the NEPA process. The 1391 and NEPA document should present evidence that all alternatives have been examined and evaluated. The 1391 requires consideration of the following alternatives: a) Status Quo, b) Renovation/Modernization, c) Lease, d) New Construction, and e) Other Alternatives. For example, consider:

- Similar on-post facilities. On-post facilities that could be renovated, expanded, or both, or facilities of a different type that could be converted for appropriate use.
- Available off-post facilities that could be leased or purchased.
- Available service/product acquisition such as a service or product that could be acquired directly from the civilian sector (on a contract basis).
- Nearby Defense Department facilities.

It is important to note that, at this step, detailed design has not yet been undertaken, and project details are preliminary and subject to change. At this step, design might be 5% or less (the final 1391 finalizes cost and scope [about 10% design] during *Project Development and Design* in Section 3.1.3.4 below). Presumptive designs can be used, but overly detailed requirements will limit design, engineering, and environmental flexibility.

During this step of the NEPA process, action proponents must submit an REIR to the appropriate Installation/Command NEPA SME. The REIR must describe the Purpose and Need for the action (Why is the action needed), a description of the Proposed Action (What, Where, When, and How), and initial alternatives (see also Section 2.2.3 on developing the REIR). For example, alternatives can include different siting locations, footprints, and operating tempos.

Table 11 presents a crosswalk between the 1391 and a sample REIR and an EA/EIS DOPAA. Note that Installations/Commands can modify or expand their REIR so there could be variations in REIR naming conventions. The 1391 contains requirements for specific project information such as construction costs for addressing air or water pollution, protection of wetlands, and a summary of environmental effects. Statements and declarations made on the 1391 must be substantiated with appropriate environmental analysis and documentation. Remember that MILCON design and construction decisions need to be consistent with the NEPA process:

- Project must originate from a specific need, and the description of the need must be consistent between the MILCON and NEPA documents.
- Requirements must be defined broadly enough to allow flexibility in implementation.
- MILCON projects may be implemented in several phases; however, the NEPA analysis must consider the entire project (all phases) to prevent segmentation (see Section 6.4).
- Initial project site and viable alternatives must be identified.
- Initial DD 1391 and programming cost estimate must be prepared.
- REIR must be prepared and environmental impacts must be assessed (could use a constraints-based analysis). For example, in a constraints-based analysis, siting restrictions such as utility corridors, wetlands, and historic properties are identified and potential sites are identified within those constraints.

3.1.3.1 MILCON Project Programming

After the Program Brief, the Facilities PEB meets to recommend the overall USMC priorities for the MILCON appropriation. The results of the Facilities PEB prioritization are used not only to develop the USMC Future Year Defense Program (FYDP), but also to select projects for initiation of the design process by NAVFAC.

The construction schedule can also be affected by the availability of funding. The FY for MILCON funding often slips as a result of the congressional approval/appropriation process. This factor should be taken into consideration when analyzing the effects associated with the timing and duration of implementing the proposed action. This factor could be especially important when considering the cumulative effects of other construction projects on and in the vicinity of the installation.

A program review will be conducted by a team assembled by HQMC LFL-4 (MILCON). It is critical that each Command/Installation be prepared to prove that a proposed project is a valid requirement and supported by appropriate documentation. If there is faulty documentation and/or justification, the project will be revised in scope or deferred from the program. Decision-making occurs throughout the programming process and updates need to be made to the NEPA documents.

Budget reviews are performed on all DoN Appropriations, first by the Navy Comptroller (FMB) and then by the Office of the Secretary of Defense, Comptroller (OSD). Each construction project is scrutinized during these reviews, and if its justification does not meet comptroller standards at either level, the project is “marked” or tentatively cancelled or deferred from the budget year programs.

Table 11. Crosswalk Between DD Form 1391, REIR and DOPAA

1391	REIR	EA/EIS DOPAA
Block 1. Component Block 2. Date	Not Applicable.	Not Applicable.
Block 3. Installation and Location	Ensure that geographic scope of proposed action is represented in REIR Block 5.	Ensure that geographic scope of proposed action is adequately described in the description of the proposed action (in Section 2 of EA/EIS DOPAA).
Block 4. Project Title	Title of Proposed Action.	Title of EA/EIS and cover sheet/abstract.
Block 5. Program Element Block 6. Category Code	Not Applicable.	Not Applicable.
Block 7. Project Number	Include with Title of Proposed Action.	Include with description of the proposed action (in Section 2 of EA/EIS DOPAA).
Block 8. Project Cost	Not Applicable.	If available, include summary of costs for each alternative. If costs would occur over multiple years, ensure the timeline is reflected in the description of the proposed action.
Block 9. Cost Estimate	Ensure that all line items in the cost detail that represent actions with the potential for environmental impact are noted in REIR Block 5.	Ensure that all line items in the cost detail that represent actions with the potential for environmental impact are described as part of the proposed action (in Section 2 of EA/EIS DOPAA).
Block 11. Scope Block 11. Requirement	Purpose and Need for Action. The Scope and Requirements statements should contain some (but not necessarily all) of the information on why the project is needed (problem to be solved by undertaking the action). Some of the information contained in the Scope should also be included in REIR Block 5.	Purpose and Need for Proposed Action (in Section 1 of EA/EIS DOPAA). Some of the information contained in the Scope should also be included in Section 2 (Description of Proposed Action). The Purpose and Need (requirements) form the basis of developing potential alternatives to accomplish the project.
Block 10. Description of Proposed Construction <ul style="list-style-type: none"> • The information in Block 10, coupled with Block 9, controls the scope of the project and should be tied together. Block 10 description should be organized to follow the order of costs listed in Block 9. • NEPA documentation and mitigation issues are to be identified in Block 10 per validation/checklist. 	Description of Proposed Action and Alternative. Ensure that all line items in the cost detail that are actions with the potential for environmental impact are represented here. See also Section 2.4.2.	Detailed Description of the Proposed Action (in Section 2 of EA/EIS DOPAA).

1391	REIR	EA/EIS DOPAA
Block 11. Project	Description of Proposed Action and Alternative. The information from Block 11 should reflect 1391 Block 4, Project Title.	Detailed description of the proposed action (in Section 2 of EA/EIS DOPAA).
Block 11. Current Situation describes how and under what conditions the requirement is presently being met or not being met.	Purpose and Need for Action.	Purpose and Need for Proposed Action (in Section 1 of EA/EIS DOPAA, and description of the No-Action Alternative (in Section 2 of EA/EIS DOPAA).
Block 11. Impact if Not Provided. • Should be specific. • Describe mission impacts or readiness if project is denied.	Purpose and Need for Action.	Description of the No-Action Alternative (in Section 2 of EA/EIS DOPAA).
Block 11: Additional: Economic Alternatives Considered: a. Status Quo. Will describe why the Status Quo/No-Action Alternative is not acceptable. b. Renovation/Modernization c. Lease d. New Construction. e. Other Alternatives. f. Analysis Results	NEPA requires consideration of reasonable/viable alternatives to meet the MILCON Requirement. Purpose and Need for Action. Include brief summary at end of REIR Block 5, Description of Proposed Action and Alternative. Include at end of REIR Block 5. Include at end of REIR Block 5. Include at end of REIR Block 5. Not Applicable/Not Required.	Include in EA/EIS DOPAA Section 2 on alternatives. Purpose and Need for Action. No-Action Alternative. Alternatives, including those considered but not evaluated in detail. Alternatives, including those considered but not evaluated in detail. Alternatives, including those considered but not evaluated in detail. Alternatives, including those considered but not evaluated in detail.
Block 12: Supplemental Data. a. Document design and construction schedules. b. Discuss applicable environmental issues, permits, mitigation and consultation requirements	Include projected construction schedule in REIR Block 5. REIR Section 2, Preliminary Environmental Survey.	Detailed description of the proposed action (in Section 2 of EA/EIS DOPAA).

Based on the REIR, potentially significant environmental impacts will be identified and the appropriate NEPA analysis (CATEX, EA, or EIS) will be determined. The time required for preparing an EIS, EA, or CATEX DM varies substantially. For projects that have the potential to significantly impact the environment and require an EIS, the Statement of Work (SOW) for a NEPA support contractor needs to be quickly finalized and the scoping process started, including consultation with regulatory agencies. Any long lead-time studies that have not yet been started must be initiated quickly to avoid delaying the overall project. A notice of Intent (NOI) to prepare an EIS requires HQEIRB and ASN approvals (see Section 2.6.6). The approximate time to conduct EIS scoping, develop a detailed DOPAA, and prepare a preliminary Draft EIS is typically between 9 and 18 months. Section 2.6 describes the EIS process in greater detail.

For projects where an EA is required, the SOW for a NEPA support contractor should be finalized. EAs do not require public scoping, but scoping should be considered for projects that might be complex, controversial, or have high public interest. Consultation with regulatory agencies should be started. The approximate time to develop a detailed DOPAA and prepare a preliminary Draft EA is typically between 6 and 12 months, but could be longer if scoping is conducted. Section 2.5 describes the EA process in greater detail.

For projects that qualify for a CATEX and where no extraordinary environmental circumstances exist, a DM can be signed. A CATEX DM can be prepared and approved in a few weeks or months. In those cases, action proponents are required to submit the CATEX DM with the 1391 package.

3.1.3.2 Project Development and Design

If project receives approval through the MILCON Project Programming process, it will receive Preliminary Design Authority, Facility Engineering Command (FEC) Team Final 1391, Document Review Board, Program Final 1391, and Budget 1391. The project will also be inserted into the FYDP. Planning charrettes⁸ might occur as much as three years before the estimated start of project construction and include refining project requirements, concept plans, location, and cost validation. Organizations such as Facilities Engineering, Safety, Security, Force Protection, Fire Department, Master Planning, and Environmental typically review the conceptual plan and location alternatives and provide valuable input on potential issues to be addressed. Design charrettes might be held to include developing baseline for project design; draft floor plans, mechanical/electrical sizing, preliminary grading plans, and refining the cost estimate. At the end of this process, the DD Form should be finalized (certified).

Project planning and design, and on-site surveys can contribute valuable information to the NEPA analysis for a project and are appropriate to conduct during NEPA analysis. Examples of appropriate site surveys include wetland delineations and archaeological surveys conducted by qualified personnel with the appropriate state or federal permits or authorizations. More intrusive testing such as subsurface geotechnical surveys using truck-mounted equipment might require analysis and consultation with resource agencies on the sampling plan (for example, an extensive plan to collect borings within habitat potentially occupied by a rare species). Potential mitigation measures should be identified.

⁸ Design or planning charrettes are planning meetings attended by representatives of project stakeholders (operations, engineering, environmental, facilities, safety, contracting, etc.).

When multiple sites are being considered, sufficient data should be gathered from each site so that comparable analysis of impacts can be made for each site. Gathering detailed data only from the preferred site could be construed as developing irreversible momentum behind one alternative, or as prejudicing the fair evaluation of other site alternatives.

When the draft EA or EIS is made available for public and agency review, it is common for resource agencies such as the USFWS and SHPO to want to focus their resources on a review of impacts from the Preferred Alternative and to limit consultation to only the one alternative. While it is preferable to consult on all alternatives, consultation on only the Preferred Alternative should not be considered an “irretrievable commitment of resources” since the USMC could re-initiate consultation on a different alternative. Notices of Availability (NOAs) for Draft and Final EISs require HQEIRB and ASN approvals (see Section 2.6.6), including identifying potential mitigation measures and costs (see also Section 6.9).

During the Project Development and Design phase, consistency of scope between the MILCON and NEPA processes is crucial. While the MILCON Requirements and NEPA Purpose and Need will remain relatively stable, project design, alternatives, mitigation requirements, and execution years might change. Project design can be affected by environmental planning considerations, technical/engineering, financial/cost, and logistics/mission factors. Updates to the 1391 and NEPA document must be based on the same scope. Consistency of scope is also necessary to develop appropriate mitigation measures. If the MILCON Request for Proposal (RFP)/SOW is issued prior to completing the NEPA process, unanticipated costs for mitigation and monitoring might not be properly identified and planned for.

At the end of this process, decision-makers want to see that the project supports the mission (meets the Purpose and Need), has received effective input from appropriate stakeholders, and that the MILCON and NEPA documents will reflect a balanced and considered decision.

3.1.3.3 RFP Development, Decision and Award

Budget reviews are performed on all DoN Appropriations, first by the Navy Comptroller (FMB) and then by the Comptroller (OSD). Each MILCON project is scrutinized during these reviews, and if its justification does not meet comptroller standards at either level, the project is “marked” or tentatively cancelled or deferred from the budget year programs. The USMC is, however, allowed an opportunity to respond to both FMB and OSD marks with “reclamas.” Whether the project is deleted from the program or not depends on the quality of the USMC reclamas. Quality reclamas depend on the documentation provided by each activity and responsiveness of each activity in answering the concerns of each set of reviewers. Congressional appropriations and authorizations subcommittees are individually reviewed, followed by insertion into Congressional Appropriation/Authorization Bill, and Presidential approval. Only after these approvals can the project contract requirements be finalized, advertised, and awarded.

For the NEPA Process, the EA/EIS should be final and FONSI/ROD signed. FONSI and RODs require the identification of alternatives considered and mitigation measures the USMC will adopt to minimize environmental impacts (see also Section 6.9). HQEIRB and ASN approval is required for RODs (see Section 2.6.6).

3.1.4 Funding for NEPA for MILCON Projects

USMC military construction funds may not be used for preparing environmental documents or supporting studies such as noise studies, cultural or natural resource surveys. The Military Construction Codification Act (10 U.S.C. 2801 et seq.) and the DoD Financial Management Regulation Section 170308 considers “environmental impact assessments and statements” and associated investigations to be advanced planning and must be funded from other than MILCON funds. O&M funds or other operating funds (such as “Other Engineering Support [P] Dollars”) are the proper sources for funding NEPA analyses on USMC MILCON projects. MILCON funds can be used to pay for mitigation measures that will be implemented as part of the project, however. Action proponents should work with the appropriate SMEs to identify potential mitigation measures and ensure that sufficient funds are requested for mitigation on the DD Form 1391 for the project.

3.1.5 Mitigation

Project-specific mitigation measures identified as a result of the NEPA analysis must be paid by the action proponent or as a part of the MILCON project. After the 5-year MILCON funding period, long-term, post-construction mitigation and monitoring (such as for wetlands) must be funded from the action proponent’s O&M funds. A brief discussion of known environmental mitigation requirements should be included in the 1391 Section 12 (Supplemental Data). Mitigation requirements and costs included in the 1391 can be refined and updated through the USMC MILCON Project Programming process. See also Section 6.9.

3.1.6 Design-Build

Design-Bid-Build (D-B-B) and Design-Build (D-B) are two common types of construction contracts. With D-B-B, a contract is first issued for project design followed by a second contract for construction. In D-B, a single contract is issued to both design and build a project. A notice-to-proceed order is issued by the Government after approving the design and before actual construction can begin. D-B contracts are said to save time and money by eliminating the need for a second procurement cycle. Design-Build contracts are allowed for MILCON projects per 10 USC 2862 (Turn-key Selection Procedures). NAVFAC policy requires NEPA and related environmental planning to be completed prior to issuing a D-B contract.

With D-B contracts, only conceptual project designs are available for NEPA analysis and regulatory consultations. As a result, a conservative, constraints-based footprint or construction corridor should be used to allow for design flexibility within the footprint/corridor. This approach establishes a maximum footprint/corridor and specifies the constraints as “Site Conditions” that must be avoided, including site access and work hour restrictions, construction “means and methods” (i.e., blasting vs. mechanical). If the D-B contract RFP/SOW does not adequately represent the design constraints/footprint or other limitations, or if the D-B contractors does not adhere to those constraints, the resulting design may exceed those limits, might need to be reanalyzed, and consultation might need to be reinitiated. When D-B contracts are used, action proponents/action sponsors should:

- Assign project staff with environmental planning experience on D-B contracts. Provide training for project staff (NEPA, conservation, planning, engineering, facilities) on D-B issues to share lessons learned from completed D-B projects.

- Ensure that “Environmental and Sustainability Requirements” for design and construction are specified in the RFP and SOW. For example, the footprint/corridor and constraints should be clearly specified as Project Requirements in the D-B RFP and SOW. The National Park Service (NPS) uses a Project Sustainability Checklist that describes sustainability goals, features and requirements for building and non-building related projects (see: www.nps.gov/dscw/designbuild.htm).
- Use design or planning charrettes⁹ to refine project requirements beyond conceptual design.
- Develop procedures to review changes to project design and manage construction issues during the D-B contract. For example, ensure the RFP is updated between the draft and final BO.
- Consider D-B-“bridging”, which involves using a design consultant to develop project design (up to 30% design) and to prepare SOW documents. The design consultant specifies the projects’ functional and aesthetic requirements, verifies the technical feasibility of the alternatives, but leaves the details of the construction up to the D-B contractor. The project team will determine when to bring the D-B contractor on board to maximize bridging benefits between the contractors.
- Plan for supplemental documents, reinitiating consultations, and over estimating the amount of mitigation that might be required (see Section 6.5).

3.2 NEPA AND REAL ESTATE/REAL PROPERTY ACTIONS

USMC real estate/real property transactions have the potential to be major federal actions, have the potential for significant impact on the human environment, and are subject to NEPA analysis and related environmental planning requirements. Real estate transactions include property disposals (including BRAC disposals), transfers, acquisitions, leases, and use agreements. As with any major federal actions, the NEPA process must be completed before approving an action, including decisions that commit the USMC to real estate transactions that may impact the human environment. The decision document for USMC real property transactions could be a DM/CATEX, EA/FONSI, or EIS/ROD. The NEPA process should be coordinated with required real estate studies such as:

- Environmental Conditions of Property (ECP) Checklist, required for non-BRAC actions in place of an Environmental Baseline Survey (EBS) or its equivalent, a Finding of Suitability to Lease (FOSL), and a Finding of Suitability to Transfer (FOST)
- Report of Availability (which underlies granting use of federal real property)

Some federal real property transactions do not require detailed NEPA analysis in an EA or EIS (CATEXs are listed in MCO P5090.2A in Appendix A). CATEX #26 through #33 involve real property transactions. For example, CATEX #27 is “Receipt of property from another federal agency when there is no anticipated or proposed substantial change in land use.” As with all CATEXs, the list of extraordinary circumstances should be reviewed to ensure that the application of the CATEX is appropriate.

⁹ USACE Engineering and Construction Bulletin No. 2003-8, “DD Form 1391 Preparation Planning Charrette Process, 6 November 2003.

In addition, all land acquisitions greater than 1,000 acres or \$1M must have a land moratorium waiver from the Office of the Secretary of Defense (OSD) before the activity can begin the land planning process (appraisal, survey, title search, and environmental studies). There are no exceptions to this requirement. Land acquisitions may be authorized and appropriated through the annual MILCON program or other applicable legislation. This includes acquisition by purchase, gift, transfer, public land withdrawal, land exchange, and lease. At the earliest conceptual phase, the requesting Installation or Command must request conceptual approval by submitting a memorandum to HQMC LFL-2 (Real Estate and Planning) with an information paper explaining the proposed acquisition from the Base Commanding General/Officer. All acquisitions require written approval. Minor land acquisitions (less than 1,000 acres at a cost of not more than \$500,000) are allowed under 10 U.S.C. 2672.

Per 43 U.S.C. 1714 and 43 U.S.C. 155-158, public domain lands may be withdrawn, reserved or restricted for specific military purposes. Withdrawals under 5,000 acres are executed by the Department of Interior. Withdrawal of more than 5,000 acres requires an Act of Congress per the Engle Act of 1958. Early conceptual approval from HQMC LFL-2 (Real Estate and Planning) is required for all land withdrawals.

Two areas warrant particular attention when performing NEPA analysis of acquisition, granting use, or disposal of federal real property interests. First, accuracy in the description of real property interests is absolutely essential. When describing interests that may be acquired or disposed of, care must be taken to correctly identify the type of interest (e.g., fee, leasehold), property description (areal extent), and duration. For easements, identify the most influential and useful properties as well as the duration of the grant. In cases involving property adjoining a river, caution must be taken to identify any interests held in or proposed for submerged lands; permit authorization for actions affecting or occurring in such submerged lands might reside in another agency or the state. The second area of attention is that some types of real property transactions permit, encourage, or rely on the preparation of NEPA documentation by future property users. This is especially the case where the DoN is in a position to approve a leasehold, license, or permit authorizing another entity's proposed action. When NEPA documentation is prepared by an entity other than DoN, it remains incumbent on the DoN to ensure the sufficiency of the documentation to support whatever decisions are ultimately reached.

Additional guidance on NEPA and related environmental planning for USMC real property actions can be found in:

- CNO/CMC(L), DON Environmental Policy Memorandum 95-01: Environmental Requirements For Federal Agency-To-Agency Property Transfer At BRAC Installations, May 26, 1995.
- DCNO/DCMC (I&L), DON Environmental Policy Memorandum 06-06: Streamlined Environmental Procedures Applicable to Non-BRAC Real Estate Actions, July 5, 2005.
- NAVFAC Real Estate Procedural Manual P-73, Chapter 3, "Planning Reports for the Acquisition of Real Property," April 10, 2009.

3.3 NEPA AND AIRSPACE ACTIONS

The USMC manages airspace to support airport activities, flight operations and training environments including range complexes. Airspace availability can also be an encroachment

issue around USMC installations. Any contemplated federal action involving or impacting airspace requires environmental impact analysis.

USMC air stations and bases may also be assigned Special Use Airspace (SUA). SUA consists of that airspace wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both. Types of SUA include Prohibited Areas, Restricted Areas, Military Operations Areas (MOAs), Warning Areas, Alert Areas, and Controlled Firing Areas. See also Section 5.2.1 on definition of airspace and airspace management.

The FAA establishes SUA and other airspace areas on behalf of a proponent and in consideration of existing airspace uses and overall impacts the new SUA will have on the National Airspace System. FAA Order 7400.2 (Procedures for Handling Airspace) and FAA Order 1050.1 (Policies for Considering Environmental Impacts) provide the basis for the parallel aeronautical and environmental processing the FAA will accomplish in response to an SUA proposal or other airspace action. The FAA will also conduct its own environmental analysis in conjunction with processing an airspace action such as an SUA proposal submitted by the USMC.

Marine Corps efforts to establish or modify airspace are governed primarily by Office of the Chief of Naval Operations Instructions (OPNAVINST) 3770.2 (Airspace Procedures and Planning Manual), MCO P3550.10 (Policies and Procedures for Range and Training Area Management) and MCO 3570.1 (Range Safety); and are subject to USMC/DoN NEPA analysis per MCO P5090.2. The USMC does not have any CATEXs on the modification or establishment of new SUA. MCO P5090.2A (Change 3) Section 12201.4.b (Actions For Which an EA Must Be Prepared) lists examples of actions that under normal circumstances require the preparation of an EA:

- Proposals for new or amended aircraft training routes or SUA and warning areas. Per FAA regulations, proposals for airspace, except for prohibited area and alert area designations, are subject to environmental impact analysis.

FAA procedures for implementing NEPA (which is equivalent to MCO P5090.2A for the USMC) is contained in FAA Order 1050.1, "Policies for Considering Environmental Impacts".

Guidance for non-FAA action proponents is provided in FAA Order JO 7400.2 "Procedures for Handling Airspace Matters". Although currently under review by the FAA for potential revision, Chapter 21 of this FAA order describes current requirements for SUA proposals to the FAA. Before submitting an SUA proposal to the FAA service area office, the USMC action proponent should coordinate, at a minimum, with locally affected Air Traffic Control (ATC) facilities and other military units, local FAA representatives or liaison officers (where assigned), and the Air Route Traffic Control Center (ARTCC) having jurisdiction over the affected airspace (FAA Order JO 7400.2 Section 21-4-2). An aeronautical study is required for all new prohibited area, restricted area, MOA, and warning area proposals, except those which reduce or revoke SUA, change the controlling or using agency, or make minor corrections to the legal description. The service area office determines whether to require an aeronautical study for alert area or CFA proposals (FAA Order JO 7400.2 Section 21-6-2).

Chapter 32 of FAA Order JO 7400.2 (Environmental Matters) also provides supplemental guidance to FAA Order 1050.1E on proposals to establish or modify SUA. Appendix N of this manual contains an FAA flowchart for SUA environmental rule making and non-rule making

actions, a summary of FAA procedures for aeronautical and environmental processing of DoD SUA actions, and FAA SUA environmental processing procedures.

Appendix 7 of FAA Order JO 7400.2 contains the FAA/DoD Memorandum of Understanding Concerning Review of SUA Actions (see Appendix N of this NEPA Manual). The MOU outlines DoD and FAA responsibilities. In the case of NEPA compliance, the DoD will assume the role of lead agency for any actions it initiates to establish, designate, or modify SUA, with the FAA acting as cooperating agency. Where airspace proposals initiated by the FAA affect military use, the FAA is the lead agency and the DoD the cooperating agency. Both entities should be involved in the planning process at the earliest possible opportunity. The MOU states “that the resultant environmental documents of the lead agency will be accepted and used in decisions and planning by all agencies involved with the proposed action.” Section 518 of FAA Order 1050.1 contains procedures for reviewing and adopting EISs prepared by other agencies.

3.4 NEPA AND THE ACQUISITION PROCESS/SYSCOM

Modernization of the USMC ground force, aviation units, and associated training programs, ranges, and training areas is crucial. Equipment modernization involves many different divisions and branches of the USMC. The USMC modernization programs are designed to improve operational and strategic mobility, lethality, agility, survivability, and situational awareness through the use of advanced technology. Due to normal attrition and continuous technological improvements, equipment upgrading is a continuous and necessary process for combat, combat support, and combat service support units. Equipment fielding, an inherent part of the equipment modernization program, involves stationing of new or replacement equipment at various USMC training sites. Fielding can include such activities as tank and other weapon system upgrades, and the stationing of new equipment.

Applicability of NEPA to Equipment Modernization. NEPA analysis needs to be conducted on the entire lifecycle of new or upgraded equipment (including acquisition, testing, and fielding). The decisions made during the acquisition process could result in environmental effects not currently identified.

MARCORSYSCOM Acquisition Policy Letter 7-10, “Policy Concerning the Implementation of the National Environmental Policy Act (NEPA) and EO 12114, 15 September 2010,” contains policy, guidance, and responsibilities for NEPA in MARCORSYSCOM acquisition programs (Appendix O). The MARCORSYSCOM Project Manager is required by Secretary of the Navy Instructions (SECNAVINST) 5000.2D to include the strategy and schedule for NEPA compliance in the Programmatic Environment, Safety, and Occupational Health Evaluation/USMC Single Acquisition Management Plan (PESHE/MC-SAMP), and to analyze potential impacts before implementation of an activity. The PESHE addresses issues of Environmental, Safety, and Occupational Health (ESOH) risks, a strategy for integrating ESOH into the systems engineering process, identification of ESOH responsibilities, the identification of ESOH hazards and associated risk; a method for tracking progress for eliminating, or mitigating the risk, including formal acceptance of the residual risk by the appropriate authority; and a schedule for NEPA or EO 12114 compliance. Enclosure 1 to the Acquisition Policy Letter tailors the NEPA process Step-by-Step Methodology in MCO P5090.2A Section 12201.2 to MARCORSYSCOM acquisition programs.

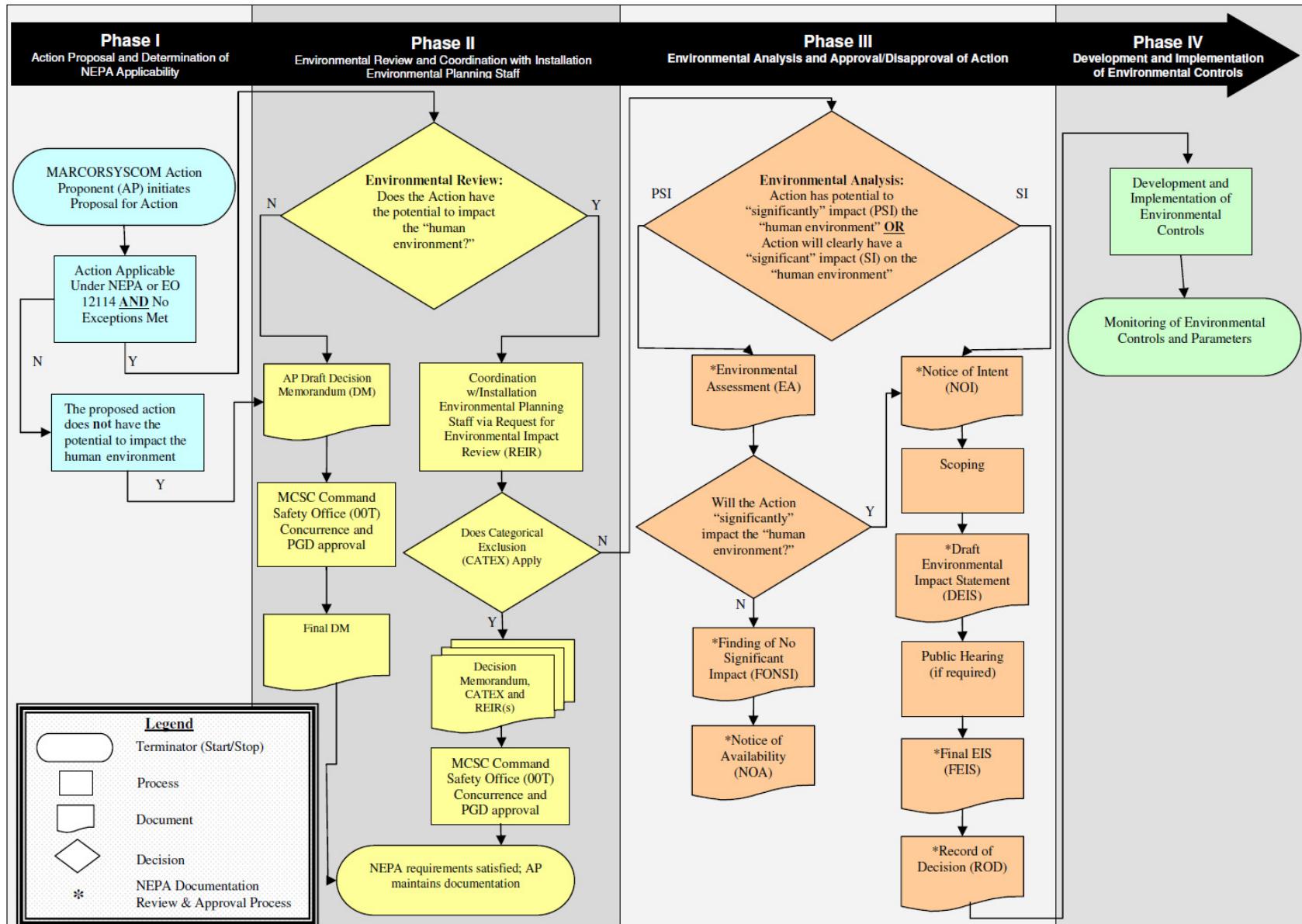
The USMC does not currently have a NEPA manual specifically tailored to materiel acquisition. The U.S. Army Environmental Center’s NEPA Manual for Materiel Acquisition (July 2004)

addresses NEPA considerations and sources of assistance in the deployment and operational support phases of the weapon system development and modernization process, and is a good source of information (but is not directly applicable as USMC guidance).

Suggestions for Preparing NEPA Analyses Involving Equipment Modernization, Materiel Acquisition, and Fielding. NEPA analysis must be completed before approving an activity, including decisions that commit the USMC to acquisition of a product or system that may impact the human environment. For development and acquisition of new technologies, decisions about how to meet new requirements should be made early on in the requirements development process, and before the Preliminary Design Review (PDR). Action proponents should consult the MARCORSYSCOM Safety Office (00T) for specific guidance. The NEPA considerations described below and in **Figure 3** are focused specifically on the fielding aspects of the process, including USMC equipment modernization programs.

- Preparing a Programmatic Environmental Assessment (PEA) or Programmatic Environmental Impact Statement (PEIS) early in the planning process might eliminate the need for multiple stand-alone environmental reviews at each fielding location and thereby reduce costs (see Section 2.1 and **Table 1**). However, programmatic NEPA analysis could require additional supplemental or follow-on (tiered) site-specific analyses if lack of information or program uncertainties do not permit adequate analysis of impacts at the affected locations.
- As discussed in Section 2.1, actions that occur outside of the United States are not subject to NEPA but must comply with the provisions of EO 12114, Environmental Effects Abroad of Major Federal Actions. However, EO 12114 Section 2-5 (Exemptions and Considerations), states that it does not apply “when the action occurs in the course of an armed conflict.” Therefore, the fielding of equipment directly in support of wartime activities does not require NEPA or EO 12114 analyses. When the USMC is involved in the course of an armed conflict, activities such as testing of equipment at peace time locations and returning equipment to active bases are subject to NEPA
- Proposed fielding actions might be associated with stationing proposals and/or real property master planning, land acquisition, training land management, new construction, or facility rehabilitation or modification. If the proposed fielding involves modified or similar equipment, and if existing and up to-date NEPA analyses and documentation address the environmental effects of the present equipment, the NEPA analysis for the proposed fielding should focus on any changes in equipment performance characteristics, maintenance procedures and materials, facility requirements (including ranges), and their associated environmental effects. Cumulative effects must be considered.
- NEPA analysis for fielding equipment must be started early to ensure that any required site-specific studies are started in time. 842 Acquisition PMs must work closely with installation environmental, planning, and engineering staff. A FIR should accompany the REIR to the Installation (see Appendix O, HQMC policy letter, “Facilities Impact Report Policy and Procedures”), and a FIR Response Form returned to MARCORSYSCOM (see Appendix O).

Figure 3. SYSCOM NEPA Process Flow Diagram



- Historically, new equipment has sometimes arrived at USMC facilities before completion of the required NEPA analysis. Installation environmental staff should closely coordinate with affected units to ensure that modernization programs are not jeopardized by premature use of the new equipment in ways that could be considered an “irreversible or irretrievable commitment of resources.”

3.5 NEPA AND CERCLA/ERP/MMRP INVESTIGATION AND CLEANUPS

Although they *might* qualify as a major federal action, EAs and EISs are typically not prepared on USMC hazardous waste site investigations and cleanups, such as ERP or MMRP sites. In a series of cases, courts have found that EPA’s activities in furtherance of various environmental statutes are the “functional equivalent” of compliance with NEPA. Therefore, EPA is not required to comply with NEPA on National Priorities List (NPL) Superfund site cleanups. A 23 January 1995 memo from the DOJ to EPA and the Department of Energy (DOE) on the application of NEPA to CERCLA cleanups states that the DOJ’s “historic position that NEPA, as a matter of law, does not apply to CERCLA cleanups.” The DOJ Memo further stated, “the issue of applying NEPA values to CERCLA cleanups can best be addressed by EPA’s evaluating whether to require additional public participation and data gathering within the CERCLA process.” This principle is expressed in MCO P5090.2A Section 12201.2.b(1) on CERCLA cleanup actions, and DoDI 4715.9 Section E1.1.5.

An example of a proposed action where the question of NEPA compliance might arise involves the proposed redevelopment of a Brownfield site. Consider the situation of an MCAS wanting to remediate a site for which a Site Investigation (SI), Remedial Investigation (RI), Engineering Evaluation/Cost Analysis (EE/CA), or similar study has been completed. The site is near the flight line and could be a reasonable alternative for a proposed facility. Must the USMC complete a NEPA document on the cleanup? If the investigation and cleanup is being conducted under CERCLA with the involvement of appropriate state or federal regulators and public involvement, EA analysis would be duplicative of the CERCLA investigation and documentation, and generally is not required. However, connected actions independent of the investigation and cleanup are subject to NEPA analysis.

CERCLA and NEPA Relationship

“The procedural requirements for preparation of documentation to meet the statutory requirements for remediation and/or restoration projects undertaken under [CERCLA] are substantially the same as prescribed under [NEPA]. Consequently, Components are not required to prepare separate [NEPA] documents for CERCLA actions.”

— DoDI 4715.9, *Environmental Planning and Analysis*, May 3, 1996.

4. PUBLIC INVOLVEMENT IN THE NEPA PROCESS

NEPA public involvement requirements are summarized in 40 CFR 1506.6. In addition, EO 12898 (Environmental Justice) requires that procedures be established or expanded to provide meaningful opportunities for public involvement by members of minority and low-income populations during the planning and development of programs, policies and activities. The Americans with Disabilities Act (ADA) of 1990 requires that persons with disabilities be accommodated for at all public involvement activities.

Agencies are required to make diligent efforts to involve the public in preparing and implementing their NEPA procedures; provide public notice of NEPA-related hearings, public meetings and the availability of NEPA documents; hold or sponsor public hearings or meetings in accordance with the agency's statutory requirements; and solicit public comment. Also, make sure that important reference material is made publicly available, such as posting on the project website, or placing copies in public libraries.

Public involvement (and scoping) in the NEPA process also identifies minority, low-income, and disadvantaged populations, and Native American tribes; and provides a means for these groups to fully participate in the decision-making process. Interested parties with potential interest have the opportunity to participate.

A public involvement plan is a useful tool to support public involvement activities. A public involvement plan consists of a clearly-defined purpose and objectives for initiating a public dialog on USMC projects; identifying the affected public, stakeholders, and interested parties; identifying methods to engage the public in the process; developing key messages; and notifying procedures that effectively target affected groups. Since other Federal laws have different public engagement requirements, a public involvement plan can be used to coordinate these efforts. The public involvement plan can also help provide education and assistance techniques that result in an accurate and full public understanding of the environmental effects; alternatives and obstacles, and opportunities within various solutions to the problem; and following through by public agencies demonstrating that decision-makers seriously considered public participation.

4.1 APPROPRIATE LEVELS OF PUBLIC INVOLVEMENT

The CEQ regulations at 40 CFR 1506.6 allow agencies to determine the appropriate form and extent of public involvement in a proposed action. The level of public involvement varies by project type and public interest or controversy. It is also important to note that "the public" can be a diverse group of stakeholders, examples of which are listed in Section 4.2. The public involvement process for the three levels of NEPA analyses are:

- CATEX projects defined by the DoN. These projects pose minimal or no impact to the surrounding community, will be of short duration, and pose no disturbance to local communities during construction. Also included in this category are those unfunded projects for which a planning study is being prepared, and may require possible notice on an agency's website. Examples include administrative and procurement activities. Since USMC actions subject to a CATEX are, by definition, not individually or cumulatively significant, and in accordance with the CEQ regulations to reduce paperwork and delay (40 CFR 1500.4 and 1500.5, respectively) the USMC generally does not conduct public involvement activities on the preparation of CATEXs.

- However, the CEQ’s *Final Guidance for Federal Departments and Agencies on Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act* (December 6, 2010) states: “CEQ strongly recommends that agencies post key information about their NEPA procedures and implementation on a publicly available website. The website should include...Information on agencies’ use of CATEXs for proposed actions, particularly in those situations where there is a high level of public interest in a proposed action. Where an agency has documented a CATEX, it should also consider posting that documentation online.” For USMC Commands and Installations, posting a table of CATEX DMs listing the CATEX/DM date, title of action, the USMC CATEX applied (#1 - #45), and a link to the DM would meet the intent of the CEQ guidance.
- EA. Generally speaking, EAs would have some impact (not significant), be of moderate size (perhaps no off-Base impacts), and would require less time for planning, design and construction than an EIS. For EAs involving small projects and all impacts are confined to an installation, publishing a Notice of Availability (NOA) or posting the EA on the installation website is adequate. For EAs where there impacts might extend off the installation or would involve sensitive resources, making the draft EA available for public comment before preparing the final EA and making a decision is appropriate. This can be accomplished by publishing a NOA in local newspapers and posting the draft EA on a website. Depending on the scope of the project, consultation with regulatory agencies might be necessary, including mailing them the draft EA for their review (see Section 6.8). For projects that are larger, more complex, or with more off-Base impacts, the action proponent/action sponsor could consider holding a public meeting during the draft EA public comment period, or conduct limited scoping activities.
- EIS. Under the CEQ regulations, agencies are required to involve the public at two points in the EIS process. First, agencies are required to involve the public after the release of the NOI during the scoping process, and secondly in a public comment period on the Draft EIS. Scoping activities can range from publishing notices and accepting comments through a project website, to holding a series of public meetings and workshops (see Section 4.3). Projects that require an EIS are typically large-scale efforts, in terms of both design and construction. Projects requiring an EIS could substantially affect local communities, and typically require more time for planning, design and construction.

4.2 MEANS OF PROVIDING PUBLIC INVOLVEMENT

Action proponents/action sponsors can select the methods it will use to provide meaningful public involvement and that are appropriate to the scope and scale of the proposed action and associated NEPA document. The USMC can use the following types of outreach to consult, notify, solicit input, receive comments, and give notice of availability to the public for NEPA planning documents. The following outreach activities are dependent on the level of NEPA analysis, situation and may involve a combination, as appropriate, of the following:

- conducting public meetings
- organizing alternatives development workshops

- making decision-makers available, as possible and reasonable, for meetings with individuals and groups
- using the project website for publication of information notices, documents, and comment forms
- providing telephone contacts for input and comment
- advertising and publishing notices of draft and final NEPA documents
- issuing news releases
- providing electronic and postal mailings
- providing informational pamphlets
- publishing periodic newsletters
- making available documents on compact discs (CDs), on the project website, and in printed form
- In exceptional circumstances, forming and using advisory groups (subject to the provisions and limitations of the Facilities Advisory Committee Act [FACA] of 1972)

“The public” can be a diverse group of stakeholders. Groups to target as part of the project’s public involvement strategy could include:

- Residents surrounding an installation
- Elected national representatives
- Elected state representatives
- Elected county officials
- Elected municipal officials
- State and federal agencies
- Tribal governments, including those with past association with the area
- Local (county and municipal) and regional planning districts
- Minority/economically-disadvantaged groups
- Interest groups (local, regional, or national)
- All others interested in the planning process

4.3 THE SCOPING PROCESS

Scoping is an early and open process for actively and constructively bringing outside agencies (federal, state, and local), organizations, and the public into the NEPA process; determining the nature and extent of issues to be addressed; and identifying major issues related to a proposed action. The CEQ regulations require using the scoping process when preparing an EIS. Using a formal or informal scoping process is optional when preparing an EA, but often it has proven beneficial, particularly in conducting coordination and consultation meetings with regulatory and natural resources agencies. Recent trends in court cases indicate that public participation in EAs is vital. Internal scoping should also be used for EAs to ensure that DOPAA elements are

accurate and complete and that any environmental issue or controversy associated with the action is identified.

The scoping process will:

- Invite the participation of affected federal, state, and local agencies; any Native American tribe; Native Hawaiian Organization (NHO); minority and low-income populations; and other interested persons.
- Determine the scope and the significant issues to be analyzed in depth in the EA/EIS.
- Identify and eliminate from detailed study the issues that are not significant or that have been covered by prior environmental review. Narrow the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment, or provide a reference to their coverage elsewhere.
- Allocate assignments for preparing the EA/EIS among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.
- Indicate any public EAs and other EISs that are being, or will be, prepared and that are related to, but are not part of, the scope of the NEPA document under consideration.
- Indicate the relationship between the timing of the preparation of an EA/EIS and the agency's tentative planning and decision-making schedule.
- Identify other environmental review and consultation requirements so that the lead and cooperating agencies may prepare other required analyses and studies concurrently with the EA/EIS.
- Identify environmental permits and regulatory agency approvals required for the project and the relationship between the timing of permits and approvals with the start of the proposed action.

Carry out these scoping functions in the context of a public, informal meeting at which written responses or oral presentations resulting from the public notices may be received. Such meetings, although not mandatory, may be held whenever practicable. There is no authority for the payment of expenses incurred by any person(s) in the preparation and presentation of information at these meetings.

Scoping during the early stages of the NEPA process provides a focus to the analysis of potential environmental effects. Scoping sessions with individual agencies, federally recognized Native American tribes, NHOs, and/or the public help proponents identify various important matters affecting the NEPA process, including community concerns, regulatory and natural resources agency concerns, information related to impact significance, environmental justice issues, the geographic extent of the affected area, the range of actions (connected, cumulative, or similar) and alternatives, the range of resulting effects (direct, indirect, and cumulative), permit and consultation requirements, possible mitigation strategies, and appropriate levels and sequence of environmental reviews. Appendix P contains scoping guidance developed by the CEQ, and Appendix Q contains the DoD's Public Participation Checklist for Environmental Justice.

4.4 PUBLIC NOTICES

NEPA notices of public meetings/hearings and documents consist of either a legal notice in the classified section of local newspapers or a display advertisement in the (for example) Metro or

Local News section. The Environmental Division planner, Project Manager, or his/her designee will prepare the materials needed for the notice, providing a general description of the project location or map, text that explains the purpose of the meeting/hearing, and the meeting location(s) and time. In addition, work with the Public Affairs Officer at the installation to develop flyers for distribution, news release for community newspapers, and local radio stations. See Appendix R for examples of newspaper public meeting announcements.

4.4.1 EA Public Notice

MCO P5090.2A Section 12201.4.g.(3) directs action proponents to publish the signed FONSI or the NOA in local newspapers “if practicable.” For an EA for which USMC is not planning to hold a public

meeting/hearing, a notice of opportunity may be published in local newspapers and posted on USMC website, to offer the public the opportunity to request a meeting/hearing. If no requests are received, the USMC will place a notice in a local newspaper advising the public that although no public hearing will be held, the NEPA document is available locally for review and comment. It is important to identify all interested parties and determine if additional accommodations need to be made to reach these segments of the population. If language barriers are identified (such as substantial non-English speaking populations) in the affected area, etc.), notification materials should be developed in a second language, and/or other types of outreach to such populations should be undertaken.

4.4.2 EIS Public Notice

NEPA regulations require the public to be notified at various points in the EIS development process. This is accomplished in various ways, including publication of notices in the Federal Register. Like all steps in the EIS process, public notices are routed through HQMC LFL-1 for approval before submission to the Federal Register. Announcements in the Federal Register are done in addition to - not instead of - public notices in local newspapers and on project websites.

4.4.3 Other Public Involvement Tools

Besides meetings and hearings, numerous other methods are available to ensure that the public is involved in project planning. The project manager, Public Affairs Office staff and other pertinent staff (e.g., Environmental Division) will work together to identify projects that warrant enhanced public participation and to determine appropriate techniques for involvement beyond initial coordination, meetings, and hearings. Other public involvement techniques could include establishing a project website, link on the installation’s main web page to a project page, e-mail groups, flyers, newsletters, and use of newer social-media such as Facebook pages.

4.5 PUBLIC MEETINGS AND RESPONSE TO COMMENTS

This section outlines procedures and requirements with respect to public meetings and responding to public comments. Although much of this section refers to the development of an EIS, it also can be applied to EAs for which broader public engagement and outreach has been deemed to be appropriate.

Administrative Procedures Act

“In the case of each meeting, the agency shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting..”

–5 U.S.C. 552(e)(1)

4.5.1 Guidelines and Standards for Public Meetings

Public meetings are commonly held during scoping (see Section 4.3) and the Draft EIS comment period. All comments and concerns expressed during the meeting(s) should be considered. The action proponent/action sponsor, in coordination with the CMC (LF), determines whether a public meeting should be held, number of meetings, meeting location(s), and format. Public meetings are appropriate in the following situations:

- When the proposed agency action will have a direct environmental impact on the people residing in a particular geographic area
- When public organizations or members of the public possess expertise concerning the environmental impact of the action that may not otherwise be available
- When the proposed action is not a classified action, or when there is no overriding concern for national security associated with the proposed action
- When a request for a meeting has been submitted by another agency with jurisdiction over the action and is supported by reasons that a meeting will be helpful
- When the action may disproportionately affect a minority or low-income population

The objectives of the public meeting are twofold: (1) the meeting should provide interested members of the public with relevant information and (2) the meeting affords members of the public an opportunity to present their views of the proposed action.

Hold meetings at a time and place readily accessible to civilian organizations and individuals interested in the proposed action. Hold meetings in a community facility (e.g., library meeting room, school auditorium, etc.) on a weekday evening when such groups can reasonably be expected to attend.

Sign and foreign language interpreters should be present, as appropriate. A court reporter or stenographer is recommended to prepare a verbatim (or summary) written record of the meeting, particularly public comments. If the meeting is expected to have very high public interest, consider videotaping the meeting and broadcasting it or making it available on-line. All written statements submitted during the meeting should be appended to the record. Add to the record the list of persons attending the meeting, including the organizations or interests they represent and their addresses. Mail a copy of the meeting transcript to all people who requested it, subject to reproduction costs.

4.5.2 Meeting Announcement

If the proposed action dictates that a meeting be held, the proponent advises the public of the proposed meeting via the *Federal Register* at least 15 days before the scheduled meeting. This *Federal Register* notice is in addition to publication in local newspapers. Provide notice, wherever practicable and appropriate, in foreign language local newspapers. Notification should include the following:

- The date and time of the meeting, location(s), meeting format, and the phone number of a person who can provide more information
- The suggestion that technical statements or statements of considerable length be submitted in writing. Any time limitation on the length of oral statements

- A summary of the proposed action and the findings contained within the EA/EIS
- Libraries, local or municipal offices, and website where the EA/EIS is available for examination
- A request that any individual or groups with special needs (e.g. accessibility/ transportation, need for sign or foreign language interpretation) notify the agency

If feasible, make copies of the EA/EIS available to the public at an appropriate regional or local location. Also, as appropriate based on the proposed action and analysis, forward copies of the EA/EIS to the appropriate state, regional, and metropolitan clearinghouse (unless the governor of the state involved has designated some other point for receipt of the information). In the case of a Draft or Final EIS, at the same time the document is filed with the EPA and sent to other agencies, it should be made available to the public. As necessary and appropriate, translate document summaries into languages other than English. Appendix S contains sample transmittal letters to EPA and to OLA for elected officials.

4.5.3 Meeting Formats

There are several alternative formats for a public meeting, and the format should be selected to complement other parts of the public involvement plan. The format should be tailored for each project and phase of the NEPA process as the circumstances dictate. Three of the most common meeting formats are formal hearings, facilitated meetings with formal agency presentations followed by a question and answer (Q&A) session, and an Open House. Hybrids of these formats can also be used for a meeting.

- Hearings. Formal hearings typically involve a set start time, introductory remarks by a host agency official, project presentations, followed by public comments. The room set up is typically theater style with host agency officials at a front table, a speaker podium, and microphones for the public to provide comments. Each public commenter is provided a set amount of time to provide comments (i.e., 3 to 5 minutes each). A court reporter records each comment and responses are not provided at the meeting. A facilitator might be used. Depending on the circumstances and potential for controversy, this could be a USMC official, professional facilitator or local agency official. If a USMC official is the hearing officer or facilitator, they should be of appropriate seniority, preferably military; thoroughly familiar with the proposed action; and of suitable temperament to preside at a public meeting that the news media might attend.
- Facilitated meetings with formal presentations and Q&A sessions. Facilitated meetings also typically involve a set start time, introductory remarks by a host agency official, and project presentations. However, unlike a formal hearing, agency presentations are followed by a facilitated Q&A session in which members of the public ask a question and agency representatives provide answers. Room set up is typically theater style with host agency officials at a front table, a speaker podium, and microphones for the public. A court reporter is also typically present.
- Open Houses. An Open House format does not have formal presentations. A series of exhibits on the proposed action, NEPA process, and environmental impacts are arranged throughout the meeting room. Each exhibit is staffed by USMC representatives and contractors to engage the public, explain the exhibit information, and informally answer questions. Several greeters are typically required to welcome the public, explain the

meeting format, and explain how the public can provide comments (such as at tables to provide written comments, at a bank of computers to access a project website database, or to a court reporter). The public is free to visit each exhibit at their own pace.

- **Hybrid formats.** A hybrid format might entail an early Open House followed by formal presentations or a hearing.

A registration table is recommended for all public meetings. A record of attendance assists in preparing the record, in recognizing individuals who desire to make a statement, and in mailing written answers to persons who desire them. That record can be compiled by having each person attending the hearing complete an individual card indicating name, address, and organization represented, if any. USMC representatives and contractor support staff should be familiar with the proposed action or some phase of it, the NEPA or related planning processes, or resources evaluated in the EA/EIS. These personnel may help explain details or specialized portions of the proposed action. A risk communications course might be provided to agency and contractor staff to provide guidance on engaging the public.

Additional procedures for hearings or facilitated public meetings. Introduce the facilitator and any assistants first, make a brief statement on the purpose of the hearing/meeting, state general ground rules, and welcome any dignitaries present. Simplify the explanation of the hearing/meeting's purpose by making written copies available to attendees. Inform attendees that the facilitator is not authorized to make any decision as to whether the project is to proceed, be modified, or be abandoned.

The facilitator should fully explain what the proposed action entails, including information on alternative courses of action. The facilitator can call on one or more assistants to explain any particular phase of the program. The facilitator should answer only questions that seek clarification of the action and should not attempt to respond to attacks or critiques of the action.

If a high attendance is expected, the public might be asked to register before the hearing and called to speak in order. If so, the facilitator can use the speaker cards as an orderly system for calling upon individuals who desire to make statements. If individuals have written information, ask them if they would like to have the written material entered into the meeting record (attendees should be permitted to submit written statements throughout the public comment period and typically not less than two weeks after the meeting). After each commenter has had the opportunity to speak, and if overall meeting time limits permit, offer a second opportunity for the public to make a statement. When it is time to adjourn the meeting, the meeting facilitator should first thank attendees. Attendance may warrant an additional hearing, perhaps at another time and location. At the conclusion of the hearing, the facilitator should not express any opinion on the merits of the proposals or comments presented at the hearing.

4.5.4 Meeting Handouts

Handouts are recommended. Often, the handout is a copy of posters/boards used at the meeting. The handout may include an overview of the NEPA process, a project summary, project map, description of proposed action and alternatives, summary of potential impacts, and other processes that are important to the project (such as NHPA Section 106 or ESA Section 7). Handouts could be available at a registration table or throughout the public meeting. The handouts can also be made available throughout the public comment period on the project website.

4.5.5 Responding to Comments

A Draft EIS must be made available for a 45-day (minimum) public comment period (40 CFR 1506.10(c)). Draft EAs are typically available locally for a 30-day public comment period (30 days is not required and a shorter time period such as 15 days may be sufficient for small projects where impacts are confined to the installation, there would be no impacts to sensitive resources, and the action is not expected to be controversial). Present all public comments received in the form of letters, faxes, and so forth in an appendix to the Final EIS or final EA, along with responses to those comments. When replying to comments, refer to those portions of the EIS/EA that address the issue, particularly if the comment prompted a change in the document. A person who submitted a comment should be able to track the receipt and disposition of the comment. Incorporate other pertinent information provided by the public into the final document, as appropriate. Develop procedures for handling comments received and for responding to comments as part of the NEPA process management plan or within a separate public involvement plan.

When a large volume of comments are received, log comments into a database and create a separate file for master copies. Comments can then be easily screened for substantive points raised. Some comment letters might identify a single issue; others might contain a long list of reviewers' concerns. As appropriate, individual points should be catalogued and cross-referenced so that none are overlooked. If many comment letters and documents making the same points are received, it might be useful to consolidate duplicates and closely related comments to simplify the number of responses that must be developed. This effort helps facilitate responding to a recurring comment once instead of repeating the response multiple times. A benefit of following this process is that it helps ensure that responses given are consistent, and that responses are incorporated consistently throughout the revised document. It is also especially useful when responding to similar comments submitted in form letters. Write responses openly, clearly, candidly, and with respect for the commenter. All substantive comments must receive a response. Substantive comments are those that address the adequacy of the environmental analysis, the merits of the alternatives, or both (CEQ Regulations, 40 CFR 1503.3(a)). Comments can be disregarded for good cause, including being not relevant to the adequacy of the analysis or alternatives, being illegible, unsigned, obscene, or late. Mark disregarded comments as such and retain as part of the AR.

The CEQ regulations at 40 CFR 1503.4(b) also allow for agencies to group similar comments and to provide a single response. For example, if a large number of comments are received via e-mail or post card containing the same or similar comments, instead of reprinting each individual comment and response, the USMC could group the comments, summarize the comments, and provide a single response to the grouped comments.

The Department of Energy (DOE) has developed an SOP for accepting and responding to large volumes of public comments ("EIS Comment-Response Process," October 2004), available at: http://nepa.energy.gov/nepa_documents/TOOLS/GUIDANCE/Volume2/2-9-commentresponseguidance.pdf.

4.6 NEPA PROJECT WEBSITES AND ACCESSIBILITY COMPLIANCE

Under existing federal laws and regulations, and DoN policy to implement those laws (ALNAV 018/01), electronic and information technology developed, procured, maintained, or used by federal agencies must be accessible to people with disabilities unless it would pose an undue

burden to do so. Specifically, 29 U.S.C. § 794d establishes accessibility requirements that agencies must meet to ensure that “individuals with disabilities who are members of the public seeking information or services from a federal department or agency to have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.” Architectural and Transportation Barriers Compliance Board (“Access Board”) regulations (36 CFR Part 1194.22, Web-based Intranet and Internet Information and Applications) specify requirements applicable to public information websites such as websites for NEPA projects. Federal Acquisition Regulations (FAR) require agency acquisitions of electronic and information technology (EIT) to comply with the Access Board’s standards (66 FR 20894). FAR 2.101 defines EIT to include world wide websites. For more information on Section 508, see: www.section508.gov, or www.access-board.gov/508.htm.

Public information websites for NEPA projects - including contractor-developed or supported sites - are to meet the applicable technical provisions of the Access Board’s standards. Public information websites for NEPA projects represent the USMC; therefore, all text and images on the site should meet and maintain the highest standards of accuracy, fairness and access. In situations where the action proponent/action sponsor demonstrates that compliance imposes an undue burden, a waiver from, or modification of, the requirements may be available (see 48 CFR 39.204). Unless a waiver or modification is obtained, SOWs that include public information websites as a deliverable should include a statement that web pages shall be compliant with the applicable standards adopted by the DoD. Web pages that include images such as animated GIFs, scripts, images used as list bullets, spacers, and buttons need a text equivalent.

Of particular relevance to Marine Corps project websites are the requirements of 36 CFR 1194.22(m), which requires web pages containing PDF files to:

- Include a link to a plug-in that complies with the software requirements of 1194.21(a) through (l), such as those found on <http://access.adobe.com>
- Provide a text equivalent for every non-text element in accordance with Section 1194.22(a); a text equivalent describes the function or purpose of content. For complex content in the main body of an EIS (charts, graphs, etc.), the text equivalent may be longer and include descriptive text. For a simple image such as a photograph of USMC tactical equipment, the text might be “photograph of Light Armored Vehicle.” For a line or bar chart of socioeconomic baseline data, the text equivalent might say: “Figure 3.3.7 shows the population of the county and cities in the vicinity of the site: San Bernardino County Year 2000 = 175,000; San Bernardino County Year 2009 = 2,100,000; Saguaro City Year 2000 = 12,000; Saguaro City Year 2009 = 9,000.” For more complex images, such as maps, provide a text equivalent to provide information about the map and the critical functions of the map. If practical, provide a table of map data.

For EISs that contain GIS-based figures, it is recommended that a statement such as the following be placed on document download pages:

Section 508 Compliance and Geographic Information System (GIS)-based Figures

At present, the accessibility of GIS in compliance with Section 508 of the Rehabilitation Act is quite limited. The inherent graphical nature of GIS and the volumes of data represented make such compliance more difficult. EIS maps developed from GIS software currently does not meet the ADA and Section 508 accessibility requirements. If you use assistive technology and the format of these pages prevents you from obtaining necessary data, please contact the EIS Project Manager at _____. Contact the administrator of this website at ____ for other technical assistance.

A guide for producing accessible Microsoft Word and Adobe PDF documents can be found at <http://www.section508.gov/index.cfm?fuseaction=Developer> (*Section 508 Roles - EIT Professional*, select the link to “*Learn how to make Word, PDF, and PowerPoint documents accessible.*”)

4.7 METHODS OF GATHERING INFORMATION

Public meetings are held to gather oral and written comments from the public on a proposed action. Notices of public meetings should be published 15 to 30 days before the meeting occurs. Participants who wish to present comments orally are asked to register. Generally, speakers are called in the order of registration. The time allotted for speaking may be limited (the usual time limit for comments is three minutes) to give all who wish to the chance to participate. A written copy of oral comments is requested. In addition, the public can submit comments to the project website.

5. RESOURCE CATEGORY REQUIREMENTS

The CEQ regulations require that NEPA analyses assess and determine the significance of effects on aspects of the environment. This analysis should involve an understanding of the affected environment, environmental consequences, determination of significance of effects, and mitigation options.

5.1 SLIDING-SCALE APPROACH

The sliding-scale approach to NEPA analysis should be applied to EA and EIS preparation (see also Sections 2.4.3.1 and 2.4.6). The sliding-scale approach recognizes that USMC proposed actions can be characterized as falling somewhere on a continuum with respect to environmental impacts. The sliding-scale approach implements CEQ's instruction on EISs for agencies to "focus on significant environmental issues and alternatives" (40 CFR 1502.1) and discuss impacts "in proportion to their significance" (40 CFR 1502.2(b)) (note that under CEQ's regulations and judicial rulings the degree to which environmental effects are likely to be controversial with respect to technical issues is a factor in determining significance. See 40 CFR 1508.27 for guidance on determining significance in the NEPA context). The sliding-scale approach is also appropriate for and applicable to EAs.

When applying the sliding-scale approach to NEPA analysis, the preparer should analyze issues and impacts with the amount of detail commensurate with the importance of the issue or potential impacts determined during scoping. The term "scale" refers to the spectrum of significance of environmental impacts. Proposals with clearly minor environmental impacts usually will require less depth and breadth of analysis to evaluate their impacts (though the analysis still must satisfy all requirements of related environmental authorities). Conversely, as proposals fall increasingly closer to the high end of the continuum of potential environmental impacts, the depth and breadth of analysis will increase.

Focus analysis on the issues with potential for significant environmental impacts. Trivial issues and impacts should be identified as such, and include only enough discussion to show *why* more study is not warranted. Identify, but do not conduct detailed analysis on clearly insignificant impacts. Indicate how all relevant environmental attributes were considered, and provide enough information to show why greater consideration is not needed.

Application of the sliding-scale approach is not, however, a rationale for preparing an EA (even a complex EA) rather than an EIS for a proposal with potentially significant environmental impacts. While some EAs need to be more complex than others, proposed actions with the potential for significant environmental impacts normally require an EIS (see MCO P5090.2A Sections 12201.4b and 12201.5c for a list of actions that normally require EAs and EISs).

5.2 RESOURCE CATEGORIES

The following subsections outline the additional legal drivers relating to each of the major resource categories typically addressed within an EA or EIS, as well as other important topics that may need to be addressed in the NEPA analysis. As noted above, inclusion of discussions of any of these categories is dependent on the affected environment and potential effects of the project on a given category of resource within the affected environment.

The proposed action analyzes resource categories and conditions. Information is given on the nature of each resource, how to describe the resource, and how to evaluate its effects. To analyze each resource category requires focusing baseline descriptions and analyses on only those

matters that are relevant to the proposed actions. Resources and conditions that clearly would not be affected by a proposed action should be identified and, based on brief explanation of their irrelevance, dismissed from further analysis.

In an EA, there should be sufficient data and analysis of relevant resource categories and conditions to establish whether a proposal would result in significant effects or require an EIS. Discussion of significant impacts in an EIS should be sufficiently founded on data and analyses to enable the decision-maker and the public to understand fully the implications of proceeding with the proposed action by identifying any mitigation measures, monitoring, consultations, and regulatory requirements (permits).

5.2.1 Airspace

Airspace management is defined as the direction, control, and handling of flight operations in the “navigable airspace” that overlies the geopolitical borders of the U.S. and its territories. Airspace can be categorized by type, class, and use. “Navigable airspace” is airspace above the minimum altitudes of flight prescribed by regulations under United States Code (U.S.C.) Title 49, Subtitle VII, Part A, and includes airspace needed to ensure safety in the take-off and landing of aircraft (49 USC § 40102). Under this law, the U.S. government has exclusive sovereignty over the nation’s airspace. Congress has charged the FAA with responsibility for developing plans and policy for the use of the navigable airspace and assigning, by regulation or order, the use of the airspace necessary to ensure the safety of aircraft and its efficient use (49 USC § 40103(b); FAA Order 7400.2 2004). SUA identified for military and other governmental activities is charted and published by the National Aeronautical Charting Office in accordance with FAA Order 7400.2 and other applicable regulations and orders. Management of this resource considers how airspace is designated, used, and administered to best accommodate the individual and common needs of military, commercial, and general aviation. The FAA considers multiple and sometimes competing demands for aviation airspace in relation to airport operations, Federal Airways, jet routes, military flight training activities, and other special needs to determine how the National Airspace System can best be structured to address all user requirements. Specific rules and regulations concerning airspace designation and management are listed in FAA Order 7400.2.

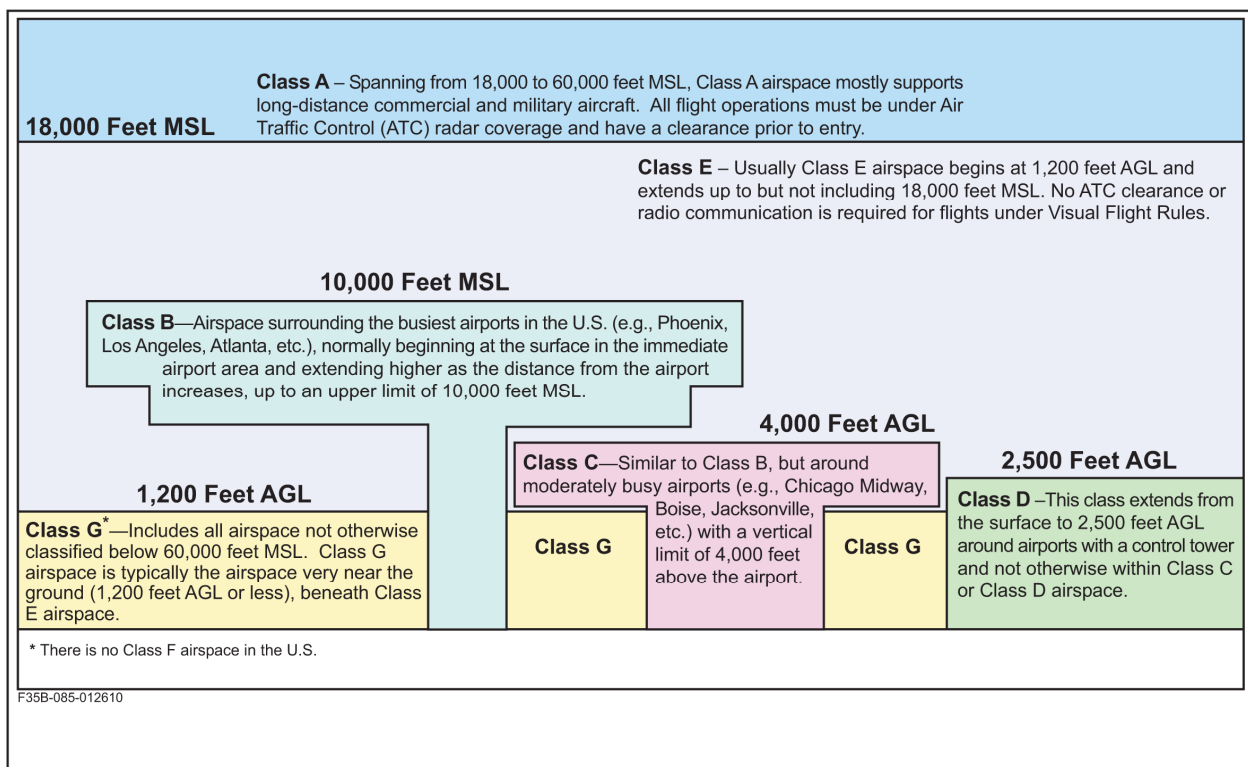
There are two categories of airspace or airspace areas, regulatory (rule-making as a formal amendment to 14 CFR Part 73) and non-regulatory (non-rule-making). Within these two categories, there are four types of airspace: Controlled, Special Use, Other, and Uncontrolled airspace. Controlled airspace is airspace of defined dimensions within which air traffic control service is provided to Instrument Flight Rule (IFR) flights and to Visual Flight Rule (VFR) flights in accordance with the airspace classification (FAA 2004). Controlled airspace is categorized into five separate classes: Classes A through E (**Figure 4**). These classes identify airspace that is controlled airspace supporting airport operations and designated airways affording en route transit from place-to-place. The classes also dictate pilot qualification requirements, rules of flight that must be followed, and the type of equipment necessary to operate within that airspace. Uncontrolled airspace is designated Class G airspace and consists of airspace not designated Class A, B, C, D, or E. For example, Air Traffic Control has no authority over operations in Class G airspace which is used primarily by VFR civil aviation aircraft.

SUA is airspace of defined dimensions wherein activities must be confined because of their nature, or wherein limitations may be imposed upon aircraft operations that are not a part of

those activities. The types of SUA are Prohibited Areas, Restricted Areas, Military Operations Areas (MOAs), Warning Areas, Alert Areas, and Controlled Firing Areas (CFAs). Designations of Prohibited Areas and Restricted Areas are rule-making actions. Designations of MOAs, Warning Areas, Alert Areas, and CFAs are non-rule-making actions.

Other airspace areas include advisory areas, airspace with temporary flight limitations, areas designated for parachute jump operations, Military Training Routes (MTRs), Aerial Refueling Tracks (ARs), National Security Areas (NSAs), and Air Traffic Control Assigned Airspace (ATCAA) (for further details on types of SUA see FAA Order JO 7400.2G, Part 5). When not required for other needs, an ATCAA can extend the vertical boundary of training airspace (e.g., a MOA) as authorized for military use by the controlling Air Route Traffic Control Center (ARTCC).

Figure 4. Cross Section of Airspace Classes and their Relationships



5.2.2 Air Quality including Greenhouse Gases (GHGs)

Two independent legal requirements govern consideration of air quality effects: (1) NEPA; and (2) Section 176(c) of the CAA, known as the Conformity Rule. Federal regulations implementing the Conformity Rule are promulgated in 40 CFR Part 93. Subpart A deals with transportation projects and Subpart B deals with general conformity for most federal actions. However, the implementation of the Conformity Rule is likely governed by the rules contained in the relevant portions of the State Implementation Plan (SIP) of the State where the project and its emissions will occur. Depending on a project locale's status with respect to the National Ambient Air Quality Standards (NAAQS), an action proponent/ action sponsor could be required to complete a conformity analysis, which is separate from NEPA analysis. The CAA established

NAAQS for six “criteria pollutants.” These six emissions are: carbon monoxide (CO), lead (Pb), oxides of nitrogen (NO_x), ozone (O₃), coarse and fine particulate matter (PM₁₀ and PM_{2.5}), and sulfur dioxide (SO₂). The CAA requires each State to adopt a plan to achieve the NAAQS for each pollutant within timeframes established under the CAA. These air quality plans, known as SIPs, are subject to EPA approval. In default of an approved SIP, the EPA is required to promulgate a federal implementation plan (FIP). In a NEPA analysis, the proposed action’s impact on air quality is assessed by evaluating the impact of each alternative on the Federal NAAQS (i.e., increases/decreases compared to baseline emissions).

MCO P5090.2A Section 6203 requires USMC to comply with the Conformity Rule and to do so in coordination with the NEPA process. The evaluation and findings of the applicable Conformity Rule analysis (including emission rate calculations) should be summarized in the NEPA document for the action. Most conformity reviews result in a determination of non-applicability because the action’s projected emission rates do not exceed *de minimus* thresholds established in either the federal or state implementing regulations. Many agencies, including DoN CNO (via OPNAV 5090), have formal policy to prepare a Record of Non-Applicability (RONA) for the action. A RONA is a short, written document used to declare that the requirements of the General Conformity Rule do not apply to a specific action. Neither MCO P5090.2A nor any other formal CMC policy requires preparation of a RONA. Although not required, USMC counsel has advised that documenting the determination of non-applicability for the AR in a manner similar to a RONA, but not necessarily the same format, is prudent. The RONA or similar documentation should be certified by signature of the commanding officer of the installation, or the responsible official with authority to sign a FONSI. Sample RONAs are included in Appendix T.

See also section 5.2.22 on climate change and greenhouse gases (GHGs).

5.2.3 Water Resources

Water can be described in terms of quality, quantity, and source. Surface water is the term given to the network of rivers, streams, lakes, ponds, and all other bodies of water residing or flowing on the surface of the earth. Water quality of a surface water body is largely determined by the natural and cultural inputs of sediment, nutrients, organics, pathogens, metals, and other substances. Pollutants are introduced through either point or non-point sources. Acceptable levels of water quality are often based on the predominant use of the water (e.g., recreation, drinking water) as determined by state or regional agencies. The primary law regulating surface water is the Federal Water Pollution Control Act, commonly known as the Clean Water Act. Other laws that may be relevant include the Safe Drinking Water Act (SDWA); Marine Protection, Research and Sanctuaries Act; and Estuary Protection Act.

Groundwater is found in below-ground openings or porous rock beds called aquifers. Aquifers have different physical characteristics that determine the rate at which water flows through. Aquifers can be unconfined, where surface water can percolate freely into the groundwater, or confined, where the upper edge of the aquifer is protected by an impermeable layer. Refilling and the recharge of groundwater occur through percolation from rainwater, seepage from streams or lakes, and flow from another aquifer. Contamination can spread extensively through groundwater aquifers, making them unsuitable for use. The SDWA directs states to establish programs that protect groundwater resources around wellheads that provide drinking water.

5.2.4 Wetlands

The EPA and USACE define wetlands as areas that are saturated by surface water or groundwater at a frequency or duration to support wetland vegetation. Wetlands are delineated based on vegetation, soils, and hydrological parameters. Wetlands are among the most biologically productive ecosystems in the world. Section 404 of the CWA is the most significant federal program affecting the protection of wetlands. It regulates not only the discharge of dredged and fill materials into waters of the United States but also the conversion of wetlands into farmland. EO 11990, *Protection of Wetlands*, also deals with the regulation of wetlands.

5.2.5 Coastal Zones and Ocean Policy (EO 13547)

Action proponents/action sponsors must consider potential effects on coastal areas, including coastal wetlands, coastal barriers, and on- and off-shore areas. Two legal requirements govern the management of coastal areas. The Coastal Barrier Resource Act (CBRA) establishes certain areas to be protected by prohibiting the expenditures of federal funds for new and expanded facilities within designated coastal barrier units. Coastal barriers occur on all the coastlines of the United States. North Carolina's Outer Banks are an example of such barriers.

The Coastal Zone Management Act (CZMA) states that “there is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.” The Act encourages states to effectively exercise their responsibilities in the coastal zone through the development and implementation of Coastal Zone Management Programs (CZMPs). The CZMP is administered at the Federal level by the Coastal Programs Division within the National Oceanic and Atmospheric Administration’s (NOAA) Office of Ocean and Coastal Resource Management. The CZMPs make day-to-day management decisions in states and territories with federally-approved coastal management programs (North Carolina, South Carolina, California, Hawaii, and Guam all have approved CZMPs). When a proposed project impacts coastal areas, the action proponent/action sponsor is responsible for determining if the proposed action or alternatives would be consistent with the enforceable provisions of a states’ CZMP. Although state CZMA laws generally do not apply to Federal lands or Federal waters, Federal consistency is the CZMA requirement in which Federal agency activities that have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone (also referred to as coastal uses or resources and coastal effects) must be consistent to the maximum extent practicable with the enforceable policies of a coastal state’s CZMP. NEPA analysis should include a Federal Consistency Determination. Additional guidance can be found in NOAA’s federal consistency regulations at 15 CFR 930, and 15 CFR 930.37, “Consistency Determinations and NEPA Requirements.”

In addition, EO 13547, “Stewardship of the Ocean, Our Coasts, and the Great Lakes,” July 19, 2010, established a National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes, adopts the Final Recommendations of the Interagency Ocean Policy Task Force, created a National Ocean Council (NOC) to strengthen ocean governance and coordination, and provides for the development of regional ecosystem-based coastal and marine spatial plans. The Secretary of Defense is designated as a member of the NOC. Regional plans will be developed cooperatively by Federal, state, tribal, and local authorities with stakeholder and public input on the future of the ocean, our coasts, and the Great Lakes. The EO directs DoD and other NOC members to implement the principles of the Final Recommendations of the Interagency Ocean Policy Task Force, participate in regional coastal and marine spatial plans, and prepare an annual

report of actions taken to implement the EO. Once the regional plans have been developed, Federal agencies will be responsible for analyzing the effects of their actions in coastal areas, oceans and the Great Lakes, and maintain consistency with those regional plans.

5.2.6 Prime or Unique Farmland

Prime farmland is land particularly suited to produce food, feed, fiber, forage, or other agricultural crops with minimum input of fuel, fertilizer, or pesticides and without excessive soil erosion. Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops. The Farmland Protection Policy Act (FPPA) of 1981 was enacted to minimize the extent to which federal actions contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.

5.2.7 Floodplains

Floodplains are those areas on either side of a stream channel that are periodically covered by floodwater. The boundaries are usually expressed in terms of frequency of flooding. The 100-year floodplain is an area that can be expected to be flooded once in a 100-year period, or a one percent chance of flooding in a given year. For certain critical actions (i.e., those for which even a slight chance of flooding would be too great), the 500-year floodplain (area subject to a 0.2 percent chance of flooding in a given year) is the area of concern. Floodplains have numerous and varied functions in hydrologic systems. Floodplains spread out floodwaters and reduce their erosive force, recharge groundwater aquifers, and contain sediments that provide soil for vegetation.

EO 11988 directs Federal agencies to avoid any direct or indirect impacts on floodplain resources unless the agency determines that there is no practical alternative to undertaking the action in a floodplain. Where the only practicable alternative is to site an action in a floodplain, a specific step-by-step process must be followed to comply with EO 11988. This “eight-step” process is detailed in the Federal Emergency Management Agency (FEMA) document *Further Advice on EO 11988 Floodplain Management*. Additional guidance can be found in the (now defunct) Water Resources Council document, *Floodplain Management Guidelines for Implementing EO 11988*, 43 FR 6030. The eight steps are:

- 1) Determine whether the action will occur in or stimulate development in a floodplain. The determination of whether a proposed action occurs within a floodplain typically involves consultation of appropriate FEMA Flood Insurance Rate Maps (FIRMs). However, FEMA has generally not prepared FIRMS designating flood zones on DoD installations. Therefore, independent flood assessments might need to be conducted to identify flood potential at or near a proposed action. GIS analysis might be able to determine whether an area is in or outside of a floodplain based on FIRMS of adjacent property and topographic maps.
- 2) Public review/input of the proposed action.
- 3) Identify and evaluate practicable alternatives to locating in the floodplain.
- 4) Identify the impacts of the proposed action (when it occurs in a floodplain).
- 5) Minimize threats to life, property and to natural and beneficial floodplain values, and restore and preserve natural and beneficial floodplain values.
- 6) Reevaluate alternatives in light of any new information that may have become available.

- 7) Issue findings and a public explanation.
- 8) Implement the action.

The CEQ regulations at 40 CFR 1500.4(k) and 1500.5(g) direct Federal agencies to integrate NEPA requirements with other environmental review and consultation requirements. Therefore, compliance with EO 11988 should be conducted as part of the NEPA process.

5.2.8 Geology, Soils, and Topography

Many types of USMC proposals have the potential to affect or be affected by the local or regional geology, topography, and soil conditions.

Unlike many other resources analyzed in an EA or EIS, we look at geological and soil conditions as much for how local conditions will affect our proposed action (e.g., constructability) as for how our action will affect them. The geologic resources of an area comprise all soils and bedrock materials. Environmental aspects to be considered include topography, soils and sediments, engineering properties of the materials, seismic hazards, slope stability, mineral resources, unique landforms, and geological conditions that might limit development, influence contaminant distribution and migration, or influence ground water resources. Soil refers to the upper layer of unconsolidated material on the surface of the earth that is capable of supporting plant life.

Geology may have an influence on design and structural engineering of new facilities. The underlying bedrock might provide an excellent foundation, or it might present enormous difficulties if excavation is desired. If the area has previously been mined for mineral resources or if there are caves, sinkholes, or other karst geology features, the risk of ground subsidence must be determined. Project costs can vary considerably between structures that are constructed on poured footings and those that require construction on pilings due to poor surface or subsurface conditions. Also, if an area is in a seismically active location, site-specific studies to establish seismic risk at new building locations would be required before construction, and the buildings would be required to meet Seismic Zone building codes for that area.

Certain soils have characteristics that could make them unsuitable for construction. For example, acidic soils can lead to corrosion of underground pipes and storage tanks. Soils exhibiting high plasticity (such as clays) may also be unsuitable for supporting structures such as buildings, parking lots, and roads because of their high shrink/swell potential.

A project's potential impacts on the geologic environment include loss of or damage to mineral resources; erosion of soil; loss of or damage to paleontological resources; loss of or damage to agricultural resources; and changes to micro-topography through the leveling and grading of the surface for the construction of new buildings. Topography may make construction costs prohibitive because of uneven terrain or steep slopes. Any new construction will disturb soils through removal of vegetation, leveling and grading of the surface, and excavation. The disturbed soil would be exposed to erosion that could lead to deposition of sediment in nearby water bodies if proper management measures are not implemented. If topsoil is removed, the ground should be stabilized to prevent wind and water erosion. If possible, the soil should be replaced as the top ground cover; otherwise, there will be no material to support vegetation, creating a barren surface and the potential for severe erosion.

The construction of new buildings, roads, and parking lots may also increase the amount of impervious surface near the project site. The effect may be an increase in stormwater runoff,

which may result in erosion and associated sedimentation. Increased sediment loads in runoff may affect the water quality of nearby water bodies.

Applicable federal regulations for geologic and soil resources are:

- Farmland Protection Policy Act (FPPA) of 1981
- Soil Conservation and Domestic Allotment Act
- EO 11207 (Coordination of Federal Programs Affecting Agricultural and Rural Area Development)

Other applicable laws and regulations may include building codes that set the minimum standards that vary with the type of structure, its size, shape, and intended use. In addition, review federal and state laws protecting mineral rights; state and local laws regarding protection of geologic resources (considered on a case-by case basis); applicable state stormwater management and erosion regulations; and federal and state laws protecting wetlands (hydric soils) for applicability.

5.2.8.1 Describing Existing Conditions

Geology. Geology should address the physiographic province the proposed action will occur in, including elevation, slope, and landforms. Discuss the surficial and general geology of the region of interest (ROI). If there are petroleum or mineral resources present, determine if they have ever been extracted or if there are plans to do so in the future. Describe the location of faults within the ROI, if any, as well as the Earthquake Hazard Zone rating for the area, the date of the last recorded earthquake, the frequency and magnitude of the earthquakes (if any), and building code standards. It is important to bring out any possibility of harm to human life should an earthquake occur. The characterization of the geology of the area should bring out any features that might affect the establishment of new construction or the expansion of existing buildings.

Topography. The section should describe the topography of the site as well as the surrounding area, creating an image of the surface relief.

Soils. The section should state all of the soil units that occur in the ROI with a description of the soil characteristic, its limitations, and the slope. The presence of hydric soils is one of the three criteria (hydric soils, hydrophytic vegetation, and wetland hydrology) used to determine the presence of U.S. Army Corps of Engineers (USACE) jurisdictional wetlands.

5.2.8.2 Documenting Proposed Action and Alternatives Effects

Assessing the proposed project's potential impacts on geology and soils and the impacts of geology and soils on the proposed project requires consideration of a broad spectrum of possible effects and relies on the accuracy of the data and specificity relative to the project site. Having detailed, site-specific geologic and soil information for a construction project is not only recommended, but also may be required by state or local regulations. Several standard sources should be consulted as an initial step in characterizing geologic and soil conditions on a site. These include the following: topographic maps; state geological survey maps and publications; aerial photographs; seismic activity information; petroleum or mineral resources; soil surveys; hydric soils list; and soil boring surveys.

Depending on the proposed project, this information may be necessary before completion of an EA or EIS. Preparers should also consult with natural resource management or environmental division staff at the installation for available information.

5.2.8.3 Environmental Consequences

For each alternative, as appropriate, the environmental consequences section for geology, topography, and soils should address the following: geologic suitability; erosion; sediment deposition; loss of mineral resources; and seismic activity.

If a proposed project has adverse impacts to geology, topography, or soils, it may include development and implementation of a sediment and erosion control plan for avoidance and mitigation. Under such a plan, regular maintenance would ensure continued proper functioning of BMPs selected for the site. In appropriate cases, a stormwater management plan for the project site may be developed and implemented. Examples of BMPs for project sites include silt fences to retain sediment on the site and prevent deposition in nearby water bodies; straw mulches, hay bales, and temporary vegetative cover to help prevent erosion; and a water truck to control suspended dust. Reclaimed water could also be used for dust suppression depending on the content of the water.

5.2.9 Biological Resources

The potential effects of proposed actions on biological resources are among the most closely scrutinized in the NEPA process. Numerous laws and regulations govern biological resources. The most significant of these laws and regulations is the Endangered Species Act; others include the Migratory Bird Treaty Act (MBTA), Fish and Wildlife Coordination Act, Bald Eagle Protection Act, Magnuson-Stevens Fisheries Management and Conservation Act, and Marine Mammal Protection Act.

Compliance with the ESA requires that Federal agencies coordinate with the USFWS or NMFS to ensure that proposed actions are not likely to adversely affect any threatened or endangered species or critical habitats. Consultation, conference, and biological assessment procedures required under Section 7 of the ESA should be integrated with NEPA requirements to the maximum extent feasible (see also Section 5.2.11 on noise and wildlife). Simultaneous compliance with NEPA and the ESA can reduce duplication of effort and minimize delays. Combine documentation to reduce paperwork as long as the requirements of both statutes are met.

Avoidance, minimization, and mitigation of adverse impacts to listed species, wetlands, waters of the US or other sensitive resources are important aspects of the environmental planning process. HQMC encourages installation to explore mitigation solutions that will not encumber other military lands such as purchase of credits from existing mitigation or conservation banks, payments to in-lieu fee programs, or mitigation on off-base lands (e.g. those acquired through the Encroachment Partnering Program). The development of base-wide programmatic Biological Opinions, or watershed based mitigation strategies may also provide a potential way of streamlining ESA Consultation or CWA permitting. Appendix U contains the USMC policy memo on notifying LFL-1 on Biological Assessments and Biological Opinions.

5.2.10 Migratory Birds

Migratory bird populations are declining throughout the Western Hemisphere. DoD actions that affect migratory bird populations are guided by two main regulations, the Migratory Bird Treaty

Act (MBTA) and E.O. 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*. The MBTA (16 U.S.C. 703-712) is the domestic law that implements the commitment of the U.S. to international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory birds. Each of the conventions protects selected species of birds that occur in both countries at some point during their annual lifecycle. The MBTA decreed that all migratory birds and their parts (including eggs, nests, and feathers) were fully protected. E.O. 13186 directs federal agencies to minimize their negative impacts on migratory birds, promote conservation of migratory bird populations, enter into a MOU with USFWS, and carry out certain actions to implement the MBTA and related U.S. Treaty commitments. The EO also calls on federal agencies to take reasonable steps to restore and enhance habitat, promote research and information exchange, incorporate migratory bird conservation into planning processes, provide training and visitor education, and develop partnerships beyond agency boundaries.

Use the best scientific data available to assess the expected impact of proposed activities on migratory bird species and species of concern likely to occur in action areas. Assessment of impacts should take into account yearly variations and migratory movements of the potentially impacted species. Special consideration should be given to priority habitats, such as important nesting areas, migration stopover areas, and wintering habitats. By including priority habitats and species of concern, consideration is more than likely to capture all migratory birds in the action area.

Most of the baseline data necessary to analyze the impacts of a military readiness activity on a population of birds should be available in the installation INRMP. If not, or if there are data gaps, this information must be derived. The Species of Concern database located in the DoD Partners in Flight (PIF) website at www.dodpif.org can provide species occurrence information for each installation, while current population estimates for identified species can be acquired from the Partners in Flight Landbird Population Estimates Database: http://rmbo.org/pif_db/laped/. This database provides access to population estimates for landbirds, allows users to view and download estimates at a variety of geographic scales, and provides transparent access to the methodologies, assumptions, data sources, and species-specific correction factors used to create estimates. Species assessment data can be obtained from: www.rmbo.org/pif/pifdb.html. This database provides consistent, scientific evaluations of conservation status across all bird species in North America, and identifies areas most important to the conservation of each species. Simple numerical scores rank each species in terms of biological vulnerability and regional status.

If, after analyzing the data in relation to the proposed activity, it is determined that the proposed action may have a significant adverse effect on migratory birds, the proponent needs to confer and cooperate with the USFWS to develop and implement appropriate conservation measures to minimize or mitigate any such significant adverse effects.

In the event that conservation measures are required to minimize or mitigate adverse effects of the proposed action, the USMC will retain records of any monitoring data for five years from the date the USMC begins the action. Monitoring activities will be in accordance with methodology and protocols detailed in the DoD Coordinated Bird Monitoring Guidelines or as recommended by the local USFWS field office and/or Migratory Bird Management Office.

5.2.11 Noise

Noise is unwanted or annoying sound that interferes with or disrupts normal human activities. The principal human response to noise is annoyance. In preparing NEPA analyses of proposed actions, it is important to quantify noise levels (when data are available) and to describe the noise environment in qualitative terms. Human response to noise is extremely diverse and varies according to the type of noise source, the sensitivity and expectations of the receptor, the time of day, and the distance between the source and the receptor.

The Noise Control Act of 1972 requires Federal agencies and State and local governments to develop measures to control the harmful effects of noise on people. Long-term exposure to very high noise levels could result in potential hearing loss (PHL). Analysis of PHL considers long-term exposure to noise levels of 80 decibels (dB) or greater Day-Night Average Sound Level (DNL). Effects are described in terms of dB of average Noise Induced Permanent Threshold Shift (NIPTS). USMC guidance includes MCO 5100.8, *Marine Corps Occupational Safety and Health (OSH) Program Manual*, MCO 5100.29A, *Marine Corps Safety Program*, MCO 6260.1E, *Marine Corps Hearing Conservation Program*, and Memorandum from Ashton B. Carter, Under Secretary of Defense, "Methodology for Assessing Hearing Loss Risk and Impacts in DoD Environmental Impact Analysis", June 2009.

Control of noise at an installation is important for many reasons. One reason that continues to arise more often concerns encroachment. Since the establishment of many installations and training sites decades ago, residential and commercial development has moved closer and closer to installation boundaries. That is, installations and training sites that once were considered remote now are often virtually surrounded by homes, schools, hospitals, and businesses. As installations and training sites operate and produce noise, complaints from nearby neighbors can affect the abilities of the USMC to operate and train.

5.2.11.1 *Land Uses*

The impact analysis of noise on land use categories focuses on those areas affected by airfield noise as defined by the Air Installation Compatible Use Zone Program (AICUZ). This program was established in the early 1970s by DoD to balance the need for aircraft operations with community concern over aircraft noise and accident potential. The goals of the program are to protect the health, safety, and welfare of those living and working near military airfields and to preserve the military flying mission. The AICUZ study analyzes aircraft noise, accident potential, land use compatibility, and operational procedures, and it provides recommendations for compatible development near air installations. The land uses that are most sensitive to noise typically include residential and commercial areas, public services, and areas associated with cultural and recreational activities.

5.2.11.2 *Noise Levels and Sensitive Receptors*

Under the AICUZ Program, three Noise Zones are identified for community compatibility purposes. Noise Zone I includes areas exposed to noise levels less than 65 decibels (dB) using averaged sound levels that occur during the day and night (Day-Night Average Sound Level [DNL]). Zone I is generally considered compatible with all types of sensitive receptors such as schools, hospitals, parks, and churches. Zone II comprises those areas exposed to noise levels of 65 to 75 dB DNL. Exposure to noise within this area is normally compatible with activities such as industrial, manufacturing, transportation, and resource production (e.g., industrial parks,

factories, and highways). Noise Zone III are those areas exposed to noise levels greater than 75 dB DNL. Land uses such as schools are considered incompatible. Within the AICUZ Program, areas found within Noise Zones II, III are identified for compatibility with aircraft operations, and recommendations are made regarding land use controls.

Land use compatibility information and general guidance is available from: (1) “Standard Land Use Coding Manual,” DOT Federal Highway Administration (FHWA), March 1977; (2) “Guidelines for Considering Noise in Land Use Planning and Control,” Federal Interagency Committee on Urban Noise, June 1980; and (3) Federal Interagency Committee on Noise (FICON) “Federal Agency Review of Selected Noise Issues,” (August 1992, www.fican.org/pages/findings.html). Where specific local land uses are not adequately described in the standard guidance documents, refinement and interpretation of the basic data are encouraged, within the constraints of accepted land use planning practice and with the approval of CMC. Recommended acceptable land use for AICUZ noise zones shall also consider sound attenuation measures imposed by zoning, building code requirements, or restrictive use easements.

5.2.11.3 *Noise Contours*

A noise contour map shows noise zones and noise limits in a project area. Noise limits are designed for aviation noise, military weapons noise, and impulsive noise. Impulsive noise is generated by large caliber weapons and demolition activity. At a minimum, contours for DNL/Community Noise Environmental Level (CNEL) 60, 65, 70, 75, and 80 shall be plotted on maps for USMC air installations or training areas as part of AICUZ studies or NEPA analyses. Contours below 60 DNL are not required but may be provided if local conditions warrant discussion of lower noise levels or where significant noise complaints have been received in areas outside DNL 60.

5.2.11.4 *Related Programs and Issues*

Consideration must be given to the potential for environmental noise to adversely affect wildlife, particularly threatened and endangered species, and domestic animals. Although there are no standards to address effects on animals, such noise effects will be studied on an as-needed basis as part of the USMC’s AICUZ and natural resource programs, including assessments to comply with the Endangered Species Act and the Marine Mammal Protection Act of 1972.

The impact of noise on children might also need to be evaluated under EO 13045 (see Section 5.2.19, Protection of Children).

Vibration also is an element of impulsive noise that can cause annoyance and structural damage. It must be assessed with on-site monitoring on an as-needed basis (e.g., in response to damage complaints and when there is potential for damage to historic structures).

5.2.12 Aesthetic and Visual Impacts

Aesthetic and visual resources are natural and manmade features of the landscape and can include cultural resources, historic landmarks, landforms of particular beauty or significance, water surfaces, and vegetation. The value of visual or aesthetic resources is highly dependent on the existing land use and by the preference of typical viewers. Visual resources and impacts must be described in the context of the surrounding physical environment and current human activities. Assess the quality and character of visual resources to help determine whether

proposed actions would be compatible with current viewsheds, or would obstruct views and/or introduce intrusive elements.

5.2.13 Land Use

Land use refers to the human use of land for economic production; residential, religious, recreational, or other purposes; and natural resource protection. Land uses are regulated by management plans, policies, and zoning ordinances. Land use is connected to nearly all resource areas considered in a NEPA analysis. Land use can cause, or be affected by, impacts on air, water, geology, soil, noise, flora and fauna, cultural resources, visual resources, transportation, and socioeconomics. Proposed actions sometimes have the potential to change the land use of a region of interest, particularly if new or different facilities are constructed as part of the action.

The federal government is not subject to state or local land use or zoning regulations unless specifically consented to by Congress; however, the federal government does take local regulations into account to avoid conflicts when possible.

5.2.14 Infrastructure

Infrastructure comprises the physical systems and structures that enable a population in a specific area to function. The availability and capacity of infrastructure to support growth are regarded as essential to the economic growth of an area. The following are some of the more common elements associated with infrastructure: water systems, stormwater systems, wastewater systems, solid waste management, energy (including utilities), traffic and circulation, and transportation system requirements. The analyses of impacts to infrastructure are most often reduced to a question of capacity: Is the infrastructure capable of supporting the proposed action? If the proposed action creates a situation in which elements of the infrastructure are beyond capacity, it must be determined if the effects are temporary or if permanent solutions must be found.

5.2.15 Health and Safety

A healthy and safe environment is one in which there is a reduced potential for death, serious bodily injury, illness, or property damage. Health and safety concerns apply to construction, demolition, and operational components of a proposed action. The health and safety of onsite military and civilian workers are safeguarded by numerous DoD and DoN regulations designed to comply with standards issued by the Occupational Safety and Health Administration (OSHA) and the EPA. These standards address the amount and type of training required for industrial workers, the use of protective equipment and clothing, engineering controls, and maximum exposure limits for various workplace stressors.

As part of the USMC Range Sustainment Program, Range Environmental Vulnerability Assessments (REVAs) have been conducted at each installation. The installation REVA assessed the current and historical range use to determine if there was a potential for munitions constituents (MC) from the current operational ranges to migrate off-range and cause an unacceptable risk to human health and/or the environment. The REVA process developed MC loading rates for historical use areas and current operating ranges. The migration pathways assessed under the Range REVA process include surface and groundwater and sediment transport. The assessment found that there was limited option for MC to migrate off-range at concentrations greater than regulatory levels or DoD Range Munitions Use Subcommittee (RMUS) screening values.

As part of the on-going Marine Corps Range Sustainment Program the REVA will be reviewed every five years after the assessment was completed, or when a substantial change to the range operations occurs (e.g. a change in type of munitions used, a major change in orientation/use, or the range undergoes a modification that has been completed and in use at least one year). During the five-year review, the MC loading rates, migration pathways will be re-evaluated to determine if there is a potential for MC to migrate to off-site areas and pose an unacceptable risk to human health and/or the environment.

5.2.16 HAZMAT/HAZWASTE

Hazardous substances (e.g., hazardous materials [HAZMAT], hazardous waste [HAZWASTE]) have hazardous physical and chemical properties and/or have high toxicity. They are called hazardous materials before and during their use, and they become hazardous wastes when they are no longer needed. Common materials and substances addressed in this category are polychlorinated biphenyls (PCB), solvents, and pesticides. Other issues that are often related to this topic are installation restoration programs (IRP) and aboveground and underground storage tanks (ASTs and USTs). Many projects involve the use and/or generation of HAZMAT and HAZWASTE at some time during demolition, construction, and operation. Potential impacts may be direct and immediate or indirect and delayed.

Many statutory and regulatory authorities address HAZMAT and HAZWASTE:

- Resource Conservation and Recovery Act (RCRA)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Toxic Substances Control Act of 1976 (TSCA)
- Community Environmental Response Facilitation Act (CERFA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Federal Facilities Compliance Act (FFCA)
- Hazardous Materials Transportation Act
- Pollution Prevention Act of 1990 (PPA)
- EO 12088, *Federal Compliance with Pollution Control Standards*
- EO 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*
- EO 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*

5.2.17 Cultural Resources

NEPA requires consideration of important historic, cultural, and natural aspects of our national heritage. Specific categories of cultural resources are defined in the following statutory and regulatory requirements:

- NHPA of 1966, as amended (16 U.S.C. 470–470x), and its implementing regulations (36 CFR 800)
- American Indian Religious Freedom Act of 1978 (AIRFA)

- Native American Graves Protection and Repatriation Act (NAGPRA), as amended (25 U.S.C. 3001-3013), and its implementing regulations (43 CFR 10)
- Antiquities Act of 1906, Archeological Resources Protection Act of 1979 (ARPA)
- Archeological and Historic Data Preservation Act of 1974 (AHPA)
- Archeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm).

Where feasible, analysis of the proposed action under NEPA should be coordinated with review of the action under Section 106 of the NHPA. Simultaneous compliance with NEPA and Section 106 can reduce duplication of effort and minimize delays. Combine documentation to reduce paperwork as long as the requirements of both statutes are met.

5.2.18 Environmental Justice

The concept of environmental justice is based on the premise that no segment of the population should bear a disproportionate share of adverse health or environmental effects. EO 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, requires each federal agency to make environmental justice part of its mission. The DoD *Strategy on Environmental Justice* provides an implementation plan to achieve the EO mandate. Key to the implementation plan is the use of NEPA, particularly its public involvement processes, as its primary tool. The NEPA process meets two key requirements of the EO: (1) it aids in identifying minority and low-income groups; and (2) it provides means for these groups to participate in federal decisions that affect them. (Appendix Q provides the DoD checklist for agencies to use as part of their overall public participation efforts).

5.2.19 Protection of Children

The concept of EO 13045, *Protection of Children from Environmental Health Risk and Safety Risks* (1997), is that children can suffer disproportionately from environmental health and safety risks. These risks arise because of the following: children's neurological, immunological, digestive, and other bodily systems are still developing; children eat more food, drink more fluids, and breathe more air in proportion to their body weight than adults; children's size and weight may diminish their protection from standard safety features. In addition, children's behavior patterns may make them more susceptible to accidents because they are less able to protect themselves. Therefore, the EO directs - to the extent permitted by law and consistent with the agency's mission - each Federal agency to:

- (a) make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and
- (b) ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.

Noise can pose a serious threat to a child's physical and psychological health. Noise impacts on children can interfere with speech and language, impair learning, and impair hearing. EPA's Office of Children's Health Protection and Environmental Education is working to protect children from environmental hazards, through risk management and prevention strategies, education, and research. For more information, visit www.epa.gov/children.

5.2.20 Socioeconomic Impacts

Although NEPA is predominantly oriented toward the biological, human environment issues, socioeconomic factors should be considered when they are accompanied by biophysical effects. Socioeconomic effects alone are not enough to trigger the need for NEPA review; however, it is advisable to consider them along with other analyses such as air, water, land use, infrastructure, and natural resources.

5.2.21 Pollution Prevention

The Pollution Prevention Act established a national policy to prevent or reduce pollution at the source whenever feasible. Any NEPA analysis should consider pollution prevention opportunities in the proposed action and its alternatives. When pollution cannot be prevented, the environmental analysis and proposed mitigation should include, when possible, recycling, energy recovery, treatment, and environmentally safe disposal actions.

5.2.22 Climate Change and GHGs

On February 18, 2010, the CEQ released draft guidance for consideration of climate change and greenhouse gas emissions during the NEPA process (75 FR 8046). This guidance, in keeping with earlier draft guidance,¹⁰ calls on federal agencies to consider in NEPA documents both how major federal actions could affect sources and sinks of greenhouse gases (GHGs) and how climate change could potentially influence such actions. As global climate change continues to emerge as an important environmental issue on the national and international level, an increasing body of United States case law indicates that climate change should be included in environmental review under the NEPA. The United States Supreme Court has stated that the “harms associated with climate change are serious and well recognized.”¹¹ Therefore, it is likely that global climate change can no longer be reasonably viewed as too speculative for analysis under NEPA.

Until CEQ final guidance or DoN policy is issued, HQMC recommends evaluating the impact of GHG emissions and climate change in the context of cumulative impacts and, if practical, quantify the GHG emissions from each alternative.

NEPA documents should include the following items to adequately address GHGs and climate change:

- A discussion of GHGs and climate change within the air quality section, considering applicable Federal, State and local requirements. For example, the USMC and certain USMC activities and sources that generate GHG emissions are subject to EO 13423 and 13514, and EPA or State regulations established or being developed for reducing/limiting GHGs as an air pollutant and under authorities of the Clean Air Act.
- Potential climate change effects of GHG emissions are by nature global, not local/regional, and as such, should be discussed in the context of cumulative impacts. GHG emissions from individual sources/projects are typically a fraction of one percent of

¹⁰ Memorandum, October 8, 1997, Draft Guidance Regarding Consideration of Global Climatic Change in Environmental Documents Prepared Pursuant to the National Environmental Policy Act.

¹¹ *Massachusetts v. EPA*, 127 S.Ct. 1438, 1455 (2007) (ruling that EPA can regulate greenhouse gases under the Clean Air Act)

current emissions, and therefore not large enough to have a measurable appreciable effect on climate change. The predominant effort by most authorities to reduce GHG emissions and their potential subsequent global impacts is through energy and fuels policies, management and conservation, and a discussion highlighting USMC efforts in this arena should be included, both for the action itself and across the USMC. The analysis should include a quantification of GHG emissions caused by the action, and a discussion of USMC efforts to reduce GHG emissions associated with the action and in general by the USMC, through energy conservation and policies, and other GHG emission reduction efforts from improved transportation methods or carbon sequestration from land use, change or BMPs, for example.

- A discussion on climate change adaptation to consider how climate change might impact the proposed action and what adaptation strategies may already be in place or could be developed in response. Absent any specific Federal or DoD technical guidance on assessing climate change impacts on the agency's mission or infrastructure, specific or detailed climate change modeling scenarios are not necessary, unless readily available, however a general relative climate change impacts assessment based upon the best available science is reasonable to address (i.e., sea level rise could affect a coastal project).

The following is a suggested discussion that could be used in the affected environment section of a NEPA analysis:

Chapter 3, Affected Environment. "GHGs are gases that trap heat in the atmosphere. These emissions occur from natural processes and human activities. The accumulation of GHGs in the atmosphere regulates the earth's temperature. Scientific evidence indicates a trend of increasing global temperature over the past century due to an increase in GHG emissions from human activities. The climate change associated with this global warming is predicted to produce negative economic and social consequences across the globe.

Recent observed changes caused by global warming include shrinking glaciers, thawing permafrost, a lengthened growing season, and shifts in plant and animal ranges (Intergovernmental Panel on Climate Change 2007). Predictions of long-term environmental impacts due to global warming include sea level rise, changing weather patterns with increases in the severity of storms and droughts, changes to local and regional ecosystems including the potential loss of species, and a significant reduction in winter snow pack.

The most common GHGs emitted from natural processes and human activities include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Examples of GHGs created and emitted primarily through human activities include fluorinated gases (hydro fluorocarbons and per fluorocarbons) and sulfur hexafluoride. Each GHG is assigned a global warming potential (GWP). The GWP is the ability of a gas or aerosol to trap heat in the atmosphere. The GWP rating system is standardized to CO₂, which has a value of one. For example, CH₄ has a GWP of 21, which means that it has a global warming effect 21 times greater than CO₂ on an equal-mass basis. Total GHG emissions from a source are often reported as a CO₂ equivalent (CO₂e). The CO₂e is calculated by multiplying the emission of each GHG by its GWP and adding the results together to produce a single, combined emission rate representing all GHGs.

Federal agencies are, on a national scale, addressing emissions of GHGs by reductions mandated in federal laws and EOs (most recently, EO 13514). Several states have promulgated laws as a means to reduce statewide levels of GHG emissions.

In an effort to reduce energy consumption, reduce dependence on petroleum, and increase the use of renewable energy resources in accordance with the goals set by EOs 13123, 13514, the Energy Independence and Security Act of 2007 (42 U.S.C. 17094), and the Energy Policy Act of 2005, the Marine Corps has implemented a number of renewable energy projects at various installations.”

There is no regulation or DoD policy on the minimum threshold to calculate GHG emissions. Because the potential effects of proposed GHG emissions are by nature global and cumulative, HQMC recommends that the potential impacts of GHG emissions be discussed in the cumulative impacts analysis. The following is a suggested discussion that could be used in a NEPA analysis along with emissions calculations from individual projects, as appropriate. Similar to the cumulative effects analysis of any resource, evaluate potential impacts from all alternatives combined with the potential impacts from reasonably foreseeable future actions (see Section 6.1).

Chapter 4 or 5, Cumulative Effects. “The potential effects of proposed greenhouse gas (GHG) emissions are by nature global and cumulative impacts. Individual sources of GHG emissions, by themselves, are generally not large enough to have an appreciable effect on climate change. Therefore, an appreciable impact on global climate change would only occur when proposed GHG emissions combine with GHG emissions from other man-made activities on a global scale.

Currently, there are no formally adopted or published impact thresholds for GHG emissions. Therefore, this EA/EIS compares GHG emissions that would occur from each alternative compared baseline conditions and to the U.S. 2007 GHG baseline inventory (USEPA 2009) to determine the relative increase in proposed GHG emissions. Table 4-1 summarizes the net change in annual GHG emissions that would occur from each alternative. The proposed action would increase CO₂e emissions by approximately 104 percent compared to existing operations. As discussed in Section 5x, the Installation has recently implemented and planned for energy conservation projects that will reduce GHG emissions by __ tons CO₂e, resulting in a net increase/decrease in Installation emissions by __ percent. On a national scale, the ratio of annual carbon dioxide equivalent (CO₂e) emissions to the CO₂e emissions associated with the net U.S. sources in 2007 is approximately 0.08/6,088 million metric tons, or about 0.0014% of the U.S. CO₂e emissions inventory. When compared to the U.S inventory, GHG emissions from each alternative would not substantially contribute to global climate change.”

Table 4-1. Annual GHG Emissions Resulting from the Proposed Action/Alternative

Scenario/Activity	Metric Tons per Year ¹			
	CO ₂	CH ₄	N ₂ O	CO ₂ e
Existing Operations	81,226	2.3	2.6	82,046
New Aircraft Operations	13,113	0.4	0.4	13,202
New Tactical Equipment	63,133	184.2	12.3	70,815
Personnel On-road Commutes	165	---	---	165
New Tactical Support Equipment	778	0.2	0.1	782
Total	158,415	187.1	15.4	167,010
Net Increase	77,189	184.8	12.8	84,964
U.S. 2009 Baseline Emissions (10 ⁶ metric tons) ²	-	-	-	6,633.2
Proposed Emissions as a % of U.S. Emissions	-	-	-	>0.00001

Notes: ¹CO₂e = (CO₂ * 1) + (CH₄* 21) + (N₂O * 296).

(1) Equal to 23/10% reductions in total west/south areas emissions.

CO₂ = carbon dioxide; CH₄ = methane; N₂O = nitrous oxide; CO₂e = carbon dioxide equivalent

Source: ²U.S. Environmental Protection Agency (USEPA) 2010x.

In addition to assessing the GHG emissions that would result from a proposed action, the USMC NEPA analysis should also assess how climate change might impact the proposed action and what adaptation strategies would be developed in response. As outlined in the DoD Quadrennial Defense Review Report (February 2010) the DoD will need to adjust to the impacts of climate change on our facilities and military capabilities, such as elevated risk from rising sea levels.

5.2.23 Energy/EO 13514

The CEQ regulations at 40 CFR 1502.16(e) states the environmental consequences section of an EIS must include discussions of “Energy requirements and conservation potential of various alternatives and mitigation measures.” EO 13514, *Federal Leadership in Environmental, Energy, and Economic Performance* (October 2009) further directs Federal agencies to identify and analyze the impacts from energy usage and alternative energy sources in all EISs and EAs for proposals for new or expanded Federal facilities. The following steps could be used to conduct this analysis.

“advance regional and local integrated planning by... identifying and analyzing impacts from energy usage and alternative energy sources in all Environmental Impact Statements and Environmental Assessments for proposals for new or expanded Federal facilities under the National Environmental Policy Act...”

–E.O. 13514, Section 2(f)(iv)

Step 1 – Identify Significant Effects Associated with the Proposed Action.

Identify the energy requirements for an installation by type of energy and the type of use. Energy sources include electricity, natural gas, renewable, etc. Energy uses include lights/information technology, heat, industrial, and transportation. Then, show requirements for proposed action using categories above. Next, show regional figures derived from utility companies and compare as appropriate the categories of energy used.

Step 2 – Establish Geographic Scope of the Analysis.

The geographic scope for energy effects analysis should include the immediate location of the physical infrastructure, and any location that includes construction of facilities required for the project. Show or discuss the service areas affected by the data contained in “energy requirements and sources.” While the direct and indirect effects of a proposed action may be minor on this expanded region, as cumulative effects can be significant, particularly if resources are constrained or the source of controversy.

Step 3 – Establish the Timeframe for Analysis.

The timeframe for effects analysis of energy infrastructure is linked to socioeconomics, as energy demand is a function of regional economic development. The “past” temporal boundary can easily be established through characterization of the ROI. However, an ROI that exhibits a long history of economic growth requires a longer historical characterization. The temporal boundary should reflect the changes in regional population changes as they are associated with the installation. Changes in the regional population may overwhelm the effects of installation population and mission with its energy requirements. The “future” temporal boundary can be established by evaluating the lifetime of the proposed action, and the lifetime of other accompanying actions in the ROI. The greater timeline of these foreseeable consequences is a reasonable limit for the evaluation of cumulative consequences.

Step 4 – Identify Other Actions Affecting the Resources, Ecosystems, and Human Communities of Concern.

Coordinate with Installation SME and identify past and present energy use, local energy suppliers, and, potentially, any large companies or government agencies that historically influence the local region. Energy suppliers, local planning agencies or political leaders, and large companies or government agencies can also be useful sources for the identification of any future sources of energy demand in the local region. Emphasis should be placed on the identification of any new major consumers or projects that will increase regional demand. Once those are identified, projected regional population growth should be used to estimate energy demands associated with that growth. These can then be combined to establish total reasonably foreseeable demands.

Step 5 – Characterize the Ecosystems, Resources, and Human Communities Identified.

Categorize ecosystems, resources and human communities identified during scoping. While overall energy trends appear initially distressing, conservation and adaptation is already underway in the U.S., specifically. U.S. communities are increasingly adapting to energy constraints and costs. The LEED standards (Green Building Council) are becoming increasingly common in residential and commercial construction and renovation projects, large organizations are increasingly adopting sustainability as a business imperative, and individuals are increasingly altering their behaviors to offset their growing energy bills. As a result, energy usage is better managed, a trend likely to continue.

Step 6 – Characterize the Stresses Affecting These Resources, Ecosystems, and Human Communities and Their Relation to Regulatory Thresholds.

The environmental impacts of traditional energy consumption (the existing energy infrastructure systems) are extensive and geographically far-reaching, especially when the indirect effects of their lifecycle are included. The impacts can be linked to the statutory and regulatory thresholds of other environmental resources. Some environmental resources are subject to regulatory control, and energy infrastructure design, construction, operations, and disposal are regulated in the interest of worker safety and public health; and are subject to additional DoD, and other governmental requirements. Many of the potential impacts of conservation and renewable sources are relatively minor and can often be eliminated through appropriate site selection and design (incorporating aspects into the design to eliminate conflicts); and the remainder can often be addressed through appropriate mitigations during construction (sound BMPs).

Step 7 – Define a Baseline Condition for the Resources, Ecosystems, and Human Community.

The baseline conditions for energy infrastructures can be obtained from installation records and through coordination with local energy providers. Appropriate metrics include the identification of energy sources, the relationship between regional supply and demand, and trends in regional energy costs.

Step 8 – Identify the Effects between Human Activities and Resources, Ecosystems, and Human Communities.

As discussed in Step 6, the cause-effect mechanisms are extensive. These can be identified once the energy sources are identified (Step 6) and affected resources have been identified. Detailed analysis can then follow the discussions in Step 6 for each of the affected resources.

Step 9 – Determine the Significance of Cumulative Effects.

Again, these determinations are specific to each resource.

Step 10 – Modify Alternatives to Minimize, Avoid, or Mitigate Significant Effects.

Many of the potential impacts are relatively minor and can often be eliminated through appropriate site selection and design; and the remainder can often be addressed through appropriate mitigations during construction (sound BMPs) and other mitigations that recognize and respect site characteristics and limitations) and O&M. While continued USMC dependence on fossil fuels will continue, increased USMC conservation and use of renewable energy sources can have direct positive impacts in an individual region. Considerable gains can be achieved through the management of both the efficiency of resource production, and the reduction in demand for the resources.

Step 11 – Monitor the Effects of the Selected Alternative.

Monitoring the selected alternative separately or as part of a Monitoring Program would ensure mitigation measures or BMPs are implemented and effective.

6. ADVANCED NEPA CONCEPTS

The following is an overview of some more advanced NEPA concepts that are commonly encountered. A more detailed explanation of how some concepts apply to the Marine Corps is included in Section 1, “Marine Corps NEPA,” and Section 2, “NEPA by the Numbers.” Section 7.2, “NEPA Glossary,” provides complete definitions of terms.

6.1 CUMULATIVE EFFECTS

CEQ regulations define cumulative effects as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency (federal or non-federal) or person undertakes such actions.” While a single large project or activity can adversely affect the environment (small impacts on traffic, air quality, noise, etc.), a large number of small projects or activities over time may have even more severe adverse impacts throughout the region and over a period of time. The CEQ regulations and MCO P5090.2A direct action proponents/action sponsors to examine the direct effects (those that happen immediately upon implementation of the action), indirect effects (those that may occur later in time or farther away in distance), and cumulative effects of Marine Corps actions (in EIS, EA, or CATEX) in the context of past, present, and future actions.

The CEQ implementation procedures (40 CFR 1500) give agencies wide latitude on EA and EIS analysis, including how cumulative effects analysis is conducted. Several possible methodologies are acceptable for cumulative effects analysis, and the CEQ has issued the following guidance: *Considering Cumulative Effects under the National Environmental Policy Act*, January 1997, and *Guidance on the Consideration of Past Actions in Cumulative Effects Analysis*, June 24, 2005. The CEQ guidance provides far more detailed guidance than the summary presented below, and NEPA SMEs are encouraged to become familiar with the guidance and how it can be applied to proposed actions. The USEPA Office of Federal Activities has also published guidance for its regional offices on the adequacy of cumulative effects analysis in NEPA documents (Consideration of Cumulative Impacts In EPA Review of NEPA Documents, EPA 315-R-99-002, May 1999).

Table 12 presents the basic principles of Cumulative Effects Analysis as presented in the CEQ guidance. Like the analysis of direct and indirect impacts, cumulative effects analysis has three main components: scoping, description of the affected environment, and determining the environmental consequences of the proposed action.

6.1.1 Scoping

Scoping provides the opportunity to identify potential cumulative effects issues. Use scoping to define the geographic and time scope of the cumulative effects analysis (the spatial and temporal boundary of each resource’s influence); other past, present or reasonably foreseeable future actions (regardless of the proponent) within the geographic and time scope of the analysis that may affect a resource; and the resources to be analyzed. For example, impacts to resources such as soils and noise are typically localized near the proposed action, whereas impacts on air quality are typically larger-scale or regional.

Identify the past, present, and reasonably foreseeable future actions that could affect each resource. Carefully consider whether other ongoing or planned projects in the area could interact with the proposed action. An exhaustive discussion of past actions is not necessary, particularly if the Affected Environment/baseline resource section accurately describes the present condition

of the resource. If there is a clear trend in the health of a resource, include a brief discussion to help provide context to impacts, even if project impacts are relatively small.

Table 12. Principles of Cumulative Effects Analysis

1	<u>Cumulative effects are caused by the aggregate of past, present, and reasonably foreseeable future actions.</u> The effects of a proposed action on a given resource, ecosystem, and human community include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to effects (past, present, and future) caused by all other actions that affect the same resource.
2	<u>Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who has taken the actions.</u> Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effects one at a time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.
3	<u>Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.</u> Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resource, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.
4	<u>It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.</u> For cumulative effects analysis to help the decision-maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to affected parties.
5	<u>Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.</u> Resources typically are demarcated according to agency responsibilities, county lines, Base boundaries, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure all effects are considered.
6	<u>Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.</u> Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.
7	<u>Cumulative effects may last for many years beyond the life of the action that caused the effects.</u> Some actions cause damage lasting far longer than the life of the action itself (e.g., munitions constituents, land use and encroachment, loss of wetlands habitat, species extinctions). Cumulative effects analysis needs to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.
8	<u>Each affected resource, ecosystem, and human community must be analyzed in terms of the capacity to accommodate additional effects, based on its own time and space parameters.</u> Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource.

Adapted from Table 1-2 in CEQ guidance "Considering Cumulative Effects Under NEPA, January 1997.

The following scoping questions can help highlight potential cumulative effects:

- Is the proposed action one of several similar past, present, or future actions with similar impacts in the same geographic area?
- In what way do the activities of others in the region have environmental effects similar to those of the proposed action?
- Have any recent or ongoing NEPA analyses identified important adverse or beneficial cumulative effects issues?

- Have effects been historically significant or controversial, such that the importance of the resource is defined by past loss, gain, and investments to restore resources to adequate levels?
- Does the proposed action entail any known cumulative effects that have been previously determined to be locally significant?
- Will the proposed action affect any of the following media/subject areas that should typically be assessed in a cumulative manner:
 - Public health and safety beyond the project site
 - Regional air quality issues
 - Waterborne pollutants in a regionally important watershed or body
 - Wetlands
 - Wastes that are disposed in regional, state, or federal disposal facilities
 - Migratory fish or wildlife populations and their habitats
 - Cultural resources
 - Listed or endangered species or federally designated critical habitat
 - Regional social or economic issues.

The final result of the scoping process should include a list of cumulative effects issues, with geographic and time boundaries for each. Do not tier the cumulative effects analysis to either a Programmatic NEPA document that does not contain site-specific analysis or to a non-NEPA document.

6.1.2 Description of the Affected Environment

Describing the affected environment for purposes of cumulative effects analysis might require a larger geographic and time scope than for direct and indirect effects, and more emphasis may be placed on potential system interactions. In determining potential cumulative impacts of the proposed action and its alternatives, the following steps should be taken:

- Identify the resources potentially affected by the proposed action (include discussion of cumulative effects for every resource for which direct and indirect impacts have been analyzed). If a project will not cause direct or indirect impacts on a resource, it does not have the potential to cause a cumulative effect and does not need to be included. However, if a proposed action might have even minor direct impacts it should be analyzed because repeated small impacts could cumulatively result in adverse impacts, particularly if a resource is under stress. As discussed in Section 5.1, focus the analysis on those resources where potentially significant impacts might occur.
- Characterize the stresses on the resource. Is the resource under stress currently or under probable future conditions? The goal of characterizing stresses is to determine whether the resources, ecosystems, and human communities of concern are near or at a condition where additional stresses will have important cumulative effects.

6.1.3 Determine Environmental Consequences

In this stage of the process, the analyst uses information gathered in the previous steps to determine the significant cumulative effects associated with each alternative. Considering cumulative effects should be an iterative process and earlier steps might need to be revisited

during this part of the process; the scope may need modification; alternatives might need to be modified or added; or new cumulative effects might come to light.

Determine the magnitude and significance of each cumulative effect in the same manner as direct and indirect effects are analyzed (see also Section 2.4.6 and 40 CFR 1508.27(b) 1-10), and Chapter 4 of CEQ's *Considering Cumulative Effects under the NEPA*). Cumulative effects can be assessed using a variety of methods and tools that are suited to each resource. The EIS analyst will select the appropriate methods and tools on a case-by-case basis for each resource. Chapter 5 of CEQ's *Considering Cumulative Effects* describes a variety of quantitative and qualitative methods to evaluate cumulative effects. The cumulative effects analysis should be of sufficient detail so that decision-makers can be confident about the level of significance or non-significance of each alternative. A simple listing of other EAs or EISs completed by the Marine Corps or DoD is not sufficient analysis.

Do not make any unsubstantiated claims about cumulative impacts in the analysis, such as stating there would be no cumulative effect without including adequate analysis. **Table 13** and **Table 14** are examples of ways to present quantitative and qualitative (narrative) cumulative effects on various resources.

Finally, the need for mitigation and monitoring should be considered (see also Section 6.9). When mitigation is relied upon to reduce impacts to non-significance, consider discussing the success of mitigation measures put in place for previous actions in the ROI as well as the results of any monitoring programs.

The cumulative impact analysis can be put in one of three places in an EA or EIS: 1) discussed under each individual resource (consider adding subheadings for direct, indirect, and cumulative effects); 2) discussed together at the end of the Environmental Consequences chapter; or 3) in a separate section after the Environmental Consequences chapter. Where the cumulative effects analysis is located is much less important than the contents and quality of the analysis.

Table 13. Example Table Using Quantitative Description of Effects (Within a Given Level of Uncertainty) of Various Resources

Resource	Past Actions	Present Actions	Proposed Action	Future Actions	Cumulative Effect
Air Quality	Region in attainment for all NAAQS except O ₃	10% increase in O ₃	<1% increase in O ₃	Region in attainment for all NAAQS except O ₃	10% increase in O ₃
Wildlife (Fish)	50% of 1950 fish population lost	20% loss of fish population	1% loss of fish population	10% of fish population lost	>80% of fish population lost
Wetlands	78% of pre-industrial wetlands lost	1% of existing wetlands lost annually for 5 years	<0.5% of existing wetlands lost	1.5% of existing wetlands lost annually for 10 years	95% of pre-industrial wetlands lost in 10 years

Adapted from Table 4-1 in CEQ guidance "Considering Cumulative Effects Under NEPA, January 1997.

Table 14. Example Table Using Narrative Description of Effects on Various Resources

Resource	Past Actions	Present Actions	Proposed Action	Future Actions	Cumulative Effect
Air Quality	Emissions from vehicles, industrial and commercial sources degraded regional air quality	Existing emission sources continue to adversely affect regional air quality	Construction activities would have small contribution to emissions of adverse air quality	Emissions from industrial and commercial sources expected to maintain present levels or decrease	Current activities would be the dominant source of emissions; negligible cumulative impacts
Wildlife (Fish)	Loss of suitable habitat and decrease in numbers and species diversity	Continued loss of suitable habitat due to impervious surfaces and sedimentation from commercial development	Minor increase in impervious surfaces and sedimentation	Impervious surfaces and sedimentation results in loss of cold-water species	Significant decline in numbers and species diversity
Wetlands	Degraded historic habitat of sensitive and common wildlife species	Commercial development, impervious surfaces continue to impact wetlands	Loss of 5 acres of degraded wetlands	Commercial development and impervious surfaces results in loss of wetland function	Minor adverse cumulative impact

Adapted from Table 413 in CEQ guidance "Considering Cumulative Effects Under NEPA, January 1997.

6.2 PROGRAMMATIC NEPA

Programmatic NEPA documents are those prepared to analyze actions involving large areas or for broad federal actions with numerous phases. Examples could include the multistate fielding of a new piece of equipment, incorporation of new regulations, or major force restructuring. Programmatic documents provide a broad baseline on which to build future NEPA analyses. For example, once the programmatic analysis has been made for the fielding of a new piece of equipment nationwide, individual installations that will host that equipment (basing or training operations) can streamline their NEPA analyses by referencing the programmatic analysis.

Types of actions often addressed through programmatic NEPA analyses fall into four major categories:

- 1) **Adopting Official Policy.** Adopting a formal policy that will result in an alteration of agency programs.
- 2) **Adopting Formal Plan.** Adopting plans that guide or prescribe alternative uses of federal resources, on which future agency actions will be based.
- 3) **Adopting Agency Program.** Decision to proceed with a group of actions to implement a specific policy or plan.

- 4) **Approving Sitewide or Areawide Actions.** Decision to proceed with multiple projects that are temporally or spatially connected and that will have a series of associated subsequent or concurrent decisions.

For proposed actions falling within these categories, agencies may use a phased decision-making strategy. Agencies may prepare the programmatic analysis and tier subsequent, more detailed analyses for specific proposals. The CEQ's draft guidance, *NEPA Programmatic Guidance*, provides a detailed explanation of programmatic NEPA analysis.

Programmatic NEPA documents are used to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review. In addition to normal EA/EIS content, a programmatic EA/EIS should present the following:

- A description of the related stages, sites, or actions that may ultimately be proposed in as much detail as presently possible
- The implementing program factors that are known at the time of EA/EIS preparation
- The environmental impacts resulting from establishing the overall program that would be similar for subsequent stages, sites, or actions as further implementation plans are proposed
- The appropriate mitigation measures that would be similarly proposed for subsequent stages, sites, or actions.

Although a programmatic EA/EIS is under way, interim actions within the scope of that EA/EIS may move forward only if:

- The interim action can be justified independent of the programmatic EA/EIS.
- The interim action is covered by its own NEPA analysis.
- The conduct of the interim action will not prejudice the ultimate decision on the programmatic EA/EIS (e.g., by determining subsequent development or limiting alternatives).

Programmatic NEPA documents and all the subsequent tiered NEPA documents will be prepared, circulated, and distributed in the same fashion as required of any other EA/EIS.

6.3 TIERING

Tiering is the practice of conducting multiple levels of environmental review, typically addressing matters in a large-scale (programmatic) analysis, followed by more focused NEPA analyses. The smaller scale analyses typically incorporate general issues of the broader analyses by reference and focus on the issues specific to a particular site or phase, thereby avoiding duplication of paperwork. Tiering also enables planners to consider the environmental effects of only those actions "ripe" for analysis.

Tiering is appropriate from a broad program EA or EIS to a smaller, more focused analysis. It is also appropriate from an analysis of an action in the early stage (concept plan or site selection) to analysis of an action at a later stage (site-specific project design). A tiered analysis that follows a programmatic document should be an EIS if the staged or site-specific action is likely to have significant impact on the quality of the human environment. Otherwise, an EA may be used to assess the need for an EIS or FONSI. In addition to normal EIS or EA content, each tiered analysis should:

- Summarize the program wide issues discussed in the programmatic statements and incorporate discussions from the programmatic statement by reference.
- Concentrate on the issues specific to the subsequent action.
- State where the programmatic document is available for review.

All tiered NEPA documents will be prepared, circulated, and distributed in the same manner as required of any other EA/EIS. Commands must prepare, circulate, and distribute tiered EAs and resulting FONSI per the procedures applicable to EAs.

6.4 SEGMENTING AND SEQUENCING

The CEQ regulations require that related or connected actions be analyzed in a single document. Segmenting is the splitting of an action (project, program or decision) into several smaller actions (component parts or phases) and analyzing them individually, typically as a series of CATEXs, a series of CATEXs and EAs, or EAs that should be analyzed in a larger EIS.

Segmentation is generally prohibited because the significance of the action as a whole might not be apparent if parts are analyzed separately. An example of segmenting is the individual analysis of one small unit's training activities when, in fact, it is participating as part of a much larger unit's training exercise. A widely cited example of segmentation is the former FHWA practice of funding only a small segment of a federal highway and considering only that segment - rather than the entire highway - in determining the need for an EIS. It is not appropriate to segment or divide an action or connected actions into smaller parts to avoid a more extensive evaluation of the potential for significant environmental impacts under NEPA. For purposes of NEPA, connected actions must be considered together. Examples of connected actions are: where one action triggers or forces another; where one action depends on another (e.g., when one action is an interdependent part of a larger action, or where one action will not proceed unless another action is taken).

Under the CEQ regulations at 40 CFR 1508.25(a)(1), agencies are only required, for environmental review purposes, to consider "connected actions" which are proposed actions that: "(i) [a]utomatically trigger other actions which may require environmental impact statements; (ii) [c]annot or will not proceed unless other actions are taken previously or simultaneously; (iii) [a]re interdependent parts of a larger action and depend on the larger action for their justification." Therefore, a project's "independent utility" determines whether it is "connected" to another action in such a way that they need to be evaluated collectively under NEPA. To determine if the actions are connected consider:

- Can the projects each exist without the other?
- Is there an independent utility in proceeding with each project?
- Would it be irrational, if not unwise, to undertake the first phase or action if subsequent action was not undertaken? Agencies do not need to include future "proposals" (40 CFR 1508.23) if they are merely "contemplated," are hypothetical, or if future actions are speculative.

"Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement."—
40 CFR 1502.4(a)

"Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts." —*40 CFR 1508.27(b)(7)*

Under certain circumstances, a federal agency may focus on a single federal action to the exclusion of other federal activities that, if considered, would transform that proposal into a major federal action. An example is completing analysis for the temporary staging of new aircraft being fielded while more detailed NEPA analysis of the permanent staging plan is being completed. In appropriate sequencing, the interim action will not prejudice the ultimate decision for the program, nor will it represent irreversible or irretrievable commitment of resources. A sequenced action must be consistent with the alternatives considered in the permanent NEPA analysis, it must have its own NEPA analysis, and the effects of interim actions must be included in the cumulative effects analysis of the permanent action.

6.5 SUPPLEMENTAL EA/EIS

6.5.1 Supplements

A supplemental NEPA document contains additional analysis and documentation on a proposed action and alternative. Supplements are prepared when a substantial change is made to the proposed action that is relevant to environmental concerns, or when significant new circumstances or information arises that is relevant to environmental concerns. According to CEQ's FAQs (#32), if changes occur before the proposal has been fully implemented, or if the program is fully underway and the NEPA documentation is more than 5 years old, a determination of whether to prepare a supplemental document should be made.

Procedures for preparing, circulating, and filing a supplemental EA/EIS are the same as those required for the original document, with the exception that any scoping conducted for the original EA/EIS need not be repeated. Also, when preparing a supplemental EA/EIS, use those portions of the original document (through direct incorporation or incorporation by reference, rather than attaching the original document) that are still applicable and have not changed substantially. Focus any new data collection, analysis, and documentation efforts on the proposed actions, resources, and resource issues that have changed. Maximizing use of existing information simplifies the overall EA/EIS effort and helps reduce the size of the document without degrading the adequacy of the analysis or agency/public review (40 CFR 1502.21).

6.5.2 Continuing Environmental Review Statements (CERS)

New environmental information (such as new research on environmental effects or resources) sometimes arises after the EA/FONSI or EIS/ROD is complete but before the action has been fully implemented. In addition, there may be minor modifications to the approved action (such as a minor design change to a facility). The USMC is not required under NEPA to prepare a supplemental EA or EIS every time new information comes to light. As discussed in Section 6.5.1, a supplement is required if changes to the proposed action are substantial or new

Supplemental EISs

Agencies:

- (1) Shall prepare supplements to either draft or final environmental impacts statements if:
 - (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
 - (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
- (2) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.
- (3) Shall adopt procedures for introducing a supplement into its formal administrative record, if such a record exists.
- (4) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive scoping) as a draft and final statement unless alternative procedures are approved by CEQ." —40 CFR 1502.9

information or circumstances are significant, relevant to environmental concerns, and have not been previously evaluated and considered. In situations where a change to the proposed action is not substantial, or new information or circumstances are not significant, relevant to environmental concerns, a Continuing Environmental Review Statement (CERS) may be prepared for the sole purpose of documenting the USMC's determination not to prepare a supplemental EA or EIS.

Alternatively, a supplemental EA or EIS is required if it is determined that the change or new information may result in significant environmental impacts in a manner not previously evaluated or considered.

There is no "one size fits all" template for a CERS. A case-by-case review is needed to support sound determinations regarding a proposed change. There are, however, some general elements that should be contained in a CERS. The CERS should:

- Be a concise, formal document (such as a Memorandum) that fully describes the new information or modification to the approved action
- State why the CERS analysis is needed (i.e., why the new information or modification was not available when the original EA or EIS was prepared)
- Describe the new information or change
- Focus the analysis on project changes, new circumstances, or information relevant to the environmental resource areas addressed (analysis of new resources indicates that a supplement is needed)
- Fully analyze the environmental effects both in absolute terms and in comparison to the findings of the original EA or EIS
- Evaluate the potential significance of the change or new information, and
- Include a findings or conclusion section (see Appendix V for an example of a CERS).

Periodic evaluation of approved projects such as is provided by the CERS is especially important to document NEPA compliance relative to potential cumulative impacts of multiple minor changes to an approved action. A CERS may be prepared at any time, as appropriate, to further the purposes of NEPA compliance. The following examples describe situations in which a CERS is not appropriate, or is not required.

- If a proposed change or new information clearly does not have a bearing on environmental concerns. For example, a cost increase that does not change environmental impacts, or a facility design change that is not relevant to any environmental concerns, does not require a supplemental EA/EIS or CERS.
- When a minor proposed change would obviously result in negligible environmental impact. For example, a change in interior fit up that does not involve a historic building or result in substantially lower energy efficiency would be unlikely to change the evaluation of impacts. Similarly, if an EA evaluated the purchase of 1,000 toolkits, a proposal resulting in the purchase of an additional 10 similar toolkits would be unlikely to change the evaluation of impacts. If it is obvious that no other resource areas would likely be affected, it may be concluded that a CERS is not be needed.

- The need for extensive data collection and analysis to complete a CERS may be an indicator that a change in the proposed action is substantial or that new circumstances or information requiring additional data for appropriate analysis might be significant. In such cases, early consideration of preparing a supplemental EA or EIS is warranted.
- The need to reinitiate consultation (such as under Section 7 or Section 106) may be an indicator that a change in the proposed action is substantial and that a supplemental EA or EIS is warranted.
- Modifications to a proposed action are especially important relative to potential cumulative impacts of multiple minor changes to an action.
- A supplemental EA or EIS may be required if a proposed action differs substantially from all alternatives analyzed in the original EA/EIS, even if the impacts are projected to be smaller than those estimated in the original EA/EIS. For example, a proposal to change the location of a utilities corridor to an area outside the ROI evaluated in the original EA/EIS would be a substantial change in the proposed action that would warrant a supplemental EA/EIS even if the impacts were likely to be similar to or less than those in the existing EA/EIS. The reason being that there was no consideration of impacts on the new affected environment and no consultation with resource agencies or other interested parties (e.g., USFWS, SHPO, tribal entities).
- CERS cannot be used to correct deficiencies in the underlying NEPA document, such as conducting analysis that should have been included in the original document but the action proponent/action sponsor failed to do so. For example, if the original analysis did not consider potential impacts to Waters of the U.S. and it was later discovered that there could be an impact, a supplement is necessary. This is a different situation from a CERS where a known issue has come into sharper focus after the original EA/EIS was prepared.
- The USMC is required to take a “hard look” at environmental impacts. The CERS should determine if the new impacts would be substantially different than those previously evaluated in an EA or EIS. If the analysis determines that impacts would be substantially different than previously studied, the USMC might not have undertaken the requisite “hard look” at potential environmental impacts and a supplemental EA or EIS is warranted.
- A CERS is not a NEPA document and therefore cannot change the fundamental [or primary or essential elements of] decision made in a FONSI or ROD, and cannot be used to fulfill the requirements for a revised or supplemental EA or EIS.
- Consider whether there are alternative ways to address the change to the proposed action, and would these alternatives result in different environmental concerns? It is important to consider that a supplemental EA or EIS would be required if a change to the project might significantly impact the environment in a way not previously considered in the EA/EIS.

If, after an interdisciplinary review and consideration of new information within the context of the overall program or project, the responsible official determines that a correction, supplement, or revision to an environmental document is not necessary, implementation should continue. A CERS must be approved in writing by the action proponent and action sponsor (if different), applicable NEPA Subject Matter Expert (SME), the appropriate counsel, and signed by the

commander exercising signature authority for the original FONSI or by HQMC and ASN if an EIS. If the CERS is not fully approved—or if it indicates further analysis is warranted—a supplemental EA or EIS must be prepared unless the original action as described in the EA/FONSI can be implemented with no change and the new information does not change the analysis of impacts. Include the CERS with the AR for the original EA or EIS.

6.6 LEAD AND COOPERATING AGENCIES

The Marine Corps is typically the lead agency, or agency with primary responsibility for preparation of the NEPA analysis, in the evaluation of environmental effects of Marine Corps proposed actions. Federal and non-Federal agencies could be cooperating agencies in the preparation of an EIS and some EAs (such as programmatic EAs of broad scope). The role of the cooperating agencies is described in the CEQ regulations at 40 CFR 1501.6. Further guidance is also provided in the CEQ’s 40 FAQs (#14), and in the CEQ Memorandum for Heads of Federal Agencies: *Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act*, January 30, 2002. The USMC should identify as early as possible in the planning process—but at least by the scoping period—those Federal, State, Tribal and local government agencies that have jurisdiction by law or expertise with respect to a proposed action. When extending cooperating agency status, the USMC should prepare an MOU assigning responsibilities for analysis and documentation, specifying the scope and detail of the cooperating agency’s contribution, set time limits, and establishing other appropriate expectations and ground-rules. A sample letter from the USMC requesting the participation of a cooperating agency is provided in Appendix W. If an MOU is prepared, a response should be requested. Federal agencies declining to accept cooperating agency status are obligated to respond to the USMC and the CEQ on the request.

The CEQ regulations require an agency with jurisdiction by law to be a cooperating agency. If a potential cooperating agency determines that “other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement,” the potential cooperating agency is in effect taking itself out of all phases of the federal action, not just draft EIS preparation. As such, cooperating agencies with jurisdiction by law cannot opt out entirely of their duty to cooperate on the EIS (40 CFR 1501.6(c) and FAQ #14a).

Cooperating Agencies

Each cooperating agency shall: “Normally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests.”

—40 CFR 1506.1(b)(5)

In addition, without specific statutory authority, the USMC does not ordinarily fund the participation of cooperating agencies in the NEPA process on our actions. The CEQ regulations and Guidance Memorandum, *Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act*, does not require an agency to provide financial assistance to a cooperating agency. The Memo also states “Establishing such a relationship neither creates a requirement nor constitutes a presumption that a lead agency provides financial assistance to a cooperating agency.” Furthermore, USMC legal counsel advises that, without specific statutory authority to do so, a federal agency may not reimburse another agency for services which the latter is required to provide and for which the providing agency receives appropriations. Reimbursement for activities associated with an agency’s statutory duties (such as a cooperating agency with jurisdiction by law) could inappropriately

augment that agency's appropriations compromising the basic integrity of the appropriations process itself. Counsel should be consulted if there is any issue or question as to whether statutory authority exists to fund or otherwise reimburse a federal agency for its participation in NEPA or permitting processes.

As we move toward increasing joint actions on DoD installations, however, the number of proposed actions that have the potential to affect Marine Corps assets and interests is also increasing, particularly for actions proposed by the DoN. In those instances, the DoN acts as the lead agency and the Marine Corps will be asked to be a cooperating agency in the NEPA analysis. When the Marine Corps accepts the role of cooperating agency, it will review NEPA documents as if they were prepared by the Marine Corps action proponent. It is critical, in these instances, that affected installations, Commands, and regions review the NEPA documents and forward their comments and concerns to HQMC through the appropriate chain of command. HQMC will compile all comments into the Marine Corps official response to the lead agency.

The CEQ requires Federal agencies to annually report the designation of Federal and non-federal cooperating agencies in the preparation of analyses and documentation under NEPA.¹² Lead agencies are to report (1) the title of the EIS; (2) the names of the cooperating agencies for the EIS; (3) the names of agencies who declined an invitation to participate as a cooperating agency or who requested but failed to reach agreement on establishing cooperating agency status and agencies whose cooperating agency status was ended, and the reason(s) cooperating agency status was not established or was ended; and (4) the current status of the EIS.

6.7 REQUESTS FROM NON-MARINE CORPS ENTITIES

Occasionally, outside entities may request that the Marine Corps undertake an action, such as issuing a permit or outleasing property, which primarily benefits the requester. Marine Corps decisions on such requests must take into account the potential environmental effects of those actions. The Marine Corps may require the requester to prepare the appropriate environmental analysis or may require the requester to pay for such preparation from a contractor under the supervision of the Marine Corps. Furthermore, the fact that appropriate NEPA analysis is prepared does not obligate the Marine Corps to grant the request.

6.8 CONSULTATION

A sound analysis of the potential effects of an action requires an interdisciplinary approach. Numerous laws, regulations, and policies obligate the proponent to enter into consultation with interested agencies or parties to determine fully the consequences of implementing a proposed action. There are two basic principles concerning agency consultation:

- The proponent begins the process by making an initial determination. A determination such as "there would be no adverse effects to such-and-such resource" is then sent to the appropriate agency for their comment and/or concurrence.
- Responses must be documented. Consultations may be informal (phone contact or personal meetings) or formal (written correspondence). Regardless of form, all communications must be documented. This documentation should be included in the AR. Section 2.8 provides specific information regarding the AR.

¹² CEQ Memorandum to the Heads Of Federal Agencies, "Reporting Cooperating Agencies In Implementing The Procedural Requirements Of The National Environmental Policy Act," December,23, 2004, <http://ceq.hss.doe.gov/nepa/regs/connaughton.pdf>

USMC policy is for all regulatory coordination and consultations required under applicable federal laws (excluding permits) to be complete before publication of a Final EIS or FONSI (“Supplemental Policy Guidance to SECNAVINST 5090.6A for Consultations and Regulatory Coordination,” 27 July 2009, on the USMC NEPA Intranet at <https://intranet.emportal.usmc.mil/sites/hqnepa/nepa/default.aspx>). Completing such consultations provides the USMC with assurance that resource agencies concur with our analysis and findings of significance.

The following are some examples of analysis topics that may require consultation:

- **Airspace Designation.** Consult with FAA.
- **Coastal Zones.** Consult with state management program.
- **Cultural Resources.** Consult with appropriate State or Tribal Historic Preservation Officers (SHPO/THPO) and federally recognized Native American tribes or NHOs. If the action will involve a National Historic Landmark, the National Park Service (NPS) also must be consulted.
- **Native American Tribal Interest.** Consult with federally recognized Native American tribes.
- **Essential Fish Habitat.** Consult with Secretary of Commerce and NMFS.
- **Floodplains.** Consult with FEMA.
- **Prime or Unique Farmland.** Consult with the United States Department of Agriculture (USDA).
- **Protected Species.** Consult with USFWS.
- **Wetlands.** Consult with appropriate District Office of the USACE.
- **Wild and Scenic Rivers.** Consult the appropriate federal agency.
- **Wilderness Area.** Consult the appropriate federal agency.

6.9 MITIGATION

6.9.1 What Qualifies as Mitigation?

The intent of mitigation is to reduce the adverse effects of an action on the environment. The CEQ regulations (40 CFR 1508.20) define mitigation in broad terms and identify five different forms of mitigation:

- **Avoiding.** “Avoiding the impact altogether by not taking a certain action or parts of an action.”
- **Minimizing.** “Minimizing impacts by limiting the degree or magnitude of the action and its implementation.”
- **Rectifying.** “Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.”
- **Reducing and eliminating.** “Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.”
- **Compensating for an Environmental Effect.** “Compensating for the impact by replacing or providing substitute resources or environments.”

The CEQ regulations also provide for mitigation in the form of alternatives (40 CFR 1502.14(f), 40 CFR 1508.25(b)(3), and CEQ Final Guidance on Mitigation section I.B). Consistent with the CEQ definition, MCO P5090.2A Section 12202.14 also defines mitigation in broad terms.

In a USMC EA/EIS, mitigation should be termed “potential mitigation measures” and “potential monitoring programs” (MCO P5090.2A Section 12201.5.d(6)(i). This is because the commitment to mitigation measures occurs in the FONSI or ROD.

Specific, focused measures developed to minimize or compensate for a specific environmental impact of the proposed action, committed to in the DM/FONSI/ROD, and funded by the action proponent or action sponsor can be considered mitigation in USMC NEPA analysis. Project-specific mitigation should be distinguished from general BMPs, Special Conservation Measures (SCMs), Standing Operating Procedures (SOPs), and other standard engineering practices not explicitly related to implementing the proposed action. As a general rule, project-specific mitigation measures can be distinguished from general BMPs/SCMs by whether the action proponent/action sponsor has any discretion to implement them. For example, Unified Facilities Criteria (UFC) on noise or lighting standards, construction sediment and erosion control plans, or obtaining/modifying a facility air quality operating permit are typically not considered project-specific mitigation measures and should be discussed only briefly in a NEPA document, if at all. Examples of project-specific mitigation measures include measures negotiated as part of regulatory consultation, altering the construction corridor to avoid impacting an historic resource, limiting night operations to reduce off-site noise impacts, or compensating for permanent impacts to protected vegetation through an off-site mitigation bank. The requirement to obtain a Section 404 wetlands permit should not be considered mitigation, but compensation required by the permit could be. Compensation for permanent loss of wetlands could be considered mitigation because the action proponent/action sponsor has discretion and the ability to negotiate where and how the compensation would occur.

Following these guidelines can help reduce excessive bulk in an EA/EIS and focus the analysis on issues that are most useful to decision-makers.

HQMC LFL discourages action proponents/action sponsors from including BMPs, SCMs and SOPs that they do not fund or have responsibility for as mitigation in the FONSI or ROD (although conformance with such actions can be described in the EA or EIS). For example, the fact that an installation has an Integrated Natural Resources Management Plan (INRMP) that outlines a series of standard operating procedures and management strategies does NOT constitute mitigation for impacts to biological resources, wetlands, or migratory birds. The SOPs and measures in an INRMP should not be cited as mitigation measures being implemented specifically to mitigate the impacts of the proposed action. Specific INRMP activities such as species monitoring could be cited in an EA/EIS.

CEQ Final Guidance on Mitigation and Monitoring

Many Federal agencies rely on mitigation to reduce adverse environmental impacts as part of the planning process for a project, incorporating mitigation as integral components of a proposed project design before making a determination of the significance of the project's environmental impacts. Such mitigation can lead to an environmentally preferred outcome and in some cases reduce the projected impacts of agency actions to below a threshold of significance. An example of measures that are typically included as part of the proposed action are agency standardized best management practices such as those developed to prevent stormwater runoff or fugitive dust emissions at a construction site.

Mitigation measures included in the project design are integral components of the proposed action, are implemented with the proposed action, and therefore should be clearly described as part of the proposed action that the agency will perform or require to be performed.

Often, mitigation measures should be coordinated with cognizant regulatory agencies. In some instances, the review process may be streamlined by incorporating mitigation measures as part of the description of the proposed action, or in one or more of the alternatives to be analyzed.

For USMC EA/EIS mitigation planning, an installation with a significant and comprehensive training mission and heavily encumbered by environmental, urban and coastal encroachment, the installation should consider off base mitigation for any proposed action. Off base mitigation provides an installation the capability to compensate for environmental impacts as a result of a proposed action without impacting training resources. The types off base mitigation appropriate to address specific impacts would be negotiated with requisite regulatory agencies and the installation's environmental, comptroller and legal staff.

6.9.2 Mitigation Funding

Mitigation measures identified in the NEPA analysis must be committed to in the DM, FONSI or ROD, funded, and carried out by the action proponent or action sponsor for the life of the project (for example, MILCON funding for biological monitoring typically ends when construction is complete or after a limited number of years). Therefore, action proponents/action sponsors need to program funds for mitigation and monitoring.¹³ Monitoring and enforcement plans should be established, as many of the mitigation techniques become ineffective without commitment. Proponents should make available to the public the status and results of mitigation efforts¹⁴ associated with a proposed action. The CEQ final guidance on mitigation and monitoring¹⁴ cautions agencies to not commit to mitigation unless there are sufficient legal authorities and resources available to carry out or oversee the mitigation. If it is reasonably foreseeable that funding for implementation of mitigation may be unavailable, the potential lack of funds should be disclosed in the EA or EIS and potential environmental effects evaluated.

6.9.3 Mitigated FONSI

As discussed in Section 2.5.6, an action proponent/action sponsor may prepare a "mitigated EA/FONSI" when the EA analysis indicates that the action might cause significant environmental effects. If the action proponent/action sponsor can show that the potential effects can be reduced to less-than-significant levels through the addition of appropriate mitigation measures, the EA/FONSI may be completed and an EIS is not required⁸. USMC policy also allows for the use of mitigation to obtain a FONSI.

In some cases, it is possible for potential significant effects discovered in an EA to be "mitigated into insignificance." In such cases, the mitigation measures should be described explicitly in the FONSI. MCO P5090.2A Section 12201.4.d(3)2 states: "a full description of all required mitigation and monitoring necessary to ensure that no significant impacts will occur....will be made a part of the FONSI, included in project funding, and incorporated into project design." The CEQ final guidance on mitigation and monitoring also recommends Mitigated FONSI

¹³ Action Proponents/Action Sponsors may need to use Appropriated Funds for NEPA and related studies, must program funds for those circumstances, and should seek the advice of the comptroller and CL to determine whether Appropriated Funds or Non-Appropriated Funds (NAF) are appropriate for NEPA and related site studies

¹⁴ The CEQ's "Final Guidance for Federal Departments and Agencies on the Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact," January 21, 2010, resolved an inconsistency in CEQ guidance on whether an agency could adopt mitigation to avoid a significant impact and therefore not prepare an EIS (CEQ FAQ #40), and clarified the appropriate use of Mitigated FONSI.

include: 1) specific measurable performance standards or expected results of the mitigation (performance expectations); and 2) a commitment to mitigation monitoring.

There may also be circumstances when impacts cannot be sufficiently mitigated and the residual impacts would still be significant, or the effectiveness of the mitigation is uncertain. In those cases, a FONSI is not appropriate and the proposed action needs to be further modified/mitigated or an EIS prepared. For example, an EA may evaluate a proposed action that would affect the critical habitat of a listed species and compensatory mitigation is proposed. If there are legitimate questions over the species' ability to use the compensatory habitat, the success of the mitigation is uncertain, and any determination that the mitigation would reduce impacts to a level of non-significance is also uncertain.

6.9.4 Mitigation Monitoring

The CEQ regulations require RODs to state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. The regulations further require agencies to implement and monitor mitigation committed to in the ROD. For EAs, in some cases it is possible for potential significant effects discovered during the EA analysis to be "mitigated into insignificance." These requirements are further amplified in the CEQ final guidance on mitigation and monitoring¹³, MCO P5090.2A (12201.4.d(3)2, 12201.5.h(1)) and HQMC policy guidance¹⁵ that directs action proponents to describe mitigation and monitoring in the ROD or FONSI, and incorporate the measures into project design.

In such cases, mitigation performance standards or expected outcomes should be developed; measures should be committed to in the FONSI or ROD, and the measures committed to should be monitored and tracked. If mitigation measures are not implemented or are not successful, supplemental NEPA analysis might be required (e.g., an EIS in the case of a Mitigated FONSI). The action proponent/action sponsor is responsible for tracking the implementation of mitigation measures and for reporting on the status of implementation to HQMC as part of data calls or audits.

The CEQ guidance also recommends agencies establish procedures to ensure that mitigation commitments are implemented, mitigation measures are monitored for effectiveness, failed mitigation is rectified, and the public is involved appropriately. HQMC and DoN guidance¹⁴ also directs Installations and Commands to implement mitigation monitoring (on the USMC NEPA Intranet at <https://intranet.emportal.usmc.mil/sites/hqnepa/nepa/default.aspx>).

Action proponents/action sponsors should work with the installation environmental planning staff to monitor the effectiveness of mitigation measures and adaptively manage mitigation if monitoring shows measures to be ineffective (MCO P5090.2A Section 12202.14). For example, mitigation measures could be in the installation's Environmental Management System (EMS) to help ensure they are tracked and implemented. **Table 15** is a simple mitigation tracking matrix.

Table 16 is a sample checklist of design, permit, mitigation and monitoring requirements as a tool to ensure that such requirements are transferred from the EA/FONSI or EIS/ROD to the contracting agent (i.e., NAVFAC) to be included in contract SOWs. EA or EIS analysts should

¹⁵ "CMC Memorandum, "Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking," April 28, 2008, and ASN Memorandum, Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking," May 31, 2007.

update the table after each major iteration of the document (i.e., preliminary draft, draft, final). The checklist could be an attachment to the EA or EIS and subsequently attached to the RFP/SOW. HQMC recommends developing such matrices or checklists to ensure that mitigation and monitoring requirements are transferred to the contracting agent to be included in contract SOWs.

Table 15. Minimization, Mitigation, Monitoring, and Reporting Tracking Sheet

No.	Legal Driver	Implementation Procedure or Action	Organization Responsible for Implementation	Deliverable Report	Compliance Schedule	Verification of Compliance	Mitigation Completed Successfully?
1	ESA	Final designs for construction would minimize the removal of coastal sage scrub (CSS) and riparian habitat that could support listed species. Any unavoidable removal or temporary disturbance of riparian habitat would be offset in accordance with ratios established in the 1995 Riparian Biological Opinion. Removal of riparian habitat, where necessary, would occur outside of the breeding season.	Construction Contractor	N/A	Before and during construction	Responsible Party: RIOCC and NAVFAC SW Bio Monitor	Pending
2	CWA	Prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB). The SWPPP would incorporate BMPs for erosion and sedimentation controls, including techniques to diffuse and slow the velocity of stormwater runoff. All construction activities with the potential of impacting water quality due to runoff from the site would be conducted in accordance with SWPPP requirements.	NAVFAC SW and AC/S ES	SWPPP	Before construction	Responsible Party: RIOCC	Yes

Adapted from USMC Camp Pendleton MARSOC project.

Table 16. Project Implementation Environmental Compliance Checklist

The following environmental permits, mitigation measures, and other conditions were evaluated in the Environmental Assessment (EA) of *Project Name*, and are required by the Finding of No Significant Impact (FONSI) for the EA.

	Initial and Date when Completed
Site-Specific Design Activity	
<ul style="list-style-type: none"> Implement low-impact development (LID) in accordance with the Department of Navy Low Impact Development Policy (2007). 	
<ul style="list-style-type: none"> Design of all electrical upgrades and associated facilities must follow the raptor protection guidelines supported by the Base's avian protection program, as listed in Section 4.3.5 of the Base INRMP (USMC 2011). 	
<ul style="list-style-type: none"> Avoid effects (disturbance) to riparian habitats and jurisdictional waters to the greatest extent feasible. 	
Construction Activity	
<ul style="list-style-type: none"> Obtain Virginia Pollutant Discharge Elimination System (VPDES) Construction General Permit. Since more than 5 acres would be disturbed, a Storm Water Pollution Prevention Plan (SWPPP), Notice of Intent (NOI), and sediment and erosion control plan are required. 	
<ul style="list-style-type: none"> All unpaved access roads, parking areas, and staging areas at construction sites must be paved, have water applied twice daily, or have nontoxic soil stabilizers applied. 	
<ul style="list-style-type: none"> Facilities with a single aboveground storage tank (AST) that holds 660 gallons of oil or aggregate ASTs that hold 1,320 gallons of oil; or facilities with underground storage tanks (USTs) must register the tanks with the Virginia Department of Environmental Quality. 	
<ul style="list-style-type: none"> No material may be discharged to the Fairfax County Resource Protection Area. 	
<ul style="list-style-type: none"> Power wash all equipment and/or vehicles before entering the Base to reduce the import of invasive species. While washing wheeled vehicles, the front wheels must be turned lock-to-lock to allow for exposure of surfaces that may hold weed seeds. 	
<ul style="list-style-type: none"> Maintain a minimum 150-foot buffer immediately adjacent to riparian habitats and jurisdictional waters. The limits of jurisdictional waters must be identified on project construction plans, clearly marked in the field, and the restricted areas monitored by the project biologist during construction phases. Follow all terms and conditions of the USACE and RWQCB permits. 	
<ul style="list-style-type: none"> Maintain a minimum 500-foot buffer immediately adjacent to protected thread-leaved brodiaea. The limits of brodiaea must be identified on project construction plans, clearly marked in the field, and the restricted areas monitored by the project biologist (familiar with the ecology and display of species) during construction phases. 	
<ul style="list-style-type: none"> Schedule construction activities to avoid breeding seasons (15 February through 31 August) when occupied habitat is present within 500 feet of construction activity. 	
<ul style="list-style-type: none"> Clear vegetation only outside of the nesting season for raptors and other avian species (15 February to 31 August). If avoiding the nesting season is not practicable, then the following additional measures must be followed: <ul style="list-style-type: none"> Conduct preconstruction surveys for active nests within 500 feet of the proposed construction area. For nests within 500 feet, conduct a topographical analysis to determine if disturbance is 	

probable. ○ To avoid any effects to the nesting bird, evaluate the possibility of halting the work and completing another section of the project away from the nest site so that raptor or other chicks can fledge.	
• Restore areas temporarily impacted by construction after construction is complete. To successfully restore native vegetation, prior to construction, salvage, stockpile, and reapply topsoil as the surface horizon following construction (see Biological Opinion page 48). Where feasible, restored areas would be recontoured to match the surrounding landscape. Plant species used would be native and, where feasible, of local genetic stock.	
• Clearly mark boundaries of NRHP-eligible properties near proposed action footprints to ensure that construction impacts will be avoided.	
• Schedule archaeological and Native American monitoring during ground disturbance for all projects.	
Operational Activity	
• Modify the facility's VPDES Storm Water Control Permit.	
• Modify the facility's Synthetic Minor Air Quality Operating Permit.	
• Prepare Construction Site Spill Prevention, Control, and Countermeasure (SPCC) Plan. If the combined total for all AST storage containers of 55-gallons or more is greater than 1,320 gallons, or 42,000 gallons in USTs, then the SPCC Plan must be certified by a Professional Engineer (PE).	
Mitigation Monitoring Activity	
• TBD	

The USMC is committed to sound environmental management and compliance with all applicable environmental laws and regulations. All persons related to construction projects must:

- Communicate these environmental permit and mitigation requirements to employees, contractors, subcontractors and any other stakeholders working on this project.
- Conduct training programs to ensure employees acquire and maintain the knowledge and skills required to fulfill environmental responsibilities.
- Ensure that all employees are aware of their role and responsibility to meet applicable Federal and State environmental compliance requirements.
- Inform the Environmental Management Division immediately upon the discovery of an actual or potential environmental circumstance that do not follow permit requirements or standard industry practices.

7. REFERENCES, GLOSSARY, AND ACRONYMS

7.1 REFERENCES

7.1.1 NEPA Regulations

- National Environmental Policy Act of 1969 (Public Law 91–190; 42 U.S.C. 4321 et seq.)
- Council on Environmental Quality Regulations Implementing the National Environmental Policy Act (40 CFR Parts 1500–1508)
- Department of the Navy Procedures for Implementing the Natural Environmental Policy Act (32 CFR Part 775)
- Environmental Effects Abroad of Major Department of Defense Actions (32 CFR Part 187)

7.1.2 Executive Orders

- EO 11988, *Floodplain Management*, 1977
- EO 11990, *Protection of Wetlands*, 1977
- EO 11991, *Protection and Enhancement of Environmental Quality*, 1977
- EO 12114, *Environmental Effects Abroad of Major Federal Actions*, 1979
- EO 12856, *Federal Compliance With Right-to-Know Laws and Pollution Prevention Requirements*, 1993
- EO 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, 1994
- EO 12962, *Recreational Fisheries*, 1995
- EO 13007, *Indian Sacred Sites*, 1996
- EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, 1997
- EO 13089, *Coral Reef Protection*, 1998
- EO 13112, *Invasive Species*, 1999
- EO 13148, *Greening the Government Through Leadership in Environmental Management*, 2000
- EO 13158, *Marine Protected Areas*, 2000
- EO 13175, *Consultation and Coordination With Indian Tribal Governments*, 2000
- EO 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, 2001
- EO 13287, *Preserve America*, 2003

7.1.3 Council on Environmental Quality References

- CEQ Memorandum: *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, 1986.
- CEQ Memorandum: *Scoping Guidance*, 1981
- CEQ Memorandum: *Guidance Regarding NEPA Regulations*, 1983

- CEQ Memorandum: *Pollution Prevention and the National Environmental Policy Act*, 1993
- CEQ Memorandum: *Guidance on the Consideration of Part Actions in Cumulative Effects Analysis*, 2005
- CEQ Memorandum: *Emergency Actions and NEPA*, 2005
- CEQ Handbook: *Considering Cumulative Effects Under the National Environmental Policy Act (handbook)*, 1997
- CEQ Guide: *Citizen's Guide to NEPA*, 2007
- CEQ Guide: *Collaboration in NEPA*, 2007
- CEQ Guide: *Programmatic Analyses in CEQ regulations (Draft)*, 2007
- CEQ Guide: *Environmental Justice Under NEPA*, 1997
- CEQ Guide: *Incorporating Biodiversity Considerations into Environmental Impact Analysis under NEPA*, 1993.

7.1.4 Department of Defense References

- DoD Directive 4700.4, *Natural Resources Management Program* (September 28, 1989)
- DoD Directive 4710.1, *Archaeological and Historic Resources Management* (June 21, 1984)
- DoD Directive 5000.1, *The Defense Acquisition System* (May 12, 2003)
- DoD Directive 5000.2, *Mandatory Procedures for Major Defense Acquisition Program (MDAP) and Major Automated Information System (MAIS) Acquisition Programs* (May 12, 2003)
- DoD Directive 6050.1, *Environmental Effects in the United States of DoD Actions* (July 30, 1979)
- DoD Directive 6050.7, *Environmental Effects Abroad of Major Department of Defense Action* (March 31, 1979)
- DoD Instruction 4715.3, *Environmental Conservation Program* (May 3, 1996)
- DoD Instruction 4715.5 *Management of Environmental Compliance at Overseas Installations (Overseas Environmental Baseline Guidance Document [OEBGD])* (April 22, 1996)
- DoD Instruction 4715.6, *Environmental Compliance* (April 24, 1996)
- DoD Instruction 4715.9, *Environmental Planning and Analysis* (May 3, 1996)
- DoD Instruction 4715.16 *Cultural Resources Management* (September 18, 2008)
- DoD Report. *Department of Defense Strategy on Environmental Justice* (March, 1995)
- SECNAVINST 5090.6a, *Environmental Planning for Department of the Navy Actions*
- AFI 32-7061, *The Environmental Impact Analysis Process*
- MCO P5090.2A, Changes 1 and 2, 21 May 2009, *Environmental Compliance Manual*, Chapter 12, *The National Environmental Policy Act*
- DoD Guidance to Implement the Memorandum of Understanding to Promote the Conservation of Migratory Birds (April 3, 2007)

7.1.5 Laws and Regulations That May Interact With NEPA

- American Indian Religious Freedom Act of 1978 (Public Law 95-341; 42 U.S.C. 1996)
- Antarctic Science, Tourism, and Conservation Act of 1996 (Public Law 104-227)
- Antiquities Act of 1906 (Public Law 59-209; 16 U.S.C. 431–433)
- Archeological and Historic Data Preservation Act of 1974 (Public Law 93-291; 16 U.S.C. 469–469c)
- Archeological Resources Protection Act of 1979 (Public Law 96-95; 16 U.S.C. 470aa-470ll)
- Clean Air Act of 1970, as amended (42 U.S.C. 7401 *et seq.*; 40 CFR Parts 50–98, 1027-107)
- Clean Water Act of 1972 (33 U.S.C. 1251 *et seq.*)
- Coastal Barrier Resource Act of 1982 (16 U.S.C. 3501 *et seq.*)
- Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*)
- Comprehensive Environmental Response, Compensation, and Liability Act of 1989 (42 U.S.C. 9601)
- Emergency Planning and Community Right to Know Act of 1986 (40 CFR Parts 300, 370-373)
- Endangered Species Act of 1973 (Public Law 93-205; 16 U.S.C. 1531 *et seq.*)
- Engle Act of 1958 (Public Law 85-337)
- Federal Property and Administrative Services Act (40 U.S.C. 472)
- Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801-1883)
- Marine Mammal Protection Act of 1972, as Amended (6 U.S.C. 1361 *et seq.*)
- Marine Protection Research and Sanctuaries Act of 1972, as Amended (33 U.S.C. 1401 *et seq.* and 16 U.S.C. 1431 *et seq.*)
- Migratory Bird Treaty Act of 1918, as Amended (16 U.S.C. 703 *et seq.*)
- Military Construction Codification Act (10 U.S.C. 2801 *et seq.*)
- NHPA of 1966 (Public Law 95-515; Public Law 102-575; 16 U.S.C. 470)
- Native American Graves Protection and Repatriation Act of 1990 (Public Law 101-601; 25 U.S.C. 3001–3013)
- Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109)
- Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 *et seq.*)
- Safe Drinking Water Act of 1974 (42 U.S.C. 300(f) *et seq.*)
- Sikes Act (Public Law 106-580, as amended) (16 U.S.C. 670)
- Superfund Amendments and Reauthorization Act of 1986 (40 CFR Part 300)
- 1990 Defense Base Closure and Realignment Act (Public Law 101-510, as amended)
- Advisory Council on Historic Preservation (ACHP), Protection of Historic and Cultural Properties (36 CFR Part 800)
- Bureau of Land Management Regulation, Land Withdrawals (43 CFR Part 2300)

- Curation of Federally Owned and Administered Collections (36 CFR Part 79)
- Federal Aviation Administration Regulation, Designation of Class A, Class B, Class C, Class D, and Class E Airspace Areas; Airways; Routes; and Reporting Points (14 CFR Part 71)
- Federal Aviation Administration Regulation, Special Use Airspace (14 CFR Part 73)
- Military Munitions Rule (40 CFR Part 260 et. seq.)

7.1.6 Other References

- Army National Guard Handbook: *Guidance on preparing environmental documentation for the Army National Guard actions in compliance with the National Environmental Policy Act of 1969* (June 2006)
- Canter, L.W., *Environmental Impact Assessment (2nd edition)*, McGraw-Hill 1996
- Sullivan, T.F.P. *Environmental Law Handbook (18th edition)*, Government Industries 2005
- USAEC Handbook: *NEPA Analysis Guidance Manual, Quick Look Guide* (May 2007)
- USAEC Handbook: *Guide to the Development of the Description of Proposed Action and Alternatives (DOPAA)* (August 2004)
- Memorandum of Understanding (MOU) Between DoD and USFWS to Promote the Conservation of Migratory Birds (July 2006)

7.2 GLOSSARY

action	<p>Broadly interpreted as any proposal initiated by the Marine Corps, including:</p> <ol style="list-style-type: none">New activities or projects entirely or partly funded, assisted, conducted, regulated, or approved by the Marine CorpsSubstantive changes in continuing actions, such as major changes in operation tempo, areas of use, or in methodology/equipment, where these changes have the potential for significant impactSpecific projects, such as construction or management activities located in a defined geographic area (e.g., military construction projects, public/private venture projects, special projects, land acquisition, natural resources management projects, and locally funded projects)
action proponent/ action sponsor	<p>The Commander, Commanding Officer, or civilian director of a unit, activity, or organization who initiates a proposal for action and who has command and control authority over the action once it is authorized. In some cases the action proponent might be external to the USMC (i.e., local utility or tenant organization). In those cases, a USMC organization (i.e., Public Works) would serve as the Action Sponsor responsible NEPA compliance. For some actions, the action proponent also will serve as the decision-making authority for that action. In specific circumstances, the action proponent and decision-maker may be identified in Navy regulations, other SECNAV instructions, operational instructions and orders, acquisition instructions, and other sources that set out authority and responsibility within the DoN.</p>
administrative record (AR)	<p>A critical component of the NEPA process that consists of all documents and materials (including intra-office emails) directly or indirectly considered by the decision-maker. If a decision is challenged, a reviewing court will review the decision primarily (if not solely) based on the administrative record (AR). The decision-maker is responsible for assembling and maintaining the AR. To this end, Commanders/supervisors/officers-in-charge must ensure that all AR documents and materials are properly maintained and readily retrievable upon request.</p>
affected environment	<p>A description of the existing environment to be affected by the proposed action.</p>
alternative courses of action	<p>Considered the heart of the environmental assessment or environmental impact statement. This section should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision-maker and the public. In this section,</p>

agencies shall:

- a. Rigorously explore and objectively evaluate all reasonable alternatives and, for alternatives that were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- b. Devote substantial treatment to each alternative considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits.
- c. Include reasonable alternatives not within the jurisdiction of the lead agency.
- d. Include the alternative of no action.
- e. Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement, and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- f. Include appropriate mitigation measures not already included in the proposed action or alternatives.

area of interest	See Region of Influence or Interest
categorical exclusion (CATEX)	A category of actions that do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a federal agency in implementation of these regulations and for which, therefore, neither an environmental assessment nor an environmental impact statement is required.
connected actions	Actions that are closely related. They automatically trigger other actions that have environmental impacts, they cannot or will not proceed unless other actions have been taken previously or simultaneously, or they are interdependent parts of a larger action and/or depend on the larger action for their justification. See also 40 CFR 1508.25(a).
cooperating agency	Any federal agency other than a lead agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or any reasonable alternative) for legislation or other major federal action significantly affecting the quality of the human environment. A state or local agency of similar qualifications or, when the effects are on a reservation, a Native American tribe, may, by agreement with the lead agency, become a cooperating agency.
Council on Environmental Quality (CEQ)	Established under Title II of NEPA to develop federal agency-wide policy and regulations for implementing the procedural provisions of NEPA, resolve interagency disagreements concerning proposed major federal actions, and ensure that federal agency programs and

procedures are in compliance with NEPA.

cumulative impact	The impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.
Description of Proposed Action and Alternatives (DOPAA)	The framework for assessing the environmental impact of a proposal. It describes the purpose and need for the action, the alternatives to be considered, and the rationale used to arrive at the proposed action.
effects (impacts)	<p>For the purpose of NEPA analysis, there are direct and indirect effects:</p> <ol style="list-style-type: none">a. <i>Direct effects</i> are caused by the action and occur at the same time and place.b. <i>Indirect effects</i> are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. <p>Effects and impacts, as used in these regulations, are synonymous. Effects include ecological (e.g., effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial.</p>
Environmental Assessment (EA)	<p>A concise public document for which a federal agency is responsible that serves to:</p> <ol style="list-style-type: none">a. Briefly provide sufficient evidence and analysis for determining whether to prepare an EIS or a finding of no significant impact.b. Aid an agency's compliance with the act when no EIS is necessary.c. Facilitate preparation of a statement when one is necessary.d. Include brief discussions of the need for the proposal, of alternatives, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.
mitigated EA	An EA that has been rewritten to incorporate mitigation into a proposal or to change a proposal to reduce impacts to below significance.

environmental consequences

Environmental effects of project alternatives, including the proposed action, any adverse environmental effects that cannot be avoided, the relationship between short-term uses of the human environment, and any irreversible or irretrievable commitments of resources that would be involved if the proposal should be implemented.

Environmental Impact Statement (EIS)

In every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, include a detailed statement by the responsible official on:

- a. The environmental impact of the proposed action
- b. Any adverse environmental effects that cannot be avoided should the proposal be implemented
- c. Alternatives to the proposed action
- d. The relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity
- e. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

Before making any detailed statement, the responsible federal official shall consult with and obtain the comments of any federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statements and the comments and views of the appropriate federal, state, and local agencies that are authorized to develop and enforce environmental standards shall be made available to the President, the CEQ, and the public as provided by Section 552 of Title V, United States Code, and shall accompany the proposal through the existing agency review processes.

Draft Environmental Impact Statement (Draft EIS). A document normally prepared for actions potentially having a significant impact on the quality of the human environment or having potentially controversial environmental effects. Draft EISs are filed with the EPA and distributed to cognizant federal, state, local, and private agencies, organizations, and individuals for review and comment before preparation of a Final EIS.

Final Environmental Impact Statement (Final EIS). A completed statement, normally a separate and additional document from the Draft EIS, incorporating all pertinent comments and information provided during public and agency review of the Draft EIS. Responses to all substantive review comments will be contained in the Final EIS. The

Final EIS is filed with the EPA.

Supplemental Environmental Impact Statement (SEIS). A document evaluating changes to either a Draft EIS or a Final EIS necessitated by substantial modifications to the proposed action or significant new circumstances or information that would result in different environmental impacts than those evaluated in the original document. An SEIS may be prepared at any time after the preparation and filing of a Draft EIS or Final EIS; it is filed with the EPA and distributed to recipients of the Draft EIS and Final EIS.

Federal agency *Federal agency* means all agencies of the Federal Government. It does not mean the Congress, the Judiciary, or the President, including the performance of staff functions for the President in his Executive Office. For purposes of these regulations, it also includes states and units of general local government and Native American tribes assuming NEPA responsibilities under Section 104(h) of the Housing and Community Development Act of 1974.

Finding of No Significant Impact (FONSI or FONSI) A document that briefly states why an action will not significantly affect the environment, thus voiding the requirement for an EIS. The FONSI will include a summary of the conclusions of the EA and will note any environmental documents related to it. If the EA is attached, the FONSI need not repeat any of the EA's discussion but may incorporate it by reference. A FONSI is always signed by the decision-maker.

Headquarters Environmental Impact Review Board (HQEIRB) A selected group of subject matter experts established at the CMC (LF) to review and assess the content of submitted EISs and selected EAs.

human environment Interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See effects.) This means that economic or social effects are not intended by themselves to require preparation of an EIS. When an EIS is prepared and economic or social and natural or physical environmental effects are interrelated, then the EIS will discuss all of these effects on the human environment.

impacts See effects

Installation EIRB (Environmental Impact Review Board) A selected group of subject matter experts appointed by the CG/CO of the installation. The board reviews environmental documentation to determine if the potential for environmental degradation or public controversy exists and the recommended level of NEPA

documentation. The composition of this EIRB will include a cross-section of the Command and, where appropriate, other Marine Corps Commands/units and tenants. Members of the board should include the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; the comptroller; public affairs; community plans and liaison office; and any others as determined by the Commander exercising FONSI signature authority.

lead agency

The agency or agencies preparing or having taken primary responsibility for preparing the NEPA document.

major federal action

Includes actions with effects that may be major and that are potentially subject to federal control and responsibility. *Major* reinforces, but does not have a meaning independent of, *significantly*. Actions include the circumstance in which responsible officials fail to act, and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action.

mitigation

Mitigation includes the following:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
- e. Compensating for the impact by replacing or providing substitute resources or environments.

National Environmental Policy Act of 1969 (NEPA)

Requires all agencies, including the Service, to examine the environmental impacts of their actions, incorporate environmental information, and use public participation in the planning and implementation of all actions. Federal agencies must integrate NEPA compliance with other planning requirements and prepare appropriate NEPA documents to facilitate better environmental decision-making. NEPA requires federal agencies to review and comment on federal agency environmental plans/documents when the agency has jurisdiction by law or special expertise with respect to any environmental impacts involved.

NEPA document

A document that fulfills the requirement of NEPA. Depending on the magnitude and scope of the proposed action, it could be a categorical exclusion, an EA, or an EIS.

NEPA process

All measures necessary for compliance with the requirements of

Section 2 and Title I of NEPA.

**No-Action
Alternative**

The alternative in which current conditions and trends are projected into the future without another proposed action.

**Notice of
Availability (NOA)**

An NOA is the *Federal Register* notice that announces the availability of a Draft or Final EIS.

**Notice of Intent
(NOI)**

A notice that an EIS will be prepared and considered. The notice shall briefly:

- a. Describe the proposed action and possible alternatives
- b. Describe the agency's proposed scoping process, including whether, when, and where any scoping meeting will be held
- c. State the name and address of a person within the agency who can answer questions about the proposed action and the EIS.

**preferred
alternative**

In a NEPA document, this is typically the action that the ROD has selected for implementation after consideration of purpose and need, project and cumulative impacts, and public comments. Typically, a proposed action is considered in the Draft EIS; then, in the Final EIS, a preferred alternative is identified that may be the proposed action, one of the other alternatives, or some combination of these.

programmatic EA

Addresses a group of actions occurring in the same place or a single action occurring in many different places. A programmatic EA can also address a group of actions by different applicants as a whole rather than one at a time in separate EAs. Programmatic EAs can be prepared at the time a group of actions is proposed or prior to specific project proposals if the proposals can be defined in advance and are reasonably foreseeable. However, they are not specifically mentioned anywhere in NEPA or by the CEQ.

The difficulty with programmatic EAs is having sufficient information to determine and evaluate effects when the exact number and scope of actions taking place may be uncertain. Programmatic EAs will be successful only when the activities being addressed are relatively well defined and not overly conjectural, are similar in nature and geography, and occur at similar points in time or within a predictable timeline.

programmatic EIS

Allows the analysis, in a single document, of program components which, if analyzed separately, would require repetitive planning, analysis, or discussion. Can be prepared on broad actions and allows for identification of significant cumulative impacts from the actions taken collectively. An advantage to programmatic EISs is the prevention of "piecemealing," breaking up a broad action into its component parts to present a perception of lower risk.

proposed action	<p>Site-specific EAs or EISs prepared for actions of a narrower scope that are related to a broadly analyzed program should be tiered to the programmatic EIS. The site-specific EA or EIS should summarize only the issues in the programmatic EIS and incorporate the programmatic EIS by reference.</p> <p>A plan that contains sufficient details about the intended actions to be taken, or that will result, to allow alternatives to be developed and their environmental impacts analyzed.</p>
purpose and need	<p>The purpose and need statement defines the scope and objectives of the proposed action by specifying the underlying need to which the agency is responding. It explains why the action is necessary and serves as the basis for identifying the reasonable alternatives that meet the purpose and need. The statement explains why the purpose is proposing a particular action at a particular time. It may have elements that would otherwise be included in a discussion of project background. There may be one or several needs that an action will resolve (Need is not a discussion of the need for NEPA or other regulatory compliance, but rather reasons why the proponent must take action at this time and in this place).</p>
Record of Decision (ROD)	<p>A concise public ROD prepared by the federal agency pursuant to NEPA that contains a statement of the decision, identification of all alternatives considered, identification of the environmentally preferable alternative, a statement as to whether all practical means to avoid or minimize environmental harm from the alternative selected have been adopted (and, if not, why they were not), and a summary of monitoring and enforcement where applicable for any mitigation.</p>
Region of Influence or Interest (ROI; see also area of interest)	<p>Often defined in NEPA documents to prescribe the geographic extent that is being evaluated for a particular resource. It may vary among resources. Thus, the ROI for air emissions, which may be widely dispersed, or for wildlife, which are mobile, may be larger than the ROI for plants, which are sedentary. This term is often used in association with the consideration of project or cumulative impacts.</p>
Request for Environmental Impact Review (REIR)	<p>A standard form prescribed by the installation Commander to document the need for environmental analysis.</p>
scope	<p>Consists of the range of actions, alternatives, and impacts to be considered in an EIS. The scope of an individual statement may depend on its relationships to other statements (see tiering). To determine the scope of EISs, agencies shall consider the following three types of</p>

actions, three types of alternatives, and three types of impacts:

- a. *Actions* (other than unconnected single actions) that may be:
 1. Connected actions, which means that they are closely related and, therefore, should be discussed in the same impact statement. Actions are connected if they
 - i. Automatically trigger other actions that may require EISs
 - ii. Cannot or will not proceed unless other actions are taken previously or simultaneously
 - iii. Are interdependent parts of a larger action and depend on the larger action for their justification
 2. Cumulative actions, which, when viewed with other proposed actions, have cumulatively significant impacts and should, therefore, be discussed in the same impact statement.
 3. Similar actions, which, when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.
- b. *Alternatives*, which include:
 1. No-action alternative
 2. Other reasonable courses of action
 3. Mitigation measures (not in the proposed action)
- c. Impacts, which can be:
 1. Direct
 2. Indirect
 3. Cumulative

scoping

The early and open process for identifying actions, impacts, issues, and alternatives that will be addressed in a NEPA document. It requires involvement of agency staff, members of the public and public agencies to focus the scope of the document by identifying issues of concern for detailed evaluation and consideration, while eliminating issues of minor relevance. Scoping also should facilitate efficient preparation of the NEPA document by identifying interested members of the public, public agencies with relevant expertise, and cooperating agencies; ascertaining concurrent related permits and compliance processes; assigning document preparation tasks and responsibilities; and setting reasonable time and page limits.

significantly

As used in NEPA, requires considerations of context and intensity:

- a. Context means that the significance of an action must be analyzed in several contexts, such as society as a whole (human, national), the affected region, the affected interests, and the locality.

Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Short- and long-term effects are relevant.

- b. Intensity refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

tiering

The coverage of general matters in broader EISs (e.g., national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or, ultimately, site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is:

- a. From a program, plan, or policy EIS to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.
- b. From an EIS on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues that are ripe for decision and exclude from consideration issues already decided or not yet ripe.

**unavoidable
adverse effects**

Effects that cannot be avoided as a result of constraints in alternatives. These effects do not have to be avoided by the planning agency, but they must be disclosed, discussed, and mitigated, if possible.

7.3 ACRONYMS

ACHP	Advisory Council on Historic Preservation
ADUSD (ESOH)	Assistant Deputy Under Secretary of Defense (Environment Safety and Occupational Health)
ADA	Americans with Disabilities Act
AHPA	Archaeological and Historic Data Preservation Act
AICUZ	Air Installation Compatible Use Zone Program
AIRFA	American Indian Religious Freedom Act
APA	Administrative Procedures Act
APE	area of potential effect
AR	Administrative Record
ARPA	Archeological Resource Protection Act
ARTCC	Air Route Traffic Control Center
ASN	Assistant Secretary of the Navy
ASN (I&E)	Assistant Secretary of the Navy for Installations and Environment
AST	aboveground storage tank
ATC	Air Traffic Control
ATCAA	Air Traffic Control Assigned Airspace
BA	Biological Assessment
BLM	Bureau of Land Management
BMP	best management practice
BO	Biological Opinion
BRAC	Base Realignment and Closure
CAA	Clean Air Act
CATEX	categorical exclusion
CBRA	Coastal Barrier Resource Act
CDs	Compact discs
CEQ	President's Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERFA	Community Environmental Response Facilitation Act
CERS	Continuing Environmental Review Statements
CFA	Controlled Firing Area
CFR	<i>Code of Federal Regulations</i>
CG	Commanding General
CH₄	methane
CHINFO	Chief of Naval Information
CMC	Commandant of the Marine Corps
CMC (LF)	Commandant of the Marine Corps, Land Use and Military Construction Division
CNEL	Community Noise Environmental Level
CO	Carbon monoxide
CO	Commanding Officer

CO2e	CO ₂ equivalent
COI	conflict of interest
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
CZMP	Coastal Zone Management Program
dB	decibels
DM	Decision Memorandum
DNL	Day-Night Average Sound Level
DoD	Department of Defense
DODD	Department of Defense Directive
DoDI	Department of Defense Instruction
DOE	Department of Energy
DOJ	Department of Justice
DoN	Department of the Navy
DOPAA	description of proposed action and alternatives
DOT	Department of Transportation
Draft EIS	Draft Environmental Impact Statement
DSS	Decision support system
DUSD(I&E)	Deputy Under Secretary of Defense (Installation and Environment)
EA	Environmental Assessment
EBS	Environmental Baseline Survey
ECP	Environmental Condition of Property
EE/CA	Engineering Evaluation/Cost Analysis
EI&E	Energy, Installations and the Environment
EIRB	Environmental Impact Review Board
EIS	Environmental Impact Statement
EIT	Electronic and information technology
EO	Executive Order
EMS	Environmental Management System
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESC	Executive Steering Committee
ESOH	Environmental, Safety, and Occupational Health
FACA	Facilities Advisory Committee Act
FAA	Federal Aviation Administration
FAR	Federal Acquisition Regulations
FEC	Facility Engineering Command
Final EIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FFCA	Federal Facilities Compliance Act
FGS	final governing standards

FHWA	Federal Highway Administration
FICON	Federal Interagency Committee on Noise
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FIP	Federal implementation plan (air quality)
FIR	Facility Impact Report
FIRM	FEMA Flood Insurance Rate Map
FONSI	finding of no significant impact
FOSL	Finding of No Suitability to Lease
FOST	Finding of No Suitability to Transfer
FPPA	Farmland Protection Policy Act
FRC	Federal Records Center
FWS	Fish and Wildlife Service
FY	Fiscal Year
FYDP	Future Year Defense Program
GHGs	Greenhouse Gases
GIS	Geographic Information System
GTF	Grow the Force
HQEIRB	Headquarters Environmental Impact Review Board
HQMC	Headquarters Marine Corps
ICRMP	integrated cultural resource management plan
IFR	Instrument Flight Rule
INRMP	integrated natural resource management plan
IPT	Interdisciplinary Project Team
IRP	Installation Restoration Program
ISOWPP	Installation Restoration Program
JSF	Joint Strike Fighter
LEDPA	Least Environmentally Damaging Practicable Alternative
LFL	Land Use and Military Construction
MAGTF	Marine Air-Ground Task Force
MARCORSYSCOM	Marine Corps Systems Command
MCAS	Marine Corps Air Station
MCB	Marine Corps Base
MBTA	Migratory Bird Treaty Act
MC	Munitions constituents
MCCDC	Marine Corps Combat Development Command
MCCS	Marine Corps Community Services
MCI	Marine Corps Installations
MCO	Marine Corps Order
MILCON	Military Construction
MOA	Military Operations Areas
MOA	memorandum of agreement

MOU	memorandum of understanding
MTR	Military Training Route
NAAQS	national ambient air quality standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAS	Naval Air Station
NEPA	National Environmental Policy Act
NHO	Native Hawaiian Organization
NHPA	National Historic Preservation Act
NIPTS	Noise Induced Permanent Threshold Shift
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NOC	National Ocean Council
NOI	notice of intent
NOPM	Notice of Public Meeting
NOx	Oxides of nitrogen
NPL	National Priorities List
NPS	National Park Service
NRHP	National Register of Historic Places
NSA	National Security Area
O₃	ozone
OCONUS	Outside of the Continental United States
OEBGD	overseas environmental baseline guidance document
OLA	Office of Legislative Affairs
O&M	Operations and Maintenance
OPNAVINST	Office of the Chief of Naval Operations Instructions
OSD	Office of the Secretary of Defense
OSHA	Occupational Safety and Health Administration
PA	programmatic agreement
PAMS	Process Automation & Management Support
Pb	lead
PCB	polychlorinated biphenyl
PDR	Preliminary Design Review
PEA	Programmatic Environmental Assessment
PEB	Program Evaluation Board
PEIS	Programmatic Environmental Impact Statement
PHL	Potential hearing loss
PIF	Partners in Flight
PMP	Project Management Plan
PM_x	Particulate matter
POM	Program Objective Memorandum

PPA	Pollution Prevention Act
Q&A	Question and answer
QA	Quality assurance
QC	Quality control
RAMP	Requirements and Management Plan
RCRA	Resource Conservation and Recovery Act
REIR	Request for Environmental Impact Review
REVA_s	Range Environmental Vulnerability Assessments
RFP	Request for Proposal
RI	Remedial Investigation
RMUS	Range Munitions Use Subcommittee (DoD)
ROD	Record of Decision
ROI	region of influence
RONA	Record of Non-Applicability
SCM	Special Conservation Measure
SDWA	Safe Drinking Water Act
SECNAV	Secretary of the Navy
SECNAVINST	Secretary of the Navy Instructions
SEIS	Supplemental Environmental Impact Statement
SHPO	State Historic Preservation Officer
SI	Site Investigation
SIP	State Implementation Plan
SO₂	Sulfur dioxide
SONMP	statewide operational noise management plan
SOP	Standard Operating Procedure
SOW	Statement of Work
SME	Subject Matter Expert
SUA	Special Use Airspace
SWPPP	Storm Water Pollution Prevention Plan
T&E	threatened and endangered
UFC	Unified Facilities Criteria
THPO	Tribal Historic Preservation Officer
TSCA	Toxic Substances Control Act
U.S.C.	United States Code
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USMC	United States Marine Corps
UST	underground storage tank
VFR	Visual Flight Rule

Appendix A

**Marine Corps Order (MCO) P5090.2A (Change 1,2),
Chapter 12, The National Environmental Policy Act**

CHAPTER 12

THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

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CHAPTER 12

THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

SECTION 1: INTRODUCTION

12100. PURPOSE. This chapter establishes Marine Corps policy and responsibilities for compliance with reference (a).

12101. APPLICABILITY

1. This chapter applies to all Marine Corps active and reserve installations, commands, detachments, and units located within the United States, its territories and possessions.

2. Marine Corps active and reserve installations, commands, units, and detachments may also need to comply with State environmental planning procedures when joint activities with non-Federal parties are conducted.

3. Marine Corps actions in foreign countries are not subject to the requirements of reference (a). Thus, the requirements of this chapter do not apply to Marine Corps actions abroad. However, certain Marine Corps actions are subject to references (b) and (c) concerning environmental effects abroad of major Department of Defense (DOD) actions. Commanders must comply with these requirements, which are reprinted at reference (d).

12102. BACKGROUND. Reference (a) is the basic national charter for the protection of the environment. It establishes policies, sets goals, and provides means for carrying out environmental policy.

12103. FEDERAL STATUTES

1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

a. Basic National Charter. Reference (a) establishes national policy and goals for protection of the environment. Reference (a) requires Federal decision makers to consider the environmental consequences of a proposed action before making

the decision to take the action. For certain actions, reference (a) requires decision makers to open the decision making process to public scrutiny and involvement.

b. "Action-Forcing" Provisions. Section 102(2) of reference (a) contains "action-forcing" provisions to ensure that Federal agencies act according to the letter and the spirit of reference (a). Section 102(2)(A) of reference (a) mandates that Federal agencies "utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts, in planning and in decision making that may have an impact on man's environment." Section 102(C) of reference (a) requires that Federal agencies "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on the environmental impacts of the proposed action." Further, section 102(E) of reference (a) requires that Federal agencies "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

c. Council on Environmental Quality (CEQ). Section 202 of reference (a) created the CEQ in the Executive Office of the President. CEQ promulgates regulations that implement section 102(2) of reference (a). CEQ's regulations (reference (e)) are binding on the Marine Corps. CEQ also provides guidance documents, which aid Federal agencies in their implementation of the myriad of NEPA procedural requirements.

d. Four Basic Tenets. The four basic tenets of references (a) and (e) are:

(1) Procedures must be in place to ensure that environmental information is available to decision makers and citizens before decisions are made and before Federal actions are taken.

(2) The NEPA process should identify and assess reasonable alternatives to proposed actions that would avoid or minimize adverse environmental effects.

(3) The purpose of reference (a) is to help agency officials make decisions based on an understanding of environmental effects, enabling them to take actions that protect, restore, and enhance the environment.

(4) Agencies must integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.

2. Interaction with other Environmental Statutes, Regulations, and Executive Orders (E.O.s). A number of environmental statutes, implementing regulations, and E.O.s, which impose substantive and procedural requirements, may apply to a proposed action. The NEPA process facilitates the identification of applicable statutes, regulations, and E.O.s with which the Action Proponent must also comply. The following is a representative, but not inclusive, list of environmental legislation and E.O.s that may apply to a proposed action:

- a. Clean Air Act (CAA) of 1970, as Amended (42 U.S.C. 7401 *et seq.*);
- b. Clean Water Act of 1977, as Amended (33 U.S.C. 1251 *et seq.*);
- c. Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*);
- d. Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*);
- e. Marine Mammal Protection Act of 1972, as Amended (6 U.S.C. 1361 *et seq.*);
- f. Marine Protection Research and Sanctuaries Act of 1972, as Amended (33 U.S.C. 1401 *et seq.* and 16 U.S.C. 1431 *et seq.*);
- g. Migratory Bird Treaty Act of 1918, as Amended (16 U.S.C. 703 *et seq.*);
- h. National Historic Preservation Act of 1966, (16 U.S.C. 470 *et seq.*);
- i. Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801-1883);

- j. Pollution Prevention Act of 1990 (42 U.S.C. 13101 *et seq.*);
- k. Safe Drinking Water Act of 1974 (42 U.S.C. 300(f) *et seq.*);
- l. E.O. 11988, Floodplain Management, July 20, 1979;
- m. E.O. 11990, Protection of Wetlands, September 9, 1987;
- n. E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994;
- o. E.O. 12962, Recreational Fisheries, June 7, 1995;
- p. E.O. 13007, Native American Religious Practices, May 24, 1996;
- q. E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks, April 21, 1997;
- r. E.O. 13089, Coral Reef Protection, June 11, 1998;
- s. E.O. 13112, Invasive Species, February 3, 1999;
- t. E.O. 13158, Marine Protected Areas, May 26, 2000;
- u. E.O. 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000; and
- v. E.O. 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, January 10, 2001

12104. POLICY

1. Headquarters Marine Corps, Facilities and Services Division (CMC (LF)) is the cognizant organization within the Marine Corps for affecting compliance with reference (a) and should be consulted regarding Marine Corps interpretation of the procedures contained in this chapter, references (e) and (f), as well as any procedural requirements related to NEPA analysis and decision making within the chain of command.

2. The Marine Corps will, consistent with its mission and the environmental laws and regulations of the United States and applicable international treaties and agreements:

a. Prevent or reduce adverse impacts on the environment through effective environmental planning.

b. Consider environmental factors concurrently with mission effectiveness, cost, and other relevant factors.

c. Commence a systematic examination of the environmental implications of proposed actions at the earliest possible time.

d. Understand and comply with all environmental legal requirements, anticipate and control associated costs, and avoid delays caused by inadequate preparation and planning.

e. Provide environmental training commensurate with the responsibilities of the trainee and consistent with the mission of the Department of the Navy(DON) through courses on environmental planning and by integrating instruction in environmental planning into other courses of training for military members and civilian employees.

f. Encourage effective and practical public participation in environmental planning.

g. Include appropriate consideration of socioeconomic issues in environmental planning matters where the potential for disproportionately high and adverse impacts on minority and low-income populations exists.

h. Include appropriate provisions for environmental planning in instructions, orders, plans, or other guidance.

i. Include the costs of environmental planning in planning, programming and budgeting for the proposed action.

j. Prepare, safeguard, review, and disseminate required planning, analysis, and environmental documents, if any, for classified actions in accordance with applicable security instructions and requirements.

k. Assign responsibility for preparation of action specific environmental analysis under reference (a) to the Action Proponent. The Action Proponent should understand the plans, analyses, and environmental documents related to that action.

3. Whenever possible, Action Proponents must include pollution prevention alternatives in the NEPA process. In particular, Action Proponents must consider life-cycle costs and the options available in employing pollution prevention alternatives to minimize these costs while, or when, evaluating potential projects or actions.

4. Action Proponents must ensure that, consistent with other national policies and national security requirements, practical means and measures are used to protect, restore, and enhance the quality of the environment; to mitigate adverse consequences; and to attain the following NEPA (section 101) objectives:

a. Attain the widest range of beneficial uses of environmental resources without degradation, risk to health or safety, and other consequences that are undesirable and unintended.

b. Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and a variety of individual choices.

c. Enhance the quality and conservation of renewable resources and work toward the maximum attainable recycling of depletable resources.

d. Achieve a balance between resource use and development within the sustained carrying capacity of the ecosystem involved.

e. Provide the opportunity for public comment and involvement.

5. The command Environmental Impact Review Board (EIRB) must include individuals with appropriate expertise to ensure that the document meets the requirements of reference (a), is consistent with the command's operational and master planning goals, and meets the policies and goals of the command in the military and civilian communities.

CHAPTER 12

THE NATIONAL ENVIRONMENTAL POLICY ACT

SECTION 2: MARINE CORPS PROCEDURES

12200. GENERAL NEPA COMPLIANCE OBJECTIVES. To comply with the NEPA procedural requirements, the Marine Corps must attain the following objectives:

1. Ensure compliance by beginning analysis of the effects of an action at the earliest planning stage.
2. Assess environmental consequences of proposed actions that could affect the quality of the environment in the United States, its territories, and its possessions per references (e) and (f).
3. Use a systematic, interdisciplinary approach that ensures integrated use of the natural and social sciences and environmental considerations in planning and decision making when an adverse impact on the environment could occur.
4. Consider reasonable alternatives (including the "no-action" alternative) to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available natural resources.
5. Make available to States, counties, municipalities, institutions, and individuals any advice and information useful toward restoring, maintaining, and enhancing the quality of the environment.
6. Use ecological information when planning and developing resource-oriented projects.
7. Ensure that presently unmeasured environmental amenities (i.e., recreation areas open to the public, leased lands to State or private entities) are considered in the decision making process.
8. Set time limits appropriate to the proposed action, considering operational requirements, as well as necessary time for public notice and comment periods required under section 10

of part 1506 of reference (e) as legally applied by the Environmental Protection Agency (EPA).

12201. SPECIFIC REQUIREMENTS

1. NEPA Process. The requirements of this chapter apply to proposed Federal actions that have potential to impact 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 reference (a)). To ensure installation environmental planning staff coordinate on actions with the potential to impact the human environment, Action Proponents shall submit a completed Request for Environmental Impact Review (REIR), to the installation's environmental planning staff, for all proposed actions that have potential to impact the human environment. The REIR shall be a form prescribed by the Commanding General/Commanding Officer (CG/CO) exercising a Finding of No Significant Impact (FONSI) signature authority, and should contain enough information to support the use of a categorical exclusion (CATEX) (in case a CATEX applies). Installations are encouraged to use the example REIR in appendix R, or develop an REIR suitable to meet installation coordination and documentation requirements. This reporting requirement is exempt from reports control under SECNAVINST M-5214.1, paragraph 7.k. The commander exercising FONSI signature authority may delegate REIR signature authority to qualified environmental planning staff.

2. Step-By-Step Methodology. Use the following methodology to determine whether requirements of this chapter apply and, if so, what level of NEPA documentation the Action Proponent should initiate.

a. Step 1. Action Proponent: If the proposed action may result in an impact to the human environment, complete an REIR and submit to the installation environmental planning staff or NEPA program manager and go to Step 2.

b. Step 2. Installation Environmental Planning Staff: Using the REIR, determine whether the proposed action is exempt from NEPA documentation pursuant to paragraphs (1) through (4), below. If the proposed action is exempt from reference (a), the requirements of this chapter do not apply and shall be documented on the REIR. Such a decision need not be presented to the command EIRB. If the proposed action is not exempt, go

to Step 3.

(1) The proposed action is a Comprehensive Environmental Response, Compensation, and Liability Act cleanup action and documented pursuant to reference (g).

(2) The proposed action is one for which the Marine Corps has no decision making authority and no discretion in implementing the action, such as those carried out under a non-discretionary mandate from Congress (e.g., Congressional direction to transfer Federal property to a particular entity for a particular purpose that leaves DON no discretion in how the transfer will be implemented) or as an operation of law (e.g., reversionary interests in land recorded at the time the property was obtained and that provide no discretion in whether to trigger the reversion or how the reversion will be implemented).

(3) The proposed action is exempt from reference (a) by statute.

(4) Compliance with reference (a) would cause a clear and unavoidable conflict with another Federal law.

c. Step 3. Installation Environmental Planning Staff: Review the REIR and determine whether the proposed action is contained in the list of CATEXs at paragraph 12201.3.a. If it is on the CATEX list, go to Step 4. If the action is NOT contained in the list of CATEXs, go to Step 5.

d. Step 4. Installation Environmental Planning Staff: Determine whether any of the enumerated conditions listed in paragraph 12201.3.b apply. If one of the enumerated conditions applies, document it on the REIR and go to Step 5. If none of the enumerated conditions apply, the proposed action is categorically excluded from the requirement of preparing an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The Installation Environmental Planning Staff shall annotate the CATEX number on the REIR and forward the REIR to the official with REIR signature authority for signature. Note that even if a proposed action technically qualifies for a CATEX, the Action Proponent may prepare an EA if the circumstances are such that it would be prudent.

e. Step 5. Installation Planning Staff: Determine whether the proposed action requires an EA under paragraph 12201.4 or an EIS under paragraph 12201.5. If so, annotate on the REIR and return to the Action Proponent for preparation of an EA or EIS, as appropriate.

f. Step 6. Action Proponent: Based on the determination of the Installation Environmental Planning Staff documentation on the REIR, proceed with preparation of an EA or EIS (using the assistance of the Installation Environmental Planning Staff.

3. CATEX (40 CFR 1508.4)

a. List of CATEXs (32 CFR part 775.6(f)). Pursuant to references (e) and (f), actions that will have no significant effect individually or cumulatively on the human environment, under normal circumstances, may be categorically excluded from the requirement to prepare an EA or EIS. If one of the enumerated conditions applies, it will be documented on the REIR and signed by environmental planning staff whom have been delegated Command authority to do so.

(1) Routine fiscal and administrative activities, including administration of contracts;

(2) Routine law and order activities performed by military personnel, military police, or other security personnel, including physical plant protection and security;

(3) Routine use and operation of existing facilities, laboratories, and equipment;

(4) Administrative studies, surveys, and data collection;

(5) Issuance or modification of administrative procedures, regulations, directives, manuals, or policy;

(6) Military ceremonies;

(7) Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies;

(8) Routine repair and maintenance of buildings,

facilities, vessels, aircraft, and equipment associated with existing operations and activities (e.g., localized pest management activities, minor erosion control measures, or painting, and refitting);

(9) Training of an administrative or classroom nature;

(10) Routine personnel actions;

(11) Routine movement of mobile assets (such as ships and aircraft) for homeport reassignments, for repair/overhaul, or to train/perform as operational groups where no new support facilities are required;

(12) Routine procurement, management, storage, handling, installation, and disposal of commercial items, where the items are used and handled in accordance with applicable regulations (e.g., consumables, electronic components, computer equipment, and pumps);

(13) Routine recreational/welfare activities;

(14) Alteration of and additions to existing buildings, facilities, structures, vessels, aircraft, and equipment to conform or provide conforming use specifically required by new or existing applicable legislation or regulations (e.g., hush houses for aircraft engines, scrubbers for air emissions, improvements to storm water and sanitary and industrial wastewater collection and treatment systems, and installation of fire fighting equipment);

(15) The modification of existing systems or equipment when the environmental effects will remain substantially the same, and the use is consistent with applicable regulations;

(16) Routine movement, handling, and distribution of materials, including hazardous materials (HM)/hazardous wastes that when moved, handled, or distributed are in accordance with applicable regulations;

(17) New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non-ionizing radiation levels, outdoor noise, and solid and bulk waste

disposal practices are in compliance with existing applicable Federal, State, and local laws and regulations;

(18) Studies, data, and information-gathering that involve no permanent physical change to the environment (e.g., topographic surveys, wetlands mapping, surveys for evaluating environmental damage, and engineering efforts to support environmental analyses);

(19) Temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) in fresh, estuarine, and marine waters for the purpose of non-explosive military training exercises or research, development, and test and evaluation;

(20) Installation and operation of passive scientific measurement devices (e.g., antennae, tide gauges, weighted hydrophones, salinity measurement devices, and water quality measurement devices) where use will not result in changes in operations tempo and is consistent with applicable regulations;

(21) Short term increases in air operations up to 50 percent of the typical operation rate, or increases of 50 operations per day, whichever is greater. Frequent use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts;

(22) Decommissioning, disposal, or transfer of Navy vessels, aircraft, vehicles, and equipment when conducted in accordance with applicable regulations, including those regulations applying to removal of HM;

(23) Non-routine repair, renovation, and donation or other transfer of structures, vessels, aircraft, vehicles, landscapes, or other contributing elements of facilities listed or eligible for listing on the National Register of Historic Places (NRHP) that will result in no adverse effect;

(24) Hosting or participating in public events (e.g., air shows, open houses, Earth Day events, and athletic events) where no permanent changes to existing infrastructure (e.g., road systems, parking, and sanitation systems) are required to accommodate all aspects of the event;

(25) Military training conducted on or over non-military

land or water areas, where such training is consistent with the type and tempo of existing non-military airspace, land, and water use (e.g., night compass training, forced marches along trails, roads and highways, use of permanently established ranges, use of public waterways, or use of civilian airfields);

(26) Transfer of real property from DON to another military department or to another Federal agency;

(27) Receipt of property from another Federal agency when there is no anticipated or proposed substantial change in land use;

(28) Minor land acquisitions or disposals where anticipated or proposed land use is similar to existing land use and zoning, both in type and intensity;

(29) Disposal of excess easement interests to the underlying fee owner;

(30) Renewals and minor amendments of existing real estate grants for use of government-owned real property where no significant change in land use is anticipated;

(31) Land withdrawal continuances or extensions that merely establish times and where there is no significant change in land use;

(32) Renewals and/or initial real estate in-grants and out-grants involving existing facilities and land wherein use does not change significantly (e.g., leasing of Federally-owned or privately-owned housing or office space, and agricultural out-leases);

(33) Grants of license, easement, or similar arrangements for the use of existing rights-of-way or incidental easements complementing the use of existing rights-of-way for use by vehicles (not to include significant increases in vehicle loading); electrical, telephone, and other transmission and communication lines; water, wastewater, storm water, and irrigation pipelines, pumping stations, and facilities; and similar utility and transportation uses;

(34) New construction that is similar to existing land use and, when completed, the use or operation of which complies

with existing regulatory requirements (e.g., a building within a containment area with associated discharges/runoff within existing handling capacities);

(35) Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls, and other HM;

(36) Acquisition, installation, and operation of utility (e.g., water, sewer, or electrical) and communication systems, (e.g., data processing cable and similar electronic equipment) which use existing rights of way, easements, distribution systems, and/or facilities;

(37) Decisions to close facilities, decommission equipment, and/or temporarily discontinue use of facilities or equipment, where the facility or equipment is not used to prevent/control environmental impacts;

(38) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site;

(39) Relocation of personnel into existing Federally-owned or commercially-leased space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase);

(40) Pre-lease upland exploration activities for oil, gas, or geothermal reserves (e.g., geophysical surveys);

(41) Installation of devices to protect human or animal life (e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas);

(42) Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved;

(43) Temporary closure of public access to DON property in order to protect human or animal life;

(44) Routine testing and evaluation of military equipment (1) on a military reservation or an established range, restricted area, or operating area; (2) similar in type, intensity and setting, including physical location and time of year to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and (3) conducted in accordance with all applicable standard operating procedures protective of the environment;

(45) Routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems (1) conducted at the unit or minor exercise level; (2) similar in type, intensity, and setting, including physical location and time of year to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and (3) conducted in accordance with all applicable standard operating procedures protective of the environment.

b. Conditions Not Permitting the Use of a CATEX (32 CFR part 775.6(e)). A CATEX will not be used if the proposed action:

(1) Would adversely affect public health or safety;

(2) Involves effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial;

(3) Establishes precedents or makes decisions in principle for future actions that have the potential for significant impacts;

(4) Threatens a violation of Federal, State, or local environmental laws applicable to the DON; or

(5) Involves an action that, as determined in coordination with the appropriate resource agency, may:

(a) Have an adverse effect on Federally-listed endangered/threatened species or marine mammals;

(b) Have an adverse effect on coral reefs or on

federally designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands;

(c) Adversely affects the size, function or biological value of wetlands and is not covered by a nation-wide or regional permit;

(d) Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels, and equipment) listed or determined eligible for listing on the NRHP; or

(e) Result in an uncontrolled or unpermitted release of hazardous substances, or require a conformity determination under the standards of the CAA General Conformity Rule.

c. CATEX Documentation. The administrative record on the decision to forgo preparation of an EA or EIS on the basis of one CATEX will be documented on the REIR. The applicable CATEX number being used will be identified, or the enumerated conditions that do not permit the use of a CATEX shall be documented on the REIR. The REIR must be signed by the authorized environmental planning staff and returned to the Action Proponent, and kept on file. The REIR and any records or proposed action review correspondence must accompany the project file through project planning.

d. Documentation of Requirements for CATEX Approval. In the event certain conditions or requirements must be met to qualify for the CATEX, before, during, or following the implementation of the proposed Federal action, the environmental planning staff may impose those requirements on a Decision Memorandum or similar correspondence. The Action Proponent must acknowledge and agree to such conditions by signing and returning the Decision Memorandum or similar correspondence to the environmental planning staff, to remain with the file.

4. EA (40 CFR part 1508.9)

a. Overview. An EA analyzes the potential environmental impacts of a proposed action. An EA is prepared for those proposed actions that do not qualify for a CATEX, and when the Action Proponent: (a) initially predicts that the proposed action will not have a significant impact on the environment; (b) is uncertain whether the effects of the proposed action will

have a significant impact on the human environment; or (c) has reason to believe the proposed action will be environmentally controversial. Based on these criteria, an EA will result in either a FONSI or a decision to prepare an EIS.

b. Actions for which an EA Must Be Prepared. The following are examples of actions that under normal circumstances would require an EA:

(1) Training exercises for which the impacts are unknown, are potentially significant, or have the potential for environmental degradation or controversy.

(2) Dredging projects that increase water depth over previously dredged or natural depths.

(3) Proposed land use that would impact the quality or quantity of tidelands or freshwater wetlands.

(4) Real estate acquisitions or outleases of land involving:

(a) New in/out-grants only (i.e., neither renewals nor continuances wherein land use remains the same).

(b) Where existing land use will substantially change.

(c) Renewals of agricultural or grazing leases that involve notably different animal stocking rates, agricultural practices, seasons of use, or conversions to or from cropland.

(5) Acquisition of any size or in/out-grants that may be considered environmentally controversial, regardless of the appropriation or intended use.

(6) Family housing projects when the resident population changes.

(7) New target ranges or range mission changes with new or increased environmental impact.

(8) New low-altitude aircraft training routes or special use airspace and warning areas wherein over flights impact persons (particularly of low-income or minority populations),

wildlife (particularly endangered species), or property.

(9) Mission changes, base closures, relocations, consolidations, or deployments that would cause major long-term population increases or decreases in affected areas. EAs are not required where impacts are purely socioeconomic and involve no potential for significant environmental impacts.

(10) Any proposed activity that may adversely affect a Federally-listed threatened or endangered species, candidate species, or designated or recommended critical habitat of an endangered species. The EA does not replace the requirements for a biological assessment and consultation under reference (i) (see chapter 11 of this Manual for a complete discussion of endangered species requirements).

(11) Any activity that would adversely affect historic or cultural sites either listed, or eligible for listing in the NRHP (see chapter 8 of this Manual for a complete discussion of historic resources requirements).

(12) Permanent closure or limitation of access to any areas which were previously open to public use (e.g., roads and recreational areas).

(13) Construction or any other action resulting in discharges to, or potential contamination of, an aquifer, watershed, or recharge zone as described in reference (j).

(14) Irreversible conversion of "prime or unique farmland" to other uses.

(15) Transportation of hazardous substances, conventional munitions, or other wastes for intentional disposal into the ocean.

(16) Award or termination of contracts involving substantial quantities of natural resources, wherein the military is the contracting agency.

(17) Any action for which the environmental effect is controversial.

c. EA Public Participation (32 CFR part 1501.4(b)). In the preparation of an EA, CEQ regulations require agencies to

involve the public to the extent practicable. Therefore, commands proposing an action will develop an appropriate public involvement strategy. In determining the extent to which public participation is practicable, consider the following factors:

(1) Those who would be interested in or affected by the proposed action;

(2) The magnitude of the environmental considerations associated with the proposed action;

(3) The extent of anticipated public interest;

(4) Methods that would most effectively notify and involve the public; and

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

d. EA Procedures/Responsibilities

(1) Action Proponent

(a) Following the determination that an EA should be prepared for a proposed action and using the information submitted on the REIR as a foundation, the Action Proponent must, in consultation with the installation environmental planning staff, identify the following information:

1. A clear, detailed description of the need for, and purpose (objectives) of the action, the proposed action, and its expected results;

2. A brief description of all considered alternatives, including the reasons for eliminating them from further consideration;

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

4. A description of the potential adverse impacts that might result from engaging in the proposed action and any alternative actions considered in detail;

5. A list of the supporters and likely opponents of the proposed action and alternatives;

6. A list of the names of persons and organizations familiar with the proposal, a summary of any current responses to the proposal, and a list of additional persons or agencies to be contacted during scoping;

7. 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 actions (see paragraph 12202.20 for the definition of "Scope"); and

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

(b) The action proponent is responsible for the EA preparation (exclusive of the EA conclusion and final recommendation) via contractor, Engineering Field Division/Activity as a reimbursable service, installation environmental staff, or Action Proponent staff (if the proposed action is not part of the mission of the affected Marine Corps activity). At the earliest opportunity, the Action Proponent must determine which entity will prepare the EA.

(2) Installation Environmental Planning Staff. The installation environmental planning staff will review the EA documentation provided by the Action Proponent and prepare draft recommendations of findings, a separate conclusion in the context of one of the alternatives identified here, and distribute all documentation to the Installation EIRB for appropriate action.

(3) Installation EIRB

(a) The Installation EIRB will review the documentation and make one of the following determinations:

1. The proposed action will have no significant impact on the environment, a FONSI is appropriate, and the action may proceed as planned.

2. The proposed action as planned may have a

significant impact on the environment unless prescribed mitigation measures are accomplished. The final recommendation will contain a full description of all required mitigation and monitoring necessary to ensure that no significant impacts will occur. These measures will be made a part of the FONSI and incorporated into project design.

3. The proposed action cannot proceed as planned without a significant impact on the environment. However, a reasonable alternative to the proposal that was not originally evaluated in the EA can proceed without a significant impact. The final recommendation from the EIRB will contain a full description of the new preferred alternative and direct the EA to be revised appropriately.

4. A FONSI for the proposed action is inappropriate; significant impacts can be avoided only if the "no action" alternative is selected. The final recommendation will be to begin an EIS if the Action Proponent wishes to continue with the proposal. The determination should describe the significant impacts that cannot be avoided.

(b) Upon considering the EA and the conclusion of the environmental staff, the EIRB will prepare a recommended course of action (to include a draft FONSI, if appropriate) for consideration by the commander exercising FONSI signature authority.

(4) Commander exercising FONSI Signature Authority. The commander exercising FONSI signature authority, upon consideration of the EA conclusion and EIRB recommendation, will take one of the following three actions:

(a) Finalize, approve, and issue a FONSI and initiate a course of action for proceeding with the selected action.

(b) For proposed actions which fall within one of the following categories set forth in paragraph 12201.5e, forward the proposed FONSI, EA, and a recommended course of action to the CMC (LF) for review and approval before the commander exercising FONSI signature authority signs the FONSI.

(c) Direct the preparation of an EIS if the Action Proponent intends to proceed with the proposed action.

e. Coordinate with the CMC (LF)

(1) If the commander exercising FONSI signature authority decides not to issue a FONSI and concludes that an EIS is required, notify CMC (LF). EIS notification shall occur prior to commencing EIS preparation or receiving any public or regulatory agency involvement.

(2) Notify CMC (LF) as soon as it becomes apparent that potentially sensitive public interest issues are involved with the preparation of an EA.

(3) For proposed actions which fall within one or more of the following categories, then forward the proposed FONSI, EA, and recommended course of action to the CMC (LF) for review and appropriate action:

(a) The proposed action is, or is closely similar to, one that normally requires the preparation of an EIS;

(b) The proposed action is of a nature that is without precedent;

(c) The proposed action is to develop substantial acres of undeveloped land; and/or

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

(4) Commands must promptly submit a copy of all published FONSI's and related EIRB recommendations (in the form of minutes taken during board meetings) to the CMC (LF).

f. Content of EA (40 CFR part 1508.9). EA preparation should follow the basic format provided in paragraph 12201.5e.

Following this format, the EA should:

(1) Describe the proposed action;

(2) Briefly discuss the purpose and need for the action;

(3) Describe reasonable alternatives considered (including the "no-action" alternative);

(4) Describe the existing environment at the proposed site; and

(5) Describe the potential environmental impacts of the proposal and alternatives considered and pay special attention to the following actions:

(a) Address the potential impact on endangered or threatened species and/or their habitat.

(b) Satisfy the requirements of the General Conformity Rule under section 176(c) of reference (h).

(c) Satisfy references (k) and (l) by identifying and addressing in the EA disproportionately high and adverse human health and environmental effects of Federal programs, policies, and activities on minority and low-income populations.

(d) Address the potential impacts to: 1) property on, or eligible for, listing in the NRHP, and 2) archaeological resources to comply with references (m) and (n).

(6) Describe any avoidance, mitigation, or environmental monitoring requirements.

(7) List the agencies and persons consulted.

(8) Include in the appendix substantive comments, replies, and consultation correspondence from agencies or entities with relevant expertise.

g. Preparation of a FONSI

(1) Signature Authority. If the commander exercising FONSI signature authority approves of the recommendation by the EIRB for a FONSI, he or she will finalize and sign the FONSI. For actions described in paragraph 12201.4e, the commander exercising FONSI signature authority will seek the CMC (LF) review and approval before signing the FONSI.

(2) Contents. The FONSI will consist of a brief summary of the EA. Each main section of the EA (as described in paragraph 12201.4f) should be summarized in the FONSI, excluding the list of agencies, consultants, and correspondence. A Notice

of the Availability (NOA) of a FONSI may be published in local newspapers vice the entire FONSI text.

(3) Publication

(a) Unless the proposed action meets one of the conditions in paragraph 12201.4g(3)(b), the Action Proponent is responsible for publishing the signed FONSI or the NOA in local newspapers for at least three consecutive days if practicable (preferably over a weekend to ensure higher public visibility). The proposed action may begin once publication is effected.

(b) If the proposed action involves one of the following two conditions, the Action Proponent must make the FONSI available for public review (including in state- and area-wide clearing-houses and forward the 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. The conditions are:

1. The proposed action is, or is closely similar to, one that normally requires the preparation of an EIS (e.g., there is a reasonable argument for the preparation of an EIS).

2. The nature of the proposed action is without precedent (e.g., if it is an unusual case, a new kind of action, or a precedent-setting case such as a first intrusion of even a minor development into a pristine area).

5. EIS (40 CFR part 1502.1)

a. Overview. 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. Briefly, the EIS process includes public "scoping," the issuance of a draft EIS (DEIS), a final EIS (FEIS), a supplemental EIS (if applicable), and the opportunity for public comment. The process culminates in the issuance of a Record of Decision (ROD).

b. Significantly. As defined in paragraph 12202, Terms and Definitions, the term "significantly" provides a basis for determining whether a proposed action significantly affects the

quality of the human environment. While all aspects of the definition are important, commands should pay special attention to the following issues set forth:

(1) The Geographical Extent of the Action (40 CFR part 1508.27(b)(3)). For example, construction and land use modification to support a limited maneuver or training exercise by an individual command may not have a significant effect on the environment. However, training exercises on a broad geographic scale involving diverse natural areas could have a significant effect on environmental quality.

(2) The Long-Term Impact of the Action (40 CFR part 1508.27(b)(6,7)). Maintain an objective overview toward the magnitude of environmental effects of both the immediately contemplated action and future actions for which the proposed action may serve as a precedent and which may result in a cumulatively significant impact.

(3) The Risk Potential (40 CFR parts 1502.22, 1508.27(b)(5)). For example, even though the environmental impact of an efficiently and safely operated fuel depot may not be significant, if a massive oil spill is reasonably foreseeable in the lifetime of the project, the effects of an oil spill could render significant the effects of construction or operation of such a depot.

(4) Sites Having Existing or Possible Historic, Architectural, or Archaeological Interest (40 CFR part 1508.27(b)(8)). (See Chapter 8 of this Manual.)

(5) The Potential Impact on Endangered or Threatened Species, and/or Their "Critical Habitat" as designated by the United States Fish and Wildlife Service or National Marine Fisheries Service (40 CFR part 1508.27(b)(9)). (See Chapter 11 of this Manual.)

c. EIS Preparation

(1) General (40 CFR part 1502.2). To achieve the NEPA goal of preparing a concise and useful statement, Action Proponents must prepare an EIS per the format in paragraph 12201.5e, following these guidelines:

(a) Write an analytic, rather than encyclopedic, EIS.

(b) Discuss impacts in proportion to their significance. Briefly discuss issues that are less significant. As in an FONSI, write only enough to show why more study is not warranted.

(c) Keep the EIS concise and no longer than is necessary to comply with reference (a), these regulations, and regulations issued by the CEQ. Length should vary first with potential environmental issues and then with project scope.

(d) Outline the criteria for selecting alternatives.

(e) Outline the range of alternatives, including a "no action" alternative, which is discussed in the EIS and which is to be considered by the ultimate decision maker or by the lead agency if the DOD is a cooperating agency.

(f) Cognizant commands must not make irreversible commitments of resources that change the physical environment before making a final decision.

(g) To satisfy references (k) and (l), identify and address in the EIS disproportionately high and adverse human health and environmental effects of Federal programs, policies, and activities on minority and low-income populations.

(2) Document Length (40 CFR part 1502.7). Restrict the document to pertinent facts, excluding material not directly applicable to the expected impact. The EIS must contain sufficient information and baseline data to support the conclusions reached. Data may be included in the EIS as appendices.

(3) Scoping (40 CFR part 1501.7) and Lead and Cooperating Agencies (40 CFR part 1501.5,6)

(a) The scoping process will:

1. Invite the participation of affected Federal, State, and local agencies, any Native American tribe, minority and low-income populations, and other interested persons.

2. Determine the scope and the significant issues to be analyzed in depth in the EIS.

3. Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review. Narrow the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or provide a reference to their coverage elsewhere.

4. Allocate assignments for the preparation of the EIS among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.

5. Indicate any public EAs and other EISs that are being, or will be, prepared and that are related to, but are not part of, the scope of the impact statement under consideration.

6. Indicate the relationship between the timing of the preparation of an EIS and the agency's tentative planning and decision making schedule.

7. Identify other environmental review and consultation requirements (e.g., section 7 of reference (i), the compliance requirement of reference (m), CAA Conformity, or reference (o)), so the lead and cooperating agencies may prepare other required analyses and studies concurrently with the EIS.

8. Identify environmental permits and regulatory agency approvals required for the project and the relationship between the timing of permits and approvals with the start of the proposed action.

(b) These scoping functions may be carried out in the context of a public, informal meeting at which written responses or oral presentations resulting from the public notices may be received. Such meetings, while not mandatory, may be held whenever practicable. There is no authority for the payment of expenses incurred by any person(s) in the preparation and presentation of information at these meetings.

(4) Public Notification (40 CFR part 1506.6). As soon as practicable after the cognizant command has determined that an EIS is required and the proper chain of command has been

notified, undertake the following efforts to involve agencies and the public appropriately and to focus the environmental analysis on the significant issues:

(a) The Command EIRB drafts a Notice of Intent (NOI) to prepare an EIS and forwards it to the commander exercising FONSI signature authority for approval. Then forward the NOI to the CMC (LF) for Headquarters Environmental Impact Review Board (HQEIRB) review and approval. If approved, the Deputy Chief of Installations and Logistics or designee signs the NOI.

(b) The CMC (LF) must publish the NOI to prepare an EIS in the *Federal Register*.

(c) Action Proponents must mail the NOI to national organizations that the cognizant command reasonably expects to be interested in the matter. In all cases, the cognizant command must mail the notice to those who have requested it.

(d) The NOI will:

1. Solicit the comments and suggestions of affected Federal, State, and local agencies, any affected Native American tribes, Hawaiian interest groups, the proponent of the action, and any other interested persons (including those who might not be in accord with the action on environmental grounds).

2. Briefly describe the proposed action and the scoping process to be undertaken.

3. If a scoping meeting is to be held, include a public notice of such meeting. This notice may be published separately from the NOI, but must be published no less than 15 days before the scheduled meeting, regardless of whether it is an individual notice or part of the NOI.

4. Be mailed directly to concerned agencies, organizations, and individuals and may be published in local newspapers.

(e) Per reference (k), whenever practicable and appropriate, the NOI and announcement of the scoping meeting must be translated for non-English speaking populations.

(f) In the case of an action with effects of local concern primarily, the notice may include compliance with the affected state's public notice procedures of comparable actions.

(5) Time Limits (40 CFR part 1501.8). The EPA publishes a weekly notice in the *Federal Register* of the EISs filed during the preceding week. The following times calculated from publication of the EPA notice must be followed:

(a) The DEIS should be made available to the public 15 days prior to any public hearing or meeting on the DEIS.

(b) The FEIS may not be filed less than 45 days after publication of the NOI of the DEIS.

(c) Prior to any ROD on the proposed action, the DEIS must be available to the public for no less than 90 days, and the FEIS for no less than 30 days.

d. Format (40 CFR parts 1502.10-1502.18). Print the document on 8-1/2 by 11-inch bond paper; foldout sheets may be used as long as the 11-inch vertical dimension is retained. Use the following format for all EIS documents and, as appropriate, for EA documents:

(1) Cover Sheet. The one-page cover sheet includes the following:

(a) A list of the responsible agencies, including the lead agency and any cooperating agencies;

(b) The title of the proposed action that is the subject of the environmental analysis (and if appropriate, the titles of related cooperating agency actions), together with states, counties, and other jurisdictions where the action is located;

(c) The name, address, and telephone number of the person at the responsible command who can supply further information;

(d) A designation of the analysis as an EA, DEIS, FEIS, or draft or final supplement;

(e) A one-paragraph abstract of the analysis; and

(f) The date by which comments must be received.

(2) Summary. The summary appears at the beginning of the document, immediately follows the cover sheet, usually will not exceed 15 pages, and includes the following:

(a) Indication of whether the analysis is an EA, DEIS, or FEIS;

(b) The name of the action and whether it is administrative or legislative;

(c) A brief description of the action and what geographical region (including state and county, as applicable) is particularly affected;

(d) A summary of the adverse environmental impacts and mitigating actions considered. This summary includes a statement as to whether the action is subject to the General Conformity Rule under section 176(c) of reference (h), and if so, whether applicable requirements have been met.

(e) A list of considered alternatives;

(f) A statement as to whether the action may have a significant environmental impact or may be environmentally controversial;

(g) For DEISs, a list of all Federal, State, and local agencies from which comments have been requested. For FEISs, a list of all Federal, State, and local agencies and other sources from which written comments have been received; and

(h) The dates the DEIS and FEIS were made available to the CEQ and public.

(3) Purpose and Need. This section, which actually begins the body of the analytic portion of the document, briefly specifies the underlying need for the project and its objectives for which the Marine Corps or Action Proponent is presenting the proposed action and alternatives. It succinctly and objectively justifies the proposed action and explains the essential

requirements that must be satisfied to achieve the purposes of the proposed action.

(4) Alternatives, Including the Proposed Action

(a) This section is the heart of the EA or EIS. Based on the information and analysis presented in the next sections entitled "Existing Environment" and "Environmental Consequences," it presents the environmental impacts of the proposal and the alternatives in a comparative (matrix) form, thus sharply defining the issues and providing a basis for choice among the options by the decision makers and the public.

(b) Rigorously explore and objectively evaluate all reasonable alternative actions, particularly those actions that might enhance environmental quality or avoid some or all of the adverse environmental effects. Include, where relevant, alternatives to the proposed action not within the existing authority of the agency. If applicable, conduct an analysis of such alternatives, and report the results relating to their environmental benefits, costs, and risks. This analysis should accompany the proposed action through the agency review process. If a cost/benefit analysis relevant to the choice among environmentally different alternatives is prepared, discuss the relationship between the analysis and any analysis of unquantified environmental impacts, values, and amenities as per section 23 of part 1502 of reference (e). The analysis evaluates qualitative and quantitative considerations, including factors not related to environmental quality that are likely to be relevant and important to a decision. This process will prevent a premature foreclosure of options that might enhance environmental quality or have less detrimental effects.

(c) Alternatives include, but are not limited to, the following examples:

1. Taking no action;
2. Postponing action;
3. Selecting actions of a substantially different nature that would meet mission and project objectives and have different environmental impacts;

4. Adopting different designs or details of the proposed action that would present different environmental impacts (including mitigation measures); and

5. Those alternatives not within the authority of the Marine Corps or Action Proponent to implement but that would still meet project objectives.

(d) In each case, the analysis should be sufficiently detailed to reveal the agency's comparative evaluation of the proposed action and each reasonable alternative. In all cases, however, evaluate the alternatives of not proceeding with the proposed action. Throughout the EA or EIS, the discussion and analysis should be structured to prevent a premature foreclosure of options that might enhance environmental quality or have less detrimental effects.

(5) Existing Environment of the Proposed Action. The EA or EIS succinctly describes the environment of the affected area as it exists prior to consideration of the proposed action, including existing and anticipated uses and activities in the area (i.e., a baseline description from which to compare the probable impact). The descriptions will be no longer than necessary to understand the effects of the proposed action. In the analysis, present the interrelationship of other Federal and non-Federal actions that might cause cumulative environmental impacts with the proposed action. The amount of detail provided in such descriptions will be commensurate with the extent and impact of the action and with the amount of information required at the particular level of decision making.

(6) Environmental Consequences. This section forms the scientific and analytic basis for the comparison of impacts presented in the alternatives section. The discussion will include the proposed action, any adverse environmental impacts that cannot be avoided should the proposal be implemented, the relationship between short-term uses of the human environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. This section does not duplicate the discussions in the alternatives section, but does include the following discussions:

(a) Direct effects and their significance; i.e., an analysis of the positive and negative effects of the proposed action. The attention given to different factors varies according to the nature, scale, and location of proposed actions. Give primary attention to a discussion of those factors most evidently impacted by the proposed action.

(b) Indirect effects and their significance. Include secondary or indirect consequences for the environment in the analysis. Many major Federal actions, especially those that involve construction (e.g., new installation or joint use of an installation), stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, by their impact on existing community facilities and activities, by inducing new facilities and activities, or by changes in natural conditions, often are more substantial than the primary effects of the original action. For example, estimate the effects of the proposed action on population and growth impacts, if they may be significant. Evaluate the effect of any possible change in population patterns or growth upon the resource base, especially those that may impact low-income and minority populations, including impacts on land use, water resources, and public services of the area in question. Consider major Federal actions that may cause indirect effects on the natural and physical environment off site or later in time.

(c) Possible conflicts between the proposed action and the objectives of Federal, State, and local (and in the case of a reservation, Native American tribe) land use plans, policies, and controls. Discuss how the proposed action will conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls for the area affected, including those developed in response to environmental legislation. Where a conflict or inconsistency exists, describe the extent to which the agency has reconciled its proposed action with the plans, policies, or controls. In the absence of full reconciliation, document justification for any decision to proceed.

(d) The environmental effects of alternatives, including the proposed action. Base comparisons as outlined in paragraph 12201.5e(4), preceding.

(e) Energy requirements and conservation potential of various alternatives and mitigation measures. Address the energy impact of the proposed action and alternatives.

(f) Any irreversible or irretrievable commitments of resources that would be involved if the proposed action is implemented. From a survey of unavoidable impacts, identify the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" (both renewable and nonrenewable) means the natural and cultural resources committed to, or lost by, the action, as well as labor, funds, and materials committed to the action.

(g) The relationship between local short-term use of the environment and maintenance and enhancement of long-term productivity. Briefly discuss the extent to which the proposed action involves trade-offs between short-term environmental gains and the expense of long-term losses (and vice versa). Discuss the extent to which the proposed action forecloses future options. In this context, "short-term" and "long-term" do not refer to any fixed periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(h) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(i) Ways to mitigate and/or monitor adverse environmental impacts (if not previously discussed). When appropriate, discuss mitigation measures in the form of avoidance, design modification, rehabilitation, preservation, or compensation; address the extent of countervailing benefits derived from implementing mitigation measures and/or monitoring programs to avoid or reduce some or all of the adverse environmental effects. In the EIS, mitigation measures and monitoring programs, including implementing feasibility and funding availability, should be discussed in the context of "potential mitigation measures" and "potential monitoring programs." The decision to commit to a particular mitigation measure or monitoring program is made in the ROD. In many cases, mitigation measures should also be coordinated with cognizant regulatory agencies.

(j) Cumulative impacts as appropriate and in context with the scope and magnitude of the proposed action

(k) Any probable and unavoidably adverse environmental effects should the proposal be implemented. Briefly discuss those effects that are adverse, not amenable to mitigation, and unavoidable under the proposed action.

(7) List of Preparers. Prepare environmental statements using an interdisciplinary approach that will ensure the integrated use of the natural, social sciences, and the environmental design arts. To verify that this approach was undertaken, list the names, together with the qualifications (expertise, experience, professional disciplines) of the persons primarily responsible for preparing the EA or EIS, or significant background papers, including basic components of the statement. Where possible, identify the persons who are responsible for the particular analysis, including analyses in background papers. Normally the list will not exceed two pages.

(8) Distribution List. Include in the document a complete distribution list, including the names and addresses of all the organizations, agencies, and individuals to whom copies of the statement are to be sent.

(9) Correspondence. List all Federal, State, and local agencies, and their records of correspondence related to the proposed action, from which comments and coordination have been requested.

(10) Appendix. An appendix to an EIS is optional; however, if used, it will:

(a) Consist of material prepared in connection with an EIS (as distinct from material that is not so prepared and that is incorporated by reference).

(b) Normally include material that substantiates any analysis fundamental to the impact statement.

(c) Normally be analytic and relevant to the decisions to be made.

(d) Circulate with the EIS or be readily available upon request.

e. Incorporation by Reference (40 CFR part 1502.21). As much as possible, commands preparing environmental statements must incorporate material into an EIS by reference when the effect will cut down on bulk without impeding agency and public review of the action. Cite the incorporated material in the statement and briefly describe its contents. Do not incorporate material by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Do not incorporate by reference material based on proprietary data that is itself not available for review and comment.

f. Incomplete or Unavailable Information (40 CFR part 1502.22). For the purposes of this section, "reasonably foreseeable significant adverse impacts" include those impacts that have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason. When the command preparing the EIS is evaluating reasonably foreseeable significant adverse effects on the human environment and there is incomplete or unavailable information, it must make clear that such information is lacking. For such situations it can take the following actions:

(1) Include the information in the EIS if the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant.

(2) Include the following items in the EIS, if the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known (e.g., the means for obtaining it are beyond the state of the art):

(a) A statement that such information is incomplete or unavailable;

(b) A statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment;

(c) A summary of existing credible scientific evidence that is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment; and

(d) The Action Proponent's evaluation of such impacts based on theoretical approaches or research methods generally accepted in the scientific community.

g. The CMC (LF)/Secretary of the Navy (SECNAV) Review of DEIS/FEIS. Following the Command EIRB recommendation, the commander exercising FONSI signature authority forwards the DEIS and FEIS to the CMC (LF) for HQEIRB approval. If approved by the HQEIRB, the DEIS or 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) must deliver copies of the document to EPA Headquarters. The Action Proponent distributes the DEIS or FEIS to interested parties.

h. ROD (40 CFR part 1505.2)

(1) The ROD is a public record of the decision selecting one alternative for implementation from among the alternatives considered in detail in an EIS. The document, as proposed by the activity/Action Proponent, will be finalized by the CMC (LF) on behalf of the HQEIRB 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 Proponent to the appropriate mitigation, if applicable, to minimize environmental harm, and to identify those measures that were considered, but not selected, for implementation. Additionally, any monitoring program associated with selected mitigation measures will be addressed.

(2) The ROD must be drafted by the command in coordination with the CMC (LF) environmental planning staff. The Command EIRB must review the ROD and forward it with its recommendation to the commander exercising FONSI signature authority for approval. The commander exercising FONSI signature authority must forward the ROD to the CMC (LF) for consideration by the HQEIRB and approval. 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, organization, and individuals.

6. Other Issues

a. Contractor Involvement in NEPA Documentation (40 CFR part 1506.5). An EIS, like an EA, frequently is prepared by a contractor. To obtain unbiased analyses, the contractor must be selected in a manner avoiding any conflict of interest. Therefore, contractors will execute disclosure statements approved by the Marine Corps, which specify that the contractors have no financial or other interest in the outcome of the project. Contractor efforts should be closely monitored throughout the process to ensure an adequate document and avoid extensive, time consuming, and costly revisions. Project planners, the environmental planning staff, the Action Proponent, and area land managers should be continuously involved in the process.

b. Cooperation with Federal, State, and Local Agencies (40 CFR part 1506.2). To eliminate duplication with Federal, State, and local procedures and to fully address their requirements, commands must cooperate with other agencies as much as possible. Such cooperation could include:

- (1) Joint planning processes;
- (2) Joint environmental research and studies, including assessments of the presence or special needs of minority and low-income groups (including foreign language interpretation and collection and analysis of demographic characteristics);
- (3) Joint public hearings (except where otherwise provided by statute); and
- (4) Joint EAs or EISs.

c. Administrative Record. The administrative record is a critical component of the NEPA process. The administrative record consists of all documents and materials (including intra-office e mails) directly or indirectly considered by the decision maker. Should a decision be challenged, a reviewing court will review the decision primarily (if not solely) based on the administrative record. The decision maker is responsible

for assembling and maintaining the administrative record. To this end, commanders/supervisors/officers-in-charge must ensure that all administrative record documents and materials are properly maintained and readily retrievable upon request.

d. Classified EA and EIS Documents (40 CFR part 1507.3(c))

(1) The fact that a proposed action is of a classified nature does not relieve the Action Proponent from complying with the requirements of this chapter. Prepare, safeguard, and disseminate the DEIS and FEIS, as well as the EA, per the requirements applicable to classified information. When feasible, organize these documents in such a manner that classified portions are included as appendices so the unclassified portions can be made available to the public. Coordinate the review of classified NEPA documentation with the EPA for requirements applicable to section 309 of reference (h).

(2) An EA or EIS containing classified information, or other information for which the public release is prohibited by law, serves the same purpose as an EA or EIS without classified material, even though not all of its contents are subject to public review and comment. The entire package must accompany the proposal through the decision making process. The content of an EA or an EIS containing portions that cannot be released to the public must meet the same overall content requirements applicable to a fully published EA or EIS.

e. Emergency Actions. Where emergency circumstances outside Marine Corps control make it necessary to take an action with significant environmental impact without observing the provisions of CEQ regulations, the Marine Corps must consult with the CEQ about alternative arrangements. Action Proponents must contact the CMC (LF), as soon as practicable, to allow consultation with SECNAV and the CEQ. The CMC (LF) will consult with the CEQ and make alternative arrangements as appropriate with the CEQ to effect NEPA compliance for emergency actions. Alternative arrangements are limited to those aspects of a proposal that must proceed on an emergency basis. Remaining action to be taken is subject to normal NEPA review. Ordinarily, the failure to plan properly does not establish an emergency. Note: Regulations implementing other environmental laws (e.g., references (i) and (p)) contain requirements for consultation with the applicable regulatory agencies for actions taken relative to emergency circumstances.

f. Acquisition Programs

(1) The Acquisition Program Manager must comply with references (a) or (b) when a proposed action within an acquisition program will impose a physical effect on the natural environment.

(2) Reference (q) provides the requirements for NEPA compliance relative to the acquisition process.

g. Pollution Prevention

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

(2) The term "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, from early planning and NEPA documentation through implementation, Action Proponents should seek opportunities to incorporate pollution prevention into their programs.

(3) The following list describes areas where pollution prevention opportunities may be appropriately addressed during the NEPA scoping and subsequent environmental review phases:

(a) The definition of the project's purpose and need (it should be clearly identified and not slanted to support the proponent's desires, which could limit pollution prevention options);

(b) The project design specification and standards;

(c) The sizing of a project (e.g., a smaller project may affect less habitat, have fewer impacts on soil erosion and water quality, and/or result in less induced growth);

(d) The facility location;

(e) The range of alternatives (e.g., whether pollution prevention opportunities are included);

(f) Rejection of certain alternatives;

(g) Emphasis on environmental requirements (whether the focus is on pollution prevention, source reduction, innovative technologies, or traditional end-of-pipe, add-on controls);

(h) The proposed action's potential to prevent pollution;

(i) The secondary effects of a proposed action, which may discourage pollution prevention; and/or

(j) The mitigation measures incorporated into the proposal (e.g., some mitigation measures may have more pollution prevention benefits than others, and significant pollution prevention measures may require a basic change in the project).

(4) Further guidance on compliance with reference (r), as well as pollution prevention strategies, can be found in chapters 6, 7, and 15 of this Manual.

h. Tiering (40 CFR part 1502.20 and 40 CFR part 1502.28). Reference (e) encourages the use of tiering whenever appropriate to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for discussion at each level of the environmental review. An EA or EIS of broad scope discussing the impacts of a wide-ranging or long-term phased program, referred to as a programmatic EA or EIS, can be followed by an EA or EIS of more narrow scope concentrating solely on issues specific to the actions being considered. Tiering is appropriate when it helps the Action Proponent to focus on issues that are ripe for decision and excludes from consideration issues already decided or not yet ripe. This results in a stepped approach to planning and decision making.

(1) Tiering is appropriate when the sequence of statements or analysis is:

(a) From a broad program, plan, or policy (not necessarily site-specific) EIS to a program, plan, or policy statement of lesser scope or to a site-specific EA or EIS. For example, a national program providing for mineral exploration on military-held lands with a subsequent analysis tiered for each installation impacted, or the initiation of a new training

apparatus where the use of the apparatus itself may impact the environment, with subsequent tiered analysis at each site proposed for locating such training.

(b) From an EIS on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent EIS or EA at a later stage (such as environmental mitigation).

(2) Content of Programmatic EIS. In addition to the discussion required by these procedures for inclusion in an EIS, the programmatic EIS will discuss:

(a) A description of the related stages, sites, or actions that may ultimately be proposed in as much detail as presently possible;

(b) The implementing program factors that are known at the time of EIS preparation;

(c) The environmental impacts resulting from establishing the overall program that would be similar for subsequent stages, sites, or actions as further implementation plans are proposed; and

(d) The appropriate mitigation measures that would be similarly proposed for subsequent stages, sites, or actions.

(3) Preparation of a Tiered Analysis

(a) When the subsequent tier itself may have significant impact on the quality of the human environment or when an impact statement is required by these procedures, use the EIS as the analytical document for a staged or site-specific analysis subsequent to the programmatic EIS. Otherwise, document the subsequent tiered analysis with an EA to fully assess the need for an EIS or a FONSI.

(b) In addition to the discussion required by these procedures for inclusion in EA and EIS documents, each subsequent tiered analysis must:

1. Summarize the program-wide issues discussed in the programmatic statements and incorporate discussions from the programmatic statement by reference;

2. Concentrate on the issues specific to the subsequent action; and

3. State where the programmatic document is available for review.

(4) Programmatic EISs and all the subsequent tiered EISs will be prepared, circulated, and distributed in the same fashion as required of any other EIS. Commands must prepare, circulate, and distribute tiered EAs and resulting FONSI's per the procedures applicable to EAs.

i. Supplemental Statements (40 CFR part 1502.9). Prepare supplements to either a DEIS or FEIS if substantial changes are made in the proposed action and they are relevant to environmental concerns or if significant new circumstances or information arises that is relevant to environmental concerns. Prepare, circulate, and file such supplements in the same fashion as a DEIS or FEIS. Scoping is not required.

j. Procedures for Conducting Public Hearings under NEPA. Conduct hearings as follows:

(1) Guidelines and Standards. The Action Proponent, in coordination with the CMC (LF), determines whether a public hearing will be held. Public hearings are appropriate in the following situations:

(a) When the proposed agency action will have a direct or peculiar environmental impact on the people residing in a particular geographic area;

(b) When public organizations or members of the public possess expertise concerning the environmental impact of the action that may not otherwise be available;

(c) When the proposed action is not a classified action, or when there is no overriding concern for national security associated with the proposed action;

(d) When a request for a hearing has been submitted by another agency with jurisdiction over the action and is supported by reasons why a hearing will be helpful; and/or

(e) When a minority or low-income population may be affected.

(2) Preparation

(a) The purpose of the public hearing on a proposed project is twofold. First, the hearing is intended to provide interested members of the public with relevant information. Second, the hearing affords members of the public an opportunity to present their views of the proposed action. The two foregoing objectives dictate the format for conducting public hearings.

(b) If the proposed action dictates that a hearing be held, the public must be advised of the proposed hearing via the *Federal Register* at least 15 days prior to the scheduled hearing. This *Federal Register* notice is in addition to publication in local newspapers. Per reference (k), provide notice, wherever practicable and appropriate, in foreign language local newspapers. Notification should include:

1. The date and time of the meeting, and the phone number of the hearing officer;
2. The request that speakers submit in writing their intention to participate;
3. The suggestion that technical statements or statements of considerable length be submitted in writing;
4. Any time limitation on the length of oral statements;
5. A summary of the proposed action, and the findings contained within the DEIS;
6. Offices/locations where the DEIS is available for examination; and/or
7. A request that any individual or groups with special needs (e.g., accessibility/transportation or need for foreign language interpretation) notify the agency conducting the hearing.

(c) If feasible, make copies of the DEIS available to the public at an appropriate regional or local location. Also, forward copies of the DEIS to the appropriate state, regional, and metropolitan clearing-house (unless the governor of the state involved has designated some other point for receipt of the information). At the same time the statement is sent to CEQ, the EPA, and other Federal agencies, make the DEIS available to the public at least 15 days prior to public hearings. Use local outlets such as libraries and county commissioners' offices whenever appropriate. As necessary, translate document summaries into languages other than English.

(d) Hold hearings at a time and place readily accessible to civilian organizations and individuals interested in the proposed action. Generally, hearings are preferable in a civilian facility such as a high school auditorium on a weekday evening when such groups can reasonably be expected to attend.

(e) The Action Proponent must select a hearing officer who is of appropriate seniority, preferably military, thoroughly familiar with the proposed action, and of suitable temperament to preside at a public meeting at which the news media may attend. While there should be only one hearing officer, he/she may be assisted by other personnel who are also familiar with the proposed action or some phase of it. These personnel may help explain details or specialized portions of the proposed action. Foreign language interpreters should be present, as appropriate.

(f) An experienced court reporter or stenographer may prepare a verbatim or summary written record of the hearing, or the Action Proponent may tape the hearing. Append to the record as exhibits all written statements submitted to the hearing officer during the hearing or prior to the record's completion. Add to the record the list of persons attending the hearing, along with the organizations or interests they represent and their addresses. Mail a copy of the hearing to persons who have indicated this desire, subject to the cost of the reproduction.

(3) Format. The following format for the conduct of a hearing is provided as a general guideline. Hearing officers should tailor the format for each hearing as the circumstances dictate to meet the objectives of the hearing. The objectives are to provide information to the public and to record the

opinions of interested persons for later evaluation in conjunction with the proposed action.

(a) Apprise the hearing officer of those who attend the hearing. A record of attendance assists in preparing the record, in recognizing individuals who desire to make a statement, and in mailing written answers to persons who desire them. That record can be compiled by having each person attending the hearing complete an individual card indicating name, address, and organization represented, if any, and whether a statement will be made at the hearing. Use an appropriate number of attendants to distribute and collect the cards and to separate cards of those who desire to make a statement from those who do not. The hearing officer may then use the cards as an orderly system for calling upon individuals who desire to make statements. Additionally, those individuals responding to the announcement and requesting opportunity to speak should be asked to provide copies of any remarks for hearing proceedings.

(b) The hearing officer and any assistants first should be introduced, make a brief statement on the purpose of the hearing, state the general ground rules, and welcome any present dignitaries. Explaining the hearing's purpose will be simplified if written copies have been made available to attendees. The hearing officer should inform the attendees that he/she is not authorized to make any decision as to whether the project is to proceed, be modified, or abandoned.

(c) The hearing officer will fully explain what the proposed action entails, including information on alternative courses of action. The hearing officer may call upon one or more assistants to explain any particular phase of the program.

(d) The hearing officer only should answer questions that seek clarification of the action and should not attempt to respond to attacks on it. Include all questions asked in the record of the hearing.

(e) Offer the persons attending the hearing an opportunity to present oral and/or written statements and publicize this opportunity in the Notice of Public Hearing. The hearing officer will ensure that the name and address of each person submitting an oral or written statement is noted. The attendees should be permitted to submit written statements during the hearing and within a reasonable time following the

hearing (normally two weeks). Allot a reasonable length of time (three to five minutes) for oral statements. After all other scheduled statements have been completed, offer an opportunity to speak to individuals who desire to make a written or oral statement, but did not so indicate on the cards submitted when they entered the meeting.

(f) When it is time to adjourn the meeting, the hearing officer should first thank the attendees. Attendance may warrant an additional hearing, perhaps at another time and location. If so, the hearing officer should announce the intent, but not normally agree to repeat the entire procedure of publishing notice in the *Federal Register*, etc. At the conclusion of the meeting, the hearing officer should not express any opinion on the merits of the proposals or comments presented at the hearing.

7. Environmental Compliance. See Chapter 4 of this Manual for information on policy, responsibility, and procedures for achieving compliance with applicable E.O.s, and Federal, State, interstate, and regional statutory and regulatory environmental requirements.

12202. TERMS AND DEFINITIONS

1. Action. Broadly interpreted as any proposal initiated by the Marine Corps, including:

a. New activities or projects entirely or partly funded, assisted, conducted, regulated, or approved by the Marine Corps;

b. Substantive changes in continuing actions, such as major changes in operation tempo, areas of use, or in methodology/equipment, where these changes have the potential for significant impact; and

c. Specific projects, such as construction or management activities located in a defined geographic area (e.g., Military Construction projects, public/private venture projects, special projects, land acquisition, natural resources management projects, and locally funded projects).

2. Action Proponent. The commander, commanding officer, or civilian director of a unit, activity, or organization who initiates a proposal for action, as defined in section 23, part

1508 of reference (e), and who has command and control authority over the action once it is authorized. For some actions, the Action Proponent will also serve as the decision-making authority for that action. In specific circumstances, the Action Proponent and decision maker may be identified in Navy regulations, other SECNAV Instructions, operational instructions and orders, acquisition instructions, and other sources which set out authority and responsibility within the DON.

3. Administrative Record. The administrative record is a critical component of the NEPA process and consists of all documents and materials (including intra-office emails) directly or indirectly considered by the decision maker. Should a decision be challenged, a reviewing court will review the decision primarily (if not solely) based on the administrative record. The decision maker is responsible for assembling and maintaining the administrative record. To this end, commanders/supervisors/officers-in-charge must ensure that all administrative record documents and materials are properly maintained and readily retrievable upon request.

4. CATEX (40 CFR part 1508.4). Actions that the DON has determined do not have a significant effect, individually or cumulatively, on the human environment under normal circumstances and for which neither an EA nor an EIS is required. DON CATEXs are provided in section 6, paragraph f of reference (f).

5. Installation EIRB. A selected group of subject matter experts appointed by the CG/CO of the installation. The board reviews environmental documentation to determine if the potential for environmental degradation or public controversy exists and the recommended level of NEPA documentation. The composition of this EIRB will include a cross section of the command, and where appropriate, other Marine Corps commands/units and tenants. Members of the board should include the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; the comptroller; public affairs; community plans and liaison office; and any others as determined by the commander exercising FONSI signature authority. The EIRB will ensure that the documentation is in compliance with reference (a).

6. Cooperating Agency. Any Federal agency other than a lead agency which has jurisdiction by law or special expertise with

respect to any environmental impact involved in a proposal (or any reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. A State or local agency of similar qualifications, or when the effects are on a reservation, a Native American tribe may, by agreement with the lead agency, become a cooperating agency.

7. EA (40 CFR part 1508.9). An EA is a concise document that:

a. Briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or FONSI;

b. Aids Marine Corps compliance with reference (a) when no EIS is necessary;

c. Facilitates preparation of an EIS when one is necessary (i.e., when the contemplated actions are considered to have a potential for significant environmental impact or environmental controversy, and therefore a FONSI is not appropriate); and

d. Includes brief discussions of the need for the proposal, reasonable alternatives to the proposed action, environmental impacts of the proposed action, and a list of the agencies and persons consulted.

8. EIS (40 CFR part 1502). A NEPA document that provides full and fair discussion of significant environmental impacts of major Federal actions 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. It is used by Federal officials, in conjunction with other relevant materials, to plan actions and make decisions.

a. DEIS. A document normally prepared for actions potentially having a significant impact on the quality of the human environment or having potentially controversial environmental effects. DEISs are filed with the EPA and distributed to cognizant Federal, State, local, and private agencies, organizations, and individuals for review and comment before preparation of an FEIS.

b. FEIS. A completed statement, normally a separate and additional document from the DEIS, incorporating all pertinent comments and information provided during public and agency

review of the DEIS. Responses to all substantive review comments will be contained in the FEIS. The FEIS is filed with the EPA.

c. SEIS (40 CFR part 1502.9). A document evaluating changes to either a DEIS or an FEIS necessitated by substantial modifications to the proposed action or significant new circumstances or information that would result in different environmental impacts than those evaluated in the original document. An SEIS may be prepared at any time after the preparation and filing of a DEIS or FEIS; it is filed with the EPA and distributed to recipients of the DEIS and FEIS.

9. FONSI (40 CFR part 1508.13). A document in which the Marine Corps briefly presents reasons why an action, not otherwise categorically excluded, will not have a significant effect on the human environment and for which an EIS will not be prepared. A FONSI may be one result of the review of an EA.

10. HQEIRB. A selected group of subject matter experts established at the CMC (LF) to review and assess the content of submitted EISs and selected EAs.

11. Human Environment (40 CFR part 1508.14). The natural and physical environment and the relationship of people with that environment.

12. Impacts (40 CFR part 1508.7 and 40 CFR part 1508.8). Impacts are synonymous with effects and include direct, indirect, and cumulative impacts.

a. Direct Effect. Effect caused by an action and which occurs at the same time and place as the action.

b. Indirect Effect. Effect also caused by an action and which occurs later in time or farther removed in distance from the action. Indirect impacts include:

(1) Growth-inducing effects;

(2) Effects related to induced changes in the pattern of land use, population density, or growth rate; and

(3) Related effects on the human environment, including the natural and physical environment.

c. Cumulative Impact. Impacts which result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a time.

13. Lead Agency. The agency or agencies preparing or having taken primary responsibility for preparing an EIS.

14. Mitigation (40 CFR part 1508.20). Activities that would lessen or modify the adverse impacts associated with a proposed action. Mitigation includes:

a. Avoiding the impact altogether by not taking a certain action or parts of an action. This mitigation measure is preferred.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and

e. Compensating for the impact by replacing or providing substitute resources or environments.

15. Proposal (40 CFR part 1508.23). A "proposal" exists at that stage in the development of an action when the Action Proponent has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. A proposal may exist in fact as well as by agency declaration that one exists.

16. REIR. A standard form prescribed by the Installation Commander to document the need for environmental analysis and compliance with reference (a).

17. ROD. A concise public document providing a rationale for

the alternative selected for implementation as presented in an FEIS. The document, as proposed by the activity/Action Proponent, will be finalized by the CMC (LF) on behalf of the HQEIRB 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 Proponent to the appropriate mitigation, if applicable, to minimize environmental harm, and to identify those measures that were considered, but not selected, for implementation. Additionally, any monitoring program associated with selected mitigation measures will be addressed.

18. Scope (40 CFR part 1508.25). "Scope" consists of the range of actions, alternatives, and impacts to be considered in an EA or an EIS. The scope of an individual EA or EIS may depend on its relationships to other EAs or EISs. To determine the scope of an EA or an EIS, Action Proponents must consider three types of actions, three types of alternatives, and three types of impacts. They include:

a. Actions (other than unconnected single actions) that may be:

(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are "connected" if they:

(a) Automatically trigger other actions that may require EISs;

(b) Cannot or will not proceed unless other actions are taken previously or simultaneously; or

(c) Are interdependent parts of a larger action and depend on the larger action for their justification.

(2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

(3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their

environmental consequences together, such as common timing or geography. An Action Proponent may wish to analyze these actions in the same EA or EIS. It should do so when the best way to assess adequately the combined impacts of similar actions is to treat them in a single EA or EIS.

b. Alternatives, which include:

- (1) No Action alternative
- (2) Other reasonable courses of action
- (3) Mitigation measures (not in the proposed action)

c. Impacts, which may be:

- (1) Direct
- (2) Indirect
- (3) Cumulative

19. Scoping. An early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.

20. Significantly (40 CFR part 1508.27). "Significantly" as used in NEPA requires consideration of both context and intensity:

a. Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

b. Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under reference (i).

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

CHAPTER 12

THE NATIONAL ENVIRONMENTAL POLICY ACT

SECTION 3: RESPONSIBILITIES

12300. CMC (LF)

1. Establish policy and procedures regarding NEPA compliance.
2. Coordinate the CMC (LF) review and disposition of EAs referred by the commander exercising FONSI signature authority and DEIS and FEIS documents through the HQEIRB.
3. Coordinate as appropriate with the CEQ; EPA; Deputy Under Secretary of Defense for Environmental Security, Office of the Assistant Secretary of the Navy, Installations and Environment; and Office of the Assistant Secretary of the Navy, Research, Development, and Acquisition regarding NEPA actions elevated to Headquarters level.
4. Coordinate with the command EIRB during preparation of a ROD. The proposed ROD will be drafted to reflect the HQEIRB review of the FEIS and will be forwarded to SECNAV by the CMC (LF) for signature and final disposition.
5. Assist commands with the interpretation of policies, implementation of procedures, and compliance with reference (a) in the Marine Corps.
6. Coordinate, as appropriate, with the director of public affairs, for releasing to the public environmental documents per reference (a) and other applicable Federal laws.
7. Publish NOIs, announcements of public hearings, and RODs in the *Federal Register*.
8. Provide assistance for actions initiated by private persons, state or local agencies, and other non-DON/DOD entities for which DON involvement may be foreseen.

9. Provide support to Marine Corps installations and Marine Corps commands/units and tenants by interpreting Federal, State, local, and overseas NEPA requirements and by uniformly applying Marine Corps policy as set forth in the Manual.

10. Assist installations in resolving disputes with Federal, State, local, and foreign regulatory agencies as required.

11. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with Federal, State, and local regulatory agencies with regard to NEPA regulations.

12301. HQEIRB. Receive, review, and provide recommendations, as appropriate, to Deputy Chief of Staff, Installations and Logistics on DEIS, FEIS, ROD, and those EA/FONSI documents elevated to Headquarters level.

12302. CGS/COS OF INSTALLATIONS, AND COMMANDER MARINE FORCES RESERVE EXERCISING FONSI SIGNATURE AUTHORITY

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

2. 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.

3. Promptly notify the CMC (LF) when a decision to prepare an EA that meets conditions in paragraph 12201.5.b, or a DEIS has been made.

4. Decide whether a FONSI is appropriate when the proposed action does not involve any of the circumstances listed at paragraph 12104.5, recommend preparation of a DEIS, or recommend that the action not proceed. The decision must be based on the command EIRB's recommendation.

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

6. Ensure that analyses are conducted for the environmental effects of current and proposed actions per DOD regulations, reference (e), and other applicable regulations.
7. As appropriate, encourage public participation in environmental evaluations of projects or programs.
8. 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.
9. Ensure that the administrative record supporting the NEPA process for the proposed action is assembled and maintained.
10. 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.

12303. EIRB

1. Ensure that all NEPA documents fully comply with all legal and procedural requirements through a review for technical sufficiency, including but not limited to:
 - a. Complete analysis of alternatives and their associated impacts;
 - b. Appropriateness of alternatives analyzed; and
 - c. Appropriateness of proposal as required to coexist with other actions on the installation.
2. Ensure that all NEPA documents have undergone appropriate staff review.

3. Assist the Action Proponent in determining whether the proposed action requires the preparation of an EA or EIS.
4. Review the completed EA, and make recommendation to the commander exercising FONSI signature authority for a FONSI, a DEIS, or no action. The EIRB will draft the proposed FONSI and forward both the EA and FONSI to the commander exercising FONSI signature authority for signature.
5. If the EA meets one of the requirements discussed in paragraph 12104.5, the EIRB will forward, for the commander exercising FONSI signature authority, the EA and proposed FONSI to HQEIRB for review and concurrence for approval.
6. Draft NOI, DEIS, and EIS, and forward NOI to commander exercising FONSI signature authority for approval.
7. Retain on file, for no less than 10 years, copies of all decision memoranda, completed EAs and EISs, published FONSI statements, RODs, and minutes taken during EIRB meetings.
8. The EIRB will include the designated chair of the commander exercising FONSI signature authority, a legal representative, the heads of facilities, environment, operations/training, comptroller, public affairs, community plans and liaison departments, as appropriate, and any others as determined by the commander exercising FONSI signature authority.

12304. INSTALLATION ENVIRONMENTAL PLANNING STAFF

1. Assist the Action Proponent to effect reference (a).
2. Provide specific installation guidance related to reference (a).
3. Review NEPA documents and provide technical assistance.

12305. ACTION PROPONENTS

1. Provide funds for NEPA documentation and all related ancillary studies and mitigation costs. NEPA funding is not centrally managed. Action Proponents and/or Action Proponents must program funds for NEPA compliance.

2. Coordinate with the command environmental staff at the earliest possible opportunity to determine the level of NEPA documentation required. The command environmental staff will consult with counsel and/or the EIRB when the level of NEPA documentation may be subject to legal or other qualifying interpretations.
3. Sign a decision memorandum if required for an action that has been CATEX'd, with conditions to be met before, during, and following completion of the proposed action. The Action Proponents are to maintain the original documentation. Copies of the REIR and/or decision memorandum must be made available to the CMC (LF) upon request.
4. Coordinate with the installation environmental staff and fund for the development of an EA or EIS, as appropriate for actions not identified on the list of CATEXs.
5. Coordinate with the installation environmental staff and fund for the publication of the FONSI, NOI, or ROD, as appropriate, in local newspapers.

REFERENCES

- (a) 42 U.S.C. 4321-4347
- (b) Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," January 14, 1979
- (c) DOD Directive 6050.7, "Environmental Effects Abroad of Major Department of Defense Actions," March 31, 1979
- (d) Title 32, Code of Federal Regulations, Part 187, "Environmental Effects Abroad of Major Department of Defense Actions," 2007 edition
- (e) Title 40, Code of Federal Regulations, Parts 1500-1508, "Council on Environmental Quality NEPA-implementing Regulations," 2005 edition
- (f) Title 32, Code of Federal Regulations, Part 775, "Procedures for Implementing the National Environmental Policy Act," 2007 edition
- (g) 42 U.S.C. 9601-9675
- (h) 42 U.S.C. 7401-7671
- (i) 16 U.S.C. 1531-1544
- (j) 42 U.S.C. 300f-300j-26
- (k) Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994
- (l) DOD, "Strategy on Environmental Justice," March 24, 1995
- (m) 16 U.S.C. 470-470w-6
- (n) 16 U.S.C. 470aa-470mm
- (o) 16 U.S.C. 1451-1465
- (p) 33 U.S.C. 1251-1387

(q) SECNAVINST 5000.2C

(r) 42 U.S.C. 13101-13109

Appendix B

Guidance for Action Proponents on the NEPA Process

1 **Appendix B**

2 **“Guidance for Action Proponents on the NEPA Process”**

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22 **Attachment 1: Avoiding Role Confusion**

1 “Directing the National Environmental Policy Act (NEPA) Process” is guidance for Action Proponents on
2 the basics of what should be done to properly and successfully develop and complete an Environmental
3 Assessment (EA) or Environmental Impact Statement (EIS) in support of U.S. Marine Corps (USMC)
4 proposed actions. It may also be a useful tool for other
5 personnel involved in the NEPA process. This “primer”
6 offers only basic information about directing the NEPA
7 process, but it should better enable Action Proponents to
8 work with USMC environmental and planning personnel
9 and Naval Facilities Engineering Command (NAVFAC) to
10 develop an effective project. Where appropriate, references
11 are made to Marine Corps Order (MCO) P5090.2A,
12 Change 2, Chapter 12 (May 2009), and the USMC NEPA
13 Manual (March 2011).

14 NEPA is our national charter for the protection of the
15 environment. It contains “action-forcing” provisions that
16 require federal agencies to consider the environmental
17 impacts of their actions before they are implemented,
18 document those considerations, and involve the public in
19 their planning process. Executive Order 12114 establishes
20 procedures for consideration by federal agencies of the
21 environmental effects of major federal actions outside the
22 United States. The following guidance can be applied
23 overseas as applicable.

24 NEPA applies to the adoption of official policy, formal
25 plans, programs, and approval of specific projects. The
26 fundamental intent of the NEPA process is to provide
27 information on the environmental impacts of an action and
28 alternatives to decisionmakers and the public, and to make this flow of information valuable. Proposed
29 actions include technical, engineering, economic, and environmental choices. Environmental
30 considerations (biological, physical, and socio-cultural) don’t replace the technical, engineering, and
31 economic choices—but puts them on the same level and requires informed and balanced decisionmaking.

32
33 Action proponents are responsible for initiating the NEPA process early in the planning stages of a
34 proposal, and to complete the process before there is an “irreversible commitment of resources.” There
35 are three levels of analysis in the NEPA process:

- 36 1. Actions that have little or no potential for environmental impacts can be categorically excluded from
37 further NEPA analysis. Title 32 CFR 775.6(f) identifies 45 types of actions that can be categorically
38 excluded based on previous DoN review and documentation. Action proponents must complete a
39 Request for Environmental Impact Review (REIR) and submit it to the appropriate installation
40 Environmental Office to confirm the proposed action fits within that category and no further
41 environmental analysis is needed.
- 42 2. An Environmental Assessment (EA) is a document that provides evidence and analysis to determine if
43 the action would have significant environmental impacts. If the impacts would not be significant, a
44 Finding of No Significant Impact (FONSI) can be issued.
- 45 3. An Environmental Impact Statement (EIS) must be prepared if significant impacts are possible. A
46 Record of Decision (ROD), summarizing the decision process, is then published in the Federal
47 Register.

48 The preparation of a CATEX or EA has sometimes been called “pre-EIS screening.” CATEXs and EAs
49 rely on judgment calls to demonstrate why an EIS is not required. The Council on Environmental Quality
50 (CEQ) regulations implementing NEPA establish a process for how actions are evaluated for significant
51 impacts, and delegates to agencies the decision to prepare an EIS, EA, or CATEX. MCO P5090.2A

This guidance describes:

- A philosophy and guidelines for directing the timely and efficient preparation of EAs/ EISs while meeting the applicable requirements of MCO P5090.2A Chapter 12.
- What should be done to properly and successfully develop and complete EAs/EISs in support of USMC proposed actions.
- EA/EIS Project Manager functions and activities
- Interdisciplinary Project Team (IPT)s functions and activities

This guidance does not address:

- How installations or commands should organize their NEPA compliance
- How to be a project manager or how to manage a project
- The life-cycle of an EA or EIS project
- Work Breakdown Structure (WBS), work load analysis and resource leveling
- How to be a Contracting Officer’s Representative (COR)
- How to write a Statement of Work (SOW) or Performance Work Statement (PWS) for an EA or EIS
- How to develop cost estimates for EAs, EISs, and related studies

1 delegates responsibility to the Action Proponent in partnership with the appropriate environmental office
2 staff, as further described in Section 2.

3 **1.0 The Central Role of the Action Proponent in USMC NEPA Procedures**

4 **Action Proponent Objectives:**

- 5 • Complete environmental planning to avoid mission delays.
- 6 • Avoid conflicts between mission activities and long-term ecological and land sustainability.
- 7 • Integrate environmental considerations into the decision-making process.

8 DoN and USMC policy (32 CFR 775.6 and MCO P5090.2A,
9 respectively) places responsibility for completing the NEPA
10 process prior to an irretrievable commitment of resources on the
11 Action Proponent.^{1 2} Based on that responsibility, and the risk to
12 not being able to support their mission requirement, Action
13 Proponents have a strong incentive to make sure NEPA and all
14 applicable environmental planning requirements are met in a
15 timely and efficient manner.

16 To achieve this, the Action Proponent needs to:

- 17 1. Complete advanced budget planning to request sufficient
18 funds, and assign staff with the right skills and tools for the
19 project. NEPA funding is not centrally managed so Action
20 Proponents must program funds to include all related
21 ancillary studies and mitigation costs.³
- 22 2. Identify the decisionmaker(s) and Command/Installation
23 endorsement obligations.
- 24 3. Identify and establish communication protocols with
25 internal USMC and DoN stakeholders likely to have an interest in the environmental planning and
26 approval process for the proposed action (environmental planners, operators, personnel involved in
27 the development of test and training requirements, public affairs, technical media experts, Regional
28 Environmental Coordinator, Area Environmental Coordinator, etc.).
- 29 4. Clearly delineate the role internal stakeholders will play in the environmental planning process.
- 30 5. Identify external stakeholders such as other DoD, other Federal Agencies, potential cooperating and
31 coordinating agency(s)), tribes, and the public. Consider the parties that will or are likely to read the
32 environmental planning document.
- 33 6. Work with the applicable Installation/Command environmental planning staff to determine the
34 appropriate level of NEPA analysis (CATEX/EA/EIS), consultation requirements, and party/parties
35 responsible for consultation and regulatory consultation.
- 36 7. Develop a complete preliminary Description of the Proposed Action and Alternatives (DOPAA). For
37 more information on DOPAA development, see Section 2.4 of the USMC NEPA Manual. Action
38 Proponents should be prepared to be open to creative approaches to resolving environmental,
39 political, scheduling, or other issues affecting efficient completion of the environmental planning

Action proponents must:

- Allow the NEPA process to inform your planning decisions; DO NOT tailor the analysis to support decisions that have already been made.
- Consider environmental impacts of alternatives before making a decision.
- Provide the public and interested agencies with adequate opportunity to participate in the planning process and environmental analysis.
- Complete all required agency consultations prior to finalizing the EA or EIS.
- After the NEPA decision document is signed (DM/FONSI/ROD), monitor the implementation of the action to ensure that adopted mitigation measures are carried out.

¹ Source: MCO P5090.2A, Sections 12104.2k; 12104.4; 12201.4.d(1); 12201.5c, and 12305.

² MCO P5090.2A assigns responsibilities to the action proponent. However, that term should be interpreted broadly as the party responsible for NEPA compliance. For example, if the requirement for a proposed action is generated by an entity outside the USMC or the installation (e.g., a tenant agency, SYSCOM, or TECOM), a USMC or installation decisionmaker serves as the “action sponsor.”

³ For projects involving Non-Appropriated Funds (NAF), Action Proponents/Action Sponsors should seek the advice of the comptroller and of CL to determine whether appropriated or non-appropriated funds are appropriate for NEPA and related site studies.

1 process. This is commonly an iterative process with Installation/Command environmental planning
2 staff and other stakeholders.

3 8.a For actions that can be CATEX'd, sign a decision memorandum with conditions to be met before,
4 during, and following completion of the proposed action. Action Proponents are to maintain the
5 original documentation. Copies of the REIR and/or decision memorandum must be made available to
6 the CMC (LF) upon request.

7 8.b For actions that cannot be CATEX'd, identify the EA/EIS project manager or IPT Team Lead and
8 IPT organizations to be represented (identify interdisciplinary subject matter experts).

9 9. Develop a realistic schedule for EA/EIS completion including all required consultation.

10 10. Coordinate with Command/Installation environmental staff to identify the appropriate level of public
11 involvement, and fund the publication of the FONSI, NOI, or ROD, as appropriate, in local
12 newspapers.

14 **2.0 EA/EIS Project Manager Guidance**

Action Proponent Objectives for the EA/EIS Project Manager:

- *Completes the NEPA and related environmental planning processes on time and within budget.*
- *Ensures that an alternative that "best" meets the purpose and need of the proposed action is identified and analyzed.*
- *Proactively identifies and resolves issues with long lead times.*
- *Ensures that mitigation measures selected are implementable, can be monitored, are cost effective, and do not conflict with USMC mission objectives.*
- *Uses adaptive management to avoid conflicts between mission activities and long-term ecological and land sustainability.*

25 Numerous books and articles (and the USMC NEPA Manual) have been written on the technical process
26 of analyzing environmental impacts in an EA or EIS, interpreting the CEQ regulations, and court cases
27 that provide guidance on what an agency must do. While this guidance is essential, so too is the role of
28 people and organizations in the process, which is discussed in the following sections.

29 Project Managers (along with other team members) should be chosen for their skills and abilities to
30 successfully execute the project, with the definition of success being able to produce a quality analysis,
31 rather than simply meet deadlines and cost estimates. The Action Proponent should draw on the diverse
32 resources of the USMC to assemble strong Interdisciplinary Project Team (IPT) to best meet the USMC's
33 needs and the national/public interest (see Section 3 on IPT guidance). Action Proponents should
34 empower the EA/EIS Project Manager and IPT with the authority and responsibility for delivering a
35 quality product that conforms to all applicable USMC NEPA policies.

36 **2.1 Knowledge and Skills of the EA/EIS Project Manager**

37 The EA/EIS Project Manager's job is demanding, and requires both project management skills and
38 knowledge of the NEPA process. The EA/EIS Project Manager must direct (actively manage) the NEPA
39 process to keep it on schedule and within budget. EA/EIS Project Managers need to balance and optimize
40 the often competing objectives of quality, completeness, budget and schedule. Building quality and
41 completeness into the NEPA process, from early scoping to preparing a final document for approval,
42 serves to ensure timeliness and minimize costs.

43 Where a contractor prepares the NEPA document, the EA/EIS Project Manager fulfills the requirement
44 that "a responsible Federal official shall furnish guidance and participate in the preparation and
45 independently evaluate the [NEPA document] prior to its approval and take responsibility for its scope
46 and contents" (40 CFR 1506.5(c)). Designating an EA/EIS Project Manager early in the process, and
47 keeping that individual in the role throughout the process, will help ensure success.

1 **2.1.1 NEPA Process Knowledge**

2 Knowledge of the NEPA process is essential. EA/EIS Project Managers must know the CEQ regulations
3 (40 CFR 1500) and MCO P5090.2A Chapter 12, how to satisfy NEPA's process requirements (such as
4 providing adequate notices and opportunities for public involvement), and how to create adequate
5 administrative records in consultation with CL. An EA/EIS Project Manager who does not know NEPA
6 requirements must immediately consult the cognizant Installation/Command authority to complete an
7 adequate training regimen. For complex and controversial proposed actions, EA/EIS Project Managers
8 should have or attain an advanced understanding of NEPA policies, requirements, and practices. This in-
9 depth knowledge will help the EA/EIS Project Manager identify and resolve critical-path issues. The
10 Project Manager will manage the schedule and be able to identify what must be done when EA/EIS
11 analysts or other team members don't. HQMC LFL-1 NEPA Specialists can provide information and
12 advice.

13 NEPA analysis is interdisciplinary and requires integrated application of the natural and social sciences.
14 NEPA also requires that documents be written plainly so that the decision maker and the public can
15 readily understand them. EA/EIS Project Managers must be able to determine the range of technical
16 expertise (e.g., wildlife biologists, noise engineers, cultural resource specialists, etc.) needed for a
17 particular analysis. The EA/EIS Project Manager is responsible for the document preparation process,
18 including reviewing internal drafts for technical adequacy, and ensuring that substantive comments are
19 assessed and considered in the final document (40 CFR 1503.4).

20 EA/EIS Project Managers must ensure the professional integrity, including scientific integrity, of the
21 NEPA analyses, that the USMC rigorously explores and objectively evaluates all reasonable alternatives,
22 and that the analyses disclose and discuss all potentially significant environmental impacts of the
23 proposed action and alternatives. EA/EIS Project Managers are responsible for determining how
24 potentially significant impacts might be reduced to a level below significant through implementation of
25 avoidance, minimization and/or mitigation measures.

26 **2.1.2 Management Skills**

27 EA/EIS Project Managers need management skills that, once acquired and practiced, broadly apply to
28 leadership functions in many different contexts. These include using project management techniques for
29 planning, staffing, and cost/schedule control, developing a data validation process, and team skills such as
30 delegating work effectively and using experts appropriately. Listening and conflict resolution skills are
31 useful for effective management within the team, and for identifying and resolving issues that concern
32 stakeholders. The EA/EIS Project Manager must be capable of managing an interdisciplinary team
33 composed of many technical specialists in the science and planning disciplines including wildlife, fish,
34 and wetland biologists, geologists, soil scientists, hydrologists, urban and master planners, traffic
35 engineers, archaeologists, architectural historians, acoustic engineers, and GIS specialists. Production
36 staff such as technical editors are part of the consultant's EA/EIS team but not typically included in the
37 IPT. The EIS Project Manager is involved throughout the entire process and is responsible for getting the
38 appropriate people involved at the appropriate time.

39 For larger, more complex projects, EA/EIS Project Managers must be able to determine which tasks are
40 critical for them to complete, and which can be effectively delegated to other team members. For
41 example, while it is a critical function, the EA/EIS Project Manager should typically delegate the
42 document "gatekeeper" role to a trusted deputy.

43 EA/EIS Project Managers must communicate effectively and broadly. USMC projects typically involve
44 cross-cutting USMC, DoN and DoD program issues, and a narrow or parochial approach is at increased
45 risk of failure. EA/EIS Project Managers must ensure that Action Proponents coordinate with all
46 interested and affected USMC Commands, and obtain and consider the views of stakeholders. This
47 involves timely identification of technical and policy issues that may affect the project, and establishing
48 means to resolve such issues at appropriate organizational levels.

1 Under minimal supervision, EA/EIS Project Managers are responsible and accountable for the
2 coordinated management of multiple, related tasks directed toward completion of a quality EA/EIS on
3 time and within budget. The Project Manager must be a “self-starter” with the ability and commitment to
4 keep EA/EIS analysts “on task”. Project Managers maintain continuous alignment of project scope with
5 other planning requirements, and use adaptive management throughout the process to respond to changes
6 and new data.

7 Where a contractor is used to prepare a NEPA document, the EA/EIS Project Manager must apply
8 contract management skills to keep the work on schedule and within the budget, without sacrificing
9 document quality. The EA/EIS Project Manager must have the authority, or support of the Action
10 Proponent, to assign staff to complete tasks and to meet schedule and quality goals. The EA/EIS Project
11 Manager might also serve as the Contracting Officer’s Technical Representative.

12 **2.1.3 Knowledge of USMC Organization**

13 Ideally, the EA/EIS Project Manager will also have a good working knowledge of the USMC
14 organization, particularly the decision process. That working knowledge will help in such areas as
15 identifying the appropriate requirements (MCO vs. OPNAVINST, and USMC CL vs. NAVFAC CL), and
16 communicating with internal USMC and DoN stakeholders likely to have an interest in the proposed
17 action (i.e., environmental planners, operators, testing and training personnel, public affairs, Regional
18 Environmental Coordinator, Area Environmental Coordinator, etc.). However, an EA/EIS Project
19 Manager cannot be expected to have the breadth of knowledge and experience of the USMC organization
20 in all cases. If the EA/EIS Project Manager has limited organizational knowledge, they should have
21 direct access to an advisor that can help identify stakeholder organization that have a critical interest in an
22 issue.

23 **2.1.4 Available NEPA Resources to Support the EA/EIS Project Manager**

24 NEPA expertise, training, and tools are available to assist EA/EIS Project Managers. Experienced
25 EA/EIS Project Managers within the USMC and CL also are valuable sources of practical information.

26 Training. In addition to training provided by HQMC LFL-1, the Naval Civil Engineer Corps Officers
27 School (CECOS) offers basic and executive overview NEPA training, natural and cultural resources
28 courses, and basic and advanced environmental law courses. The Air Force Center for Engineering and
29 the Environment (AFCEE) also offers training on the Environmental Impact Analysis Process. Duke
30 University's Environmental Leadership Program offers a series of NEPA courses for public sector and
31 Federal agency NEPA practitioners and executives. The CEQ website includes a list of commercial and
32 non-profit organizations that provide NEPA training
33 (http://ceq.hss.doe.gov/nepa_information/training_compendium.html). Guidance on being an effective
34 Project Manager is available from many sources, including the Project Management Institute
35 (www.pmi.org).

36 Tools. The USMC NEPA Manual includes guidance on preparing adequate NEPA documents,
37 conducting public participation, and interpreting applicable regulations and DoN/USMC NEPA policies.

38

3.0 Interdisciplinary Project Team (IPT) Guidance

For large or complex projects involving many USMC stakeholders (such as EISs and some EAs), Interdisciplinary Project Teams (IPTs) are a tool that Action Proponents can use to bring together all key stakeholders in a collaborative team environment to address the most important decision points throughout the project lifecycle. This guidance discusses what an IPT is, when it might be an effective tool to support the development of an EA or EIS, and IPT benefits and resource requirements. This guidance is only one approach and should be modified to match the specific needs of each project. References that provide detailed guidance on how to design, implement, manage, and evaluate IPT effectiveness in managing the EA/EIS process can be found under Section 3.3, Other IPT Resources. **Attachment 1** presents information on preparing a role and responsibility matrix as a tool to help avoid IPT role confusion. An IPT does not replace the need for an effective EA/EIS Project Manager or the EIRBs.

Multi-disciplinary vs. Inter-disciplinary

Section 102(2)(A) of NEPA directs agencies to “utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man’s environment.” This requirement is stated in several points of the CEQ regulations, and it has been interpreted to apply to EAs along with EISs. Unfortunately, the CEQ regulations provide no guidance regarding its meaning or implementation.

The interdisciplinary approach means that the document must be prepared and reviewed by specialists representing each of the resource areas potentially affected by a proposed action. A distinction must be made between *multidisciplinary* and *interdisciplinary*.

Multidisciplinary refers to a process in which specialists representing each resource area conduct their analysis independent of specialists in other areas. In contrast, the term *interdisciplinary* denotes a process in which specialists interface and work together on the same issue. For example, noise from aircraft must be analyzed not just in terms of strict noise contours around an airfield (AICUZ, RCUZ), but also in terms of how noise could affect wildlife (biological resources) and how it could be an issue with respect to environmental justice. From the NEPA IPT Lead/EIS Project Manager perspective, the interdisciplinary requirement implies that an analysis will involve in a team of individuals, and that the analysis will be iterative.

3.1 Why Establish an IPT?

“The purpose of IPTs is to facilitate decision-making by making recommendations based on timely input from the entire team. The IPT approach simultaneously takes advantage of all members’ expertise and produces an acceptable product the first time.”⁴

“The essence of the IPT approach is to concentrate in a single organization the different areas of expertise needed to develop a product, together with the authority and responsibility to design, develop, test, and manufacture the product. . . Under the IPT approach, each team possesses the knowledge to collaboratively identify problems and propose solutions, minimizing the amount of rework that has to be done. When this knowledge is accompanied by the authority to make key product decisions, IPTs can make trade-offs between competing demands and more quickly make design changes, if necessary.”⁵

IPTs can be a useful tool to coordinate the interests of stakeholder organizations during the EA/EIS development process. For more complex projects, IPTs can facilitate timely exchange of key information and reduce the need for sequential, iterative reviews and modifications.

IPTs are also only one of several types of teams. “A team is a small number of people with complementary skills who are committed to a common purpose, performance goals, and approach for which they are mutually accountable.”⁶ For example, a “Tiger Team” is a group of experts brought together for a short time to investigate and/or solve difficult technical or systemic problems. Work groups or focus groups are typically a group of specialists—e.g., noise or airspace management specialists—with specific individual assignments or tasks reporting up through a single decisionmaker

⁴ OSD, *Rules of the Road: A Guide For Leading Successful Integrated Product Teams*, October 1999, available at: https://learn.dau.mil/CourseWare/801324_2/module2_CLC_C00217/.

⁵ GAO-01-510, April 2001, *Best Practices: DOD Teaming Practices Not Achieving Potential Results*, page 11.

⁶ Katzenbach and Smith, *The Wisdom of Teams: Creating the High-Performance Organization*, 1996.

1 who is entirely accountable for the output of the work group. The task and work product are well defined
 2 and there is only minor collaboration and consensus-building. These teams typically must consult with
 3 leaders outside the team to make important decisions, have a sequential decision-making process, and
 4 experience several rework loops. IPTs can have “ad hoc” work groups that report to the larger IPT on a
 5 focused issue. One recent example was the Air Quality Work Group supporting the USMC 29 Palms
 6 Land Expansion EIS. The Air Quality Work Group was established to focus on work products and
 7 consultation on the Clean Air Act conformity determination. Although Work Group members
 8 represented several USMC stakeholders (29 Palms NREA, MCI West, WACO, HQMC LFL and CL,
 9 NAVFAC, and the air quality contractor), the work products were very focused and communications
 10 generally involved reporting the results of discrete tasks. Action Proponents should consider these factors
 11 on the need for an IPT.

12 **1. Interdisciplinary – Does the work to be done require input, analysis, and decision-making from a**
 13 **mix of perspectives or constituencies?** For example, a group of Installation natural resource
 14 managers is not really an interdisciplinary team unless they also represent different organizations
 15 whose perspectives, knowledge, and input are vital to the project outcome. In an IPT, members
 16 integrate dispersed technical information and policies from all USMC organizations, including
 17 installations and commands, link information producers and users, and build connections across
 18 disciplines and organizations.

19 **2. Team – Does the work to be done require a true peer**
 20 **environment where team members are mutually**
 21 **accountable for outcomes, and consensus-building (though**
 22 **not necessarily consensus decision-making)?** Can the
 23 EA/EIS Project Manager effectively communicate with and
 24 direct the various stakeholders, or is there a need for a team? Work groups can be formed simply by
 25 pulling people together. True teams must be carefully built and require a specific form of leadership.
 26 In an IPT, a diverse and often complex set of USMC stakeholders work together effectively to define,
 27 design, and shape an EA/EIS that reflects the actual needs of the Action Proponent and the USMC as a
 28 whole. **Table 1** illustrates the key differences between typical work groups and successful IPTs.

“If a team lacks expertise, it will miss opportunities to recognize potential problems early; without authority, it can do little about them.”—GAO Report

29 **Table 1. Characteristics of IPTs and Work Groups**

Characteristic	Work Groups	IPTs
Consensus Building	Not required	Essential
Leadership Role	Single leader with subordinates	Leader among peers
Accountability	Individual	Individual and mutual as a team
Authority	Limited; may need to obtain stakeholder approval on issues	Broad; should have authority to commit the stakeholder
Adaptability of Purpose	Not subject to change	Externally established/overseen but can be influenced/expanded by the team
Work Products	Individually focused	Collective
Group Interaction	Open-ended discussion not required nor encouraged	Open-ended discussion and active problem solving involving the entire team is essential
Meeting Inclusiveness	Important meetings can successfully occur when individuals are absent	Important meetings with absent team members can have serious consequences
Performance Measurement	Measures performance by task completion and quality of individual outputs	Measures performance directly by assessing collective work products
Work Assignment	Leader decides and assigns work to individuals with minimal discussion	Team discusses, decides and delegates to various team members

Source: Mitre Corporation, *Integrated Project Team (IPT) Start-up Guide*, Final, October 2008.

3.2 Overview of Process to Establish an IPT

Like any activity, IPTs can be ineffective unless properly planned and executed. The following are recommendations on issues to consider in forming an IPT and include recommendations from a 2001 U.S. General Accounting Office (GAO) report and a 2008 Mitre Corporation study on DoD IPTs.

1. **Define a Clear Need for an IPT.** The need and objectives for the IPT should be clearly set.
2. **Map Stakeholder Involvement.** Avoid “role confusion” by identifying the role of IPT member organizations such as being the “implementer,” decisionmaker, or simply being informed on a task/issue. These roles need to be aligned with EIRB responsibilities. **Attachment 1** provides guidance on how to develop a role and responsibility matrix.
3. **Develop an IPT Charter.** Ideally this should happen early and should drive the qualifications of the IPT Lead and membership. Development of an IPT Charter can cement Action Proponent, stakeholder, and management commitment to the IPT, EA/EIS, and underlying proposed action, and help avoid a “pick up team” mentality. The IPT needs to have the knowledge and authority to make decisions on key issues (such as alternatives or tradeoffs), which will minimize the need to obtain information and approval. A Charter weakly committed to might lead to a weak choice of the IPT leader and members and also indicates wavering commitments in terms of funding and other resources downstream.
4. **IPT Leadership Selection.** Effective IPT leaders need to have technical knowledge/expertise in the EA/EIS subject area, be organized and have good project management skills, understand and be able to work effectively and impartially with stakeholder groups, and be a good communicator that can engage IPT members in the decisionmaking process.
5. **IPT Membership Selection.** IPT members must be current in their functional area, knowledgeable in the mission and organization they are representing, understand the IPT and their role on the IPT, and have personal and organizational commitment to the IPT. Ideally, IPT leaders should have the ability to nominate IPT members to ensure they have the appropriate skills, knowledge and commitment. Contractors can be effective members of an IPT, but over-reliance on contractors (particularly in a leadership role) may indicate that there is insufficient authority on the IPT to make decisions.
Expediency of Decisionmaking Requires Limiting IPT Membership. There is a practical limit to the number of IPT members that can effectively work together to build consensus on the decisions an IPT is assembled to address. Much beyond eight to twelve members, the effectiveness of the IPT to make decisions is greatly compromised and the goals of timeliness and document quality begins to suffer. Consider whether some stakeholders can be effectively involved by reviewing EA/EIS milestones rather than being an IPT member.
6. **Resource Requirements.** IPTs require a significant investment in specialized leadership and membership skills (time, travel budget, IT support system, etc.), as well as relationship building, to avoid wasting the time of the critical stakeholders who participate.
7. **IPT Leadership and Participant Training.** Being an effective member of an IPT is not necessarily something that can be “learned as you go.” Members need to understand the IPT’s purpose, processes, and group dynamics.
8. **Develop Internal Processes.** Empowerment is critical to making and keeping the agreements essential to effective IPTs. All representatives assigned to IPTs at all levels must be empowered by their leadership. They must be able to speak for their superiors, the “principals,” in the decision-

An IPT charter should:

1. Contain a clear mission statement, to include the specific purpose and objectives of the IPT.
2. Identify the EA/EIS and related studies to be managed.
3. Identify the timeframe within which the EA/EIS and related studies/consultations are to be completed.
4. Identify IPT membership, to include all the cross-functional disciplines necessary to achieve the objectives of the IPT and complete the EA/EIS and related activities.
5. Identify required training for IPT members, particularly those new to the IPT process.
6. Develop membership performance objectives that characterize high-performance IPTs.
7. Define accountability of IPT members.
8. Develop quality, time, and budget metrics as a means of creating and maintaining team focus.
9. Be approved by appropriate authority;
10. Provide for its own periodic review for effectiveness and relevancy.

1 making process. IPT members cannot be expected to have the breadth of knowledge and experience of
2 their leadership in all cases. However, they are expected to be in frequent communication with their
3 leadership, and thus ensure that their advice to the PM is sound and will not be changed later, barring
4 unforeseen circumstances or new information.

5 *Procedures to Elevate and Delegate Issues.* IPTs need to be able to identify issues and resolve them
6 expeditiously through a collaborative decisionmaking process, determine issues that need to be raised
7 and resolved early (elevate), and those that can be delegated to work groups or the EA/EIS
8 development team (i.e., EA/EIS Project Manager and contractor). While a core purpose of building a
9 team of diverse stakeholders is to reach decisions in the most optimal way, situations will always arise
10 where the IPT must either elevate a decision to those with greater authority or delegate detailed work
11 to a specialized sub-team or separate work group.

- 12 9. **Map the IPT to the EA/EIS Process.** For example, to be effective in analyzing a proposed action,
13 IPT members must thoroughly understand the DOPAA, EA/EIS assumptions and premises, scope of
14 analysis, and proposed methodologies. Understanding the details of the proposed action helps to
15 identify potential environmental impacts, such as indirect or cumulative impacts, that may be
16 overlooked if a team member does not understand the entire proposal.

17 **Key Attributes of Highly-Successful IPTs:**

- 18 • *Responsibility for the quality and timeliness of the final EA/EIS*
19 • *Authority to make decisions on key issues (such as alternatives or tradeoffs)*
20 • *Dispersed knowledge from critical stakeholder groups is present*

21 **3.3 Other IPT Resources**

22 Additional guidance is available to Action Proponents, IPT Team Leads, and IPT members on the IPT
23 process.

24 Training:

- 25 • The Defense Acquisition University (<https://learn.dau.mil/html/clc/Clc1.jsp?cl>) offers a free
26 course “*IPT Management and Leadership*” (CLM014).

27 Tools:

- 28 • OSD, DoD Integrated Product and Process Development Handbook, October 1988,
29 https://learn.dau.mil/CourseWare/801324_2/module2_CLC_C00217/
30 • OSD, DoD Guide to Integrated Product and Process Development, February 1996
31 https://learn.dau.mil/CourseWare/801324_2/module2_CLC_C00217/
32 • GAO Report -01-510, *Best Practices: DOD Teaming Practices Not Achieving Potential Results,*
33 April 2001.
34 • Mitre Corporation, *Integrated Project Team (IPT) Start-up Guide, Final, October 2008,*
35 http://www.mitre.org/work/tech_papers/tech_papers_09/08_1645/08_1645.pdf.
36 • Katzenbach, JR. and DK Smith, *The Wisdom of Teams: Creating the High-Performance*
37 *Organization,* Harvard Business School Press, 1996.

38 **3.0 Interaction with the EIRB**

39 MCO P5090.2A, Change 2, Sections 12300, 12301, and 12304 describe the responsibilities of the
40 HQEIRB, Regional EIRB, and Installation/Command EIRBs, respectively. EIRBs are responsible for
41 ensuring that the USMC process and documentation meets NEPA requirements, is consistent with
42 operational requirements, and meets all applicable and appropriate DoD, DoN, and USMC policies and
43 goals. Action Proponents interaction with EIRBs will vary by type of action and level of NEPA analysis
44 (CATEX/DM, EA/FONSI, EIS/ROD).

1 CATEX. Action proponents indirectly interact with EIRBs through Installation/Command environmental
2 planning offices by the preparation of REIRs and CATEX Decision Memorandums (DMs). Action
3 proponents are responsible for initiating an REIR and including descriptions of the proposed action.
4 Installation/ Command environmental planning offices are assigned responsibility by the EIRBs to review
5 and recommend if a CATEX, EA, or EIS is the appropriate level of analysis. Environmental planning
6 offices may have standard conditions (such as conservation measures) that must be met.
7 Installation/Command and Regional EIRBs periodically review REIRs and DMs to ensure that REIRs and
8 CATEXs are being used consistently and appropriately; the potential for extraordinary circumstances is
9 being considered; and that the repeated use of CATEXs is not expected to result in significant cumulative
10 effects within the region.

11 EA. Action proponents interact directly with Installation/Command EIRBs on EAs and the determination
12 to sign a FONSI. Per MCO P5090.2A Section 12201.4.d(3), Installation/Command EIRBs review and
13 approve all EAs, and endorse the determination to prepare a FONSI, revise the EA to evaluate additional
14 alternatives or mitigation, or prepare an EIS.

15 Some EAs also require MCI and CMC(LF) EIRB approvals. MCI East Order 5090.12 (MCI East NEPA
16 Procedures, September 1, 2009) and MCI West draft Order 5090.x (NEPA Standing Operating
17 Procedures), establish additional procedures and responsibilities for NEPA compliance at installations
18 within their regions. For example, all EAs requiring CMC(LF) review also require MCI East review and
19 forwarding approval: “As deemed necessary by MCIEAST Installations, Facilities, and Environment
20 (IFE), the MCIEAST EIRB reviews and endorses NEPA documents and associated supporting
21 documentation, advises the CG MCIEAST as to the implications of proposed actions brought before it,
22 and recommends to CG MCIEAST endorsement of those actions.”

23 While coordination with an EIRB during EA development (such as the draft DOPAA or preliminary draft
24 EA) is not a requirement of MCO P5090.2A, coordination with EIRB representatives at key milestones is
25 recommended for early identification and resolution of potential issues.

26 EIS. All EISs require Installation/Command, MCI, and HQMC EIRB review and approval. Review and
27 approval is required for the Notice of Intent (NOI) to prepare an EIS, the Draft EIS, Final EIS, and
28 Record of Decision (ROD). Section 2.6.6 of the USMC NEPA Manual provides specific guidance on the
29 briefing requirements for EIS documents to HQ EIRBs. Similar to the discussion for EAs, MCI NEPA
30 procedures establish additional procedures and responsibilities for EIS reviews at installations within their
31 regions. While coordination with an EIRB during EIS development (such as the draft DOPAA or
32 preliminary draft EIS) is not a requirement of MCO P5090.2A, coordination with EIRB representatives at
33 key milestones is recommended for early identification and resolution of potential issues. For particularly
34 complex EISs, the IPT process discussed in Section 3 can be a useful tool to coordinate with stakeholders
35 that also represent EIRB members.

36 **4.0 Action Proponents Have Cradle-to-Grave Project Ownership** 37 **Requirements**

38 MCO P5090.2A Section 12305 clearly places responsibility on the Action Proponent for environmental
39 planning through implementation of a proposed action:

40 “Provide funds for NEPA documentation and all related ancillary studies and mitigation costs...Ensure
41 funds are available and programmed to fund implementation of mitigation commitment(s) and satisfy
42 established success criteria.”

43 To meet these responsibilities, Action Proponents need early programming (“POMing”) for NEPA and
44 related environmental planning studies. For example, each fiscal year (FY), HQMC LFL-4 (MILCON)
45 publishes the *MILCON Planning and Programming Guidance* to provide guidance on required MILCON
46 documentation. NEPA documents should be started and other environmental requirements should begin
47 to be identified. The Action Proponent should also consult with their NEPA SME or LFL-1 to discuss the
48 type of NEPA document that might be required (CATEX, EA, or EIS). This early planning is necessary
49 to ensure that NEPA and related environmental planning costs are identified. These activities are

1 identified as advanced planning activities and must be paid for with O&M funds. Studies with longer
2 lead times should be identified as soon as possible (such as multi-seasonal or season-specific studies of
3 rare plants or migratory birds). For more information, see Section 3 of the USMC NEPA Manual on
4 NEPA and the MILCON, real estate, airspace, and acquisition planning processes.

5 Action Proponents must also ensure that BMPs and project-specific mitigation measures committed to in
6 the FONSI/ROD are incorporated into all appropriate contract documents (installation environmental
7 planning staff are not responsible for reviewing bid packages for this purpose). Ensuring that BMPs and
8 project-specific mitigation measures are incorporated into contract documents could be accomplished by
9 the Action Proponent creating a separate attachment that lists required BMPs and mitigation
10 requirements. It is not realistic to assume that an A/E or construction contractor can or will review NEPA
11 documents and related studies to extract the applicable requirements.

12 Action proponent responsibilities continue beyond signing the FONSI/ROD through mitigation
13 commitments “and satisfy established success criteria.” This requirement is discussed in detail in USMC
14 NEPA Manual Section 6.9 and the CEQ Memorandum on the appropriate use of mitigation and
15 monitoring.⁷ The USMC NEPA Manual states “The action proponent is responsible for tracking
16 implementation of any mitigation measures and reporting status information to HQMC for auditing
17 purposes.” While some mitigation may be included in MILCON funding, there might be time and scope
18 limitations to the funding, such as mitigation and monitoring requirements that continue past the
19 MILCON funding timeframe.

20 **5.0 Managing the NEPA Process**

21 NEPA section 102(2)(A) and 40 CFR 1501.2(a) requires that “all agencies of the Federal Government
22 shall”...”utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural
23 and social sciences and the environmental design arts in planning and in decisionmaking which may have
24 an impact on man’s environment.” (Also paraphrased in MCO P2090.2A Section 12200.3.)

25 For Action Proponents, this means that they need to work with the applicable Installation/Command
26 environmental planning staff and other stakeholders to determine the appropriate level of NEPA analysis
27 (CATEX/EA/EIS), and then conduct the NEPA analysis to produce a quality document in a timely and
28 efficient manner. MCO P5090.2A Section 12201.2 (Step-By-Step Methodology) and the USMC NEPA
29 Manual Section 2.2.2 (Selecting the Appropriate Level of NEPA Analysis) provides guidance on
30 determining the appropriate level of NEPA analysis (CATEX/EA/EIS) for a proposed action.

31 The process to obtain a CATEX DM is discussed in Section 2.3 of the USMC NEPA Manual. To qualify
32 for a CATEX, all elements of the proposed action must fit within one of the 45 DoN/USMC CATEXs
33 (see USMC NEPA Manual Appendix A). Including a complete description of the proposed action in the
34 REIR (with maps, as appropriate) is useful so that environmental planning staff can confirm the
35 determination of environmental impacts.

36 **5.1 Quality EAs/EISs Reflect a Quality Process**

37 Action Proponent can take steps to ensure that the goals of NEPA
38 are included in the decisionmaking process and a quality EA or EIS
39 is prepared. In addition to improving the EA/EIS document
40 (sometimes referred to as “the book”), this section discusses
41 improving the decision processes that are *reflected* in the EA or EIS
42 document (“the book”).

“Ultimately, of course, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork - even excellent paperwork- but to foster excellent action.” – 40 CFR 1500.1(c)

43 NEPA directs agencies to break down barriers among functional areas and disciplines to inform Federal
44 decisionmaking. **The mandate for interdisciplinary analysis is intended to overcome intra-agency
45 barriers to ensure that critical stakeholder issues (mission, economic, and environmental needs) are**

⁷ CEQ Memorandum For Heads of Federal Departments and Agencies, “Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact,” January 21, 2011.

1 **fully vetted (subject to thorough examination or evaluation) before undertaking an action.**

2 Therefore, it is important that DoN/USMC and other stakeholders with critical interests in a proposed
3 action are consulted and provide input early in the process. The NEPA process is rarely an orderly, go-
4 through-it-once, linear process. The process typically involves many sequential, iterative reviews and
5 modifications. An important goal is to minimize the sequential, iterative reviews and modifications
6 without short-circuiting collaboration, interdisciplinary analysis, and informed decisionmaking.

7 The EA/EIS process is dynamic and subject to change. It may sound as though there is no way to control
8 the process or the EA/EIS scope, budget, and schedule. Actually, there are many ways, and most of them
9 revolve around 1) good planning, 2) ensuring that stakeholders with critical interest in the proposed action
10 are appropriately engaged, and 3) effective project management.

11 **5.2 Producing a Quality EA/EIS in a Timely and Efficient Manner**

12 The CEQ regulations include several methods to reduce paperwork (40 CFR 1500.4) and delay (40 CFR
13 1500.5) that the USMC and Action Proponents are entitled to use. In particular, one underutilized tool is
14 scoping: “*There shall be an early and open process for determining the scope of issues to be addressed*
15 *and for identifying the significant issues related to a proposed action. This process shall be termed*
16 *scoping*” (40 CFR 1501.7 and FAQ #13). Action Proponents are encouraged to prepare documents that
17 are concise⁸ and focused on the analysis of impacts that might be significant.

18 “Discussing only briefly issues other than significant ones” (40 CFR 1500.4(c)) and “Using the scoping
19 process for an early identification of what are and what are not the real issues (40 CFR 1500.5(d)).”

20 This means that Action Proponents should consult with environmental planning staff and critical
21 stakeholders to identify resources or issues that need to be analyzed in detail and those that can be
22 discussed only briefly to explain why they do not need to be analyzed in detail. For example, the USMC
23 NEPA Manual (Resource Category Requirements) lists 23 resources or issues that might be analyzed in
24 an EA or EIS. However, only the largest and most complex of proposed actions might require analysis of
25 so many resources and the sliding-scale approach should be applied to EA and EIS preparation. When
26 applying the sliding-scale approach to NEPA analysis, the preparer should analyze issues and impacts
27 with the amount of detail commensurate with the importance of the issue or potential impacts determined
28 during scoping. The term “scale” refers to the spectrum of significance of environmental impacts.
29 Proposals with clearly minor environmental impacts usually will require less depth and breadth of
30 analysis in analyzing their impacts (though the analysis still must satisfy all requirements of related
31 environmental authorities). Conversely, as proposals fall increasingly closer to the high end of the
32 continuum of potential environmental impacts, the depth and breadth of analysis will increase.

33 Focus analysis on the issues with potential for significant environmental impacts. Trivial issues and
34 impacts should be identified as such, and include only enough discussion to show *why* more study is not
35 warranted. Identify, but do not conduct detailed analysis on clearly insignificant impacts. Indicate how all
36 relevant environmental attributes were considered, and provide enough information to show why greater
37 consideration is not needed.

38 Application of the sliding-scale approach is not, however, a rationale for preparing an EA (even a
39 complex EA) rather than an EIS for a proposal with potentially significant environmental impacts. While
40 some EAs need to be more complex than others, proposed actions with the potential for significant
41 environmental impacts normally require an EIS (see MCO P5090.2A Sections 12201.4b and 12201.5c for
42 a list of actions that normally require EAs and EISs). The following text box illustrates the level of
43 analysis that could be used to explain why a specific resource does not need to be evaluated in detail.

⁸ “Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations” 40 CFR (1502.2(c)). “Environmental assessment...Means a concise public document...” 40 CFR 1508.9(a).

1 Remember that the goal of the NEPA process is to evaluate environmental impacts and consider
2 alternative means of accomplishing an action—quality NEPA documents effectively “tell the story” of the
3 proposed action through good organization, appropriate use of graphics, and clear and concise writing.
4 The USMC NEPA Manual recommends additional specific ways to improve the quality of EAs and EISs.
5 See, for example, Section 2.8, Document Integrity and Quality Assurance. Several federal and state
6 agencies and non-governmental organizations (NGO) has have suggested a variety of improvements to
7 EA and EIS documents. Some examples are:

- 8 • *“Improving the Quality of Environmental Documents; A Report of the Joint AASHTO/ACEC*
9 *Committee in Cooperation with the Federal Highway Administration,”* American Association of
10 State Highway and Transportation Officials, May 2006,
11 http://environment.transportation.org/pdf/IQED-1_for_CEE.pdf
- 12 • Washington State Reader Friendly Document Toolkit,
13 www.wsdot.wa.gov/Environment/ReaderFriendly.htm
- 14 • North Carolina Department of Transportation “EIS Citizens Summaries,” see an example at:
15 [http://www.mumpo.org/PDFs/Monroe_ByPass/CitizensSummary\(April_2009\).pdf](http://www.mumpo.org/PDFs/Monroe_ByPass/CitizensSummary(April_2009).pdf).

In accordance with the CEQ regulations implementing NEPA, the description of the affected environment focuses on those conditions and resource areas that are potentially subject to impacts. These resources include water and sediment quality, soils and land use, water resources, socioeconomic, environmental justice, cultural resources, hazardous materials and waste management, biological resources, air quality and climate, noise, and public safety. Because of the size and limited range of impacts associated with the IAS, some environmental resources and conditions that are often analyzed in an EA have been omitted from this analysis.

- **Air Quality.** Operation of the System would not produce any emissions. Additionally, the System would use existing vessels and would not require any additional vessel trips. Existing vessel were assessed for air quality in *USMC Vessel EA* (2009). For these reasons, no significant air quality impacts are anticipated from installation and operation of the System. Accordingly, the USMC has omitted detailed examination of air quality.
- **Water Resources.** The Proposed Action does not involve any activities that would significantly increase the demand for water resources or affect surface water and groundwater. No physical disturbances, earth moving, or major construction activities would occur; therefore, the Proposed Action would not affect surface water flow quantity or quality. Accordingly, the USMC has omitted detailed analysis of water resources. A detailed discussion of wetlands and floodplains is included in Sections 3.2 and 4.2, Biological Resources.
- **Public Safety.** Construction site safety is largely a matter of adherence to regulatory requirements imposed for the benefit of employees and implementation of operational practices that reduce risks of illness, injury, death, and property damage. The health and safety of onsite military and civilian workers are safeguarded by DoD regulations designed to comply with standards issued by the Occupational Safety and Health Administration (OSHA) and USEPA. These standards specify the amount and type of training required for industrial workers, the use of protective equipment and clothing, engineering controls, and maximum exposure limits for workplace stressors. Construction workers would not be exposed to greater safety risks from the inherent dangers at construction sites. Contractors would be required to establish and maintain safety. Therefore, the proposed construction would not introduce new or unusual safety risks, assuming construction protocols are followed.
- Industrial hygiene programs address exposure to hazardous materials, use of personal protective equipment, and availability of Material Safety Data Sheets (MSDSs). Industrial hygiene is the responsibility of contractors, as applicable. Contractor responsibilities are to review potentially hazardous workplace operations; monitor exposure to workplace chemical (e.g., asbestos, lead, hazardous material), physical (e.g., noise propagation), and biological (e.g., infectious waste) agents; recommend and evaluate controls (e.g., ventilation, respirators) for the protection of personnel; and ensure a medical surveillance program is in place to perform occupational health physicals for those workers subject to any accidental chemical exposures.
- All of the proposed construction sites would be on the Base. Exposure by the public to these sites would be limited since the general public cannot freely access the Base. During times of demolition and construction, construction crews would display necessary warnings of possible safety concerns within the site area. Public health and safety is not expected to be impacted by the Proposed Action.

5.3 Common Problems That Derail/Slow an EA/EIS:

“Scope Creep.” SMEs review the EA/EIS with their specialty in mind (air or water quality, bio or cultural resources). SMEs have responsibilities to the resources and programs on the installations that endure beyond the EA/EIS, and they need to maintain relationships with regulators on behalf of larger USMC and base interests. No later than immediately after EA/EIS scoping, the EA/EIS Project Manager needs to work with SMEs to identify the scope and methodology of the analysis. Most SMEs should understand the requirements of their area of expertise (i.e., Section 7 and Section 106). However, some SMEs may not be familiar with EA/EIS documents and writing styles. The EA/EIS Project Manager, IPT lead, and SME need to devote time to establishing evaluation criteria and methodology, and communicate needs and expectations.

Starting NEPA Analysis Too Early Or Too Late. The CEQ regulations direct agencies to “integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values” (40 CFR 1501.2). The purpose for having early environmental review and integrating it with other planning processes (i.e., MILCON) is to increase the probability that environmental concerns will be considered while a proposed action is still in its preliminary development. Once a project action has undergone detailed design it becomes more difficult to make fundamental changes. However, if a project is too preliminary or inadequately defined, the EA/EIS analysis will have to be revised. This is a common issue with design-build contracts. Proposed actions that are well-defined and includes size, location, design, construction , and operation alternatives generally require fewer changes during the course of EA/EIS preparation. Elements of a proposed action that are not defined will require assumptions or be left unanswered.

One potential solution to this dilemma is for the design and environmental planning teams to work together early in the process. For example, a DD1391 integrated design Charrette involves bringing together the Action Proponent, technical criteria specialists, engineering and design, environmental planning, and other critical stakeholder groups in intense, multi-day meetings/workshops to define the scope of the proposed action and alternatives, and identifies environmental constraints and considerations. A successful planning charrette workshop requires a significant upfront investment in preparation time.

A second potential solution is—to the extent practical—define an “envelope” or “box” around the project footprint where impacts would occur. For example, in the case of installing new utilities or a perimeter fence, a “study area” could be established and within the study area define an impact footprint with specific dimensions. A conservative analysis of temporary and permanent impacts will identify the acres disturbed, habitat types, resources to avoid, on- or off-site mitigation requirements, etc. If fully analyzed in an EA or EIS, minor deviations of the impact footprint within the study area should help minimize costly and time consuming reevaluations.

Changes To The Proposed Action Late In The Process. If the proposed action changes late in the process such as after the preliminary or interim draft EA/EIS has been prepared, the scope, budget and schedule will most likely increase. If the DOPAA is inadequate, USMC reviewers (including EIRBs) may request additional information from the Action Proponent regarding the proposed design, construction, or operation. For example, consistency of scope between the MILCON and NEPA processes is crucial. While the MILCON Requirements and NEPA Purpose and Need will remain relatively stable, project design, alternatives, and execution years might change. Project design can be affected by environmental planning considerations, technical/engineering, financial/cost, and logistics/mission factors, necessitating regular coordination between the MILCON and environmental planning staffs. An EA/EIS schedule may be delayed for the amount of time it takes to prepare the information, analyze it, and incorporate the new information in the document. The impact on budget and schedule will be greater the later these changes occur in the process. If there is a change to the action after the NEPA decision document (DM/FONSI/ROD) is signed, a supplement may need to be prepared. NEPA Manual Section 6.5 provides guidance on when and how to supplement an EA or EIS.

Lack of Quality Control. A universal quality control process does not exist. EA/EIS consulting companies should have their own quality control process, but many do not. The quality of the document

1 is paramount. EAs/EISs can be complex documents prepared by many authors. See Section 2.8 of the
2 USMC NEPA manual on QA/QC processes.

3 Ignoring Viable Alternatives. Action Proponents should inform EA/EIS Project Managers as soon as they
4 have identified a preferred alternative, but the EA/EIS Project Managers must nevertheless analyze all
5 reasonable alternatives without bias, for the Action Proponents to consider before they make a final
6 decision on a proposed project (note the distinction between the decision to proceed with a proposal and
7 the decision to approve a specific project. Determining the range of reasonable alternatives can be
8 difficult. An EA/EIS Project Manager must work closely with the project team to identify and consider
9 the full range of reasonable alternatives. Failure to identify all reasonable alternatives early in the NEPA
10 process could result in an inadequate review and costly project delays. The worst outcome would be to
11 find at the end of the NEPA review that a portion of the proposed action has not been identified and
12 analyzed, or a viable alternative has been ignored.

Attachment 1

Avoiding Role Confusion

Role and Responsibility Charting

What is a Role and Responsibility Charting?

Role and Responsibility Charting is a technique for identifying and resolving ambiguities in the proper role and responsibilities of team members through a cross-functional collaborative effort.

What are the benefits of Role and Responsibility Charting?

Role and Responsibility Charting enables managers to actively participate in a focused and systematic discussion about process related actions that must be accomplished for a successful project. Role and Responsibility Charting is a way of systematically clarifying relationships pertaining to:

1. Communication or actions required to deliver an acceptable product or service
2. Organization or functional roles (no personal names).
3. Participation expectations assigned to roles by decisions or actions.

The acronym “RACI” is derived from the functional roles Responsible, Accountable, Consulted, and Informed that represents team member roles and responsibilities. A good RACI chart will help prevent Role Confusion. Some symptoms of Role Confusion are questions over who makes decisions, questions over who does what, out of balance workloads, lack of action because of ineffective communications, a reactive work flow, and multiple “stops” needed to find an answer to a question. Managers and supervisors are not accountable for everything in their organization. Responsibility charting ensures accountability is placed with the person who really can be accountable for specific work. Often this results in accountabilities for actions being moved to the most appropriate level.

Role and Responsibility Charting also reconciles a person’s “Role Conception” with other’s “Role Expectation.” Schedule delays and substantial rewrites can often be tracked back to a fault in the responsibility chart. Common faults in the chart include: an action not included on the chart (that should be), a position failing to perform as assigned or a missing or misapplied responsibility code. The need for managers and supervisors to clarify roles and responsibilities does not end after the Responsibility Charting process is complete; it must be an ongoing activity.

Steps to Develop a RACI Chart

1. Identify work process. Align with key EA/EIS milestones
2. Determine the decisions and activities to chart. Avoid obvious, generic or ambiguous activities, such as “Attend meetings” or “Prepare reports.” Each activity or decision should begin with a good action verb:

Approve	Collect	Conduct	Decide	Determine
Develop	Evaluate	Monitor	Prepare	Publish
Report	Review	Schedule	Update	Write

3. Prepare a list of roles or people involved in those tasks. Roles can be individuals, groups or entire departments. Organizational functional roles are better than individual names.
4. Develop the RACI chart. As a general rule, first assign R’s (who is responsible, the “doer”) then determine who is the A (accountable such as “yes” or “no” authority), then complete C’s and I’s.
5. Get feedback and buy-in. · Distribute the RACI chart to everyone represented on the chart but not present in the development meeting. Revise and reissue an updated chart as necessary.

RACI Chart Review: Vertical Analysis

Finding:	Possible Interpretation:
Lots of R's	Can this individual accomplish all these activities?
No empty spaces	Does the individual need to be involved in so many activities?
Too many A's	Can some of the accountability be "pushed down" in the organization?
No R's or A's	Is this a line position? Could it be expanded or eliminated?
Overall pattern	Does the pattern fit the personality and style of the role occupant? Does it go against the personality type of the role occupant? (i.e., either too much or too little involvement, etc.)

R A C I Chart Review: Horizontal Analysis

Finding:	Possible Interpretation
Lots of R's	Will the task get done? Can activity or decision be broken into more specific tasks?
Lots of C's	Do all these individuals really need to be consulted? Do the benefits of added input justify the time lost in consulting all these individuals?
Lots of I's	Do all these individuals really need to be routinely informed, or could they be informed only at key milestones?
No R's	Job may not get done; everyone is waiting to approve, be consulted, or informed; no one sees their role as taking the initiative to get the job done.
No A's	No performance accountability; therefore, no personal consequence when the job doesn't get done. <i>Rule #1 in RACI charting: There must be one, but only one, "A" for each action or decision listed on the chart.</i>
No C's / I's	Is this because individuals/departments "don't talk"? Does a lack of communication between individuals/departments result in parallel or uninformed actions?

Other RACI Guidelines:

1. Place Accountability (A) and Responsibility (R) at the lowest feasible level.
2. There can be only one accountable individual per activity
3. Authority must accompany accountability
4. Minimize the number of Consults (C) and Informs (I)
5. All roles and responsibilities must be documented and communicated
6. Discipline is needed to keep the roles and responsibilities clear. "Drift" happens. RACI has to be revisited periodically, especially when symptoms of role confusion reappear

Source: Project Management Forum (www.pmforum.org).

IPT RACI* Chart		PERSONNEL/ROLES															
		Action Proponent	Command/Installation	Region EIRB	NAVFAC/Contractor	Installation NEPA SME	Installation SME (other)	CL	Other Affected Commands	ITP Team Lead	IPT Members	EIS Project Manager	Regional Env. Coordinator	OLA	HQ LFL	DASN/PDASN	
ACTIONS/DECISIONS	POM for NEPA and related study costs	A/R	I		I	I									C		
	Develop Purpose and Need statement	R	I	C	I	I	I	C	I	C	C	C					
	Conduct early feasibility studies	A			R	I	C			C	I	C					
	Develop Public Involvement Plan																
	Prepare Notice of Intent (NOI) to prepare EIS and briefing materials																
	Conduct NOI EIRB and DoN briefs	A	I	I	I			I	I	R	I	R	I	I	I	C	
	Prepare Meeting Materials, conduct scoping, scoping analysis																
	Develop Alternatives to be evaluated in EIS																
	Prepare Draft DOPAA																
	Review DOPAA																
	Develop PMP, impact methodology, and evaluation or significance criteria																
	Develop/Manage Administrative Record																
	Prepare pDEIS																
	Identify Mitigation Measures																
	Review pDEIS																
	Conduct DEIS NOA, EIRB and DoN briefs																
	Publish NOA/NOPM																
	Conduct DEIS Public Meetings																
	Prepare Response to Comments																
	Prepare pFEIS																
	Review pFEIS																
	Finalize/Authorize Mitigation Measures																
	Conduct FEIS NOA EIRB and DoN briefs																
	Prepare ROD																
	Conduct ROD EIRB and DoN briefs																
Sign ROD																A	

* RACI = Responsible, Accountable, Consulted, and Informed

Responsible is “the doer” who actually completes the task (implementation). Responsibility can be shared.

Accountable is the person/organization ultimately answerable for the activity or decision (“yes” or “no” authority and veto power). Only one **A** can be assigned to an action.

Consult role is individual(s) to be consulted prior to a final decision or action. Involves two-way communications. Input from the person or organization is required.

Inform individuals who need to be informed when a decision or action is taken. This is typically one-way communication.

Appendix C

Sample Request for Environmental Impact Review (REIR) and Decision Memorandum (DM)



UNITED STATES MARINE CORPS
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788108
TWENTYNINE PALMS, CALIFORNIA 92278-8100

5090/12690.2
9/c-10-0472
21 Jan 10

DECISION MEMORANDUM

Subj: MEMORANDUM OF DECISION FOR CATEGORICAL EXCLUSION (CATEX)

Ref: (a) Marine Corps Air Ground Combat Center Environmental Assessment of Expeditionary Airfield/Exercise Support Base, Twentynine Palms, California of October 1997
(b) Programmatic Environmental Assessment for Ongoing and Proposed Training Activities at Marine Corps Air Ground Combat Center, Twentynine Palms, Ca of May 2003

Encl: (1) Request for Environmental Impact Review (REIR), for Operation Barma Compound of 20 January 2010
(2) NEPA REIR Routing Sheet of 20 January 2010

1. ACTION SPONSOR: G-3, MAGTFTC.

2. PROJECT: Provides for the set up of Operation Barma Compound area located on the north side of Camp Wilson.

3. DESCRIPTION OF PROPOSED ACTION: The purpose of this project is to set up an area, referred to as Operation Barma Compound in support of Enhanced Mojave Viper. The compound is being established to simulate war-time conditions in Afghanistan. Enclosure (1) provides a detailed description and location for the proposed actions.

4. FOR CATEGORICAL EXCLUSION: 32 CFR Part 775.6(f) contains categorical exclusions (CATEX) number forty-five (45). CATEX 45 applies to "routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems conducted at the unit or minor exercise level; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment." The references are the previous NEPA analyses required for the use of CATEX 45 for the proposed action.

SUBJ: MEMORANDUM OF DECISION FOR CATEGORICAL EXCLUSION

The following statements are made for the record to clarify that with this proposed action, there are no enumerated conditions as set out in 32 CFR Part 775.6(e):

a. There is no reason to anticipate any adverse affect on public health or safety.

b. The action has no effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial.

c. The proposed action establishes no precedents or makes decisions in principle for future actions that have the potential for significant impacts.

d. The action does not threaten a violation of federal, state, or local environmental laws applicable to the Department of the Navy.

e. The proposed action, as determined in coordination with the appropriate resource agency, does not:

(1) Have an adverse effect on federally listed endangered/threatened species or marine mammals;

(2) Have an adverse effect on coral reefs or on federally designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands;

(3) Adversely affect the size, function or biological value of wetlands and is not covered by a nation-wide or regional permit;

(4) Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels and equipment) listed or determined eligible for listing on the National Register of Historic Places; or

(5) Result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under standards of the Clean Air Act General Conformity Rule.

5. Actions required by the Action Sponsor to comply with other environmental laws and regulations. The reference and enclosures (1) and (2) apply.

REQUEST FOR ENVIRONMENTAL IMPACT REVIEW

PART I - GENERAL INFORMATION

1. Project Name:	Op BARMA Compound	2. Date:	20 Jan 2010 ^{AK} _{AKD}
3. Action Sponsor:	TTECG/G-3	4. Staff Action Sponsor:	Maj Harmon
5. Point of Contact:	Maj Harmon Capt Rushing	6. Telephone Number:	760-830-1886
7. Specific Project Site Location:	North Side of Camp Wilson; See attached sketch		
8. Project Number:	(Include building numbers, street names or eight digit UTM coordinates. Attach maps/project sketches of physical location.)		

PART II - PROJECT DESCRIPTION

Describe the proposed project. Use a separate sheet of paper labeled: REQUEST FOR ENVIRONMENTAL IMPACT REVIEW (PART II) - PROJECT DESCRIPTION (or utilize Part III, Section 9: General Comments). Write clearly and with enough detail to fully explain the project or activity. Include the following:

1. Purpose and need for the proposed action (What, When, Where, How and Why).
 2. Reasonable alternatives to proposed action including the effect of no action.
 3. Describe any associated support or facility requirements.
 4. List other existing or proposed actions that might cause impacts considered cumulative with the impacts of the proposed action.
- * Any digging of holes must be addressed (foxholes, pits, trenches, etc.)

PART III - ENVIRONMENTAL QUESTIONNAIRE

Check the appropriate box (Yes, No, Undetermined) to identify if any component of the proposed action (including, but not limited to: construction, installation, demolition, removal, activation or operation) will involve any of the items listed. All YES answers must be explained in Part III-9 of this form. Check "Undetermined" if unsure.

1. AIR QUALITY

YES <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	NO <input type="checkbox"/>	a. Will there be any repairs or new construction with boilers, emergency generators, fuel storage tank, etc., involved?
YES <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	b. Will there be paints, solvents, degreasers, or other vapor producing materials used or will any facilities be constructed or modified for their use?
YES <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	c. Will the proposed action involve the agitation, removal, or disposal of asbestos or lead-based paint?
YES <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	d. Will ozone depleting substances such as refrigerants or solvents be used, replaced, or removed in the proposed action?
YES <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	e. Will the proposed action cause an increase in dust emissions?
YES <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	f. Will pollution control equipment or reduction techniques be used as part of this action?
YES <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	g. Will the action create emission reduction credits? If so, what is the amount of acres affected?

REQUEST FOR ENVIRONMENTAL IMPACT REVIEW

CCO 5090.4C

2. LAND QUALITY

YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	a. Will the proposed action require the use or disposal of earthen fill materials? (If yes, identify where the proposed area is for obtaining or disposing of the fill material in Part IV of this form)
YES <input type="checkbox"/> NO <input type="checkbox"/> UNDETERMINED <input checked="" type="checkbox"/>	b. Will there be an increase in the level of soil disturbance?
YES <input type="checkbox"/> NO <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	c. Will there be any damage to native vegetation?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	d. Does the project involve the purchase, lease, sale or transfer of any real estate?
Acres <u>10 acres</u>	e. What is the amount of acreage involved with the proposed project?

3. HAZARDOUS WASTE OR HAZARDOUS MATERIALS

YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	a. Does the proposed action involve the use of herbicides, insecticides or other pesticides?
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDETERMINED <input type="checkbox"/>	b. Will any toxic materials, hazardous materials, or hazardous waste be used, stored, treated, or require disposal during and/or after the proposed action is complete?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	c. Will petroleum, oil, and/or lubricants (POL) be routinely stored or used at the site during and/or after the proposed action?

4. WATER QUALITY

YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	a. Does the proposed action involve on-site disposal of sanitary waste or wastewater waste via a septic tank, trench, pit, or foxhole?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	b. Will there be any action in/on or near (less than 75 feet) a natural desert wash or playa (dry lake)?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	c. Is the proposed action planned for the Sand Hill Training Area or the Sand Hill Restricted Area?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	d. Will there be an increase in run-off, erosion, or siltation during and/or after the proposed action?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	e. Will wastewater be connected or discharged to the Sanitary Sewer?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	f. Will wastewater be connected or discharged to the Industrial Waste System?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	g. Will wastewater be connected or discharged to the Storm Water Conveyance System?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	h. Will the proposed action require the use of potable water on-site for construction purposes?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	i. Have cross-connection needs been identified for the project?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/>	j. Will the proposed action discharge a low threat water quality to land? (i.e. well development discharge, water main flushing, tank hydrostatic testing, dewatering project, etc.)

5. NATURAL AND CULTURAL RESOURCES

YES <input type="checkbox"/>	NO <input type="checkbox"/>	UNDETERMINED <input checked="" type="checkbox"/>	a. Will any threatened or endangered species of plant or animal be affected?
YES <input type="checkbox"/>	NO <input type="checkbox"/>	UNDETERMINED <input checked="" type="checkbox"/>	b. Are surveys required to determine the presence or absence of threatened or endangered species?
YES <input type="checkbox"/>	NO <input type="checkbox"/>	UNDETERMINED <input checked="" type="checkbox"/>	c. Does the area contain historic or prehistoric artifacts?
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	d. Are surveys required to determine if cultural or prehistoric artifacts are present?
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	e. Will actions take place in or adjacent to a designated environmentally sensitive area (as defined in CCO 5090.1C) ?

6. SOCIO - ECONOMIC CONSIDERATIONS

YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	a. Will the proposed action cause an increase or decrease in the on-base or off-base military population?
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	b. Will the proposed action cause an increase, decrease, or change in the traffic pattern on-base or off-base?
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	c. Will there be an increased demand on local or state governments to provide services?
YES <input type="checkbox"/>	NO <input type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	d. Will air traffic or flight patterns be altered or increased?
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	e. Will any noise, traffic, dust, or visual aesthetic of the desert region be generated or altered which may effect off-base persons, property, or wildlife?
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	f. Is there any known controversy associated with the type of action proposed?

7. UTILITIES AND SERVICES

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	a. Will any new or modifications to existing utilities be required. If yes, check the appropriate box or boxes.							
			Gas	Phone	Electric	Potable Water	Septic	Industrial Waste Water	Non-Pot Irrigate Water	High-Temp Hot Water
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. GENERAL CONSIDERATIONS

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	a. Are alternative sites or actions available for the proposed action?
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	UNDETERMINED <input type="checkbox"/>	b. Are alternative procedures, practices, or technologies available to minimize environmental impact or utility use?
YES <input type="checkbox"/>	NO <input type="checkbox"/>	UNDETERMINED <input checked="" type="checkbox"/>	c. Does the proposed action fall within the terms of a delegated Categorical Exclusion (CATEX) approval authority document? If so, complete Part IV - Staff Action Sponsor Certification.

9. GENERAL COMMENTS

Use this space to provide answers to Part II of this form - PROJECT DESCRIPTION or explain any "yes" answers in Part III - Environmental Questionnaire.

The TTECG determined that the EMV requires an area to set up what is known as an "OP Barma" compound. The compound was sighted on the North side of Camp Wilson, in an area that was previously recommended through an initiative staffed by MVSD through PWD for use for Engineer Equipment operations (originally in conjunction with Steel Knight).

The new activities for the site include leveling the 200mX200m and surrounding the level area with 7 foot HESCO barriers. Fill for the barriers will be from the berms that were present as part of the previous engineer equipment activity that was on the site. The level area will be layered with 3 inches of gravel for mud/dust abatement purposes. Gravel is being delivered from the MCAGCC quarry. Within the confines of the berm, the activities for training will be conducted in several areas within the compound: HME training area (with tables holding representative samples of Home Made Explosives to allow Marines to get exposure to likely threats while deployed), A Compact Medal Detector (CMD) area to allow Marines to training on the CMD being used in theater to find Improvised Explosive Devices, A Sweep lane will consist of 15 foot lanes where instructors will in place (bury 2") pieces of sanitized metal to replicate HME and IEDs for the training Audience to practice using the CMD, a Robot area for Marines to practice using IED robots to mitigate explosive hazards (simulated); A modular tactical Footbridge Lane for Marines to practice empolying modular footbridges over a 100 meter long, 5 feet deep, 15 foot wide gap that simulates the canals in Afganistan. Additionally, the area will have 2 ISO containers, metal bleachers and a 20'by20' terrain model.

Attachment depicts the lay out of the area and the activities described above.

PART IV - STAFF ACTION SPONSOR CERTIFICATION

1. If a Categorical Exclusion (CATEX) has been found applicable, state the paragraph number from the CATEX ANALYSIS Section of CCO 5090.4C:

2. I have reviewed the information contained herein, verified that it is accurate and complete and hereby submit this form for environmental review.

Signature of Authorizing Official:


PRINT NAME, TITLE

20 Jan 10
DATE

Part V - NREA ENVIRONMENTAL PLANNING STAFF REVIEW ONLY

Note: Yes answers requires explanation in block 9

Increase
 Decrease
 Status quo
 Init. _____

1. Will the action cause change in air pollution?

YES NO
 Init. _____

2. Are there any Installation Restoration (IR) Site(s) near the proposed action? If so, which site number(s):

YES NO
 Init. MBA

3. Will any threatened or endangered species of plant or animal be affected?

YES NO
 Init. MBA

4. Are surveys required to determine the presence or absence of threatened or endangered species?

YES NO
 Init. MBA

5. Does the area contain historic or prehistoric artifacts?

YES NO
 Init. MBA

6. Are surveys required to determine if cultural or prehistoric artifacts are present?

YES NO
 Init. MBA

7. Is this a change in land use from what is presently shown in the MCAGCC Master Plan or Activity Planning & Management Model (APMM)?

YES NO
 Init. MBA

8. Check the appropriate box(s) of below listed permits, approvals, or consultation required for the proposed action?

YES NO
 Init. _____

Air	Waste, Pot. Storm Water	UST/AST	Dredge & Fill	SHPO	USFWS	CMC	Other

9. Recommended modifications or requirements to proposal or action:

Init. _____

Init. _____

Init. _____

Init. _____

Init. _____

Init. _____

Init. _____

Init. _____

Init. _____

Init. _____

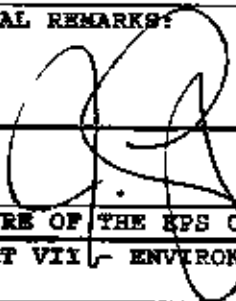
Init. _____

REQUEST FOR ENVIRONMENTAL IMPACT REVIEW		CCD 5030.4C		
PART VI - EIS REVIEW ONLY				
1. SEE THE APPROPRIATE CHECKED BOX:		YES (TRUE)	NO (FALSE)	INIT
a. The Proposed Action has no enumerated conditions that preclude the Action from being categorically excluded from further NEPA documentation?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>ML</i>
b. The Proposed Action falls within the purview of categorical exclusion number(s) <u>48</u> and requires no further NEPA documentation.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>ML</i>
c. The Proposed Action is a continuing activity not likely to cause substantial environmental degradation and requires no further NEPA documentation.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>ML</i>
d. The Proposed Action has explicit guidelines and requires a Decision Memorandum.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>ML</i>
e. The Proposed Action requires an Environmental Assessment (EA) by in-house personnel.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>ML</i>
f. The Proposed Action requires an Environmental Assessment (EA) by outside services.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>ML</i>
g. The Proposed Action requires an Environmental Impact Statement (EIS) by outside services.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>ML</i>
2. SPECIAL REMARKS: <i>The previous NEPA analyses required for the use of CAT EX 45 in this case are the 1987 DAF/ESB EA and the 2003 EA for Training Activities of impact to the historic environment. RW</i>				
SIGNATURE OF THE EIS CHAIRMAN		DATE	SIGNATURE OF THE INSTALLATION ATTORNEY	
<i>[Signature]</i>		1/21/10	<i>R. U. DeLeon</i>	
DATE		DATE		
1/21/10		1/21/10		
PART VII - ENVIRONMENTAL IMPACT REVIEW BOARD EXECUTIVE AGENT		YES (TRUE)	NO (FALSE)	INIT
3. The proposed action requires further environmental review and an EA/EIS will be required.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>ML</i>
ACTION SPONSOR'S SIGNATURE		DATE	EIS EXECUTIVE AGENT By direction	
<i>[Signature]</i>		1/21/10	<i>[Signature]</i>	
DATE		DATE		
1/21/10		1/21/10		

PART VI - EPS REVIEW ONLY

1. SEE THE APPROPRIATE CHECKED BOX:	YES (TRUE)	NO (FALSE)	INIT
a. The Proposed Action has no enumerated conditions that preclude the Action from being categorically excluded from further NEPA documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ML
b. The Proposed Action falls within the purview of categorical exclusion number(s) <u>45</u> and requires no further NEPA documentation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ML
c. The Proposed Action is a continuing activity not likely to cause substantial environmental degradation and requires no further NEPA documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ML
d. The Proposed Action has explicit guidelines and requires a Decision Memorandum.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ML
e. The Proposed Action requires an Environmental Assessment (EA) by in-house personnel.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ML
f. The Proposed Action requires an Environmental Assessment (EA) by outside services.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ML
g. The Proposed Action requires an Environmental Impact Statement (EIS) by outside services.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ML

2. SPECIAL REMARKS:



1/20/10

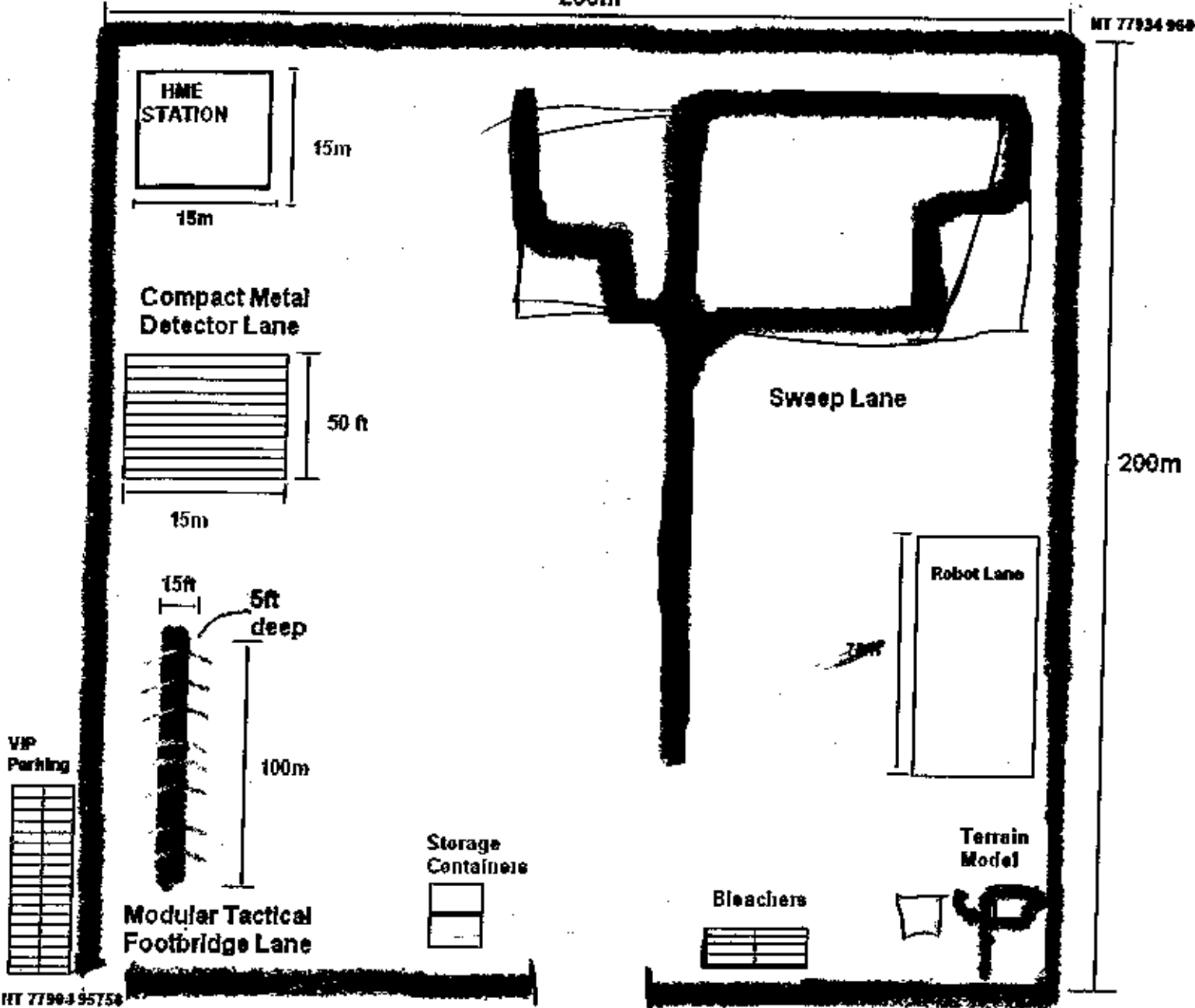
SIGNATURE OF THE EPS CHAIRMAN		DATE	SIGNATURE OF THE INSTALLATION ATTORNEY		DATE
PART VII - ENVIRONMENTAL IMPACT REVIEW BOARD EXECUTIVE AGENT			YES (TRUE)	NO (FALSE)	INIT
3. The proposed action requires further environmental review and an EA/EIS will be required.					
ACTION SPONSOR'S SIGNATURE		DATE	EIRB EXECUTIVE AGENT By direction		DATE

Op Barma Compound

HT 7792 95932

200m

HT 77934 96063



HT 77903 95758

Op Barma
Compound
Exit

Op Barma
Compound
Entrance

HT 78007 95944

File Number: 20071289.2

Date: 20 January 2010

OPERATION CODE
X Originator or office
 Affixing routing sheet
A Appropriate action
B Signature
C Comment/Recommend
D Concurrence
E Information
F Return to NEPA
G Retention
H (Other) _____

SUBJECT:
REPR FOR OP BARMIA COMPOUND

ACTION OFFICER (name, section, etc.)
 Scott Kerr NEPA Coordinator (630-6190)

RESPONSE & SIGNATURE

X		NEPA COORDINATOR	01/20	01/20	SKK
1a	C	Biological			SKK
1b	C	Cultural			SKK
1c	C	NRD			SKK
1a	C	AIR SPECIALIST	20 Jan 10	20 Jan 10	SKK
1b	C	WATER SPECIALIST	1/20	1/20	SKK
1c	C	Abatement Chief	1/20	1/20	SKK
1d	C	EPCRA/Abatement Specialist	1/20	1/20	SKK
1e	C	Environmental Planner	1/20	1/20	SKK
1f	C	Engineering Tech	1/20	1/20	SKK
1g	C	RCRA (I & D)	1/20	1/20	SKK
1h	C	HEAD, P-2 Branch	1/20	1/20	SKK
3	C,B,F	NREA Div Dep	1/20	1/20	SKK
5	C,B,F	Installation Law Attorney	1/21	1/21	SKK
7	C,B,F	Head, NREA	1/21	1/21	SKK
2,4,5,6,8	A	NEPA Coordinator			
8	C,B,F	Project Sponsor	1/21	1/21	SKK

1. Request the review of the attached document and the submission of recommended modifications or requirements to the proposed action.

Respond NRT CLB 22 January 2010

VR

Scott A. Kerr
 Mr. Scott A. Kerr
 NEPA and CETEP Coordinator
 NREA Division
 Marine Air Ground Task Force Training
 Command
 Twentynine Palms, CA 92278

Comm: (760) 630-6190
 FAX: (760) 630-5718
 Email: scott.kerr@usmc.mil

Date: 20 January 2010

OPERATION CODE

- X Originator or office Affixing routing sheet
- A Appropriate action
- B Signature
- C Comment/Recommend
- D Concurrence
- E Information
- F Return to NEPA
- G Retention
- H (Other) _____

SUBJECT:

REIR FOR OP BARMA COMPOUND

ACTION OFFICER (name, section, ext.)
Scott Kerr NEPA Coordinator (830-8190)

REMARKS & SIGNATURE

X		NEPA COORDINATOR	01/20	01/20	SAK
1a	C	Biological			SAK
1b	C	Cultural			SAK
1c	C	NRO			SAK
1a	C	AIR SPECIALIST	20 Jan 10	30 Jan 10	SAK
1b	C	WATER SPECIALIST	1/20	1/20	SAK
1c	C	Abatement Chief	1/20	1/20	SAK
1d	C	EPCRA/Munitions Specialist	1/20	1/20	SAK
1e	C	Environmental Planner	1/20	1/20	SAK
1f	C	Engineering Tech	1/20	1/20	SAK
1g	C	RCRA (I & D)	1/20	1/20	SAK
1h	C	HEAD, P-2 Branch	1/20	1/20	SAK
3	C,B,F	NREA Div Dep	1/20	1/20	SAK
5	C,B,F	Installation Law Attorney			
7	C,B,F	Head, NREA	1/21	1/21	SAK
2,4,5,6,8	A	NEPA Coordinator			
9	C,B,F	Project Sponsor			

1. Request the review of the attached document and the submission of recommended modifications or requirements to the proposed action.

Respond NLT CLB 22 January 2010

V/R

Scott A. Kerr
Mr. Scott A. Kerr
NEPA and CETEP Coordinator
NREA Division
Marine Air Ground Task Force Training Command
Twentynine Palms, CA 92278

Comm: (760) 830-8190
FAX: (760) 830-5718
Email: scott.kerr@usmc.mil

NEPA REIR ROUTING SHEET						Date: 20 January 2010
OPERATION CODE X Originator or office Affixing routing sheet A Appropriate action B Signature C Comment/Recommend D Concurrence E Information F Return to NEPA G Retention H (Other) _____						SUBJECT: REIR FOR OP BARMA COMPOUND
						ACTION OFFICER (name, section, ext.) Scott Kerr NEPA Coordinator (830-8190)
RTG	OPR CODE	ADDRESSEES	DATE IN	DATE OUT	INITIALS concur/ nonconcur	REMARKS & SIGNATURE
X		NEPA COORDINATOR	01/20	01/20	SAK	1. Request the review of the attached document and the submission of recommended modifications or requirements to the proposed action.
1a	C	Biological	1/20	1/20	MBA	
1b	C	Cultural	20 Jan 10	20 Jan 10	JH	Respond NLT CLB 22 January 2010
1c	C	NRO	1/20	1/20	msc	VR
1a	C	AIR SPECIALIST				<i>Scott A. Kerr</i>
1b	C	WATER SPECIALIST				Mr. Scott A. Kerr
1c	C	Abatement Chief				NEPA and CETEP Coordinator
1d	C	EPCRA/Munitions Specialist				NREA Division
1e	C	Environmental Planner				Marine Air Ground Task Force Training Command
1f	C	Engineering Tech				Twentynine Palms, CA 92278
1g	C	RCRA (I & D)				Comm: (760) 830-8190
1h	C	HEAD, P-2 Branch				FAX: (760) 830-5718
3	C,B,F	NREA Div Dep				Email: scott.kerr@usmc.mil
5	C,B,F	Installation Law Attorney				
7	C,B,F	Head, NREA				
2,4,5,6,8	A	NEPA Coordinator				
9	C,B,F	Project Sponsor				

From: Rich Thelin WAEO
260-725-5441

To: Scott Kerr
NEPA, NREA
760-930-8190

Subj: OBC CAT EX

Scott:
Here are the signed signature pages.
Rich

Pages: 3 including cover

REQUEST FOR ENVIRONMENTAL IMPACT REVIEW		Report Control Symbol RCS: Exempt	
INSTRUCTIONS: Section 1 to be completed by Proponent; Sections II and III to be completed by Environmental Planning Function. Continue on separate sheets as necessary. Reference appropriate item number(s). SECTION I - PROPONENT INFORMATION			
1. TO (Environmental Planning Function)		2. FROM (Proponent organization and functional address symbol)	
		2a. TELEPHONE NO.	
3. TITLE OF PROPOSED ACTION 4. PURPOSE AND NEED FOR ACTION (Identify decision to be made and need date) 5. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES (DOPAA) (Provide sufficient details for evaluation of the total action.)			
6. PROPONENT APPROVAL (Name and Grade)		6a. SIGNATURE	
6b. DATE			
SECTION II - PRELIMINARY ENVIRONMENTAL SURVEY. (Check appropriate box and describe potential environmental effects including cumulative effects.) (+ = positive effect; O = no effect; - = adverse effect; U = unknown effect)		+	O
		-	U
7. AIR INSTALLATION COMPATIBLE USE ZONE/LAND USE (Noise, accident potential, encroachment, etc.)			
8. AIR QUALITY (Emissions, attainment status, state implementation plan, etc.)			
9. WATER RESOURCES (Quality, quantity, source, etc.)			
10. SAFETY AND OCCUPATIONAL HEALTH (Asbestos/radiation/chemical exposure, explosives safety quantity-distance, bird/wildlife aircraft hazard, etc.)			
11. HAZARDOUS MATERIALS/WASTE (Use/storage/generation, solid waste, etc.)			
12. BIOLOGICAL RESOURCES (Wetlands/floodplains, threatened or endangered species, etc.)			
13. CULTURAL RESOURCES (Native American burial sites, archaeological, historical, etc.)			
14. GEOLOGY AND SOILS (Topography, minerals, geothermal, Installation Restoration Program, seismicity, etc.)			
15. SOCIOECONOMIC (Employment/population projections, school and local fiscal impacts, etc.)			
16. OTHER (Potential impacts not addressed above.)			
SECTION III - ENVIRONMENTAL ANALYSIS DETERMINATION			
17	PROPOSED ACTION QUALIFIES FOR CATEGORICAL EXCLUSION (CATEX) -- Decision Memorandum (DM) # ; OR PROPOSED ACTION DOES NOT QUALIFY FOR A CATEX; FURTHER ENVIRONMENTAL ANALYSIS IS REQUIRED.		
18. REMARKS			
19. ENVIRONMENTAL PLANNING FUNCTION CERTIFICATION (Name and Grade)		19a. SIGNATURE	
		19b. DATE	
20. PROPONENT APPROVAL (Name and Grade) OF SECTION III		20a. SIGNATURE	
		20b. DATE	

REQUEST FOR ENVIRONMENTAL REVIEW IMPACT CONTINUATION SHEET

Appendix D

**Forty Most Asked Questions Concerning CEQ's NEPA
Regulations, 46 Fed. Reg. 18026**

46 Fed. Reg. 18026 (March 23, 1981)

As amended.

COUNCIL ON ENVIRONMENTAL QUALITY

Executive Office of the President

Memorandum to Agencies:

Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations

SUMMARY: The Council on Environmental Quality, as part of its oversight of implementation of the National Environmental Policy Act, held meetings in the ten Federal regions with Federal, State, and local officials to discuss administration of the implementing regulations. The forty most asked questions were compiled in a memorandum to agencies for the information of relevant officials. In order efficiently to respond to public inquiries this memorandum is reprinted in this issue of the Federal Register.

Ref: 40 CFR Parts 1500 - 1508 (1987).

FOR FURTHER INFORMATION CONTACT:

General Counsel,
Council on Environmental Quality,
722 Jackson Place NW,
Washington, D.C. 20006;
(202)-395-5754.

March 16, 1981

MEMORANDUM FOR FEDERAL NEPA LIAISONS, FEDERAL, STATE, AND LOCAL OFFICIALS AND OTHER PERSONS INVOLVED IN THE NEPA PROCESS

Subject: Questions and Answers About the NEPA Regulations

During June and July of 1980 the Council on Environmental Quality, with the assistance and cooperation of EPA's EIS Coordinators from the ten EPA regions, held one-day meetings with federal, state and local officials in the ten EPA regional offices around the country. In addition, on July 10, 1980, CEQ conducted a similar meeting for the Washington, D.C. NEPA liaisons and persons involved in the NEPA process. At these meetings CEQ discussed (a) the results of its 1980 review of Draft EISs issued since the July 30,

1979 effective date of the NEPA regulations, (b) agency compliance with the Record of Decision requirements in Section 1505 of the NEPA regulations, and (c) CEQ's preliminary findings on how the scoping process is working. Participants at these meetings received copies of materials prepared by CEQ summarizing its oversight and findings.

These meetings also provided NEPA liaisons and other participants with an opportunity to ask questions about NEPA and the practical application of the NEPA regulations. A number of these questions were answered by CEQ representatives at the regional meetings. In response to the many requests from the agencies and other participants, CEQ has compiled forty of the most important or most frequently asked questions and their answers and reduced them to writing. The answers were prepared by the General Counsel of CEQ in consultation with the Office of Federal Activities of EPA. These answers, of course, do not impose any additional requirements beyond those of the NEPA regulations. This document does not represent new guidance under the NEPA regulations, but rather makes generally available to concerned agencies and private individuals the answers which CEQ has already given at the 1980 regional meetings. The answers also reflect the advice which the Council has given over the past two years to aid agency staff and consultants in their day-to-day application of NEPA and the regulations.

CEQ has also received numerous inquiries regarding the scoping process. CEQ hopes to issue written guidance on scoping later this year on the basis of its special study of scoping, which is nearing completion.

NICHOLAS C. YOST
General Counsel

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9. [Applicant Who Needs Other Permits.](#)
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1a. **Range of Alternatives.** What is meant by "range of alternatives" as referred to in Sec. 1505.1(e)?

A. The phrase "range of alternatives" refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. A decisionmaker must not consider alternatives beyond the range of alternatives discussed in the relevant environmental documents. Moreover, a decisionmaker must, in fact, consider all the alternatives discussed in an EIS. Section 1505.1(e).

1b. **How many alternatives** have to be discussed when there is an infinite number of possible alternatives?

A. For some proposals there may exist a very large or even an infinite number of possible reasonable alternatives. For example, a proposal to designate wilderness areas within a National Forest could be said to involve an infinite number of alternatives from 0 to 100 percent of the forest. When there are potentially a very large number of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS. An appropriate series of alternatives might include dedicating 0, 10, 30, 50, 70, 90, or 100 percent of the Forest to wilderness. What constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case.

2a. **Alternatives Outside the Capability of Applicant or Jurisdiction of Agency.** If an EIS is prepared in connection with an application for a permit or other federal approval, must the EIS rigorously analyze and discuss alternatives that are outside the capability of the applicant or can it be limited to reasonable alternatives that can be carried out by the applicant?

A. Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.

2b. Must the EIS analyze **alternatives outside the jurisdiction** or capability of the agency or beyond what Congress has authorized?

A. An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered. Section 1506.2(d). Alternatives that are outside the scope of what Congress has approved or funded must still be evaluated in the EIS if they are reasonable, because the EIS may serve as the basis for modifying the Congressional approval or funding in light of NEPA's goals and policies. Section 1500.1(a).

3. **No-Action Alternative.** What does the "no action" alternative include? If an agency is under a court order or legislative command to act, must the EIS address the "no action" alternative?

A. Section 1502.14(d) requires the alternatives analysis in the EIS to "include the alternative of no action." There are two distinct interpretations of "no action" that must be considered, depending on the nature of the proposal being evaluated. The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no

management at all would be a useless academic exercise. Therefore, the "no action" alternative may be thought of in terms of continuing with the present course of action until that action is changed. Consequently, projected impacts of alternative management schemes would be compared in the EIS to those impacts projected for the existing plan. In this case, alternatives would include management plans of both greater and lesser intensity, especially greater and lesser levels of resource development.

The second interpretation of "no action" is illustrated in instances involving federal decisions on proposals for projects. "No action" in such cases would mean the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward.

Where a choice of "no action" by the agency would result in predictable actions by others, this consequence of the "no action" alternative should be included in the analysis. For example, if denial of permission to build a railroad to a facility would lead to construction of a road and increased truck traffic, the EIS should analyze this consequence of the "no action" alternative.

In light of the above, it is difficult to think of a situation where it would not be appropriate to address a "no action" alternative. Accordingly, the regulations require the analysis of the no action alternative even if the agency is under a court order or legislative command to act. This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. It is also an example of a reasonable alternative outside the jurisdiction of the agency which must be analyzed. Section 1502.14(c). See Question 2 above. Inclusion of such an analysis in the EIS is necessary to inform the Congress, the public, and the President as intended by NEPA. Section 1500.1(a).

4a. Agency's Preferred Alternative. What is the "agency's preferred alternative"?

A. The "agency's preferred alternative" is the alternative which the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors. The concept of the "agency's preferred alternative" is different from the "environmentally preferable alternative," although in some cases one alternative may be both. See Question 6 below. It is identified so that agencies and the public can understand the lead agency's orientation.

4b. Does the "preferred alternative" have to be identified in the Draft EIS **and the Final EIS or just in the Final EIS?**

A. Section 1502.14(e) requires the section of the EIS on alternatives to "identify the agency's preferred alternative if one or more exists, in the draft statement, and identify such alternative in the final statement . . ." This means that if the agency has a preferred alternative at the Draft EIS stage, that alternative must be labeled or identified as such in the Draft EIS. If the responsible federal official in fact has no preferred alternative at the Draft EIS stage, a preferred alternative need not be identified there. By the time the Final EIS is filed, Section 1502.14(e) presumes the existence of a preferred alternative and requires its identification in the Final EIS "unless another law prohibits the expression of such a

preference."

4c. Who recommends or determines the "**preferred alternative**?"

A. The lead agency's official with line responsibility for preparing the EIS and assuring its adequacy is responsible for identifying the agency's preferred alternative(s). The NEPA regulations do not dictate which official in an agency shall be responsible for preparation of EISs, but agencies can identify this official in their implementing procedures, pursuant to Section 1507.3.

Even though the agency's preferred alternative is identified by the EIS preparer in the EIS, the statement must be objectively prepared and not slanted to support the choice of the agency's preferred alternative over the other reasonable and feasible alternatives.

5a. **Proposed Action v. Preferred Alternative.** Is the "proposed action" the same thing as the "preferred alternative"?

A. The "proposed action" may be, but is not necessarily, the agency's "preferred alternative." The proposed action may be a proposal in its initial form before undergoing analysis in the EIS process. If the proposed action is [46 FR 18028] internally generated, such as preparing a land management plan, the proposed action might end up as the agency's preferred alternative. On the other hand the proposed action may be granting an application to a non-federal entity for a permit. The agency may or may not have a "preferred alternative" at the Draft EIS stage (see Question 4 above). In that case the agency may decide at the Final EIS stage, on the basis of the Draft EIS and the public and agency comments, that an alternative other than the proposed action is the agency's "preferred alternative."

5b. Is the analysis of the "**proposed action**" in an EIS to be treated differently from the analysis of alternatives?

A. The degree of analysis devoted to each alternative in the EIS is to be substantially similar to that devoted to the "proposed action." Section 1502.14 is titled "Alternatives including the proposed action" to reflect such comparable treatment. Section 1502.14(b) specifically requires "substantial treatment" in the EIS of each alternative including the proposed action. This regulation does not dictate an amount of information to be provided, but rather, prescribes a level of treatment, which may in turn require varying amounts of information, to enable a reviewer to evaluate and compare alternatives.

6a. **Environmentally Preferable Alternative.** What is the meaning of the term "environmentally preferable alternative" as used in the regulations with reference to Records of Decision? How is the term "environment" used in the phrase?

A. Section 1505.2(b) requires that, in cases where an EIS has been prepared, the Record of Decision (ROD) must identify all alternatives that were considered, ". . . specifying the alternative or alternatives

which were considered to be environmentally preferable." The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

The Council recognizes that the identification of the environmentally preferable alternative may involve difficult judgments, particularly when one environmental value must be balanced against another. The public and other agencies reviewing a Draft EIS can assist the lead agency to develop and determine environmentally preferable alternatives by providing their views in comments on the Draft EIS. Through the identification of the environmentally preferable alternative, the decisionmaker is clearly faced with a choice between that alternative and others, and must consider whether the decision accords with the Congressionally declared policies of the Act.

6b. Who recommends or determines what is environmentally preferable?

A. The agency EIS staff is encouraged to make recommendations of the environmentally preferable alternative(s) during EIS preparation. In any event the lead agency official responsible for the EIS is encouraged to identify the environmentally preferable alternative(s) in the EIS. In all cases, commentors from other agencies and the public are also encouraged to address this question. The agency must identify the environmentally preferable alternative in the ROD.

7. Difference Between Sections of EIS on Alternatives and Environmental Consequences. What is the difference between the sections in the EIS on "alternatives" and "environmental consequences"? How do you avoid duplicating the discussion of alternatives in preparing these two sections?

A. The "alternatives" section is the heart of the EIS. This section rigorously explores and objectively evaluates all reasonable alternatives including the proposed action. Section 1502.14. It should include relevant comparisons on environmental and other grounds. The "environmental consequences" section of the EIS discusses the specific environmental impacts or effects of each of the alternatives including the proposed action. Section 1502.16. In order to avoid duplication between these two sections, most of the "alternatives" section should be devoted to describing and comparing the alternatives. Discussion of the environmental impacts of these alternatives should be limited to a concise descriptive summary of such impacts in a comparative form, including charts or tables, thus sharply defining the issues and providing a clear basis for choice among options. Section 1502.14. The "environmental consequences" section should be devoted largely to a scientific analysis of the direct and indirect environmental effects of the proposed action and of each of the alternatives. It forms the analytic basis for the concise comparison in the "alternatives" section.

8. Early Application of NEPA. Section 1501.2(d) of the NEPA regulations requires agencies to provide for the early application of NEPA to cases where actions are planned by **private applicants** or **non-Federal entities** and are, at some stage, subject to federal approval of permits, loans, loan guarantees,

insurance or other actions. What must and can agencies do to apply NEPA early in these cases?

A. Section 1501.2(d) requires federal agencies to take steps toward ensuring that private parties and state and local entities initiate environmental studies as soon as federal involvement in their proposals can be foreseen. This section is intended to ensure that environmental factors are considered at an early stage in the planning process and to avoid the situation where the applicant for a federal permit or approval has completed planning and eliminated all alternatives to the proposed action by the time the EIS process commences or before the EIS process has been completed.

Through early consultation, business applicants and approving agencies may gain better appreciation of each other's needs and foster a decisionmaking process which avoids later unexpected confrontations.

Federal agencies are required by Section 1507.3(b) to develop procedures to carry out Section 1501.2(d). The procedures should include an "outreach program", such as a means for prospective applicants to conduct pre-application consultations with the lead and cooperating agencies. Applicants need to find out, in advance of project planning, what environmental studies or other information will be required, and what mitigation requirements are likely, in connecton with the later federal NEPA process. Agencies should designate staff to advise potential applicants of the agency's NEPA information requirements and should publicize their pre-application procedures and information requirements in newsletters or other media used by potential applicants.

Complementing Section 1501.2(d), Section 1506.5(a) requires agencies to assist applicants by outlining the types of information required in those cases where the agency requires the applicant to submit environmental data for possible use by the agency in preparing an EIS.

Section 1506.5(b) allows agencies to authorize preparation of environmental assessments by applicants. Thus, the procedures should also include a means for anticipating and utilizing applicants' environmental studies or "early corporate environmental assessments" to fulfill some of the federal agency's NEPA obligations. However, in such cases the agency must still evaluate independently the environmental issues [46 FR 18029] and take responsibility for the environmental assessment.

These provisions are intended to encourage and enable private and other non-federal entities to build environmental considerations into their own planning processes in a way that facilitates the application of NEPA and avoids delay.

9. Applicant Who Needs Other Permits. To what extent must an agency inquire into whether an applicant for a federal permit, funding or other approval of a proposal will also need approval from another agency for the same proposal or some other related aspect of it?

A. Agencies must integrate the NEPA process into other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Specifically, the agency must "provide for cases where actions are planned by . . .

applicants," so that designated staff are available to advise potential applicants of studies or other information that will foreseeably be required for the later federal action; the agency shall consult with the applicant if the agency foresees its own involvement in the proposal; and it shall insure that the NEPA process commences at the earliest possible time. Section 1501.2(d). (See Question 8.)

The regulations emphasize agency cooperation early in the NEPA process. Section 1501.6. Section 1501.7 on "scoping" also provides that all affected Federal agencies are to be invited to participate in scoping the environmental issues and to identify the various environmental review and consultation requirements that may apply to the proposed action. Further, Section 1502.25(b) requires that the draft EIS list all the federal permits, licenses and other entitlements that are needed to implement the proposal.

- These provisions create an affirmative obligation on federal agencies to inquire early, and to the maximum degree possible, to ascertain whether an applicant is or will be seeking other federal assistance or approval, or whether the applicant is waiting until a proposal has been substantially developed before requesting federal aid or approval.

Thus, a federal agency receiving a request for approval or assistance should determine whether the applicant has filed separate requests for federal approval or assistance with other federal agencies. Other federal agencies that are likely to become involved should then be contacted, and the NEPA process coordinated, to insure an early and comprehensive analysis of the direct and indirect effects of the proposal and any related actions. The agency should inform the applicant that action on its application may be delayed unless it submits all other federal applications (where feasible to do so), so that all the relevant agencies can work together on the scoping process and preparation of the EIS.

10a. Limitations on Action During 30-Day Review Period for Final EIS. What actions by agencies and/or applicants are allowed during EIS preparation and during the 30-day review period after publication of a final EIS?

A. No federal decision on the proposed action shall be made or recorded until at least 30 days after the publication by EPA of notice that the particular EIS has been filed with EPA. Sections 1505.2 and 1506.10. Section 1505.2 requires this decision to be stated in a public Record of Decision.

Until the agency issues its Record of Decision, no action by an agency or an applicant concerning the proposal shall be taken which would have an adverse environmental impact or limit the choice of reasonable alternatives. Section 1506.1(a). But this does not preclude preliminary planning or design work which is needed to support an application for permits or assistance. Section 1506.1(d).

When the impact statement in question is a program EIS, no major action concerning the program may be taken which may significantly affect the quality of the human environment, unless the particular action is justified independently of the program, is accompanied by its own adequate environmental impact statement and will not prejudice the ultimate decision on the program. Section 1506.1(c).

10b. Do these **limitations on action** (described in Question 10a) apply to **state or local agencies** that have statutorily delegated responsibility for preparation of environmental documents required by NEPA, for example, under the HUD Block Grant program?

A. Yes, these limitations do apply, without any variation from their application to federal agencies.

11. Limitations on Actions by an Applicant During EIS Process. What actions must a lead agency take during the NEPA process when it becomes aware that a non-federal applicant is about to take an action within the agency's jurisdiction that would either have an adverse environmental impact or limit the choice of reasonable alternatives (e.g., prematurely commit money or other resources towards the completion of the proposal)?

A. The federal agency must notify the applicant that the agency will take strong affirmative steps to insure that the objectives and procedures of NEPA are fulfilled. Section 1506.1(b). These steps could include seeking injunctive measures under NEPA, or the use of sanctions available under either the agency's permitting authority or statutes setting forth the agency's statutory mission. For example, the agency might advise an applicant that if it takes such action the agency will not process its application.

12a. Effective Date and Enforceability of the Regulations. What actions are subject to the Council's new regulations, and what actions are grandfathered under the old guidelines?

A. The effective date of the Council's regulations was July 30, 1979 (except for certain HUD programs under the Housing and Community Development Act, 42 U.S.C. 5304(h), and certain state highway programs that qualify under Section 102(2)(D) of NEPA for which the regulations became effective on November 30, 1979). All the provisions of the regulations are binding as of that date, including those covering decisionmaking, public participation, referrals, limitations on actions, EIS supplements, etc. For example, a Record of Decision would be prepared even for decisions where the draft EIS was filed before July 30, 1979.

But in determining whether or not the new regulations apply to the preparation of a particular environmental document, the relevant factor is the date of filing of the draft of that document. Thus, the new regulations do not require the redrafting of an EIS or supplement if the draft EIS or supplement was filed before July 30, 1979. However, a supplement prepared after the effective date of the regulations for an EIS issued in final before the effective date of the regulations would be controlled by the regulations.

Even though agencies are not required to apply the regulations to an EIS or other document for which the draft was filed prior to July 30, 1979, the regulations encourage agencies to follow the regulations "to the fullest extent practicable," i.e., if it is feasible to do so, in preparing the final document. Section 1506.12 (a).

12b. Are **projects authorized by Congress before** the effective date of the Council's regulations grandfathered?

A. No. The date of Congressional authorization for a project is not determinative of whether the Council's regulations or former Guidelines apply to the particular proposal. No incomplete projects or proposals of any kind are grandfathered in whole or in part. Only certain environmental documents, for which the draft was issued before the effective date of the regulations, are grandfathered and [46 FR 18030] subject to the Council's former Guidelines.

12c. Can a violation of the regulations give rise to a cause of action?

A. While a trivial violation of the regulations would not give rise to an independent cause of action, such a cause of action would arise from a substantial violation of the regulations. Section 1500.3.

13. Use of Scoping Before Notice of Intent to Prepare EIS. Can the scoping process be used in connection with preparation of an **environmental assessment**, i.e., before both the decision to proceed with an EIS and publication of a notice of intent?

A. Yes. Scoping can be a useful tool for discovering alternatives to a proposal, or significant impacts that may have been overlooked. In cases where an environmental assessment is being prepared to help an agency decide whether to prepare an EIS, useful information might result from early participation by other agencies and the public in a scoping process.

The regulations state that the scoping process is to be preceded by a Notice of Intent (NOI) to prepare an EIS. But that is only the minimum requirement. Scoping may be initiated earlier, as long as there is appropriate public notice and enough information available on the proposal so that the public and relevant agencies can participate effectively.

However, scoping that is done before the assessment, and in aid of its preparation, cannot substitute for the normal scoping process after publication of the NOI, unless the earlier public notice stated clearly that this possibility was under consideration, and the NOI expressly provides that written comments on the scope of alternatives and impacts will still be considered.

14a. Rights and Responsibilities of Lead and Cooperating Agencies. What are the respective rights and responsibilities of lead and cooperating agencies? What letters and memoranda must be prepared?

A. After a lead agency has been designated (Sec. 1501.5), that agency has the responsibility to solicit cooperation from other federal agencies that have jurisdiction by law or special expertise on any environmental issue that should be addressed in the EIS being prepared. Where appropriate, the lead agency should seek the cooperation of state or local agencies of similar qualifications. When the proposal may affect an Indian reservation, the agency should consult with the Indian tribe. Section 1508.5. The request for cooperation should come at the earliest possible time in the NEPA process.

After discussions with the candidate cooperating agencies, the lead agency and the cooperating agencies

are to determine by letter or by memorandum which agencies will undertake cooperating responsibilities. To the extent possible at this stage, responsibilities for specific issues should be assigned. The allocation of responsibilities will be completed during scoping. Section 1501.7(a)(4).

Cooperating agencies must assume responsibility for the development of information and the preparation of environmental analyses at the request of the lead agency. Section 1501.6(b)(3). Cooperating agencies are now required by Section 1501.6 to devote staff resources that were normally primarily used to critique or comment on the Draft EIS after its preparation, much earlier in the NEPA process -- primarily at the scoping and Draft EIS preparation stages. If a cooperating agency determines that its resource limitations preclude any involvement, or the degree of involvement (amount of work) requested by the lead agency, it must so inform the lead agency in writing and submit a copy of this correspondence to the Council. Section 1501.6(c).

In other words, the potential cooperating agency must decide early if it is able to devote any of its resources to a particular proposal. For this reason the regulation states that an agency may reply to a request for cooperation that "other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement." (Emphasis added). The regulation refers to the "action," rather than to the EIS, to clarify that the agency is taking itself out of all phases of the federal action, not just draft EIS preparation. This means that the agency has determined that it cannot be involved in the later stages of EIS review and comment, as well as decisionmaking on the proposed action. For this reason, cooperating agencies with jurisdiction by law (those which have permitting or other approval authority) cannot opt out entirely of the duty to cooperate on the EIS. See also Question 15, relating specifically to the responsibility of EPA.

14b. How are **disputes resolved between lead and cooperating agencies** concerning the scope and level of detail of analysis and the quality of data in impact statements?

A. Such disputes are resolved by the agencies themselves. A lead agency, of course, has the ultimate responsibility for the content of an EIS. But it is supposed to use the environmental analysis and recommendations of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible, consistent with its own responsibilities as lead agency. Section 1501.6(a)(2).

If the lead agency leaves out a significant issue or ignores the advice and expertise of the cooperating agency, the EIS may be found later to be inadequate. Similarly, where cooperating agencies have their own decisions to make and they intend to adopt the environmental impact statement and base their decisions on it, one document should include all of the information necessary for the decisions by the cooperating agencies. Otherwise they may be forced to duplicate the EIS process by issuing a new, more complete EIS or Supplemental EIS, even though the original EIS could have sufficed if it had been properly done at the outset. Thus, both lead and cooperating agencies have a stake in producing a document of good quality. Cooperating agencies also have a duty to participate fully in the scoping process to ensure that the appropriate range of issues is determined early in the EIS process.

Because the EIS is not the Record of Decision, but instead constitutes the information and analysis on

which to base a decision, disagreements about conclusions to be drawn from the EIS need not inhibit agencies from issuing a joint document, or adopting another agency's EIS, if the analysis is adequate. Thus, if each agency has its own "preferred alternative," both can be identified in the EIS. Similarly, a cooperating agency with jurisdiction by law may determine in its own ROD that alternative A is the environmentally preferable action, even though the lead agency has decided in its separate ROD that Alternative B is environmentally preferable.

14c. What are the specific responsibilities of federal and state **cooperating agencies to review draft EISs**?

A. Cooperating agencies (i.e., agencies with jurisdiction by law or special expertise) and agencies that are authorized to develop or enforce environmental standards, must comment on environmental impact statements within their jurisdiction, expertise or authority. Sections 1503.2, 1508.5. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should simply comment accordingly. Conversely, if the cooperating agency determines that a draft EIS is incomplete, inadequate or inaccurate, or it has other comments, it should promptly make such comments, conforming to the requirements of specificity in section 1503.3.

14d. How is the lead agency to treat the comments of another agency with jurisdiction by law or special expertise which has **failed or refused to cooperate or participate in scoping or EIS preparation**?

A. A lead agency has the responsibility to respond to all substantive comments raising significant issues regarding a draft EIS. Section 1503.4. However, cooperating agencies are generally under an obligation to raise issues or otherwise participate in the EIS process during scoping and EIS preparation if they reasonably can do so. In practical terms, if a cooperating agency fails to cooperate at the outset, such as during scoping, it will find that its comments at a later stage will not be as persuasive to the lead agency.

15. **Commenting Responsibilities of EPA.** Are EPA's responsibilities to review and comment on the environmental effects of agency proposals under **Section 309 of the Clean Air Act** independent of its responsibility as a cooperating agency?

A. Yes. EPA has an obligation under Section 309 of the Clean Air Act to review and comment in writing on the environmental impact of any matter relating to the authority of the Administrator contained in proposed legislation, federal construction projects, other federal actions requiring EISs, and new regulations. 42 U.S.C. Sec. 7609. This obligation is independent of its role as a cooperating agency under the NEPA regulations.

16. **Third Party Contracts.** What is meant by the term "third party contracts" in connection with the preparation of an EIS? See Section 1506.5(c). When can "third party contracts" be used?

A. As used by EPA and other agencies, the term "third party contract" refers to the preparation of EISs by

contractors paid by the applicant. In the case of an EIS for a National Pollution Discharge Elimination System (NPDES) permit, the applicant, aware in the early planning stages of the proposed project of the need for an EIS, contracts directly with a consulting firm for its preparation. See 40 C.F.R. 6.604(g). The "third party" is EPA which, under Section 1506.5(c), must select the consulting firm, even though the applicant pays for the cost of preparing the EIS. The consulting firm is responsible to EPA for preparing an EIS that meets the requirements of the NEPA regulations and EPA's NEPA procedures. It is in the applicant's interest that the EIS comply with the law so that EPA can take prompt action on the NPDES permit application. The "third party contract" method under EPA's NEPA procedures is purely voluntary, though most applicants have found it helpful in expediting compliance with NEPA.

If a federal agency uses "third party contracting," the applicant may undertake the necessary paperwork for the solicitation of a field of candidates under the agency's direction, so long as the agency complies with Section 1506.5(c). Federal procurement requirements do not apply to the agency because it incurs no obligations or costs under the contract, nor does the agency procure anything under the contract.

17a. Disclosure Statement to Avoid Conflict of Interest. If an EIS is prepared with the assistance of a consulting firm, the firm must execute a disclosure statement. What criteria must the firm follow in determining whether it has any "financial or other interest in the outcome of the project" which would cause a conflict of interest?

A. Section 1506.5(c), which specifies that a consulting firm preparing an EIS must execute a disclosure statement, does not define "financial or other interest in the outcome of the project." The Council interprets this term broadly to cover any known benefits other than general enhancement of professional reputation. This includes any financial benefit such as a promise of future construction or design work on the project, as well as indirect benefits the consultant is aware of (e.g., if the project would aid proposals sponsored by the firm's other clients). For example, completion of a highway project may encourage construction of a shopping center or industrial park from which the consultant stands to benefit. If a consulting firm is aware that it has such an interest in the decision on the proposal, it should be disqualified from preparing the EIS, to preserve the objectivity and integrity of the NEPA process.

When a consulting firm has been involved in developing initial data and plans for the project, but does not have any financial or other interest in the outcome of the decision, it need not be disqualified from preparing the EIS. However, a disclosure statement in the draft EIS should clearly state the scope and extent of the firm's prior involvement to expose any potential conflicts of interest that may exist.

17b. If the firm in fact has no promise of future work or other interest in the outcome of the proposal, **may the firm later bid** in competition with others for future work on the project if the proposed action is approved?

A. Yes.

18. Uncertainties About Indirect Effects of A Proposal. How should uncertainties about indirect effects

of a proposal be addressed, for example, in cases of disposal of federal lands, when the identity or plans of future landowners is unknown?

A. The EIS must identify all the indirect effects that are known, and make a good faith effort to explain the effects that are not known but are "reasonably foreseeable." Section 1508.8(b). In the example, if there is total uncertainty about the identity of future land owners or the nature of future land uses, then of course, the agency is not required to engage in speculation or contemplation about their future plans. But, in the ordinary course of business, people do make judgments based upon reasonably foreseeable occurrences. It will often be possible to consider the likely purchasers and the development trends in that area or similar areas in recent years; or the likelihood that the land will be used for an energy project, shopping center, subdivision, farm or factory. The agency has the responsibility to make an informed judgment, and to estimate future impacts on that basis, especially if trends are ascertainable or potential purchasers have made themselves known. The agency cannot ignore these uncertain, but probable, effects of its decisions.

19a. **Mitigation Measures.** What is the scope of mitigation measures that must be discussed?

A. The mitigation measures discussed in an EIS must cover the range of impacts of the proposal. The measures must include such things as design alternatives that would decrease pollution emissions, construction impacts, esthetic intrusion, as well as relocation assistance, possible land use controls that could be enacted, and other possible efforts. Mitigation measures must be considered even for impacts that by themselves would not be considered "significant." Once the proposal itself is considered as a whole to have significant effects, all of its specific effects on the environment (whether or not "significant") must be considered, and mitigation measures must be developed where it is feasible to do so. Sections 1502.14(f), 1502.16(h), 1508.14.

19b. How should an EIS treat the subject of available mitigation measures that are (1) **outside the jurisdiction** of the lead or cooperating agencies, or (2) **unlikely** to be adopted or enforced by the responsible agency?

A. All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. Sections 1502.16(h), 1505.2(c). This will serve to [46 FR 18032] alert agencies or officials who can implement these extra measures, and will encourage them to do so. Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation.

However, to ensure that environmental effects of a proposed action are fairly assessed, the probability of the mitigation measures being implemented must also be discussed. Thus the EIS and the Record of Decision should indicate the likelihood that such measures will be adopted or enforced by the responsible agencies. Sections 1502.16(h), 1505.2. If there is a history of nonenforcement or opposition to such

measures, the EIS and Record of Decision should acknowledge such opposition or nonenforcement. If the necessary mitigation measures will not be ready for a long period of time, this fact, of course, should also be recognized.

20. Worst Case Analysis. [Withdrawn.]

21. **Combining Environmental and Planning Documents.** Where an EIS or an EA is combined with another project planning document (sometimes called "**piggybacking**"), to what degree may the EIS or EA refer to and rely upon information in the project document to satisfy NEPA's requirements?

A. Section 1502.25 of the regulations requires that draft EISs be prepared concurrently and integrated with environmental analyses and related surveys and studies required by other federal statutes. In addition, Section 1506.4 allows any environmental document prepared in compliance with NEPA to be combined with any other agency document to reduce duplication and paperwork. However, these provisions were not intended to authorize the preparation of a short summary or outline EIS, attached to a detailed project report or land use plan containing the required environmental impact data. In such circumstances, the reader would have to refer constantly to the detailed report to understand the environmental impacts and alternatives which should have been found in the EIS itself.

The EIS must stand on its own as an analytical document which fully informs decisionmakers and the public of the environmental effects of the proposal and those of the reasonable alternatives. Section 1502.1. But, as long as the EIS is clearly identified and is self-supporting, it can be physically included in or attached to the project report or land use plan, and may use attached report material as technical backup.

Forest Service environmental impact statements for forest management plans are handled in this manner. The EIS identifies the agency's preferred alternative, which is developed in detail as the proposed management plan. The detailed proposed plan accompanies the EIS through the review process, and the documents are appropriately cross-referenced. The proposed plan is useful for EIS readers as an example, to show how one choice of management options translates into effects on natural resources. This procedure permits initiation of the 90-day public review of proposed forest plans, which is required by the National Forest Management Act.

All the alternatives are discussed in the EIS, which can be read as an independent document. The details of the management plan are not repeated in the EIS, and vice versa. This is a reasonable functional separation of the documents: the EIS contains information relevant to the choice among alternatives; the plan is a detailed description of proposed management activities suitable for use by the land managers. This procedure provides for concurrent compliance with the public review requirements of both NEPA and the National Forest Management Act.

Under some circumstances, a project report or management plan may be totally merged with the EIS, and the one document labeled as both "EIS" and "management plan" or "project report." This may be reasonable where the documents are short, or where the EIS format and the regulations for clear,

analytical EISs also satisfy the requirements for a project report.

22. State and Federal Agencies as Joint Lead Agencies. May state and federal agencies serve as joint lead agencies? If so, how do they resolve law, policy and resource conflicts under NEPA and the relevant state environmental policy act? How do they resolve differences in perspective where, for example, national and local needs may differ?

A. Under Section 1501.5(b), federal, state or local agencies, as long as they include at least one federal agency, may act as joint lead agencies to prepare an EIS. Section 1506.2 also strongly urges state and local agencies and the relevant federal agencies to cooperate fully with each other. This should cover joint research and studies, planning activities, public hearings, environmental assessments and the preparation of joint EISs under NEPA and the relevant "little NEPA" state laws, so that one document will satisfy both laws.

The regulations also recognize that certain inconsistencies may exist between the proposed federal action and any approved state or local plan or law. The joint document should discuss the extent to which the federal agency would reconcile its proposed action with such plan or law. Section 1506.2(d). (See Question 23).

Because there may be differences in perspective as well as conflicts among [46 FR 18033] federal, state and local goals for resources management, the Council has advised participating agencies to adopt a flexible, cooperative approach. The joint EIS should reflect all of their interests and missions, clearly identified as such. The final document would then indicate how state and local interests have been accommodated, or would identify conflicts in goals (e.g., how a hydroelectric project, which might induce second home development, would require new land use controls). The EIS must contain a complete discussion of scope and purpose of the proposal, alternatives, and impacts so that the discussion is adequate to meet the needs of local, state and federal decisionmakers.

23a. Conflicts of Federal Proposal With Land Use Plans, Policies or Controls. How should an agency handle potential **conflicts** between a proposal and the objectives of Federal, state or local land use plans, policies and controls for the area concerned? See Sec. 1502.16(c).

A. The agency should first inquire of other agencies whether there are any potential conflicts. If there would be immediate conflicts, or if conflicts could arise in the future when the plans are finished (see Question 23(b) below), the EIS must acknowledge and describe the extent of those conflicts. If there are any possibilities of resolving the conflicts, these should be explained as well. The EIS should also evaluate the seriousness of the impact of the proposal on the land use plans and policies, and whether, or how much, the proposal will impair the effectiveness of land use control mechanisms for the area. Comments from officials of the affected area should be solicited early and should be carefully acknowledged and answered in the EIS.

23b. What constitutes a "**land use plan or policy**" for purposes of this discussion?

A. The term "land use plans," includes all types of formally adopted documents for land use planning, zoning and related regulatory requirements. Local general plans are included, even though they are subject to future change. Proposed plans should also be addressed if they have been formally proposed by the appropriate government body in a written form, and are being actively pursued by officials of the jurisdiction. Staged plans, which must go through phases of development such as the Water Resources Council's Level A, B and C planning process should also be included even though they are incomplete.

The term "policies" includes formally adopted statements of land use policy as embodied in laws or regulations. It also includes proposals for action such as the initiation of a planning process, or a formally adopted policy statement of the local, regional or state executive branch, even if it has not yet been formally adopted by the local, regional or state legislative body.

23c. What options are available for the decisionmaker when **conflicts with such plans** or policies are identified?

A. After identifying any potential land use conflicts, the decisionmaker must weigh the significance of the conflicts, among all the other environmental and non-environmental factors that must be considered in reaching a rational and balanced decision. Unless precluded by other law from causing or contributing to any inconsistency with the land use plans, policies or controls, the decisionmaker retains the authority to go forward with the proposal, despite the potential conflict. In the Record of Decision, the decisionmaker must explain what the decision was, how it was made, and what mitigation measures are being imposed to lessen adverse environmental impacts of the proposal, among the other requirements of Section 1505.2. This provision would require the decisionmaker to explain any decision to override land use plans, policies or controls for the area.

24a. **Environmental Impact Statements on Policies, Plans or Programs.** When are EISs required on policies, plans or programs?

A. An EIS must be prepared if an agency proposes to implement a specific policy, to adopt a plan for a group of related actions, or to implement a specific statutory program or executive directive. Section 1508.18. In addition, the adoption of official policy in the form of rules, regulations and interpretations pursuant to the Administrative Procedure Act, treaties, conventions, or other formal documents establishing governmental or agency policy which will substantially alter agency programs, could require an EIS. Section 1508.18. In all cases, the policy, plan, or program must have the potential for significantly affecting the quality of the human environment in order to require an EIS. It should be noted that a proposal "may exist in fact as well as by agency declaration that one exists." Section 1508.23.

24b. When is an **area-wide or overview EIS** appropriate?

A. The preparation of an area-wide or overview EIS may be particularly useful when similar actions, viewed with other reasonably foreseeable or proposed agency actions, share common timing or

geography. For example, when a variety of energy projects may be located in a single watershed, or when a series of new energy technologies may be developed through federal funding, the overview or area-wide EIS would serve as a valuable and necessary analysis of the affected environment and the potential cumulative impacts of the reasonably foreseeable actions under that program or within that geographical area.

24c. What is the function of **tiering** in such cases?

A. Tiering is a procedure which allows an agency to avoid duplication of paperwork through the incorporation by reference of the general discussions and relevant specific discussions from an environmental impact statement of broader scope into one of lesser scope or vice versa. In the example given in Question 24b, this would mean that an overview EIS would be prepared for all of the energy activities reasonably foreseeable in a particular geographic area or resulting from a particular development program. This impact statement would be followed by site-specific or project-specific EISs. The tiering process would make each EIS of greater use and meaning to the public as the plan or program develops, without duplication of the analysis prepared for the previous impact statement.

25a. **Appendices and Incorporation by Reference.** When is it appropriate to use appendices instead of including information in the body of an EIS?

A. The body of the EIS should be a succinct statement of all the information on environmental impacts and alternatives that the decisionmaker and the public need, in order to make the decision and to ascertain that every significant factor has been examined. The EIS must explain or summarize methodologies of research and modeling, and the results of research that may have been conducted to analyze impacts and alternatives.

Lengthy technical discussions of modeling methodology, baseline studies, or other work are best reserved for the appendix. In other words, if only technically trained individuals are likely to understand a particular discussion then it should go in the appendix, and a plain language summary of the analysis and conclusions of that technical discussion should go in the text of the EIS.

The final statement must also contain the agency's responses to comments on the draft EIS. These responses will be primarily in the form of changes in the document itself, but specific answers to each significant comment should also be included. These specific responses may be placed in an appendix. If the comments are especially voluminous, summaries of the comments and responses will suffice. (See Question 29 regarding the level of detail required for responses to comments.)

25b. How does an **appendix** differ from **incorporation by reference**?

A. First, if at all possible, the appendix accompanies the EIS, whereas the material which is incorporated by reference does not accompany the EIS. Thus the appendix should contain information that reviewers will be likely to want to examine. The appendix should include material that pertains to preparation of a

particular EIS. Research papers directly relevant to the proposal, lists of affected species, discussion of the methodology of models used in the analysis of impacts, extremely detailed responses to comments, or other information, would be placed in the appendix.

The appendix must be complete and available at the time the EIS is filed. Five copies of the appendix must be sent to EPA with five copies of the EIS for filing. If the appendix is too bulky to be circulated, it instead must be placed in conveniently accessible locations or furnished directly to commentors upon request. If it is not circulated with the EIS, the Notice of Availability published by EPA must so state, giving a telephone number to enable potential commentors to locate or request copies of the appendix promptly.

Material that is not directly related to preparation of the EIS should be incorporated by reference. This would include other EISs, research papers in the general literature, technical background papers or other material that someone with technical training could use to evaluate the analysis of the proposal. These must be made available, either by citing the literature, furnishing copies to central locations, or sending copies directly to commentors upon request.

Care must be taken in all cases to ensure that material incorporated by reference, and the occasional appendix that does not accompany the EIS, are in fact available for the full minimum public comment period.

26a. Index and Keyword Index in EISs. How detailed must an EIS index be?

A. The EIS index should have a level of detail sufficient to focus on areas of the EIS of reasonable interest to any reader. It cannot be restricted to the most important topics. On the other hand, it need not identify every conceivable term or phrase in the EIS. If an agency believes that the reader is reasonably likely to be interested in a topic, it should be included.

26b. Is a **keyword index** required?

A. No. A keyword index is a relatively short list of descriptive terms that identifies the key concepts or subject areas in a document. For example it could consist of 20 terms which describe the most significant aspects of an EIS that a future researcher would need: type of proposal, type of impacts, type of environment, geographical area, sampling or modelling methodologies used. This technique permits the compilation of EIS data banks, by facilitating quick and inexpensive access to stored materials. While a keyword index is not required by the regulations, it could be a useful addition for several reasons. First, it can be useful as a quick index for reviewers of the EIS, helping to focus on areas of interest. Second, if an agency keeps a listing of the keyword indexes of the EISs it produces, the EIS preparers themselves will have quick access to similar research data and methodologies to aid their future EIS work. Third, a keyword index will be needed to make an EIS available to future researchers using EIS data banks that are being developed. Preparation of such an index now when the document is produced will save a later effort when the data banks become operational.

27a. List of Preparers. If a consultant is used in preparing an EIS, must the list of preparers identify members of the consulting firm as well as the agency NEPA staff who were primarily responsible?

A. Section 1502.17 requires identification of the names and qualifications of persons who were primarily responsible for preparing the EIS or significant background papers, including basic components of the statement. This means that members of a consulting firm preparing material that is to become part of the EIS must be identified. The EIS should identify these individuals even though the consultant's contribution may have been modified by the agency.

27b. Should agency staff involved in reviewing and editing the EIS also be included in the **list of preparers**?

A. Agency personnel who wrote basic components of the EIS or significant background papers must, of course, be identified. The EIS should also list the technical editors who reviewed or edited the statements.

27c. How much information should be included on each person listed?

A. The list of preparers should normally not exceed two pages. Therefore, agencies must determine which individuals had primary responsibility and need not identify individuals with minor involvement. The list of preparers should include a very brief identification of the individuals involved, their qualifications (expertise, professional disciplines) and the specific portion of the EIS for which they are responsible. This may be done in tabular form to cut down on length. A line or two for each person's qualifications should be sufficient.

28. Advance or Xerox Copies of EIS. May an agency file xerox copies of an EIS with EPA pending the completion of printing the document?

A. Xerox copies of an EIS may be filed with EPA prior to printing only if the xerox copies are simultaneously made available to other agencies and the public. Section 1506.9 of the regulations, which governs EIS filing, specifically requires Federal agencies to file EISs with EPA no earlier than the EIS is distributed to the public. However, this section does not prohibit xeroxing as a form of reproduction and distribution. When an agency chooses xeroxing as the reproduction method, the EIS must be clear and legible to permit ease of reading and ultimate microfiling of the EIS. Where color graphs are important to the EIS, they should be reproduced and circulated with the xeroxed copy.

29a. Responses to Comments. What response must an agency provide to a comment on a draft EIS which states that the EIS's methodology is inadequate or inadequately explained? For example, what level of detail must an agency include in its response to a simple postcard comment making such an allegation?

A. Appropriate responses to comments are described in Section 1503.4. Normally the responses should

result in changes in the text of the EIS, not simply a separate answer at the back of the document. But, in addition, the agency must state what its response was, and if the agency decides that no substantive response to a comment is necessary, it must explain briefly why.

An agency is not under an obligation to issue a lengthy reiteration of its methodology for any portion of an EIS if the only comment addressing the methodology is a simple complaint that the EIS methodology is inadequate. But agencies must respond to comments, however brief, which are specific in their criticism of agency methodology. For example, if a commentator on an EIS said that an agency's air quality dispersion analysis or methodology was inadequate, and the agency had included a discussion of that analysis in the EIS, little if anything need be added in response to such a comment. However, if the commentator said that the dispersion analysis was inadequate because of its use of a certain computational technique, or that a dispersion analysis was inadequately explained because computational techniques were not included or referenced, then the agency would have to respond in a substantive and meaningful way to such a comment.

If a number of comments are identical or very similar, agencies may group the comments and prepare a single answer for each group. Comments may be summarized if they are especially voluminous. The comments or summaries must be attached to the EIS regardless of whether the agency believes they merit individual discussion in the body of the final EIS.

29b. How must an agency respond to a comment on a draft EIS that raises a **new alternative not previously considered** in the draft EIS?

A. This question might arise in several possible situations. First, a commentator on a draft EIS may indicate that there is a possible alternative which, in the agency's view, is not a reasonable alternative. Section 1502.14(a). If that is the case, the agency must explain why the comment does not warrant further agency response, citing authorities or reasons that support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response. Section 1503.4(a). For example, a commentator on a draft EIS on a coal fired power plant may suggest the alternative of using synthetic fuel. The agency may reject the alternative with a brief discussion (with authorities) of the unavailability of synthetic fuel within the time frame necessary to meet the need and purpose of the proposed facility.

A second possibility is that an agency may receive a comment indicating that a particular alternative, while reasonable, should be modified somewhat, for example, to achieve certain mitigation benefits, or for other reasons. If the modification is reasonable, the agency should include a discussion of it in the final EIS. For example, a commentator on a draft EIS on a proposal for a pumped storage power facility might suggest that the applicant's proposed alternative should be enhanced by the addition of certain reasonable mitigation measures, including the purchase and setaside of a wildlife preserve to substitute for the tract to be destroyed by the project. The modified alternative including the additional mitigation measures should be discussed by the agency in the final EIS.

A third slightly different possibility is that a comment on a draft EIS will raise an alternative which is a

minor variation of one of the alternatives discussed in the draft EIS, but this variation was not given any consideration by the agency. In such a case, the agency should develop and evaluate the new alternative, if it is reasonable, in the final EIS. If it is qualitatively within the spectrum of alternatives that were discussed in the draft, a supplemental draft will not be needed. For example, a commentator on a draft EIS to designate a wilderness area within a National Forest might reasonably identify a specific tract of the forest, and urge that it be considered for designation. If the draft EIS considered designation of a range of alternative tracts which encompassed forest area of similar quality and quantity, no supplemental EIS would have to be prepared. The agency could fulfill its obligation by addressing that specific alternative in the final EIS.

As another example, an EIS on an urban housing project may analyze the alternatives of constructing 2,000, 4,000, or 6,000 units. A commentator on the draft EIS might urge the consideration of constructing 5,000 units utilizing a different configuration of buildings. This alternative is within the spectrum of alternatives already considered, and, therefore, could be addressed in the final EIS.

A fourth possibility is that a commentator points out an alternative which is not a variation of the proposal or of any alternative discussed in the draft impact statement, and is a reasonable alternative that warrants serious agency response. In such a case, the agency must issue a supplement to the draft EIS that discusses this new alternative. For example, a commentator on a draft EIS on a nuclear power plant might suggest that a reasonable alternative for meeting the projected need for power would be through peak load management and energy conservation programs. If the permitting agency has failed to consider that approach in the Draft EIS, and the approach cannot be dismissed by the agency as unreasonable, a supplement to the Draft EIS, which discusses that alternative, must be prepared. (If necessary, the same supplement should also discuss substantial changes in the proposed action or significant new circumstances or information, as required by Section 1502.9(c)(1) of the Council's regulations.)

If the new alternative was not raised by the commentator during scoping, but could have been, commentators may find that they are unpersuasive in their efforts to have their suggested alternative analyzed in detail by the agency. However, if the new alternative is discovered or developed later, and it could not reasonably have been raised during the scoping process, then the agency must address it in a supplemental draft EIS. The agency is, in any case, ultimately responsible for preparing an adequate EIS that considers all alternatives.

30. Adoption of EISs. When a cooperating agency with jurisdiction by law intends to adopt a lead agency's EIS and it is not satisfied with the adequacy of the document, may the cooperating agency adopt only the part of the EIS with which it is satisfied? If so, would a cooperating agency with jurisdiction by law have to prepare a separate EIS or EIS supplement covering the areas of disagreement with the lead agency?

A. Generally, a cooperating agency may adopt a lead agency's EIS without recirculating it if it concludes that its NEPA requirements and its comments and suggestions have been satisfied. Section 1506.3(a), (c). If necessary, a cooperating agency may adopt only a portion of the lead agency's EIS and may reject that part of the EIS with which it disagrees, stating publicly why it did so. Section 1506.3(a).

A cooperating agency with jurisdiction by law (e.g., an agency with independent legal responsibilities with respect to the proposal) has an independent legal obligation to comply with NEPA. Therefore, if the cooperating agency determines that the EIS is wrong or inadequate, it must prepare a supplement to the EIS, replacing or adding any needed information, and must circulate the supplement as a draft for public and agency review and comment. A final supplemental EIS would be required before the agency could take action. The adopted portions of the lead agency EIS should be circulated with the supplement. Section 1506.3(b). A cooperating agency with jurisdiction by law will have to prepare its own Record of Decision for its action, in which it must explain how it reached its conclusions. Each agency should explain how and why its conclusions differ, if that is the case, from those of other agencies which issued their Records of Decision earlier.

An agency that did not cooperate in preparation of an EIS may also adopt an EIS or portion thereof. But this would arise only in rare instances, because an agency adopting an EIS for use in its own decision normally would have been a cooperating agency. If the proposed action for which the EIS was prepared is substantially the same as the proposed action of the adopting agency, the EIS may be adopted as long as it is recirculated as a final EIS and the agency announces what it is doing. This would be followed by the 30-day review period and issuance of a Record of Decision by the adopting agency. If the proposed action by the adopting agency is not substantially the same as that in [46 FR 18036] the EIS (i.e., if an EIS on one action is being adapted for use in a decision on another action), the EIS would be treated as a draft and circulated for the normal public comment period and other procedures. Section 1506.3(b).

31a. Application of Regulations to Independent Regulatory Agencies. Do the Council's NEPA regulations apply to independent regulatory agencies like the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission?

A. The statutory requirements of NEPA's Section 102 apply to "all agencies of the federal government." The NEPA regulations implement the procedural provisions of NEPA as set forth in NEPA's Section 102 (2) for all agencies of the federal government. The NEPA regulations apply to independent regulatory agencies, however, they do not direct independent regulatory agencies or other agencies to make decisions in any particular way or in a way inconsistent with an agency's statutory charter. Sections 1500.3, 1500.6, 1507.1, and 1507.3.

31b. Can an Executive Branch agency like the Department of the Interior **adopt an EIS** prepared by an independent regulatory agency such as FERC?

A. If an independent regulatory agency such as FERC has prepared an EIS in connection with its approval of a proposed project, an Executive Branch agency (e.g., the Bureau of Land Management in the Department of the Interior) may, in accordance with Section 1506.3, adopt the EIS or a portion thereof for its use in considering the same proposal. In such a case the EIS must, to the satisfaction of the adopting agency, meet the standards for an adequate statement under the NEPA regulations (including scope and quality of analysis of alternatives) and must satisfy the adopting agency's comments and suggestions. If the independent regulatory agency fails to comply with the NEPA regulations, the cooperating or

adopting agency may find that it is unable to adopt the EIS, thus forcing the preparation of a new EIS or EIS Supplement for the same action. The NEPA regulations were made applicable to all federal agencies in order to avoid this result, and to achieve uniform application and efficiency of the NEPA process.

32. Supplements to Old EISs. Under what circumstances do old EISs have to be supplemented before taking action on a proposal?

A. As a rule of thumb, if the proposal has not yet been implemented, or if the EIS concerns an ongoing program, EISs that are more than 5 years old should be carefully reexamined to determine if the criteria in Section 1502.9 compel preparation of an EIS supplement.

If an agency has made a substantial change in a proposed action that is relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, a supplemental EIS must be prepared for an old EIS so that the agency has the best possible information to make any necessary substantive changes in its decisions regarding the proposal. Section 1502.9(c).

33a. Referrals. When must a referral of an interagency disagreement be made to the Council?

A. The Council's referral procedure is a pre-decision referral process for interagency disagreements. Hence, Section 1504.3 requires that a referring agency must deliver its referral to the Council not later than 25 days after publication by EPA of notice that the final EIS is available (unless the lead agency grants an extension of time under Section 1504.3(b)).

33b. May a **referral** be made after this issuance of a Record of Decision?

A. No, except for cases where agencies provide an internal appeal procedure which permits simultaneous filing of the final EIS and the record of decision (ROD). Section 1506.10(b)(2). Otherwise, as stated above, the process is a pre-decision referral process. Referrals must be made within 25 days after the notice of availability of the final EIS, whereas the final decision (ROD) may not be made or filed until after 30 days from the notice of availability of the EIS. Sections 1504.3(b), 1506.10(b). If a lead agency has granted an extension of time for another agency to take action on a referral, the ROD may not be issued until the extension has expired.

34a. Records of Decision. Must Records of Decision (RODs) be made public? How should they be made available?

A. Under the regulations, agencies must prepare a "concise public record of decision," which contains the elements specified in Section 1505.2. This public record may be integrated into any other decision record prepared by the agency, or it may be separate if decision documents are not normally made public. The

Record of Decision is intended by the Council to be an environmental document (even though it is not explicitly mentioned in the definition of "environmental document" in Section 1508.10). Therefore, it must be made available to the public through appropriate public notice as required by Section 1506.6(b). However, there is no specific requirement for publication of the ROD itself, either in the Federal Register or elsewhere.

34b. May the **summary section** in the final Environmental Impact Statement substitute for or constitute an agency's Record of Decision?

A. No. An environmental impact statement is supposed to inform the decisionmaker before the decision is made. Sections 1502.1, 1505.2. The Council's regulations provide for a 30-day period after notice is published that the final EIS has been filed with EPA before the agency may take final action. During that period, in addition to the agency's own internal final review, the public and other agencies can comment on the final EIS prior to the agency's final action on the proposal. In addition, the Council's regulations make clear that the requirements for the summary in an EIS are not the same as the requirements for a ROD. Sections 1502.12 and 1505.2.

34c. What provisions should **Records of Decision** contain pertaining to **mitigation and monitoring**?

A. Lead agencies "shall include appropriate conditions [including mitigation measures and monitoring and enforcement programs] in grants, permits or other approvals" and shall "condition funding of actions on mitigation." Section 1505.3. Any such measures that are adopted must be explained and committed in the ROD.

The reasonable alternative mitigation measures and monitoring programs should have been addressed in the draft and final EIS. The discussion of mitigation and monitoring in a Record of Decision must be more detailed than a general statement that mitigation is being required, but not so detailed as to duplicate discussion of mitigation in the EIS. The Record of Decision should contain a concise summary identification of the mitigation measures which the agency has committed itself to adopt.

The Record of Decision must also state whether all practicable mitigation measures have been adopted, and if not, why not. Section 1505.2(c). The Record of Decision must identify the mitigation measures and monitoring and enforcement programs that have been selected and plainly indicate that they are adopted as part of the agency's decision. If the proposed action is the issuance of a permit or other approval, the specific details of the mitigation measures shall then be included as appropriate conditions in whatever grants, permits, funding or other approvals are being made by the federal agency. Section 1505.3 (a), (b). If the proposal is to be carried out by the [46 FR 18037] federal agency itself, the Record of Decision should delineate the mitigation and monitoring measures in sufficient detail to constitute an enforceable commitment, or incorporate by reference the portions of the EIS that do so.

34d. What is the **enforceability of a Record of Decision**?

A. Pursuant to generally recognized principles of federal administrative law, agencies will be held

accountable for preparing Records of Decision that conform to the decisions actually made and for carrying out the actions set forth in the Records of Decision. This is based on the principle that an agency must comply with its own decisions and regulations once they are adopted. Thus, the terms of a Record of Decision are enforceable by agencies and private parties. A Record of Decision can be used to compel compliance with or execution of the mitigation measures identified therein.

35. Time Required for the NEPA Process. How long should the NEPA process take to complete?

A. When an EIS is required, the process obviously will take longer than when an EA is the only document prepared. But the Council's NEPA regulations encourage streamlined review, adoption of deadlines, elimination of duplicative work, eliciting suggested alternatives and other comments early through scoping, cooperation among agencies, and consultation with applicants during project planning. The Council has advised agencies that under the new NEPA regulations even large complex energy projects would require only about 12 months for the completion of the entire EIS process. For most major actions, this period is well within the planning time that is needed in any event, apart from NEPA.

The time required for the preparation of program EISs may be greater. The Council also recognizes that some projects will entail difficult long-term planning and/or the acquisition of certain data which of necessity will require more time for the preparation of the EIS. Indeed, some proposals should be given more time for the thoughtful preparation of an EIS and development of a decision which fulfills NEPA's substantive goals.

For cases in which only an environmental assessment will be prepared, the NEPA process should take no more than 3 months, and in many cases substantially less, as part of the normal analysis and approval process for the action.

36a. Environmental Assessments (EA). How long and detailed must an environmental assessment (EA) be?

A. The environmental assessment is a concise public document which has three defined functions. (1) It briefly provides sufficient evidence and analysis for determining whether to prepare an EIS; (2) it aids an agency's compliance with NEPA when no EIS is necessary, i.e., it helps to identify better alternatives and mitigation measures; and (3) it facilitates preparation of an EIS when one is necessary. Section 1508.9(a).

Since the EA is a concise document, it should not contain long descriptions or detailed data which the agency may have gathered. Rather, it should contain a brief discussion of the need for the proposal, alternatives to the proposal, the environmental impacts of the proposed action and alternatives, and a list of agencies and persons consulted. Section 1508.9(b).

While the regulations do not contain page limits for EA's, the Council has generally advised agencies to keep the length of EAs to not more than approximately 10-15 pages. Some agencies expressly provide

page guidelines (e.g., 10-15 pages in the case of the Army Corps). To avoid undue length, the EA may incorporate by reference background data to support its concise discussion of the proposal and relevant issues.

36b. Under what circumstances is a **lengthy EA** appropriate?

A. Agencies should avoid preparing lengthy EAs except in unusual cases, where a proposal is so complex that a concise document cannot meet the goals of Section 1508.9 and where it is extremely difficult to determine whether the proposal could have significant environmental effects. In most cases, however, a lengthy EA indicates that an EIS is needed.

37a. **Findings of No Significant Impact (FONSI)**. What is the level of detail of information that must be included in a finding of no significant impact (FONSI)?

A. The FONSI is a document in which the agency briefly explains the reasons why an action will not have a significant effect on the human environment and, therefore, why an EIS will not be prepared. Section 1508.13. The finding itself need not be detailed, but must succinctly state the reasons for deciding that the action will have no significant environmental effects, and, if relevant, must show which factors were weighted most heavily in the determination. In addition to this statement, the FONSI must include, summarize, or attach and incorporate by reference, the environmental assessment.

37b. What are the criteria for deciding whether a **FONSI** should be made available for **public review** for 30 days before the agency's final determination whether to prepare an EIS?

A. Public review is necessary, for example, (a) if the proposal is a borderline case, i.e., when there is a reasonable argument for preparation of an EIS; (b) if it is an unusual case, a new kind of action, or a precedent setting case such as a first intrusion of even a minor development into a pristine area; (c) when there is either scientific or public controversy over the proposal; or (d) when it involves a proposal which is or is closely similar to one which normally requires preparation of an EIS. Sections 1501.4(e)(2), 1508.27. Agencies also must allow a period of public review of the FONSI if the proposed action would be located in a floodplain or wetland. E.O. 11988, Sec. 2(a)(4); E.O. 11990, Sec. 2(b).

38. **Public Availability of EAs v. FONSI**s. Must (EAs) and FONSI

s be made public? If so, how should this be done?

A. Yes, they must be available to the public. Section 1506.6 requires agencies to involve the public in implementing their NEPA procedures, and this includes public involvement in the preparation of EAs and FONSI

s. These are public "environmental documents" under Section 1506.6(b), and, therefore, agencies must give public notice of their availability. A combination of methods may be used to give notice, and the methods should be tailored to the needs of particular cases. Thus, a Federal Register notice of availability of the documents, coupled with notices in national publications and mailed to interested

national groups might be appropriate for proposals that are national in scope. Local newspaper notices may be more appropriate for regional or site-specific proposals.

The objective, however, is to notify all interested or affected parties. If this is not being achieved, then the methods should be reevaluated and changed. Repeated failure to reach the interested or affected public would be interpreted as a violation of the regulations.

39. Mitigation Measures Imposed in EAs and FONSI. Can an EA and FONSI be used to impose enforceable mitigation measures, monitoring programs, or other requirements, even though there is no requirement in the regulations in such cases for a formal Record of Decision?

A. Yes. In cases where an environmental assessment is the appropriate environmental document, there still may be mitigation measures or alternatives that would be desirable to consider and adopt even though the impacts of the proposal will not be "significant." In such cases, the EA should include a discussion of these measures or alternatives to "assist [46 FR 18038] agency planning and decisionmaking" and to "aid an agency's compliance with [NEPA] when no environmental impact statement is necessary." Section 1501.3(b), 1508.9(a)(2). The appropriate mitigation measures can be imposed as enforceable permit conditions, or adopted as part of the agency final decision in the same manner mitigation measures are adopted in the formal Record of Decision that is required in EIS cases.

40. Propriety of Issuing EA When Mitigation Reduces Impacts. If an environmental assessment indicates that the environmental effects of a proposal are significant but that, with mitigation, those effects may be reduced to less than significant levels, may the agency make a finding of no significant impact rather than prepare an EIS? Is that a legitimate function of an EA and scoping?

[**N.B.:** Courts have disagreed with CEQ's position in Question 40. The 1987-88 CEQ Annual Report stated that CEQ intended to issue additional guidance on this topic. Ed. note.]

A. Mitigation measures may be relied upon to make a finding of no significant impact only if they are imposed by statute or regulation, or submitted by an applicant or agency as part of the original proposal. As a general rule, the regulations contemplate that agencies should use a broad approach in defining significance and should not rely on the possibility of mitigation as an excuse to avoid the EIS requirement. Sections 1508.8, 1508.27.

If a proposal appears to have adverse effects which would be significant, and certain mitigation measures are then developed during the scoping or EA stages, the existence of such possible mitigation does not obviate the need for an EIS. Therefore, if scoping or the EA identifies certain mitigation possibilities without altering the nature of the overall proposal itself, the agency should continue the EIS process and submit the proposal, and the potential mitigation, for public and agency review and comment. This is essential to ensure that the final decision is based on all the relevant factors and that the full NEPA process will result in enforceable mitigation measures through the Record of Decision.

In some instances, where the proposal itself so integrates mitigation from the beginning that it is impossible to define the proposal without including the mitigation, the agency may then rely on the mitigation measures in determining that the overall effects would not be significant (e.g., where an application for a permit for a small hydro dam is based on a binding commitment to build fish ladders, to permit adequate down stream flow, and to replace any lost wetlands, wildlife habitat and recreational potential). In those instances, agencies should make the FONSI and EA available for 30 days of public comment before taking action. Section 1501.4(e)(2).

Similarly, scoping may result in a redefinition of the entire project, as a result of mitigation proposals. In that case, the agency may alter its previous decision to do an EIS, as long as the agency or applicant resubmits the entire proposal and the EA and FONSI are available for 30 days of review and comment. One example of this would be where the size and location of a proposed industrial park are changed to avoid affecting a nearby wetland area.

ENDNOTES

The first endnote appeared in the original Federal Register. The other endnotes are for information only.

1. References throughout the document are to the Council on Environmental Quality's Regulations For Implementing The Procedural Provisions of the National Environmental Policy Act. 40 CFR Parts 1500-1508.
 2. [46 FR 18027] indicates that the subsequent text may be cited to 48 Fed. Reg. 18027 (1981). Ed Note.
 3. Q20 Worst Case Analysis was withdrawn by final rule issued at 51 Fed. Reg. 15618 (Apr. 25. 1986); textual errors corrected 51 F.R. p. 16,846 (May 7, 1986). The preamble to this rule is published at ELR Admin. Mat. 35055.
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Appendix E

Sample Environmental Assessment (EA)

United States Marine Corps
Model Environmental Assessment
for
Land Use and Military Construction

U.S. Marine Corps Environmental Assessment Template For Land Use and Military Construction

Introduction and Instructions for the Template

[delete this page from your final document]

The Headquarters, United States Marine Corps – Land Use and Military Construction – Conservation Section prepared this Environmental Assessment (EA) Template to help streamline how we prepare EAs for U.S. Marine Corps (USMC). Almost all Marine Corps facilities are similar, needing similar analyses and, for most resource areas, having similar impacts. By using this template, you should be able to shorten your EA process, as well as save government resources. This specific template is for constructing a USMC facility on previously undeveloped land.

Our experience with hundreds of existing USMC facilities suggests that building and operating a facility rarely has significant environmental impacts. This template is meant for those typical facilities. If your facility is not typical, if it would have significant impacts on a particular resource type, you cannot use the language in this template about that specific resource type. You can, of course, use it for other resource types where your facility's impact is typical.

The Council on Environmental Quality's (CEQ) regulations at 40 CFR Parts 1502.7 state "The text of final environmental impact statements (e.g., paragraphs (d) through (g) of §15.2.10) shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages." One goal of this template is to stay within the 150-page limit set in the regulations.

Points to remember:

- Eliminate from your final document all material **highlighted in green**.
- **Yellow highlights** are places you must select a singular or a plural word, or make some other choice. Edit the text to make sure the verbs match the nouns.
- While the template cannot deal with cumulative or indirect effects in any detail, you may have those types of effects on your project. Deal with them adequately.
- If there is material in the template not relevant to your project, delete it.
- Keep any additions short and concise—remember the 150-page goal. Put extensive technical information in the appendices. Use active verbs, and sentences averaging 20 words or fewer.
- Where there is more than one version of a resource type, make sure to use the correct version and delete the others from your document.
- Insert a number in any blank for which, there is no instruction.
- Check all internet links before you publish your final document.

If you have any suggestions for improving this template, or questions about using the template, send them to Veronda Johnson at

veronda.johnson@usmc.mil,

Phone: 571-256-2783, or Fax: 703-695-8550.

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List of Exhibits

List all exhibits that are in the text (not in the appendices) and give page numbers.

Section 1. Results in brief

The United States Marine Corps (we, USMC) proposes to build and operate a facility at [address or site name]. The project would affect ____ acres. The site currently [current use and condition of property].

We assessed direct, indirect, and cumulative effects of the proposed action and the alternatives. A direct impact is an effect on the human and natural environment caused by the action and occurring at the same time and place. Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects such as utility installation and other effects that might change the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. A cumulative impact results from the incremental or collective impact to the environment by the proposed action or project when combined with other past, present, and reasonably foreseeable actions, regardless of what agency or person undertakes those other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over time.

This Environmental Assessment reports our evaluation of the direct, indirect, and cumulative effects of the proposed action and alternatives on the environment and human health. Neither the proposed action nor any of the alternatives would cause any significant impacts. The assessment supports selecting the proposed action and we will prepare a Finding of No Significant Impact for that action. Except as shown in the table below, the proposed action would result in no adverse effects. The table shows what actions we intend to take to mitigate impacts.

[Edit or add to the table as needed for your project. Include ONLY those resources where there is some effect]

Table 1. Environmental Impacts of the Proposed Action and Actions USMC will Take to Mitigate Potential Impacts.

Resource	Nature of effect	Not significant because USMC will	Needed to avoid significant impact
Archeological site	Direct - Disturbed construction	Excavate and record data under Memorandum of Agreement with SHPO	XX [Check all boxes in this column where mitigation is needed to avoid significant impact]
Stormwater	Direct - Construction could increase runoff slightly	Manage construction to limit runoff to existing levels, or to reduce it where possible; get NPDES permit	
Noise	Direct - Minor increase in noise from normal traffic using facility and during	Ensure that traffic noise is not greater than that from other	

	construction.	nearby uses. No mitigation needed.	
Gray bat	Direct - Construction near nesting site	Carry out measures recommended by Fish and Wildlife Service to minimize impact, such as working near nesting area only in winter, when bats are hibernating.	XX
Steelhead trout	Direct - Possible disturbance of habitat	Carry out measures to avoid or mitigate disturbance, in consultation with National Marine Fisheries Service	XX

We do not expect any adverse effects on any other resource types. Section 5 of this assessment addresses all resource types considered.

[Add the following paragraph for final EAs.]

We issued this Environmental Assessment in draft on _____ for a comment period of _____ days. We received comments from [list commenters. If there are more than 3, put them in a vertical list].

_____ [identify commenter] stated that [briefly summarize comment]. In response, we have [what did you do about the comment].

[Repeat previous 2 sentences for other comments.]

Section 2. Purpose and need for the action

The purpose of this [Base Realignment and Closure, Military Construction (MILCON), Grow the Force (GTF)] [pick one] project is to [Add purpose statement appropriate to your project's funding source] [For a BRAC project-- support the Base Realignment and Closure program. Then also insert the exact language from the BRAC recommendation for your project.]

[GTF – support the USMC's efforts to sustain force readiness, match USMC force capabilities with mission requirements, and preserve soldier and family quality of life and the all volunteer force.]

[MILCON - replace existing facilities that do not meet current unit requirements *or* add capacity for a projected increase in need in this region *or both*].

[Use the appropriate portions of the following 2 paragraphs for GTF and MILCON projects. They are not needed for BRAC realignments so you should delete them.]

Currently, the U.S. Marine Corps Facility(ies) (Facility) used by [name of unit(s) using the facilities to be replaced by this facility] provide ___ percent of required administrative space, ___ percent of required storage space, and ___ percent of required maintenance space. More importantly, the present facility(ies) [do not, does not] [pick one] meet Department of Defense-mandated antiterrorism and force protection security standards. Existing facilities cannot support the demanding maintenance and parking needs of the [insert [name of unit(s)] [insert type of mission] mission.

The existing substandard and overused facility (ies) [has, have] [pick one] a negative impact on unit readiness, morale, and ability to meet mobilization objectives. A new Facility is needed to provide updated training facilities, including enough administrative, educational, assembly, storage, and maintenance areas to support our operations. To address the specific needs of the units that will use this facility, it needs to be at least ___ acres and to [list any other requirements of your mission that will dictate which alternative is chosen for the Facility].

If you want more information about this project, contact [insert contact for more information]. [Use the next sentence for draft EAs only]. To submit comments, send them to [insert contact information to submit comments]. We must receive your comments by [insert comment due date].

This EA does not address [if there are any associated actions which will be covered by a different EA—such as a closure—list them here; otherwise delete the paragraph]. We will address that action in a separate analysis.

Section 3. Description of the proposed action

The U.S. Marine Corps (we) proposes to build and operate a new Facility on ____ acres in [city], [county], [state]. The proposed construction would take about ____ months.

We propose the following construction:

Table 2. Proposed construction types and sizes.

Type of construction	Square feet
Administration and training building	[fill in for each construction type]
Storage	
Paved parking	
Gravel parking	
[add others as needed]	

Landscaping would cover ____ acres and ____ acres would remain in its [natural] [current] [pick one] condition. Landscaping would use native species, as much as possible. Associated with this construction, we would [list any non-construction activities, or delete sentence]. We would provide local, state, and federal agencies with all plans and specifications.

The new buildings would be of permanent construction, brick on cement slabs. Supporting activities would include site preparation, paving, fencing, security lighting, site signage, storm drainage, and extending utilities to service the property. The design would include Force Protection (physical security) measures.

Once built, about ____ employees would staff the Facility on weekdays. On weekends, about ____ soldiers would train there. No more than ____ would attend on any one weekend. These personnel would create about ____ personal vehicle trips each weekday and ____ on training weekends. There would also be about ____ trips each week for vehicles going to and from the maintenance shop.

Exhibit 1 shows the site plan [Insert URL or other locator if you are not including the plan here], Exhibit 2, a map of nearby roads [Insert URL or other locator if you aren't inserting the map here; you can use Google maps], and Exhibit 3, an aerial photo [Insert URL or other locator if you aren't including the photo here]. [Include at least one map, giving a good idea of the nature and location of the property. The others can go in an appendix or here.]

Section 4. Other alternatives considered.

To select a site for a proposed Facility, the U.S. Marine Corps (we) goes through a site selection process. During that process, we identify all of the sites in the area that meet our general specifications. We then evaluate the list of properties to determine which we should consider. In addition to the proposed action, we considered the following alternatives.

(a) No-action alternative

The CEQ's regulations require including a no-action alternative. This serves as a baseline against which the impacts of the proposed action and any other alternatives can be evaluated. Under the no-action alternative, we would not build the currently proposed Facility. As a result, we could not meet the need identified in Section 2.

(b) Alternatives considered but eliminated from further study

The following table shows other alternatives considered but eliminated during planning. The site selection report, which includes more information about these alternatives, is in Appendix C. **[Edit table to address all alternatives for your project.]**

Table 3. Alternatives considered but eliminated from further study.

Name of Alternative	Site selection report reference	Why alternative was excluded
[name of alternative]	Site selection report pp. ____	Would adversely impact an important wetland
[name of alternative]	Site selection report pp. ____	Access difficult, would significantly impact local transportation
[name of alternative]	Site selection report pp. ____	Surrounding area is deteriorated; not a suitable environment for a Facility

[The third column should identify why the alternative was unreasonable or not feasible, not just that it is not a good choice.]

(c) **[Name of alternative]** alternative

[Briefly describe any other alternatives seriously considered after initial planning. You should have at least one alternative besides the proposed action and no-action--for example, an alternative site or rebuilding an existing Facility. Be sure to state why they are not preferred. Add additional paragraphs as needed.]

Section 5. Existing environment, environmental consequences, and mitigation

This section describes the existing environment that could be affected by the proposed action and alternatives. The U.S. Marine Corps (we) used information gathered from site visits and surveys, technical analyses, interviews, documentation received, and contacts with federal, state, local, and tribal agencies to characterize the existing environment. The following appendices contain information that supplements this discussion:

Appendix A. List of preparers

Appendix B. Agencies and persons consulted

Appendix C. Supporting documentation

Appendix D. Exhibits

Appendix E. Technical information

Appendix G. References

This section also discusses actions we would take to avoid, minimize, or mitigate impacts to the environment.

(a) Air resources

[Note there are two versions of section (a), depending on whether your project is in an area with existing air quality problems. Be sure to use the correct version for your area, and delete the other.]

[Use this version in areas with no existing air quality issues.]

(1) Existing environment. This resource type considers ambient (outdoor) air quality and emissions of air pollutants regulated by the Clean Air Act, as well as the greenhouse gases water vapor, carbon dioxide, tropospheric ozone, nitrous oxide, and methane. Visit <http://www.epa.gov/ebtpages/air.html> for more information about the national programs, technical policies, and regulations protecting the quality of air resources. See <http://www.epa.gov/climatechange/emissions/index.html> for more information about greenhouse gases.

Proposed action. The U.S. Environmental Protection Agency refers to areas that do not meet National Ambient Air Quality Standards as nonattainment areas. The project area is in the [name of basin] air basin, a region that meets air quality standards. Currently, no major area or point sources of air pollutant emissions exist on or near the site of the proposed action.

[Name of alternative] alternative. Air characteristics of this alternative are similar to those at the preferred action.

(2) Environmental consequences.

Proposed action. U.S. Marine Corps Facility includes mainly administrative offices, maintenance buildings, and storage buildings. Building and operating Facilities typically do not produce major air quality impacts or significant amounts of greenhouse gases. Air quality construction or operating permits are generally not required. The proposed action is typical of other facilities and would create no significant air quality impacts.

Some minor short-term adverse impacts may occur during construction. Operating heavy construction equipment would increase diesel exhaust emissions and would suspend dust and other construction-related particles. Standard dust-control measures would minimize fugitive dust emissions and the U.S. Marine Corps (we) would require contractors to keep their equipment in good condition. These measures would ensure that short-term impacts would not be significant.

Once the Facility is built, it would accommodate about ____ government and private automobiles and other vehicles during normal weekday operations and ____ vehicles on training weekends, which would produce some fuel combustion emissions. Maintaining vehicles, heating, and cooling buildings would also emit regulated air pollutants; however, the long-term air pollution effects would not be significant. Although we expect emissions of regulated air pollutants to be minimal, we would get any necessary construction or operating permits before starting to build the Facility. Our analysis of expected emissions from the proposed action is in Appendix C. The proposed action would not have a significant impact on the environment or human health.

[Name of other alternative] alternative. The impacts on air quality from this alternative would be identical with those from the preferred alternative.

[Edit if there are differences from the proposed action and add information for other alternatives, if needed.]

No-action alternative. This alternative would have no impact on air quality.

Cumulative impacts. The air quality impacts of any of the alternatives would be minor. Even when combined with the impacts from other nearby sources of air pollution the impact on the environment and human health would not be significant.

OR

[Use this version in areas with existing air quality issues.]

(1) Existing environment. This resource type considers ambient (outdoor) air quality and emissions of air pollutants regulated by the Clean Air Act, as well as the greenhouse gases water vapor, carbon dioxide, tropospheric ozone, nitrous oxide, and methane. Visit <http://www.epa.gov/ebtpages/air.html> for more information about the national programs, technical policies, and regulations protecting the quality of air resources. See <http://www.epa.gov/climatechange/emissions/index.html> for more information about greenhouse gases.

Proposed action. The U.S. Environmental Protection Agency refers to areas that do not meet National Ambient Air Quality Standards as nonattainment areas. The project area is in the [name of basin] air basin. This area does not comply with federal standards for [Insert name of pollutant(s)]. [Add statement about non-compliance with state standards, if any].

[Use one or both of the next two statements if needed, otherwise delete them.]

The region is a maintenance area for [insert name of pollutant(s)] since it currently meets the federal standards but exceeded them in the past. The area is monitored for [insert name of pollutant(s)] to ensure the federal standards continue to be met. Since the project site is vacant, there are no air emission sources at the site. Nearby sources of pollution include [insert source, pollutant, level of pollutant, cover those not in attainment].

[Name of alternative] alternative. Air characteristics of this alternative are similar to those at the proposed action. [Edit as required if there are differences.]

(2) Environmental consequences.

Proposed action. This Facility would involve vehicle operation, a motor pool, and [generators, heat plant, whatever else is specific to your project].

Some minor short-term adverse impacts may occur during construction. [If construction will contribute to a pollutant for which the area is out of compliance, in maintenance, or being monitored—particulates are a likely candidate—make sure to mention this

specifically, and state how you will minimize your effects. Operating heavy construction equipment would increase diesel exhaust emissions and would suspend dust and other construction-related particles. Standard dust-control measures would minimize fugitive dust emissions and the U.S. Marine Corps (we) would require contractors to keep their equipment in good condition. These measures would ensure that short-term impacts would not be significant.

Once the Facility is built, it would accommodate about ____ government and private automobiles and other vehicles during normal operations, and ____ vehicles on training weekends, which would produce some fuel combustion emissions. Maintaining vehicles, heating, and air-conditioning buildings would also produce some fuel combustion and organic chemical emissions. However, these effects would be minor. Emission levels from operating the Facility would probably be exempt from state permitting requirements, but we would verify this when we design the proposed action. While we do not expect the project to result in significant amounts of greenhouse gases, we would also verify this during the detailed planning phase.

We have analyzed projected emissions from both building and operating the Facility, and found that the project conforms to the State Implementation Plan to reduce pollutants, as well as requirements for maintenance and monitored pollutants because any emissions from the proposed Facility would be minor. Our analysis of expected emissions from the proposed action is in Appendix C. The proposed action would not have a significant impact on the environment or on human health.

[Alternative paragraph]

Building and operating the Facility would produce about ____ tons of **[list criteria pollutants for which the area is in non-attainment]**. Under the Clean Air Act Conformity rules, the USMC does not have to prepare a Conformity determination if the amounts are less than ____ tons. We have therefore prepared a Record of Non-Applicability for a Clean Air Conformity Determination. This Record is in Appendix C.

[Name of other alternative] alternative. The impacts on air quality from this alternative would be identical with those from the preferred alternative.

No-action alternative. This alternative would have no impact on air quality.

Cumulative impacts. The air quality impacts of any of the alternatives would be minor. Although they would contribute to the pollution being generated in the area, even when combined with emissions from nearby sources the effect on the environment and human health would not be significant.

[Edit as necessary if there are cumulative impacts. List other projects that might contribute to cumulative impacts.]

(b) Water resources

(1) Existing environment. Water resources include surface and ground waters on and near the project area. For more information about these resources, visit <http://www.epa.gov/ebtpages/water.html>.

Proposed action. Surface waters on the proposed site include [describe all surface water resources the project might affect, locate them in relation to the project, and note any existing contamination or other problems]. Runoff is carried by [describe how site currently discharges runoff]. Groundwater resources include [list any groundwater resources present, such as an aquifer. Note if any aquifer is used for drinking water]. The groundwater nearest the surface is [identify shallowest groundwater]. For more information about ground water, see <http://water.usgs.gov/ogw/> and [state] hydrogeologic surveys.

[Name of alternative] alternative. [Describe other alternatives in the same way you discuss the proposed action, to the extent you have the information. For information, you have not yet collected, or analyses you have not done, note that you would collect the information and conduct the analyses if this alternative becomes the proposed action.]

(2) Environmental consequences.

Proposed action. During construction, the proposed action might create short-term minor adverse effects on surface water. Demolition and construction would disturb soils, which may become susceptible to erosion by stormwater runoff. The proposed site development would include a Stormwater Pollution Prevention Plan, which would include keeping the rate of flow and runoff volumes to preconstruction levels, or reduce site runoff where possible.

The proposed action would not have a detrimental impact on groundwater quality or availability. The project would get a National Pollutant Discharge Elimination System permit before construction if required. Properly managing hazardous material on-site would prevent spills from occurring and, if needed, spill containment measures would prevent releases to surface and groundwater.

After construction, the new buildings and parking lots may cause more stormwater to run off into the storm system, rather than soaking into the ground. Best management practices and stormwater controls would consider site contours and drainage features to minimize possible erosion. The storm drainage system would be designed and built following applicable design criteria, construction standards, policies, and regulations for storm drainage systems and facilities. Any minor adverse effects from runoff would not cause a significant impact on the environment.

[Add information about any other impacts in your project area. If water supply well would be drilled on-site, discuss permit requirements, wellhead protection program, planned pumpage rate, and what type of water system it would be (Non-Transient Non-Community Water System (NTNCWS) or Transient Non Community Water System (TNCWS).]

[Name of alternative] alternative. [Discuss impacts in manner similar to proposed action discussion; to the extent, you have the information. For aspects that you have not analyzed in detail, state that if this becomes the proposed action, you would conduct those analyzes.]

No-action alternative. This alternative would have no impact on water resources.

Cumulative impacts. None of the alternatives would have significant impacts on water resources and they would not have any cumulative impacts when combined with other developments in the area. [Edit as necessary if there are cumulative impacts.]

(c) Natural resources

[Note there are three versions of section (c), depending on the degree to which sensitive species are present in the project area. Be sure to use the correct version for your area, and delete the others.]

[Use this version if there are no natural resource issues in your project area.]

(1) Existing environment. This resource area covers a wide variety of resource types, including wetlands; floodplains; coastal zones; threatened and endangered and other special status species such as candidate species, state listed species, and species at risk; migratory birds; Bald and Golden Eagles; and habitats of any of those species. For more information, see:

Wetlands – <http://www.epa.gov/owow/wetlands/>

Floodplains – <http://www.fema.gov/hazard/flood/info.shtm>

Coastal zones – <http://coastalmanagement.noaa.gov/>

Threatened, Endangered and Candidate species - <http://www.fws.gov/endangered/>

Migratory birds – <http://www.fws.gov/migratorybirds/>

State Listed species – [Provide URL for state in which project occurs]

Species at Risk – <http://www.natureserve.org/prodServices/speciesatRiskdod.jsp>

Proposed action.

The natural environment of this area [provide brief description of the natural environment and typical plant and animal species in the area. Depending on your situation, you may want to include an Exhibit showing species distribution].

Wetlands. The U.S. Marine Corps (we) reviewed the National Wetland Inventory (<http://www.fws.gov/nwi/>) map for the area and the U.S. Department of Agriculture Natural Resources Conservation Service soil maps for the area (see section 5(d)), visited the site, and made a visual inspection. We found no signs of possible wetland areas.

Floodplains. According to the Federal Emergency Management Agency Flood Insurance Rate Map for the area, the proposed project site is not within the 100-year floodplain. The nearest floodplain boundary is about _____ from the site.

Coastal zone. According to the [state] Coastal Zone Management Program, the area is not in a coastal zone.

Special status species. According to the United States Fish and Wildlife Service, the [state] natural resources inventory, and the Installation database, no special interest species of any type occur on or near the proposed site.

Other resources of interest. No other resources of interest are known to occur on the site.

[Name of alternative] alternative. [Describe other alternatives in the same way you discuss the proposed action, to the extent you have the information. For information, you have not yet collected, or analyses you have not done, note that you would collect the information and conduct the analyses if this alternative becomes the proposed action.]

(2) Environmental consequences.

Proposed action.

Wetlands, floodplains, and coastal zones. Because the proposed site is not in or near a floodplain, coastal zone, or wetland, the proposed action would have no impact on these resources.

All types of special status species. Since no special status species or other species of interest occur in or near the proposed site, nor is there any special habitat that would support those species, there would be no impact on those resources.

[Name of alternative] alternative. [Discuss impacts in manner similar to proposed action discussion; to the extent, you have the information. For aspects that you have not analyzed in detail, state that if this becomes the proposed action, you would conduct those analyzes.]

No-action alternative. The no-action alternative would have no impact on these resources.

Cumulative impacts. Since none of the alternatives would have an impact on these resources, there would be no cumulative impacts on this resource type.

OR

[Use this version if your project area contains habitat suitable for special status species but no representatives have been observed in your area.]

(1) Existing environment. This resource area covers a wide variety of resource types, including wetlands; floodplains; coastal zones; Threatened and Endangered and other special status species such as candidate species; state listed species, and species at risk; migratory birds; and habitats of any of those species. For more information, see:

Wetlands – <http://www.epa.gov/owow/wetlands/>

Floodplains – <http://www.fema.gov/hazard/flood/info.shtm>

Coastal zones – <http://coastalmanagement.noaa.gov/>

Threatened, Endangered and Candidate species – <http://www.fws.gov/endangered/>

Migratory birds - <http://www.fws.gov/migratorybirds/>

State Listed species – [Provide URL for state in which project occurs]

Species at Risk – <http://www.natureserve.org/prodServices/speciesatRiskdod.jsp>

Proposed action. The natural environment of this area [provide brief description of the natural environment and typical plant and animal species in the area. Depending on your situation, you may want to include an Exhibit showing species distribution].

Wetlands. The U. S. Marine Corps (we) reviewed the National Wetland Inventory (<http://www.fws.gov/nwi/>) map for the area and the U.S. Department of Agriculture Natural Resources Conservation Service soil maps for the area (see section 5(d)), visited the site, and made a visual inspection. We found no signs of possible wetland areas.

Floodplains. According to the Federal Emergency Management Agency Flood Insurance Rate Map for the area, the proposed site is not within the 100-year floodplain. The nearest floodplain boundary is about _____ from the site.

Coastal zone. According to the [state] Coastal Zone Management Program, the area is not in a coastal zone.

Special status species. According to the United States Fish and Wildlife Service, the [state] natural resources inventory, and the Installation database, the proposed site contains habitat suitable for these special status species:

[list species that may be present]

Other resources of interest. [Address any other resources of interest specific to your project area, such as game species].

[Name of alternative] alternative [Describe other alternatives in the same way you discuss the proposed action, to the extent you have the information. For information, you have not yet collected, or analyses you have not done, note that you would collect the information and conduct the analyses if this alternative becomes the proposed action.]

(2) Environmental consequences.

Proposed action.

Wetlands, floodplains, and coastal zones. Because the proposed site is not in or near a floodplain, coastal zone, or wetland, the proposed action would have no impact on these resources.

Special status species. Because the site contains habitat suitable for ___ special status species, we conducted a ground survey to find out if any of the species were present in the proposed project area. The report of the survey is in Appendix C. We found no Endangered Species Act listed or other special status species such as Bald or Golden Eagles. Several migratory bird species occur within the proposed project area. Harm to those species, as defined in the Migratory Bird Treaty Act, would be minimal. We would minimize the potential for harm by changing the time of year construction would occur to avoid the nesting season of a specific species, if necessary.

Other resources of interest. [Address consequences to other resources of interest specific to your project area, such as game species]

[Name of alternative] alternative. [Discuss impacts in manner similar to proposed action discussion; to the extent, you have the information. For aspects that you have not analyzed in detail, state that if this becomes the proposed action, you would conduct those analyzes.]

No-action alternative. This alternative would have no impact on these resources.

Cumulative impacts. Any impacts the alternatives would have on the special status species present are not likely to be adverse. Therefore, there are not likely to be

cumulative impacts from the any of the alternatives combined with the effects of other nearby construction.

[Edit as necessary if there are cumulative impacts. Note this resource type is more likely than most to have cumulative impacts.]

OR

Use this version if there is a wetland in your project area, or any type of special status species requiring minimization of impacts or mitigation. If you have one issue but not the other, make sure you delete unneeded language. This template does not cover Facilities being built on a floodplain.

(1) Existing environment. This resource area covers a wide variety of resource types, including wetlands; floodplains; Coastal zones; Threatened and Endangered and other special status species such as Candidate species; state listed species, and species at risk; migratory birds; and habitats of any of those species. For more information, see:

Wetlands – <http://www.epa.gov/owow/wetlands/>

Floodplains – <http://www.fema.gov/hazard/flood/info.shtm>

Coastal zones – <http://coastalmanagement.noaa.gov/>

Threatened, Endangered and Candidate species – <http://www.fws.gov/endangered/>

Migratory birds – <http://www.fws.gov/migratorybirds/>

State Listed species – [Provide URL for state in which project occurs]

Species at Risk – <http://www.natureserve.org/prodServices/speciesatRiskdod.jsp>

Proposed action. The natural environmental of this area consists [provide brief description of the natural environment and typical plant and animal species in the area. Depending on your situation, you may want to include an Exhibit showing species distribution].

Wetlands. The U. S. Marine Corps (we) reviewed the National Wetland Inventory (<http://www.fws.gov/nwi/>) map for the area and the U.S. Department of Agriculture Natural Resources Conservation Service soil maps for the area (see section 5(d)). We also visited the site and made a visual inspection. We found that a [type of wetland] wetland area, covering about ___ acres, occurs on [what part of the project area]. You can find a map and description of the wetland in Appendix C.

Floodplains. According to the Federal Emergency Management Agency Flood Insurance Rate Map for the area, the proposed project area is not within the 100-year floodplain. The nearest floodplain boundary is about [how far] from the area.

Coastal zone. According to the [state] Coastal Zone Management Program, the area is not in a coastal zone.

Special status species. According to the United States Fish and Wildlife Service, the [state] natural resources inventory, and the Installation database, the area around the proposed project area is [known to be inhabited by, is likely to be inhabited by][pick one] ___ federally-listed threatened or endangered species and ___ other special status species:

[list species]

Other resources of interest. [Describe other resources of interest specific to your project area, such as game species].

Based on this information, we did a [type of survey] survey of the proposed project area. The survey revealed that [name of species, if any] was present. The report of the survey is in Appendix C.

[Name of alternative] alternative [Describe other alternatives in the same way you discuss the proposed action, to the extent you have the information. For information, you have not yet collected, or analyses you have not done, note that you would collect the information and conduct the analyses if this alternative becomes the proposed action.]

(2) Environmental consequences.

Wetlands. Because of its location within the proposed site, we would be able to avoid impacting the wetland. We would map the wetland area and keep all construction activity away, including a [how big] buffer zone.

[Alternate paragraph]

This project would require filling [how many] acres of a [type of wetland] wetland. We would get the required Clean Water Act section 404 permit. There is no practicable alternative because [briefly state why you cannot avoid this].

Floodplains and coastal zones. Because the proposed site is not in or near a floodplain or coastal zone, the proposed action would have no impact on these resources.

Special status species. We prepared a biological evaluation on the ___ special status animal and ___ plant species. The evaluation is in Appendix C.

Other resources of interest. [Address any other resources of interest specific to your project area, such as game species].

The table below shows the results of our analysis, and the steps we would take to minimize effects or to mitigate effects to ensure they are not significant. [Fill in table with your project data. Link to any related biological opinions from FWS, if available, or put them in an appendix.]

Table ___. Sensitive species.

Name of species	Important because	Likelihood of impact	Consultations, other administrative actions	Avoidance, minimization, mitigation steps
Knieskern's Beaked-rush (<i>Rhynchospora knieskernii</i>)	federally listed	No effect	Not required	None needed
American Bittern (<i>Botaurus lentiginosus</i>)	listed by State	Minimal effects [briefly identify type of impact in the table, if feasible]	FWS suggested minimization	Avoid construction activities nearby during nesting season
Gray bat (<i>Myotis grisescens</i>)	federally listed	Possible adverse effect from [briefly identify type of	FWS agreed effects might be adverse, and suggested steps	Construction activities allowed near roosting site

		impact in the table, if feasible	to minimize them.	only in winter when bat hibernates; USMC will monitor all trees near the roosting site for 5 nights and will not remove trees where bats are observed to roost.
[species n]				

[Name of alternative] alternative. [Discuss impacts in manner similar to proposed action discussion; to the extent, you have the information. For aspects that you have not analyzed in detail, state that if this becomes the proposed action, you would conduct those analyzes.]

No-action alternative. This alternative would have no impact on these resources.

Cumulative impacts. If we proceed with any of the alternatives, we would minimize impacts on the special interest species present. Because of this, we do not expect any cumulative impacts on natural resources.

[Edit as necessary if there are cumulative impacts. If there are special interest species present, this resource topic is more likely than most to have cumulative impacts.]

(d) Topography, geology, soils

(1) Existing environment. This resource includes soil characteristics, including makeup and permeability, and other geological aspects such as terrain and elevation. See <http://soils.usda.gov/> for more information about soils.

Proposed action. The topography of the proposed site is relatively flat, [briefly describe any variations]. The average elevation is _____ feet above sea level. [Give elevation of any feature varying significantly from this average, and if the area is not relatively flat give range of elevation.] See [insert URL or other locator. If you have included this map in Section 3, refer to it. Do not repeat it.] for a U.S. Geological Survey topographic map for the U.S. Marine Corps parcels and surrounding properties. The geology at the site consists of ____ [briefly describe formation(s)]. Soils across the site [briefly describe soils].

These soils are not classified as hydric, the type needed to support wetlands. See <http://soils.usda.gov/use/hydric/> for information about hydric soils. No prime farmland soils occur in the project area. See <http://www.nd.nrcs.usda.gov/technical/primefrmlndcriteria.html> for information about prime farmland. For more information about local soils, visit <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> and navigate to the address of the proposed Facility.

[Name of alternative] alternative. [Describe other alternatives in the same way you discuss the proposed action, to the extent you have the information. For information you have not yet collected, note that you would collect it if this alternative becomes the proposed action.]

(2) Environmental consequences.

Proposed action. This alternative would disturb the existing soils and topography to provide site access and from construction. Given the mostly level topography in the construction area, only minimal cutting and filling would be needed, except for the cutting to install underground utilities. Site plans and building procedures, including erosion control, would ensure any effects of construction are minimal. During planning, the U.S. Marine Corps (we) would coordinate with the local planning and development office [provide reference for local provisions, if any]. The site design and building procedures would include soil erosion and stabilization controls and getting all necessary permits, such as a National Pollutant Discharge Elimination System permit. We would store, use, and manage any hazardous material on the site to ensure no release would impact site soils. Overall, as long as proper procedures are followed during construction, we anticipate no significant effects to the soil or topography at the proposed site.

Once the Facility is built, we would landscape following U.S. Marine Corps and local design guidelines. Operating the new Facility would not disturb soil or geology, if roads and parking areas are properly stabilized and the landscaping is maintained. Any activities that might alter the topography of the property following building and grounds construction would be small-scale and would not affect surface water runoff patterns. Overall, the proposed action would not have significant impacts on soils and topography.

[Name of alternative] alternative. Impacts on soils by this alternative are the same as impacts by the proposed action. [Edit as needed if alternative would have different impacts.]

No-action alternative. This alternative would have no impact on soil resources.

Cumulative impacts. None of the alternatives would have significant impacts on soil resources and they would not have any cumulative impacts when combined with other developments in the area. [Edit as necessary if there are cumulative impacts.]

(e) Hazardous Materials and Waste

(1) Existing environment. This resource area covers using hazardous substances and generating hazardous wastes. For more information about this subject, visit EPA's website at <http://www.epa.gov/epawaste/index.htm> or the website of the Agency for Toxic Substances and Disease Registry, <http://www.atsdr.cdc.gov/> .

Proposed action. The U. S. Marine Corps (we) did an Environmental Condition of Property report (Condition report) of the site in 20__ to assess its current condition. In doing so, we inspected the site and reviewed site records and other federal, state, local,

and tribal records relating to storing, releasing, treating, and disposing of hazardous materials (including petroleum products or derivatives) on or near the site. See Appendix C for a copy of the Condition report.

The Condition report found no evidence of the release or threatened release of hazardous materials on the site except:

- [list materials as needed or delete list]
- _____
- _____.

Previous activities at the site are not known to have caused any chemical contamination of soils. There are no existing regional concerns related to chemical contamination of ground or surface waters and we see no need for additional cumulative effects analysis.

[Name of alternative] alternative. HAZMAT generating activities at this alternative would be similar to those at the preferred site [Describe any differences.]

(2) Environmental Consequences

Proposed action. During construction, we would require the contractor to comply with all applicable requirements about handling hazardous substances and disposing of hazardous waste on, near, or from the site. The contractor would use best management practices and engineering controls to prevent or minimize any adverse impact to the environment from any unexpected spills or releases of hazardous materials or waste.

We do not expect a release or threat of a release from any hazardous substance-related Facility operations that would be subject to emergency planning and preparedness requirements under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The Facility would use and store small quantities of chemicals that contain petroleum products and other CERCLA hazardous substances (see Appendix E for a list of products typically found at Facilities). There would be no long-term storage or onsite disposal of these materials at levels requiring reporting under CERCLA.

The Facility would also generate and manage small quantities of regulated waste materials. We would dispose of these waste materials through the local Defense Reutilization and Marketing Service or a contract hazardous waste hauler. Select staff would be trained in how to prevent, handle, and contain spills. [Edit as needed if operation will differ.] The Facility would comply fully with applicable governmental requirements on handling, storing, and disposing of hazardous substances and waste.

[Name of alternative] alternative. [Discuss impacts in manner similar to proposed action discussion; to the extent, you have the information. For aspects that you have not analyzed in detail, state that if this becomes the proposed action, you would conduct those analyzes.]

No-action alternative. We do not expect this alternative to cause any significant effect on the environment or human health from hazardous substances or wastes.

Cumulative impacts. None of the alternatives would have a significant cumulative impact on the environment or human health from hazardous substances or wastes. **[Edit as necessary if there are cumulative impacts.]**

(f) Cultural, historic, archeological resources

[Note there are three versions of section (f), plus two extra sections dealing with resources of interest to Indian tribes and alternate sites with known cultural resources. Be sure to pick the version you need, and delete the rest.]

[Use this version for proposed actions with no known cultural resources.]

(1) Existing environment. These resources include historic and prehistoric archeological sites, historic buildings, structures, objects, districts, and Native American burial areas, sacred sites, and other properties of traditional religious and cultural importance to tribes. Collectively, these are called “cultural resources.” The National Historic Preservation Act and other statutes require federal agencies to consider the effects of their actions on these resources. For more information about these requirements, visit <http://www.achp.gov/nhpp.html>.

Proposed action. The U. S. Marine Corps (we) consulted with the State Historic Preservation Officer, who concurred that there are no known resources eligible for or listed on the National Register of Historic Places within or near the proposed project area, and that it is unlikely that there would be any unknown resources within that area. We also contacted the **[insert number of tribes contacted]** federally recognized Indian tribes in the area. ___ tribes responded. **[Include tribe names if only a few responded.]** They reported they knew of no resources of interest to them on or near the proposed project area. We also know of no resources that might be of interest to tribes in the proposed project area.

[Name of alternative] alternative. A preliminary assessment of this area, including a search of the State Historic Preservation Officer’s records, revealed no known cultural, historic, or archeological resources, or sites of interest to an Indian tribe. **[See language at the end of section (f) covering alternate sites with known cultural resources.]**

(2) Environmental consequences.

Proposed action. No known cultural resources occur within or near the proposed project area, so the proposed action would not have any significant impacts on cultural resources.

[Name of other alternative] alternative. If this area becomes the preferred alternative, we would do a more complete analysis to determine whether there are any cultural resources present, whether they would be affected by the project, and what mitigation, if any, we would undertake.

No-action alternative. This alternative would not cause any effects on known cultural resources.

Cumulative impacts. None of the alternatives would affect cultural resources in a way that would contribute to a significant cumulative impact.

OR

Use this version if there are archeological or historic sites that are not eligible to the National Register of Historic Places, and no sites of interest to Native Americans.

(1) Existing environment. These resources include historic and prehistoric archeological sites, historic buildings, structures, objects, districts, and Native American burial areas, sacred sites, and other properties of traditional religious and cultural importance to tribes. Collectively, these are called “cultural resources.” The National Historic Preservation Act and other statutes require federal agencies to consider the effects of their actions on these resources. For more information about these requirements, visit <http://www.achp.gov/nhpp.html>.

Proposed action. The U.S. Marine Corps (we) consulted with the State Historic Preservation Officer, who concurred that an [archeological site] [historic property] [pick one, or specify other as needed] occurs within the proposed project area. However, this property is not eligible for the National Register of Historic Places because [briefly, why is property not eligible]. We also contacted the [insert number of tribes contacted] federally recognized Indian tribes in the area. ____ tribes responded. [Include tribe names if only a few responded.] They reported they knew of no resources of interest to them on or near the proposed project area. We also know of no other cultural resources in the proposed project area.

[Name of alternative] alternative. A preliminary assessment of this area, including a search of the State Historic Preservation Officer’s records, revealed no known cultural resources, including sites of interest to an Indian tribe. [See language at the end of section (f) covering alternate sites with known cultural resources.]

(2) Environmental consequences.

Proposed action. Because the [archeological site] [historic property] [pick one, or specify other as needed] within the proposed project area is not eligible for the National Register of Historic Places, and because there are no resources of interest to an Indian tribe, the proposed action would not have an impact on cultural resources.

[Name of alternative] alternative. If this area becomes the preferred alternative, we would do a more complete analysis to determine whether there are any cultural resources present, whether they would be affected by the project, and what mitigation, if any, we would undertake.

No-action alternative. This alternative would not cause any effects on known cultural resources.

Cumulative impacts. None of the alternatives would affect cultural resources in a way that would contribute to a significant cumulative impact. **[Edit as necessary if there are cumulative impacts.]**

OR

Use this version if there are archeological or historic sites that are listed on or eligible to the National Register of Historic Places that require some mitigation.

(1) Existing environment. These resources include historic and prehistoric archeological sites, historic buildings, structures, objects, districts, and Native American burial areas, sacred sites, and other properties of traditional religious and cultural importance to tribes. Collectively, these are called “cultural resources.” The National Historic Preservation Act and other statutes require federal agencies to consider the effects of their actions on these resources. For more information about these requirements, visit <http://www.achp.gov/nhpp.html>.

Proposed action. **[Use this paragraph for an archeological site.]** The U.S. Marine Corps (we) consulted with the State Historic Preservation Officer, who concurred an archeological site(s) [eligible for, listed on] **[pick one]** the National Register of Historic Places occurs within the proposed project area. The archeological site **[insert site identification code from State Historic Preservation Officer and time period and type of site(s)]**. The site(s) covers **[insert size of site(s)]** within the project area at **[provide township, range, and section information, or other specific location information such as Universal Transverse Mercator (UTM). Note you have the legal authority to withhold location information if it might endanger the cultural resource]**. We also contacted the **[specify number of tribes contacted]** federally recognized Indian tribes in the area. ____ tribes responded. **[Include tribe names if only a few responded.]** They reported they knew of no resources of interest to them on or near the proposed project area. We know of no other cultural resources in the proposed project area.

[Use this paragraph for historic properties (buildings, structures, etc.)] The U.S. Marine Corps (we) consulted with the State Historic Preservation Officer, who concurred that an historic property consisting of **[Specify number and types of historic properties: buildings, structures, objects, sites, district]** [eligible for, listed on] **[pick one]** the National Register of Historic Places occurs within the proposed project area. The property **(ies)**, **[provide property identification code(s) from State Historic Preservation Officer and specify nature of property]**, was constructed **[specify when constructed]** and was used as **[specify function of original structure]**. The property is **[specify where in the project area]**. Currently, it **[specify current use]**. We also contacted the **[specify number of tribes contacted]** federally recognized Indian tribes in the area. ____ tribes responded. **[Include tribe names if only a few responded.]** They reported they knew of no resources of interest to them on or near the proposed project area. We know of no other cultural resources in the proposed project area.

[Name of alternative] alternative. A preliminary assessment of this area, including a search of the State Historic Preservation Officer's records, revealed no known cultural resources or sites of interest to an Indian tribe. **[See language at the end of section (f) covering alternate sites with known cultural resources.]**

(2) Environmental consequences.

Proposed action. This alternative would adversely affect the [eligible, listed] **[pick one]** [historic property] [archeological site] **[pick one, or specify other as needed]** by **[Specify nature of impact]**. We consulted with the State Historic Preservation Officer about this effect. We have entered into a Memorandum of Agreement to **[Briefly describe mitigation intended to reduce impact below level of significance]**. Therefore, the proposed project would not have a significant impact on this resource. You can read this agreement in Appendix C.

Because there are no resources of interest to any Indian tribe, the proposed action would have no impact on these resources.

[Name of other alternative] alternative. If this area becomes the preferred alternative, we would do a more complete analysis to determine whether there are any cultural resources present, whether they would be affected by the project, and what mitigation, if any, we would undertake.

No-action alternative. This alternative would not cause any effects on known cultural resources.

Cumulative impacts. None of the alternatives would affect known cultural resources in a way that would contribute to a significant cumulative impact. **[Edit as necessary if there are cumulative impacts.]**

(f) Additional language for proposed action if there is a resource of interest to an Indian tribe.

Use this statement in section (1) Existing Environment] The _____ tribe reported that a resource in the [specify where in project area] proposed project area is of interest to them because **[specify reason for tribe's interest, if known]**.

Use this statement in section (2) Environmental consequences.

We have consulted with the [name of tribe] tribe about the resource of interest to them, and agreed to **[describe mitigation and link to plan or include it in Appendix C]**. Therefore, the proposed project would not have a significant impact on this resource.

Additional language addressing cultural resources on alternatives besides the proposed action and no-action.

[For a resource not eligible to the National Register] We consulted with the State Historic Preservation Officer, who found that an [archeological site] [historic property]

[pick one, or specify other as needed] occurs on this alternative. However, this site is not considered eligible to the National Register of Historic Places.

If we chose this alternative, we would contact any federally recognized Indian tribes in the area to determine whether they know any sites of interest to them on or near this alternative.

[For a resource eligible to or listed on the National Register]. This alternative would affect the [eligible, listed] [pick one] [historic property] [archeological site] [pick one, or specify other as needed] by [specify nature of impact]. If we chose this alternative, we would consult with the State Historic Preservation Officer and enter into a Memorandum of Agreement about how to mitigate this effect. We would also contact any federally recognized Indian tribes in the area to determine whether they know any resources of interest to them on or near this alternative.

(g) Socioeconomic factors

(1) Existing environment. This resource area addresses several different factors, which might affect the quality of life and economy in the area surrounding the project where employees might live, shop, and use public resources. These factors include public services such as fire, police, and medical facilities; educational facilities; environmental justice; and recreation, including local parks.

Proposed action. The following table shows the general ethnic and economic characteristics of the area around the proposed state and in the United States, based on the most recent U.S. Census data [Give current citation].

Table ____ . Population characteristics.

	County [or census tract]	[State]	US
Population			
Median Household Income			
Persons below poverty level			
Unemployment rate			
White persons			
Black persons			
American Indian & Alaska Native			
Hispanic			
[Other if relevant]			
Overall % minority population			

According to the Census, the types of occupations for the labor force in the surrounding area include mainly [List 3 or 4 most common occupations].

Public services. Police services for the parcel and surrounding area are provided by [name of police office]. Fire response services are provided by [name of organization and station]. The nearest emergency medical facility is [name of facility].

Education. Schools serving residents around the proposed project area include [list the major schools nearby that are most likely to serve Facility employees].

Environmental justice. Federal agencies must consider the effects of their actions on minority and low-income populations and other disadvantaged groups such as the disabled, the elderly, and women. See <http://www.epa.gov/compliance/environmentaljustice/> for more information on this topic. This requires the U.S. Marine Corps to identify minority and low-income populations that the proposed action and alternatives might affect. As shown in the table above, there are [few or no residents of the area who are minorities or are below the poverty level] [a minority of residents of the area who are minorities or are below the poverty level] [significant numbers of residents of the area who are minorities or are below the poverty level] [pick one].

Recreation and parks. Parks and recreational facilities close to the proposed project area include [list a few major examples, the ones most likely to be used by Facility personnel].

[Name of alternative] alternative. Socioeconomic characteristics of this alternative are the same as at the proposed site. [Note any important differences.]

(2) Environmental consequences.

Proposed action. Since the proposed project area is currently vacant, there are no negative impacts on any of these factors from U.S. Marine Corps activities. Population increase in the nearby area because of Facility staff would be minor, about [estimate how many people].

Public services and Education. The proposed action would not have a significant impact on public services in the area. No major additional load would be placed on schools or on the fire or police agencies or medical facilities. During weekend operations, Marine Corps first aid-trained staff would be on scene to handle minor injuries.

Environmental justice. The proposed action would not cause a decrease in jobs available in the area; rather, a few jobs would be created. Since the proposed action has very few environmental consequences of any type, it would not create disproportionately high or adverse human health or environmental impacts on minority or low-income populations or other disadvantaged groups in the surrounding community.

Recreation and parks. The proposed action would not have a significant impact on parks and other recreational facilities in the area.

[Name of alternative] alternative. The socioeconomic consequences of this alternative would be the same as those of the proposed action. [Note and explain any differences.]

No-action alternative. This alternative would have no impact on socioeconomic factors.

Cumulative impacts. The impacts on any of the factors discussed above would be minor, even when combined with the impacts from other nearby development.

[Edit as necessary if there are cumulative impacts.]

(h) Noise

(1) Existing environment. The federal government supports an environment free from noise that threatens human health and welfare and the environment. Response to noise varies, depending on the type and characteristics of the noise, distance between the noise source and whoever hears it (the receptor), receptor sensitivity, and time of day.

Under the Air Installation Compatible Use Zone (AICUZ) Program, three Noise Zones are identified for community compatibility purposes, based on annual average noise levels. The lowest noise zone is compatible with all land uses. Noise-sensitive land uses such as houses and schools are not recommended in the two higher zones. Noise levels from activities at Facilities generally fall within the lowest zone. For more information about noise, visit <http://www.dtic.mil/whs/directives/corres/pdf/605512p.pdf>.

Proposed action. Currently, the proposed site is vacant land. Nearby sources of noise, include [list sources of noise, such as commercial and commuter traffic on roadways, nearby commercial and industrial operations, and other as needed]. The nearest sensitive receptor to the proposed project area is a [specify type(s) of sensitive receptor - residential area, school, etc] [specify distance to receptor] from the proposed site. [Repeat information for all receptors that are within 1000 feet.]

[Name of alternative] alternative. Noise characteristics of this alternative are the same as at the proposed site. [Explain any difference in receptors.]

(2) Environmental consequences.

Proposed action. There would be a temporary increase in noise while we build the Facility, lasting about ___ months. There are no sensitive receptors nearby. [Alternative sentence if there are any sensitive receptors.] There is a sensitive receptor [specify distance to receptor] from the project area.

Given the temporary nature of proposed construction activities, the impact of the proposed action would not be significant. [Use the following sentence only if there is a sensitive receptor closer than 1000 feet from the construction area] Because there is a sensitive receptor nearby, however, we would restrict construction to normal weekday business hours and coordinate with nearby receptors before we begin work.

Once the Facility is in use, the primary sources of noise would be the vehicles that enter and leave the facility. This activity would not generate noise beyond the lowest level. Overall noise levels from other activities at the Facility, including weekend training, would be minimal. Noise from the proposed action would not exceed any local noise limits or create a significant impact on human health or the environment.

[Name of alternative] alternative. The environmental consequences of this alternative would be the same as those of the proposed action. [Use the next two sentences if needed.] The only difference would be that there [is, is not] [pick one] a sensitive receptor. [Nature of receptor] is [distance] from this alternative.

No-action alternative. This alternative would have no impact on current noise levels.

Cumulative impacts. Even when combined with noise from other nearby sources, noise from any of the alternatives would not have a significant cumulative impact in the area near the project.

(i) Utilities

(1) Existing environment. This resource area covers electric, natural gas, sanitary sewer, telephone, cable, stormwater, and potable water.

Proposed action. All utility services are available on or near the site [describe any exceptions that would require service to be extended and where it would be extended from]. The proposed site would get electric service from [specify provider], natural gas service from [specify provider], sanitary sewer service from [specify provider], communications service from [specify provider], and potable water from [specify provider]. The site currently handles stormwater drainage [adequately] [inadequately] [pick one, explain briefly if inadequate].

[Name of alternative] alternative. Use of utilities by this alternative would be the same as by the preferred action. [Edit as needed if alternative would have different conditions.]

(2) Environmental Consequences.

Proposed action. Providing all necessary utilities would not create any problems for local utilities providers. All utility connections and associated construction activities would comply with the requirements of the respective utility. Before building the Facility, the U.S. Marine Corps would coordinate with local government and private companies on any necessary utility line extensions. During and after construction, the Facility would have an adequate stormwater drainage system.

Based on current design planning, the site's utility needs are typical of a standard light industrial or commercial operation. Constructing and operating the infrastructure connections for the utilities would not have a significant impact on any local utilities or areas.

[Name of alternative] alternative. Impacts on utilities by this alternative would be the same as impacts by the preferred action. [Edit as needed if alternative would have different impacts.]

No-action alternative. This alternative would have no impact on current utilities.

Cumulative impacts. The alternatives all would increase the load on utilities to a minor degree. They would not have a cumulative impact, even when combined with other developments known to be planned for the area. [Edit as necessary if there are cumulative impacts. List any know major developments that would contribute to impacts.]

(j) Transportation

(1) Existing environment. This resource addresses the effects of Facility activities on nearby roads and public transport. Vehicle traffic to and from a Facility can increase traffic congestion. Traffic congestion is characterized by the “Level of Service” — ranging from A, least congested, to F, most congested (Traffic Research Board *Highway Capacity Manual*, 2003). For more information about this concept, see Appendix E.

Proposed action. Since the proposed site is undeveloped, no roads now service it. [Delete previous sentence if site does have roads.] The following table shows the characteristics of nearby roads and intersections. [Fill in table with your project’s data. Include only nearby roads that might carry Facility traffic. If there are any intersections that would be affected by Facility traffic, list them separately in the same table, after the road listings. See the general discussion of LOS in Appendix E for information on estimating LOS on smaller roads.]

Table _____. Level of service on roads near the proposed action site.

Road/Street	Characteristics	Current LOS
E. Grand River	3-lane, one-way, eastbound	A
E. Saginaw	3-lane, one-way, westbound	A
Marshall	4-lane, bi-directional	C
E. Oakland Ave	2 lane, one-way, westbound	C

[State] DOT, 20__

Public transport is provided by [provide name of company, type of transport] which [specify where the public transport goes in relation to the proposed project area].

[Name of alternative] alternative. [Describe other alternatives in the same way you discuss the proposed action, to the extent you have the information. For information, you have not yet collected, or analyses you have not done, note that you would collect the information and conduct the analyses if this alternative becomes the proposed action.]

(2) Environmental consequences.

Proposed action. During construction of the Facility, construction equipment and personnel would come to and leave the project area for about ____ months. The increased traffic would have a minor effect on traffic on streets and roads near the site. Construction traffic is unlikely to have an impact on the level of service on any of these roads.

Once the new Facility opens, access would be by the entrances shown in Exhibit ____ [refer back to one of the exhibits in Section 3 or the appendix, showing number and placement of entrances]. Private vehicles accessing the Facility would increase local traffic by about ____ vehicles each weekday, based on the number of full-time

equivalent employees at Facilities of similar size. Commercial vehicles providing the Facility with mail and other deliveries would increase traffic by ____ vehicles during weekdays. Altogether, these increases are minor and would not reduce the level of service on any of the local roads. In constructing parking lots, we would consider local provisions and accommodate all vehicles using the Facility during the week. Some people might take public transport to and from the Facility, but the small numbers would not burden capacity.

On training weekends, as many as _____ [provide number for the highest-traffic weekend] soldiers might take vehicles to the Facility. Overall, we do not expect this to have a major impact on the level of service of local roads. [It is possible that LOS would decline on training weekends. Make sure to edit to include this if necessary. If you need a more complex analysis of traffic, put a brief summary in this section and refer to the detailed analysis, in Appendix C.]

[Name of alternative] alternative. [Discuss impacts in manner similar to proposed action discussion; to the extent, you have the information. For aspects that you have not analyzed in detail, state that if this becomes the proposed action, you would conduct those analyzes.]

No-action alternative. This alternative would have no impact on transportation.

Cumulative impacts. Even when combined with traffic from other nearby development, none of the alternatives would have a significant cumulative impact on transportation in the project area. The State Transportation Improvement Plan describes no major projects near the Facility over the next 5 years.

[Edit as necessary if there are cumulative impacts or if the State Transportation Improvement Plan shows major capital improvements. If there are major improvements planned, the impact might be positive, improving LOS or safety, or both. Note this, if applicable. Also note if there are major developments planned nearby; these might increase traffic volume and worsen LOS.]

(k) Land Use

(1) Existing environment. This resource area covers visual resources and land use planning. Visual resources include lakes and streams, vegetation, landforms, and man-made structures that have some aesthetic value. To some degree, visual resources are those valued by the community. U.S. Marine Corps Facilities may have an effect on local and regional land use if they are not compatible with existing and planned land use on and near the project area.

Proposed action. There are no important visual resources on or visible from the project area. Currently, the proposed project area is vacant land. Typical land uses in the vicinity of the proposed site include [list typical land uses, such as residential, light industry, farmland]. Exhibit ____ shows current development in the area [URL or other locator – this can be the same air photo used in section 3]. [Delete the next sentence if the project

area is not zoned]. Local zoning maps depict the proposed project area as _____ [indicate type of zoning]. Local land use planning documents describe [list what kinds of future development are planned nearby – link to or reference local plans if possible].

[Name of alternative] alternative. Land use by this alternative would be similar to the preferred action. [Edit as needed if alternative would have different conditions.]

(2) Environmental consequences.

Proposed action. This alternative would not affect any visual resources and would not have a significant impact on the environment. Using the proposed site for a U.S. Marine Corps Facility is compatible with current and planned land uses in the area. [Delete the following sentence if it does not apply to your project.] Local zoning requirements around the project area include [list local zoning requirements]. The U.S. Marine Corps would consider all local requirements in planning and building the Facility. We expect the proposed project would not have an adverse impact on local land use plans.

[Name of alternative] alternative. Impacts on land use of this alternative would be similar to those of the proposed action. [Edit to note any differences from proposed action.]

No-action alternative. This alternative would have no impact on visual resources or on current and planned land use.

Cumulative impacts. All the alternatives would be compatible with current and planned uses in the project area, and would have no cumulative impacts when combined with those uses.

Section 6. Conclusions about the impacts of the proposed action and alternatives.

Based on the analysis presented in section 5 and supporting information and analyses listed in the appendices, the U.S. Marine Corps (we, USMC) makes the following conclusions about the direct, indirect, and cumulative effects of the proposed action and the alternatives.

(a) Direct impacts

Although the proposed action would have an impact on soils, topography, traffic patterns, [add other areas affected by the proposed action] we found no significant direct impacts to the quality of the environment, either human or natural. Plans for the proposed action include impact avoidance and minimization measures. Direct impacts at [name of alternative(s)] would also be minor. [Edit as needed if there are significant direct impacts from the other alternative(s).] No direct impacts would occur under the no-action alternative. The table below summarizes the impacts and our plans to avoid, minimize, or mitigate them.

(b) Indirect impacts

Although there might be some minor indirect impacts on soils, topography, traffic patterns, [add other areas affected by the proposed action], we found no significant indirect impacts to these resources from the proposed action or [name of other alternative]. [Edit as needed if other alternative would have indirect impacts.] No indirect impacts would occur under the no-action alternative.

(c) Cumulative impacts

Our analysis found no cumulative impacts on any resources from the proposed action. [Alternate first sentence] Although there are some cumulative impacts on [list resources with cumulative impacts – note that if there are no or only minor direct or indirect impacts, there cannot be cumulative impacts], none of these impacts is significant. [Note: Cumulative impacts are most likely in transportation, cultural resources, and natural resources.] [Add discussion of any cumulative impacts associated with any other alternative.] No cumulative impacts would occur under the no-action alternative.

[This is the same table as the one in Section 1. Show direct impacts first, then indirect, then cumulative, if any.]

Table __. Environmental Effects of the Proposed Action and Planned Mitigation and Avoidance

Resource	Nature of effect	Not significant because USMC will	Needed to avoid significant impact
----------	------------------	-----------------------------------	------------------------------------

Archeological site	Direct - Disturbed by construction	Excavate and record data under Memorandum of Agreement with SHPO	XX [Check all boxes in this column where mitigation is needed to avoid significant impact]
Stormwater	Direct - Construction could increase runoff slightly	Manage construction to limit runoff to existing levels, or to reduce it where possible; get NPDES permit	
Noise	Direct - Minor increase in noise from normal traffic using facility and during construction.	Ensure that traffic noise is not greater than that from other nearby uses. No mitigation needed.	
Gray bat	Direct - Construction near nesting site	Carry out measures recommended by Fish and Wildlife Service to minimize impact, such as working near nesting area only in winter, when bats are hibernating.	XX
Steelhead trout	Direct - Possible disturbance of habitat	Carry out measures to avoid or mitigate disturbance, in consultation with National Marine Fisheries Service	XX

Appendices

[These appendices are referenced throughout the template by these letters, so if you change any appendix label make sure you change any references in the text.]

Appendix A. List of preparers

Appendix B. Agencies and persons consulted. [Include just names, titles, and contact information for persons consulted. This should include federal, state, local and tribal officials.]

Appendix C. Supporting documentation. [Documents in this appendix should be specific to the project addressed in the EA. Include copies of or sources for

- Site selection report, if available
- All analyses, such as your air quality analysis, biological evaluation or assessment
- Any surveys or other studies conducted, such as ground surveys for special status species
- Any letters from an Indian tribe, or a record of other communication from a tribe
- Letters of concurrence, such as letters from local authorities agreeing that a specific resource type would not be affected by the project
- Official opinions, such as FWS biological opinions
- Memorandums of Agreement, such as agreements with the State Historic Preservation Officer or an Indian tribe
- Any records to the file you developed to record informal agreements with other parties made by phone or in meetings, such as state or local planning or transportation officials
- Record of Non-Applicability for CAA
- Any other supporting information or analyses
- List of all permits required by the project

The above is not an exhaustive list. For each item, identify the resource type addressed. Organize resource types in the same order as in the body of the EA. Whenever you mention one of these documents in the EA text, include a comment that the document is in Appendix C.]

Appendix D. Exhibits [Include all maps and drawings not included in the text itself. If relevant, identify the resource type addressed and organize resource types in the same order as in the body of the EA.]

Appendix E. Technical information. [Include any general technical information that would help readers understand the issues addressed in the EA. These documents should not be specific to the project area. For example, include the general discussion of Level of Service here. Identify the resource type addressed and organize resource types in the same order as in the body of the EA. Put any general documents first.]

Appendix F. References. [List any publications, maps, websites, and so on that support your analysis and would help readers understand the issues addressed in the EA. If relevant, identify the resource type addressed and organize resource types in the same order as in the body of the EA. List any general documents first.]

[Any other appendix needed for your project.]

Include the following material on LOS in Appendix E.

Level of Service (LOS)

A multilane highway is characterized by three performance measures:¹

- Density, in terms of passenger cars per mile per lane;
- Speed, in terms of mean passenger car speed; and
- Volume to capacity ratio.

Each of these measures indicates how well the highway accommodates traffic flow. Density is the primary performance measure for estimating LOS. The three measures of speed, density and flow or volume are interrelated. If you know the values of two of these measures, you can compute the third.

LOS A describes completely free-flow characteristics. The operation of vehicles is virtually unaffected by the presence of other vehicles, and operations are constrained only by the geometric features of the highway and by driver preferences. Maneuverability within the traffic stream is good. Minor disruptions to flow are easily absorbed without a change in travel speed.

LOS B also indicates free flow, although the presence of other vehicles becomes noticeable. Average speeds are the same as in LOS A, but drivers have slightly less freedom to maneuver. Minor disruptions are still easily absorbed, although local deterioration in LOS will be more obvious.

In LOS C, the influence of traffic density on operations becomes marked. Other vehicles clearly affect the ability to maneuver within the traffic stream. On multilane highways with free-flow speed above 50 miles per hour, travel speeds reduce somewhat. Minor disruptions can cause serious local deterioration in service, and queues form behind any significant traffic disruption.

At LOS D traffic congestion severely restricts the ability to maneuver. Travel speed is reduced by the increased volume. Only minor disruptions can be absorbed without extensive queues forming and the service deteriorating.

LOS E represents operations at or near capacity with the minimum spacing for maintaining uniform flow. Disruptions cannot be dissipated readily, often causing queues to form and service to deteriorate to LOS F. For most multilane highways with free flow speeds between 45 and 60 miles per hour, passenger car mean speeds at capacity range from 42 to 55 miles per hour, but are highly variable and unpredictable.

LOS F represents forced or breakdown flow. It occurs either when vehicles arrive at a greater rate than the rate at which they are discharged or when the forecast demand exceeds the computed capacity of a planned facility. Although operations at these points

¹ Transportation Research Board, 2000. Highway Capacity Manual, pp. 12-7 to 12-8. Transportation Research Board, Washington, DC

– and on sections immediately downstream – appear to be at capacity, queues form behind these breakdowns. Operations within queues are highly unstable, with vehicles experiencing brief periods of movement followed by stoppages. Travel speeds within queues are generally less than 30 mi/hr. Note that the term LOS F may be used to characterize both the point of the breakdown and the operating condition within the queue.

Although the point of breakdown causes the queue to form, operations within the queue generally are not related to deficiencies along the highway segment.

The primary measures of LOS for Class I, two-lane highways are percent of time spent behind slow vehicles and unable to pass, and average travel speed. Class I highways are two-lane highways on which motorists expect to travel at relatively high speeds. They are major intercity routes, daily commuter routes, or primary links between highway networks.

LOS criteria for two-lane, Class I highways

LOS	Percent Time spend following	Average travel speed (mi/hr)
A	≤ 35	> 55
B	> 35-50	> 50-55
C	> 50-65	> 45-50
D	> 65-80	> 40-45
E	> 80	≤ 40
F	Whenever flow rate exceeds the road's capacity	

For Class II two-lane highways, LOS is based only on time spent following other vehicles, unable to pass. Class II highways are those on which motorists do not necessarily expect to travel at high speeds, such as scenic routes or the local roads at the beginning or ending of long trips.

Note: Extracted from the Highway Capacity Manual (TRB, 2003), pages 12-7 to 12-8.

Include the following material on hazardous materials in Appendix E. Alternately, revise it to fit your Facility's specifics and move it to Appendix C.

Hazardous Substances and Petroleum Products Typically Found At U.S. Marine Corps Facilities

The substances listed below include OSHA hazardous chemicals, petroleum products, and CERCLA hazardous substances. Any chemicals containing CERCLA hazardous substances would be stored at less than CERCLA reportable quantities.

Acetylene cylinders	Hydraulic Fluid
Aqueous cleaners/degreasers	Oxygen cylinders
Household cleaners	Antifreeze
Paints & Primers	Brake fluid
Lacquer thinner/mineral spirits	Spot remover
Sealant	5- gallon Jerry cans of diesel fuel and gasoline
Oil, Gear Oil, and Grease	Reagent Water
Adsorbent Materials	Transmission fluid
Power steering fluid	Tire and rim lubricant

Appendix F

Sample Findings of No Significant Impact (FONSI)

FINDING OF NO SIGNIFICANT IMPACT

Pursuant to the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508) for implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended (NEPA) (42 USC 4321 *et seq.*) and Department of Defense (DoD) Directive 6050.1 and U.S. Marine Corps (USMC) Order 5090.2, which implements these regulations direct that DoD and USMC officials take into account environmental consequences when authorizing or approving major federal actions in the United States. Accordingly, this environmental assessment (EA) analyzes the potential environmental consequences of reburial of Native Hawaiian remains aboard Marine Corps Base Hawaii (MCBH), Kane’ohe Bay.

1.0. NAME OF ACTION

Reburial of Mōkapu Collection Aboard Marine Corps Base Hawaii, Kane’ohe Bay.

2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

MCBH, Kane’ohe Bay proposes to reinter the Mōkapu Collection (approximately 1,600 human skeletal remains (*iwi*) and associated funerary objects) on Mōkapu Peninsula. The proposed action incorporates, to the largest extent possible, the claimants’ plans for reinterment of their ancestors to their original place of burial and within the same traditional land division (*ahupua’a*). The proposed action consists of the reburial within the natural caves and a newly constructed reinterment vault or vaults; the number of vaults would be determined by the final preparation plans. The vault(s) would be located near the Officer’s Club overflow parking lot, and was evaluated as a part of the proposed action. The no-action alternative was also considered.

The no-action alternative refers to the continuation of existing conditions of the affected environment, without implementation of the proposed action. The no-action alternative would not rebury the Mōkapu Collection aboard MCBH Kane’ohe Bay property and would discontinue involvement in the reburial process. The no-action alternative is prescribed by CEQ regulations and serves as a benchmark against which federal actions and potential impacts can be evaluated. Although under no legal obligation to reinter the Mōkapu Collection, the USMC is committed to reburial aboard MCBH, Kane’ohe Bay, and therefore, the no-action alternative is not considered a viable alternative.

Six other alternatives were considered, but dismissed in this EA:

1. reburial in constructed aboveground structures at Fort Haase Beach
2. reburial off MCBH

3. reburial in constructed aboveground structures at Battery French
4. reburial in constructed aboveground structures at Pyramid Rock
5. reburial in constructed aboveground structures near an underground water tank on Pu'u Hawai'i Loa
6. reburial in constructed aboveground structures in a swale on Pu'u Hawai'i Loa

The Mōkapu Collection claimants' plans for reburial emphasizes the recognition of the original burial relationship to specific ancestral lands and their family associations, and stresses the need for reburial to occur as close to the area of discovery as possible. Therefore, offsite reburial is not considered a viable alternative.

Battery French is located approximately 200 feet from the MCBH commander's quarters. The close proximity to the commander's residence creates an unacceptable security risk for MCBH and; therefore, this location is not a viable alternative.

Access to the Pyramid Rock site requires vehicle crossings of the active runway. Increased runway crossings create safety concerns for the MCBH. This site is also designated for multiple land uses for the U.S. Coast Guard, recreation, and MCBH training. The current multiple uses designated for this site are not compatible with a secure and respectful reburial site requested by the claimants. Therefore, this location is not a viable alternative.

The Fort Haase Beach site had the potential to impact threatened, endangered, and sensitive species; plus, there were concerns over security and privacy for the site, and concerns over potential interactions with neighbors to the south. This site was dropped from further consideration.

The site adjacent to the water tank on the northeastern slope of Pu'u Hawai'i Loa had potential safety issues due to the extreme steepness of the slopes to either end of the site. The site was dropped from further consideration.

The terrain in this swale, a natural drainage, is quite steep (15% to 25%). The soil, a Molokai silty clay loam, is shallow, loose, and has high erosion potential. Soil cover is maintained in the swale by the presence of a dense cover of vegetation (koa haole with an understory of guinea grass). Upon vegetative clearing, this area would be prone to runoff and erosion—this site was dropped from further consideration.

3.0 SUMMARY OF ENVIRONMENTAL CONSEQUENCES

The EA supports this finding of no significant impact (FONSI) by examining potential effects of the proposed action and its alternatives on resources and areas of environmental concern that could be affected by reburial of the Mōkapu Collection aboard MCBH, Kane'ohe Bay at Pu'u Hawai'i Loa. These include MCBH operations and land use, soils and geology, seismic zones,

vegetation, wildlife, threatened and endangered species, cultural resources, construction impacts, environmental justice and protection of children, and cumulative impacts. Potential effects from implementation of the proposed action are summarized below.

The proposed action has been determined not to influence or affect some resource areas and determined not to warrant further analyses. These resource areas include climate, topography, offshore areas, air quality, noise, socioeconomics, infrastructure, wetlands, water quality, and flood hazard and tsunami zones. The rationale for eliminating resource areas from further analysis is presented in chapter 3.0 of the EA.

Mitigation of potential minor adverse effects will rely principally on the use of best management practices, existing management strategies and land-use constraints at the proposed reburial locations, and limiting site access. Mitigation measures are presented in chapter 5.0 of the EA.

MCBH OPERATIONS AND LAND USE

Pu'u Hawai'i Loa is a constrained open space and this area will not be developed in the future for MCBH operations and missions, training, or housing. The proposed action will be compatible with existing land uses and the MCBH mission. The proposed reburial sites are outside the existing explosive safety quantity distance arcs and the surface danger zones for MCBH Kane'ohe Bay. A minor adverse impact to MCBH operations and land use will result from construction of a vault near the Officer's Club overflow parking lot due to increased security necessary to protect a visible site.

SOILS AND GEOLOGY

Due to the small size of the project area, minor and short-term impacts on geology or soils will be expected from activities associated with interment in the caves and construction of a vault near the Officer's Club overflow parking lot. Mitigation measures to reduce erosion potential are addressed in chapter 5.0 of the EA.

SAFETY

The proposed action includes activities such as constructing a temporary path that will increase safety during reburial and subsequent visits.

SEISMIC ZONES

MCBH engineers will ensure that the final vault designs meet seismic design guidelines. The proposed vault site near the Officer's Club overflow parking lot and the existing caves are not expected to be impacted by normal seismic activity. Due to their location, reburial in the vault(s) or caves will not impact other MCBH structures or operations if failure did occur.

AIR QUALITY

Due to the small size of the project area, minor and short-term impacts on air quality will be expected from the implementation of the proposed action.

VEGETATION

At Pu'u Hawai'i Loa, approximately 750 square feet (3 feet by 250 feet) of koa haole will be impacted in the initial phase to clear a footpath for pedestrian access to the cave area. Clearing will involve removal of stumps, rocks, and other obstructions. A small area will also be cleared for the vault site near the Officer's Club overflow parking lot. The impact of these actions will be minor.

WILDLIFE

Noise impacts on wildlife will be anticipated when equipment is in use. Short-term, minor, adverse effects on wildlife resources will be expected from construction and during reburial activities under the proposed action.

THREATENED AND ENDANGERED SPECIES

Suitable or critical habitat for threatened and endangered species is not present at the Pu'u Hawai'i Loa. Therefore, the proposed action is not expected to cause adverse impacts to threatened and endangered species.

COASTAL ZONE MANAGEMENT

There will be no impacts on the coastal zone.

CULTURAL RESOURCES

On Pu'u Hawai'i Loa, features 53 and 54 (the caves) were recorded as natural features within recorded archaeological site no. 50-80-11-1433. There will be no adverse impacts to cultural resources from interment in the caves or construction of a vault at the site near the Officer's Club overflow parking lot.

ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN

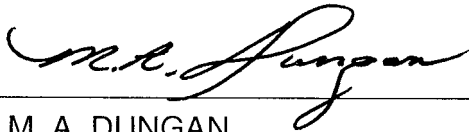
There are no Executive Order 12898 (*Environmental Justice*) concerns or Executive Order 13045 (*Protection of Children*) concerns associated with implementation of the proposed action.

CUMULATIVE IMPACTS

Cumulative impacts associated with the proposed action will be associated with inadvertent discoveries of human remains as a result of future MCBH projects. The implementation of the proposed action will potentially streamline the reburial process for future discoveries of human remains and enhance working relationships with Native Hawaiian groups.

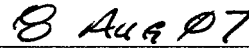
4.0 CONCLUSION

Based on the results of the EA, which completed a 30-day public notification on March 2007, the USMC has determined that implementation of the proposed action, as defined and executed in accordance with the procedures described, will have no significant direct, indirect, or cumulative impacts on the quality of the natural or human environment. A FONSI is thus warranted. The requirements of NEPA and the CEQ have been satisfied and an environmental impact statement is not required and will not be prepared.



M. A. DUNGAN

Colonel, U. S. Marine Corps
Commanding Officer
Marine Corps Base Hawaii



Date

Appendix G

Sample Notice of Intent (NOI)

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Meetings of the Draft Environmental Impact Statement for basing the U.S. Marine Corps Joint Strike Fighter F-35B on the East Coast

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969, and regulations implemented by the Council on Environmental Quality (40 Code of Federal Regulations [CFR] Parts 1500-1508), Department of Navy (DoN) NEPA regulations (32 CFR Part 775), and U.S. Marine Corps (USMC) NEPA directives (Marine Corps Order P5090.2A, changes 1 and 2), DoN has prepared and filed with the U.S. Environmental Protection Agency (EPA) a Draft Environmental Impact Statement (DEIS) that evaluates the potential environmental consequences that may

result from the basing of the F-35B Joint Strike Fighter (JSF) on the East Coast of the United States.

With the filing of the DEIS, DoN is initiating a 45-day public comment period and has scheduled five public comment meetings to receive oral and written comments on the Draft EIS. Federal, state and local agencies and interested parties are encouraged to provide comments in person at any of the public comment meetings, or in writing anytime during the public comment period. This notice announces the date and location of the public meetings and provides supplementary information about the environmental planning effort.

DATES: The DEIS will be distributed to Federal, State, and local agencies, elected officials, and other interested parties on May 28, 2010, initiating the 45-day public comment period which will end on July 12, 2010. Each of the five public meetings will be conducted as an informational open house. Marine Corps and Navy representatives will be available to clarify information related to the DEIS. All five public comment meetings will be held from 4:00 p.m. to 7:00 p.m., on the dates and at the locations indicated below:

- (1) June 15, 2010, Havelock Tourist and Event Center,
201 Tourist Center Drive, Havelock, NC 28532

- (2) June 16, 2010, Emerald Isle Community Center, 7500
Emerald Drive, Emerald Isle, NC 28594

- (3) June 17, 2010, Fred A. Anderson Elementary School
Cafeteria, 507 Anderson Drive, Bayboro, NC 28515

- (4) June 22, 2010, Holiday Inn Conference Convention
Center, 2225 Boundary Street, Beaufort, SC 29902

- (5) June 24, 2010, Long County High School, 1 East
Academy Street, Ludowici, GA 31316.

Attendees can submit written comments at all public meetings. A stenographer will also be present to transcribe oral comments. Equal weight will be given to both oral and written comments and all comments (either presented orally through transcription and/or written), submitted during the public review period will become part of the public record on the DEIS and will be responded to in the Final EIS. Written comments may be submitted by regular U.S. mail or electronically as described below.

ADDRESSES: A copy of the DEIS is available at the project website, www.usmcJSFeast.com, and at the local libraries identified at the end of this notice. Comments on the DEIS can be submitted via the project website or in writing by submitting to: USMC F-35B East Coast Basing EIS, P.O. Box 56488, Jacksonville, FL 32241-6488. Mailed comments must be postmarked by July 12, 2010, and electronic comments must be submitted on or before July 12, 2010, to be considered in this environmental review process.

FOR FURTHER INFORMATION CONTACT: F-35B EIS Project Manager, Environmental Planning & Conservation Division, Naval Facilities Engineering Command Mid-Atlantic, Code EV21, 9742 Maryland Avenue, Z-144, 1st Floor, Attn: Ms. Linda Blount, Norfolk, VA 23511.

SUPPLEMENTARY INFORMATION: A Notice of Intent for the EIS was published in the *Federal Register* on January 15, 2009 (Vol. 74, No. 10, pp. 2514-2515).

PROPOSED ACTION

The Proposed Action would base and operate a total of 13 squadrons of F-35B aircraft on the East Coast of the

United States. The F-35B aircraft is the world's first 5th generation Short Takeoff Vertical Landing (STOVL), stealth, supersonic, multi-role, fighter aircraft that would replace legacy Marine Corps air fleets of F/A-18s and AV-8Bs. Specifically, the proposal would base and operate 11 F-35B operational squadrons (which includes one Reserve squadron) with up to 16 aircraft per squadron and the PTC (composed of two Fleet Replacement Squadrons [FRSs]) with 20 aircraft per squadron. The Proposed Action involves replacing seven operational F/A-18 and four AV-8B (three operational squadrons and one FRS) squadrons of 152 authorized aircraft with up to 216 F-35B; establishing a PTC with two F-35B FRSs; conducting flight operations to meet the training and combat readiness requirements; transitioning associated military personnel; and constructing and/or demolishing facilities and infrastructure needed to base and operate both the operational F-35B squadrons and the PTC.

PURPOSE AND NEED

The purpose of the Proposed Action is to efficiently and effectively maintain combat capability and mission readiness as the Marine Corps faces increased deployments across a spectrum of conflicts, and a corresponding increased difficulty in maintaining an aging legacy

aircraft inventory. The need for the Proposed Action is to replace aging legacy aircraft and integrate the operational and PTC squadrons into the existing Marine Corps command and organizational structure. This action would also ensure that the Marine Corps' aircrews benefit from the aircraft's major technological improvements and enhanced training and readiness requirements.

ALTERNATIVES CONSIDERED IN THE DRAFT EIS

The DEIS evaluates the potential environmental impacts of four action alternatives and the No Action Alternative.

- Alternative 1 (Preferred) would base three operational squadrons and the PTC at MCAS Beaufort and eight operational squadrons at MCAS Cherry Point.
- Alternative 2 would base the PTC at MCAS Beaufort and eleven operational squadrons at MCAS Cherry Point.
- Alternative 3 would base eight operational squadrons at MCAS Beaufort and three operational squadrons and the PTC at MCAS Cherry Point.
- Alternative 4 would base eleven operational squadrons at MCAS Beaufort and the PTC at MCAS Cherry Point.

- Under the No Action Alternative, the Marine Corps would not provide the facilities or functions to support basing or operating F-35B squadrons at these two Air Stations on the East Coast. There would be no transition of F-35B personnel, construction to support the F-35B, or F-35B operations. Existing F/A-18 and AV-8B squadrons would continue to be used at approximately the current levels. The Marine Corps would continue to repair and operate the existing aircraft at greater expense as the F/A-18 and AV-8B aircraft continue to deteriorate until the end of their useful life.

Environmental resources evaluated for potential impacts in the DEIS include airfields and airspace; noise; air quality; hazardous materials, toxic substances, and hazardous wastes; safety; land use; socioeconomic; environmental justice/protection of children; community services; utilities and infrastructure; transportation and ground traffic; biological resources; geology, topography, and soils; water resources; cultural resources; and coastal zone management. The DEIS also analyzes cumulative impacts from other past, present, and reasonably foreseeable future

actions occurring at or near MCAS Beaufort and MCAS Cherry Point.

Environmental consequences of the Proposed Action would principally arise from construction and aircraft operations. Under the preferred alternative (Alternative 1), construction would occur at both Air Stations but would not affect any special status species or cultural resources. The noise environment at the two Air Stations would also change as a result of the preferred alternative. The other three alternatives have similar types and levels of impacts. The DEIS presents an array of construction and minimization measures associated with project design and planning that avoids and minimizes most potential impacts. The USMC will fully comply with regulatory requirements for the protection of environmental resources.

SCHEDULE: The Notice of Availability publication in the *Federal Register* and local print media starts the 45-day public comment period for the DEIS. The Marine Corps will consider and respond to all written and electronic comments, including email, submitted as describe above in preparing the Final EIS. DoN intends to issue the Final EIS in November 2010, at which time a Notice of

Availability will be published in the *Federal Register* and local media. A Record of Decision is expected in December 2010.

Copies of the DEIS are available for public review at the following libraries in North Carolina:

- Havelock-Craven County Public Library, 301 Cunningham Boulevard, Havelock;
- Bogue Banks Public Library, 320 Salter Path Rd., Suite W Pine Knoll Shores;
- Carteret County Public Library, 1702 Live Oak Street, Suite 100, Beaufort;
- Emerald Isle Library, 100 Leisure Lane, Emerald Isle;
Western Carteret Public Library, 230 Taylor Notion Road, Cape Carteret;
- Newport Public Library, 210 Howard Boulevard, Newport;
- Pamlico County Library, 603 Main Street, Bayboro;

- New Bern-Craven County Public Library, 400 Johnson Street, New Bern; and

- Onslow County Public Library, 58 Doris Avenue East, Jacksonville.

In South Carolina, copies of the DEIS are available at:

- Beaufort County Library, 311 Scott Street, Beaufort;

- Hilton Head Island Library, 11 Beach City Road, Hilton Head Island;

- Beaufort County Library, 1862 Trask Parkway, Lobeco;
and

- Bluffton Community Library, 42 Bamberg Drive, Bluffton.

In Georgia, copies of the Draft EIS are available at:

- Ida Hilton Public Library, 1105 Wayne Street, Darien;

- Long County Public Library, 28 S Main Street,
Ludowici; and

- Brunswick Glynn County Regional Library, 208
Gloucester Street, Brunswick, GA.

DATED: May 18, 2010

A. M. VALLANDINGHAM
Lieutenant Commander,
Judge Advocate General's Corps,
U.S. Navy,
Federal Register Liaison Officer.

Appendix H
Sample EIS Briefing Slides



MARINE AVIATION

West and East Coast F-35B Basing Record of Decision Brief

December 2010

Major Scott Schoeman

APP-43

FOUO / Draft Deliberative Document for Discussion Purpose Only



Purpose and Need

Marine Aviation

- The ***purpose*** of the Proposed Action is to efficiently and effectively maintain combat capability and mission readiness as the Marine Corps faces increased deployments across the spectrum of conflicts, and a corresponding increased difficulty in maintaining an aging legacy aircraft inventory
- The Proposed Action is ***needed*** to replace legacy aircraft and integrate the operational , operational test and evaluation (West Coast EIS only), and pilot training center (East Coast EIS only) F-35B squadrons into the existing Marine Corps command and control structure



Program and Proposed Action Overview



Marine Aviation

- DoD conceived the Joint Strike Fighter (JSF) as a single, multi-service program
- JSF is a 5th generation fighter manufactured in three different variants to meet service-unique differences in mission:
 - Air Force – F-35A: Conventional Take-off and Landing (CTOL)
 - Marine Corps – F-35B: Short Take-off Vertical Landing (STOVL)
 - Navy – F-35C: Carrier Variant (CV)
- Basing decisions permit SECNAV to realign aviation training at a national level
 - Prioritize initial pilot qualification training on the East Coast
 - Optimize use of abundant West Coast training ranges for MAGTF operational training
- Basing of F-35B
 - Transition from legacy aircraft to F-35B
 - Construction of facilities and infrastructure
 - Personnel changes
 - Training and readiness operations
 - Establishment of an Operational Test and Evaluation Squadron (West Coast EIS only) and the Pilot Training Center (East Coast EIS only)



West Coast Evaluated Alternatives



Marine Aviation

Alternative	MCAS Miramar	MCAS Yuma
1 (Preferred)	6 Operational F-35B Squadrons (96 aircraft)	5 Operational F-35B Squadrons and 1 OT&E* Squadron (88 aircraft)
2	4 Operational F-35B Squadrons (64 aircraft)	7 Operational F-35B Squadrons and 1 OT&E Squadron (120 aircraft)
3	7 Operational F-35B Squadrons and 1 OT&E Squadron (120 aircraft)	4 Operational F-35B Squadrons (64 aircraft)
4	1 Operational F-35B Squadron and 1 OT&E Squadron (24 aircraft)	10 Operational F-35B Squadrons (160 aircraft)
5	10 Operational F-35B Squadrons (160 aircraft)	1 Operational F-35B Squadron and 1 OT&E Squadron (24 aircraft)
No Action	8 F/A-18 Squadrons (126 aircraft)	4 AV-8 Squadrons (56 aircraft)

*OT&E: Operational Test and Evaluation



West Coast Preferred Alternative



Marine Aviation

- Total F-35B Aircraft Numbers
 - MCAS Miramar: 96 aircraft
 - MCAS Yuma: 88 aircraft (8 are associated with OT&E)
- Total Estimated Construction Cost -- \$1.3 Billion:
 - MCAS Miramar: \$446 Million
 - MCAS Yuma: \$709 Million
 - Auxiliary Landing Field: \$157 Million
- Military Personnel Changes (USMC Legacy Aircraft to F-35B):
 - MCAS Miramar: 635 military personnel decrease
 - MCAS Yuma: 491 military personnel increase
- F-35B Airfield Operations:
 - MCAS Miramar: 45,956 airfield operations (17% decrease)
 - MCAS Yuma: 37,848 airfield operations (15% increase)
- Construction to start in 2011, transition would occur 2012 through 2023, with Initial Operational Capacity in December 2012



Public Review/Comments on West Coast Final EIS



Marine Aviation

- Released 22 October 2010
- OLA/Congressional Notification – 22 October 2010
- 30-Day Wait Period: 22 October 2010 to 22 November 2010
- 34 comments received during 30-day wait period
 - MCAS Miramar
 - 2 comments regarding technical issues, expressing no opinion
 - 6 comments in support the basing , but only at MCAS Yuma
 - 8 comments in support of the basing at MCAS Miramar
 - 13 comments in opposition to the basing due to safety concerns, noise and/or expense
 - MCAS Yuma
 - 4 comments regarding technical issues, expressing no opinion
 - 1 comment in support of basing at MCAS Yuma



Overview of Waiting Period Comments



Marine Aviation

Individuals	
San Diego Area	Annoyance with current noise levels and concerns about additional noise
	Opposition to basing for reasons beyond the scope of the project
	Opposition to basing at MCAS Miramar due to concerns about aircraft safety
	Support for basing at MCAS Miramar
Yuma Area	Support for basing at MCAS Yuma
Government	
City of San Diego, CA	Alternative 5 would require mitigation for traffic impacts
Arizona Game and Fish	Request clarification on need for ALF in light of potential impacts to FTHL
	Concurrence with need for ALF after meeting with MCAS Yuma
USEPA Region IX	<ul style="list-style-type: none"> •Concern about impacts to children in schools in MCAS Yuma noise zones above 65 dB DNL •Recommend that specific details of the post-basing noise program be included in the ROD •Recommend public notification to residents within noise zones above 65 dB DNL as a mitigation measure to be included in the ROD
Other Organizations	
Somerton Airport AZ	Recommends further discussion of Estancia development, supports proposed action



West Coast Consultations and Permits



Marine Aviation

Consultations/Permits	Status
Endangered Species Act Section 7 Consultation	Final BO from Tucson FWO received 17 September (Non Jeopardy); Final BO from Carlsbad FWO received 1 October. (Non Jeopardy); Conservation measures required for ALF (Flat-Tailed Horned Lizard) and MCAS Miramar (Fairy Shrimp & California Gnatcatcher).
National Historic Preservation Act Section 106 Consultation	Consultations with AZ and CA SHPOs completed August 2010; AZ SHPO concurred with Determination of No Adverse Effect; CA SHPO did not object or respond w/in 30 days.
Clean Air Act Conformity	Conformity Determination is not required; RONA included in the EIS. RONA signed by CG, MCIWEST on 4 October 2010.
Clean Water Act Section 401 and 404 Permit	DoN to prepare/file 401/404 application prior to construction (~2014).
American Indian Consultation	Letters sent December 2009 and May 2010 to ~80 Tribal governments. Nine responses. No substantive issues identified. Consultations complete August 2010.

ALL CONSULTATIONS COMPLETE



West Coast Mitigation



Marine Aviation

MCAS Miramar

Resources	Impact Type	Anticipated Impacts	Est. Cost of Mitigation*
Waters of US	Wetlands Streams	0.2 ac 2,779 ft	\$42K \$104K
Vernal Pools – Fairy Shrimp	Occupied Habitat	0.05 ac	\$223K
California Gnatcatcher	Occupied Habitat/ Habitat	12.5 ac	\$457K

* Mitigation funded through MILCON/1391s. Mitigation includes on-base enhancement, invasive control and monitoring

Barry M Goldwater Range (ALF Construction)

Resources	Impact Type	Anticipated Impacts	Est. Cost of Mitigation*
Flat-tailed horned lizard	Occupied Habitat	127 ac	~\$500K

* Mitigation funded through MILCON/1391s; includes monitoring and exclusion fencing

Total Estimated Mitigation Costs = \$1.33 M (worst-case)



East Coast Evaluated Alternatives



Marine Aviation

Alternative	MCAS Beaufort	MCAS Cherry Point
1 (Preferred)	3 Operational Squadrons and PTC* (88 aircraft)	8 Operational Squadrons (128 aircraft)
2	PTC* (40 aircraft)	11 Operational Squadrons (176 aircraft)
3	8 Operational Squadrons (128 aircraft)	3 Operational Squadrons and PTC* (88 aircraft)
4	11 Operational Squadrons (176 aircraft)	PTC* (40 aircraft)
No Action	7 F/A-18 Operational Squadrons (84 aircraft)	3 AV-8B Operational Squadrons and 1 AV-8B FRS (68 aircraft)

* Pilot Training Center (PTC) composed of 2 Fleet Replacement Squadrons (FRS) of 20 F-35B per FRS – total of 40 F-35B



East Coast Preferred Alternative



Marine Aviation

- Total F-35B Aircraft Numbers
 - MCAS Beaufort: 88 aircraft (40 are associated with PTC)
 - MCAS Cherry Point: 128 aircraft
- Total Estimated Construction Cost -- \$973 Million:
 - MCAS Beaufort: \$437 Million
 - MCAS Cherry Point: \$536 Million
- Military Personnel Changes (USMC Legacy Aircraft to F-35B):
 - MCAS Beaufort: 228 military personnel decrease
 - MCAS Cherry Point: 1,194 military personnel increase
- F-35B Airfield Operations:
 - MCAS Beaufort: 99,881 airfield operations (71% increase)
 - MCAS Cherry Point: 55,361 airfield operations (13% decrease)
- Construction to start in 2011, transition would occur 2014 through 2023, with Initial Operational Capacity for the PTC reached in January 2014.



Public Review/Comments on East Coast Final EIS



Marine Aviation

- Released 22 October 2010
- OLA/Congressional Notification – 22 October 2010
- 30-Day Wait Period – 22 October to 22 November 2010
- 337 comments received during 30-day wait period
 - o 71% were in full support of the preferred alternative
 - o 14% were in support of another alternative
 - o 15% were objections to the entire effort, objections to the analyses presented in the Final EIS, or were technical in nature



Overview of Waiting Period Comments



Marine Aviation

Agencies	NC Clearinghouse – No comment, though did indicate Wildlife Resources Commission did not finish their comments in time
	USEPA – Focused on noise, environmental justice, citizen concerns, water conservation and water minimization, and waste resource conservation
Non-Profit	Coastal Conservation League – Wanted to know why vegetation loss went up from Draft EIS to Final EIS
SC Individuals	General Support for Alternative 1
	Noise – General concern over current noise, general concern over proposed noise and its impacts on various resources (e.g. tourism, property values, schools)
	Interested in other alternatives besides Alternative 1 (primarily alternative 3)
	Safety -- Concerns over PTC pilots
	LHD/LHA Training Facility -- Concerns over its location



East Coast Consultations and Mitigation



Marine Aviation

- All consultations are complete
- MCAS Beaufort:
 - ✓ American Indian/Tribal Government-to-Government Consultations
 - ✓ Coastal Zone Management Act (Coastal Consistency Determination) – concurrence received on September 16th
- MCAS Cherry Point – No consultations required
- No mitigation required



Remaining Schedule for Completion



Marine Aviation

- | | |
|---|------------------------------|
| ✓ Publication of Final EIS NOAs | 22 October 2010 |
| ✓ OLA/Congressional Notification | 22 October 2010 |
| ✓ 30-Day Wait Period | 22 October- 22 November 2010 |
| • PDASN Briefing | 9 December 2010 |
| • Publication of RODs in the Federal Register | 14 December 2010 |



Recommendation

Marine Aviation

Sign JSF West Coast and East Coast RODS and approve their publication in the Federal Register

Appendix I

Sample Record of Decision (ROD)

3810-FF

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the U.S. Marine Corps East Coast Basing of the F-35B Aircraft

AGENCY: Department of the Navy (DoN), DoD.

ACTION: Notice of Record of Decision.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, 42 United States Code (U.S.C.) Section 4332(2)(c), the regulations of the Council on Environmental Quality (CEQ) for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] parts 1500–1508), the Department of the Navy (DoN) NEPA regulations (32 CFR part 775), and the Marine Corps Environmental Compliance and Protection Manual, which is Marine Corps Order P5090.2A with change 2 (MCO P5090.2A), the DoN announces its decision to base and operate 11 operational F-35B Joint Strike Fighter (JSF) squadrons (up to 16 aircraft per squadron, for a total of 176 aircraft) and one Pilot Training Center (PTC) (composed of two Fleet Replacement Squadrons [FRS]) (up to 20 aircraft per squadron, for a total of 40 aircraft) at two locations on the East Coast of the United States (U.S.). More specifically, the DoN has decided to implement Alternative 1, the Preferred Alternative, which includes basing three F-35B operational squadrons and the PTC at Marine Corps Air Station (MCAS) Beaufort in Beaufort, South Carolina, and eight operational squadrons at MCAS Cherry Point in Havelock, North Carolina.

To support the basing action, the Marine Corps will: 1) construct and/or renovate airfield facilities and infrastructure necessary to accommodate and maintain the F-35B squadrons; 2) change personnel to accommodate squadron staffing; and 3) conduct F-35B training operations to attain and maintain proficiency in the operational employment of the F-35B. The F-35B aircraft will replace 84 legacy Marine Corps F/A-18A/B/C/D Hornet and 68 AV-8B Harrier aircraft in the Second Marine Air Wing (2d MAW) and the 4th MAW. All practical means to avoid or minimize environmental impacts resulting from implementation of the Preferred Alternative have been adopted.

FOR FURTHER INFORMATION CONTACT: JSF East Coast EIS Project Manager, Environmental Planning & Conservation Division (Attn: Linda Blount); Naval Facilities Engineering Command Mid-Atlantic, Code EV21; 9742 Maryland Avenue, Z-144, 1st Floor; Norfolk, VA 23511; 757-341-0491.

SUPPLEMENTARY INFORMATION: The DoN announces its decision to base 11 operational F-35B Joint Strike Fighter squadrons (176 aircraft), and a PTC (40 aircraft) on the East Coast of the U.S. The F-35B aircraft will replace 84 legacy Marine Corps F/A-18A/B/C/D Hornet and 68 AV-8B Harrier aircraft in the 2d MAW and 4th MAW. The Preferred Alternative best meets the fundamental and preferential selection criteria by making use of existing capacity at locations close to the critical mass of the Marine Expeditionary Force and within operating range of key training areas and best meets all the Marine Corps operational requirements from construction of facilities to maintenance of a fully functioning deployment rotation cycle.

More specifically, this action will base three operational squadrons of F-35Bs and the PTC at MCAS Beaufort in Beaufort, South Carolina, and eight operational squadrons at MCAS Cherry Point in Havelock, North Carolina. To support the basing action, the Marine Corps will: 1) construct and/or renovate airfield facilities and infrastructure necessary to accommodate and maintain the F-35B squadrons; 2) change personnel to accommodate squadron staffing; and 3) conduct F-35B training operations to attain and maintain proficiency in the operational employment of the F-35B. Implementation of this action will be accomplished as set out in the Preferred Alternative and described in the Final EIS. All practical means to avoid or minimize environmental impacts resulting from implementation of the selected alternative have been adopted.

In addition to NEPA and other environmental laws, the Marine Corps considered applicable Executive Orders (EO), including the requirements of EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*; EO 13045, *Environmental Health Risk and Safety Risks to Children*; EO 11990, *Protection of Wetlands*; EO 13514 *Federal Leadership in Environmental, Energy, and Economic Performance*; and EO 13423 *Strengthening Federal Environmental, Energy, and Transportation Management*.

PURPOSE AND NEED: The purpose of the Proposed Action is to efficiently and effectively maintain combat capability and mission readiness as the Marine Corps faces increased deployments across a spectrum of conflicts, and a corresponding increased difficulty in maintaining an aging legacy aircraft inventory. The need for the Proposed Action is to replace aging legacy aircraft and integrate the operational and pilot training F-35B squadrons into the existing Marine Corps command and organizational structure. Another factor driving the need for replacement is attrition of Marine Corps F/A-18 and AV-8B aircraft, which is due to service life thresholds and no manufacturing of new Marine Corps F/A-18 or AV-8B aircraft.

PUBLIC INVOLVEMENT: The Marine Corps initiated a mutual exchange of information through early and open communications with interested groups and individuals on January 15, 2009, with the publication of a Notice of Intent (NOI) in the *Federal Register* (74 FR 2514). The NOI announced the start of a 30-day public scoping comment period, which officially ended on February 16, 2009. Six public scoping meetings were held between February 3, 2009 and February 12, 2009 in communities potentially affected by aircraft operations in South Carolina, Georgia, and North Carolina.

The U.S. Environmental Protection Agency (USEPA) published a Notice of Availability (NOA) in the Federal Register (75 FR 30023) on May 28, 2010 for the Draft EIS. The Draft EIS was circulated for review and comment to government agencies, local organizations, American Indian tribes, and interested private citizens from May 28 through July 12, 2010. The Draft EIS was also available for general review in public libraries in the communities affected by the action and online at <http://www.usmcJSFeast.com>. Five public meetings were held in North Carolina, South Carolina, and Georgia in June 2010. Specifically, meetings were held on June 15, 2010 in Havelock, NC; June 16, 2010 in Emerald Isle, NC; June 17, 2010 in Bayboro, NC; June 22, 2010 in Beaufort, SC; and June 24, 2010 in Ludowici, GA. Two federal agencies, 7 state agencies, 10 elected officials, 48 organizations, and 1,200 individuals submitted comments during the review period. All public comments received were reviewed, considered, and addressed appropriately in the Final EIS.

The NOA for the Final EIS was published in the *Federal Register* (74 FR 53233) and local newspapers on October 22, 2010. The Final EIS was distributed to Federal, State, and local agencies, elected officials, and other interested parties. A summary of comments received during the 30-day public waiting period, which ended on November 22, 2010, is provided below.

ALTERNATIVES CONSIDERED: The Marine Corps developed four split-siting action alternatives for basing the operational and PTC squadrons at MCAS Beaufort and MCAS Cherry Point. The split-siting alternatives allow for utilization of capacity that will be created with the replacement of the F/A-18 squadrons at MCAS Beaufort and the replacement of the AV-8B squadrons at MCAS Cherry Point. In addition, split-siting the alternatives allowed the Marine Corps to balance environmental impacts with mission requirements. The four action alternatives included the following:

- Alternative 1 (Preferred Alternative) – Three operational squadrons and the PTC at MCAS Beaufort in Beaufort, South Carolina and eight operational squadrons at MCAS Cherry Point in Havelock, North Carolina;
- Alternative 2 – The PTC at MCAS Beaufort and 11 operational squadrons at MCAS Cherry Point;
- Alternative 3 – Eight operational squadrons at MCAS Beaufort and three operational squadrons and the PTC at MCAS Cherry Point; and
- Alternative 4 – Eleven operational squadrons at MCAS Beaufort and the PTC at MCAS Cherry Point.

Under all basing alternatives, the Marine Corps will conduct F-35B training and readiness operations within existing Department of Defense (DoD)-managed airspace and training ranges located on the East Coast including, but not limited to: restricted airspace (R)-3007 (inclusive of Sections A, B, C, and D) and -5306A; Marine Corps Auxiliary Landing Field (MCALF) Bogue; Coastal Military Operating Areas (MOAs) 1 East and West, 2, 4, and 5; Core MOA; and Warning Areas (W)-72, -122, -134, -157, -158, -159, -161, and -177. Training ranges include Townsend Bombing Range (TBR) and Bombing Target (BT)-9 and -11.

A fifth alternative, the No Action Alternative, assumes no aircraft will be replaced, aircraft operations will continue at the current level, and there will be no construction, demolition, or personnel changes related to basing the F-35B aircraft on the East Coast. The No Action Alternative does not meet the purpose and need of the action. The DoN selected Alternative 1 as the Preferred Alternative. Alternative 1, the Preferred Alternative, best meets the purpose and need of the Proposed Action, and balances environmental impacts with mission requirements.

With a goal of identifying feasible alternative basing locations to fulfill the purpose and need for the Proposed Action, the Marine Corps first examined all the requirements for basing the F-35B. Specifically, the Marine Corps evaluated candidate-basing alternatives relative to the following screening criteria: proximity and access to airspace and training ranges; mission compatibility; and sufficient infrastructure capacity to host the aircraft, personnel, and supporting elements. As a result of the evaluations, 13 candidate bases were identified and subjected to initial analysis; however, only MCAS Beaufort and MCAS Cherry Point satisfied all of the screening criteria and were carried forward for full analysis in the EIS.

CEQ regulations (40 CFR 1505.2[b]) require an Environmentally Preferable Alternative be identified. The No Action Alternative would not introduce any new impacts different than the affected environment, and for NEPA purposes, is considered the Environmentally Preferable Alternative. The No Action Alternative does not meet the purpose and need for the Proposed Action.

ENVIRONMENTAL IMPACTS: The Final EIS and this ROD are based on the most up-to-date information regarding expected training operations. As the Marine Corps collectively gains experience with the F-35B, both in training and in combat, greater understanding of its capabilities and limitations will lead to development changes or different operations and training requirements. The Marine Corps expects to continue updating training plans to reflect lessons learned from training evolutions and deployment experience. Due to the evolving nature of these F-35B training requirements, additional proposals for training areas and air space, on or off DoD-owned lands, will likely emerge as necessary or useful for applying the aircraft's capabilities to ever-changing missions. Environmental impacts associated with such emerging training requirements will be evaluated as appropriate under NEPA, and will, where applicable, include consultations pursuant to Federal, State, and local laws, rules, and regulations.

The Marine Corps prepared an EIS to evaluate the potential environmental impacts associated with the implementation of each of the alternatives carried forward for analysis. Impacts were assessed for the following resource areas at MCAS Beaufort and MCAS Cherry Point: airfields and airspace; noise; air quality; hazardous materials, toxic substances, and hazardous waste; safety; land use; socioeconomics; environmental justice/protection of children; community services; utilities and infrastructure; ground traffic and transportation; biological resources; geology, topography, and soils; water resources; cultural resources; and coastal zone management. In addition, the following resource areas at MCALF Bogue and core training areas were assessed: airspace use and management, noise, air quality, land use, and safety. Discussions of impacts are integrated throughout Chapters 4, 5, 6, and 7 of the Final EIS.

The Preferred Alternative will not result in impacts that exceed regulatory standards and will be implemented consistent with existing plans, programs, and standards for any of the resource areas analyzed in the EIS. However, potential impacts due to aircraft-generated noise will occur due to operational changes at the airfields. These impacts are presented below.

Noise

Impact analysis of noise on land use categories focuses on those areas affected by airfield noise as defined by the Air Installation Compatible Use Zone Program (AICUZ). The land uses that are most sensitive to noise typically include residential and commercial areas, public services, and areas associated with cultural sensitivities and recreational activities. Under the AICUZ program, three Noise Zones are identified for community compatibility purposes. Noise Zone I includes areas exposed to noise levels less than 65 decibels (dB) using averaged sound levels that occur during the day and night (or DNL). Noise Zone II comprises those areas exposed to noise levels of 65 to 75 dB DNL, and Noise Zone III comprises those areas exposed to noise levels greater than 75 dB DNL.

At MCAS Beaufort, on/off-station areas affected by DNL greater than or equal to 65 dB will increase by 203 acres; affecting approximately 1,690 additional people; and 498 additional housing units. Noise Zone II acreage will decrease over all land use categories with the exception of medium density residential, urban, and public lands. Noise Zone III acreage will increase over low-density residential, commercial, light industrial, public, and MCAS Beaufort lands. No schools will be exposed to DNL greater than or equal to 65 dB. Speech interference for the area around MCAS Beaufort will likely continue. No residential areas are at risk for Potential Hearing Loss (PHL) on MCAS Beaufort; based on census data from 2000, approximately 48 additional people would be exposed to DNL greater than or equal to 80 dB as a result of the proposed action. However, that exposure is not anticipated to result in permanent hearing loss. A detailed discussion of this issue is provided in the Final EIS on pages 4-17 and 4-18 and in Appendix D.

At MCAS Cherry Point, on/off-station areas affected by DNL greater than or equal to 65 dB will increase by 3,380 acres; affecting approximately 1,657 additional people; and 194 additional housing units. Noise Zone II acreage will increase over all types of land use areas, with the exception of light industrial where it will decrease. Noise Zone III acreage will increase in all categories, with the exception of medium density residential where it will remain unchanged and commercial where it will decrease. As shown on page 5-16 of the Final EIS, five schools currently are exposed to DNL greater than or equal to 65 dB (1 to levels of 65-70 dB; three to levels of 70-75 dB; and 1 to levels of 77-80 dB). Under the Preferred Alternative, DNL exposure for those schools will remain within the same contour (e.g., the school exposed to 65-75 dB DNL will continue to be exposed to 65-70 dB DNL). DNL at the schools will continue to exceed land use recommendations defined in the AICUZ program and Department of Housing and Urban Development guidelines. Periodic speech interference for certain areas around MCAS Cherry Point will likely continue. No residential areas are at risk for PHL on MCAS Cherry Point; based on census data from 2000, approximately 39 additional people would be exposed to DNL greater than or equal to 80 dB as a result of the proposed action. However, that exposure is not anticipated to result in permanent hearing loss. A detailed discussion of this issue is provided in the Final EIS on page 5-14 and in Appendix D.

At MCALF Bogue, on/off-station areas affected by DNL greater than or equal to 65 dB will increase by 1,580 acres; decrease by 17 housing units; and result in no net changes in the population exposed to that noise level. No schools will be exposed to DNL greater than or equal to 65 dB. Periodic speech interference for the area around MCALF Bogue will likely continue. No residential areas proximate to MCALF Bogue are at risk for PHL; based on census data from 2000, approximately 14 fewer people would be exposed to DNL greater than or equal to 80 dB as a result of the proposed action. Exposure is not anticipated to result in permanent hearing loss. A detailed discussion of this issue is provided in the Final EIS on page 6-20 and in Appendix D.

Potential noise impacts were calculated using the highest potential operational tempo (i.e. number of potential operations and number of potential aircraft) and represent the most conservative estimate of impacts.

Change from Final EIS

Since publication of the Final EIS, MCAS Beaufort engineers determined that because of existing soil conditions at the construction location of the first PTC construction hangar, approximately 175,000 cubic yards of soil (about 24 acres by 6 feet deep) will be needed for surcharging. A surcharge is a pile of earth whose weight serves as a load to accelerate the compression of softer soils beneath a construction site, in this case to accommodate a hangar. By compressing soils, the amount of structural settling will be reduced or eliminated. The proposed soil borrow site is an already disturbed site located on Air Station property. The soil will be removed from the borrow area, placed onto the hangar construction site, and subsequently managed so as to reduce erosion and sedimentation during the compression phase. Once the required level of compression has been accomplished, the borrowed soil will be removed, returned to the borrow area, and the borrow site re-vegetated to reduce erosion. MCAS Beaufort Public Works will ensure the contractors will follow all requirements to minimize and avoid erosion and sedimentation during all phases of construction, surcharging, and re-vegetation.

The Preferred Alternative, when considered with other past, present, and reasonably foreseeable future actions, will not have significant cumulative impacts to resources. The geographic scope of this cumulative analysis includes the two Air Stations, airfields, and associated airspace at MCAS Beaufort, MCAS Cherry Point, MCALF Bogue, as well as training airspace and ranges.

At the ranges and in training airspace, operations by military aircraft and F-35Bs will occur at TBR, BTs 9 and 11, as well as in existing special use airspace (i.e., restricted areas, military operations areas, and warning areas). The cumulative total operations will be within the capacity of the ranges and within each airspace unit, and as such, no conflicts with range and/or airspace management or use will occur and no cumulative impacts will result. Overall, noise levels from cumulative actions will not change from those presented under the Preferred Alternative.

The potential effects of proposed green house gas (GHG) emissions are by nature global and cumulative impacts. The EIS compared GHG emissions that will occur from the Preferred Alternative to the U.S. GHG baseline inventory of 2006 to determine the relative increase in proposed GHG emissions. These data show that carbon dioxide equivalent (CO₂e) emissions associated with the Preferred Alternative will amount to approximately 0.0007 percent of the

total CO₂e emissions generated by the U.S. Therefore, cumulative GHG emission and the potential to affect climate change will be negligible. However, the Marine Corps is developing and implementing energy conservation programs, as well as participating in the development of renewable energy projects designed to reduce dependence on fossil fuels.

MITIGATION MEASURES AND MONITORING: For purposes of the Final EIS, mitigation measures are defined as those measures to be implemented above and beyond those already required under regulation and the permitting processes. Use of North Carolina and South Carolina state regulation best management practices (BMPs), application of activities prescribed in existing natural and cultural resource management plans, implementation of construction permit requirements, and adherence to state, federal, and local regulations will continue to apply for the F-35B East Coast Basing proposal since they are part of existing Marine Corps management actions to minimize impacts.

In response to public concerns related to noise and safety, the Amphibious Assault Ship Training Facility (LHD/LHA) was relocated at MCAS Beaufort. This change is discussed in sections 4.3.2, 4.6.2, 4.7.2, 4.9.2, 4.15.2, and 4.17.2 of the Final EIS.

In terms of measures to mitigate noise impacts, comments on the Final EIS have suggested the need for additional measures. Based on the nature of the comments, examples could include noise attenuation construction, modification of flight patterns, or modification of base operating procedures. The Marine Corps does not plan to adopt such measures at this time; however, as noted in the following paragraph, will reevaluate the need for such measures as more noise modeling data become available.

Once the F-35B is operating at each installation, the squadrons will have time to either employ the operational profiles defined for this analysis or modify them to accommodate the unique qualities of the F-35B. At that future time, the Marine Corps will conduct additional noise modeling in order to validate the original assessment of potential noise impacts. In addition, if the above referenced evaluation concludes that substantial differences exist between the noise impacts presented in the Final EIS and newly modeled impacts, the Marine Corps will include that data in the AICUZ program so that impacts on sensitive receptors such as schools can be better assessed. Implementation of this program is a requirement for all installations, and involves detailed study of actual operations, flight tracks, hours of operation, and other factors to provide recommendations to the community regarding compatible land use. However, these described efforts may not mitigate all potential noise impacts.

AGENCY COORDINATION AND CONSULTATION: The Air Force participated in the preparation of the EIS as a Cooperating Agency, as the Air Force has special expertise for shared use of the Air National Guard at Townsend Bombing Range and in developing environmental documentation for the initial JSF joint training site at Eglin Air Force Base. The Marine Corps also initiated consultation with the South Carolina Department of Health and Environmental Control and 15 federally recognized Native American tribes.

Coastal Zone Management Act Consultation

A Coastal Consistency Determination (Appendix G of the Final EIS) was sent to the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management on July 23, 2010 and concurrence was received on September 16, 2010. A Negative Determination was sent to the North Carolina Department of Environment and Natural Resources, Division of Coastal Management on August 10, 2010 and concurrence was received on November 23, 2010.

Federally Recognized Native American Tribes

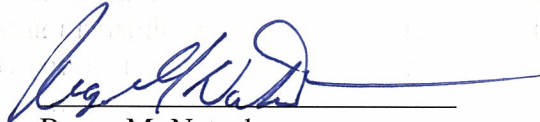
Letters and copies of the Draft EIS and Final EIS Executive Summary were distributed to 15 federally recognized Native American tribes during the 45-day public comment period and 30-day wait period, respectively. Two responsive comments were received during the 30-day wait period. The Catawba Indian Nation had no concerns with the preferred alternative though they did suggest that shovel testing for the purpose of determining whether archaeological deposits are present be completed in wooded areas prior to construction. The Tuscarora Nation stated that they would like to be notified if human remains are unearthed.

RESPONSE TO COMMENTS ON THE FINAL EIS: The Marine Corps reviewed and considered all comments that were received during the 30-day wait period (October 22, 2010 through November 22, 2010) following the issuance of the NOA of the Final EIS. A total of 337 comments were received on the Final EIS. A description of comments received is provided below. The majority of comments, 71%, were in full support of the proposed action and the preferred alternative; approximately 14% support another alternative and approximately 15% either object to the entire effort, objected to the analyses presented in the EIS, or were technical in nature. As was the case with comments received on the Draft EIS, objections expressed in the Final EIS comments focused primarily on potential noise related impacts and safety concerns. Noise comments were not substantially different from the noise comments received on the Draft EIS and were already considered and addressed in the Final EIS.

Safety comments focused mainly on the proposal to base the Marine Corps F-35B PTC at MCAS Beaufort, SC. This PTC will serve as the final stage of preparation before an F-35B pilot joins an operational squadron as a combat-ready aviator. Prior to joining the PTC at MCAS Beaufort, each pilot will have previously completed a two-year aviation training regimen known as “flight school”, which culminates with his or her graduation from Naval Aviation’s advanced jet aircraft training curriculum. The Federal Aviation Administration (FAA) recognizes these “Winged” aviators as professionally licensed aircrew. The PTC at MCAS Beaufort will then be responsible for transforming these disciplined aviators into F-35B fighter-attack pilots. PTC events will focus on individual aircraft and multi-plane F-35B tactics. A large percentage of these events will be performed in next generation state-of-the-art simulators, involving a substantial number of simulator flights prior to initial aircraft sorties. In addition, the majority of flight events will be executed within the confines of dedicated special use airspace. Whether re-qualifying experienced aircrew or preparing first-tour pilots for initial operational responsibilities, the PTC will utilize regimented standard operating procedures and maintain Naval Aviation’s highest commitment to safety.

CONCLUSION: After careful consideration of the purpose and need for the Proposed Action, the analysis contained in the Final EIS, and comments received on the Draft and Final EIS from federal, state, and local agencies, non-governmental organizations, and individual members of the public, I have decided to proceed with the Preferred Alternative which entails an operationally balanced, split-basing of squadrons at MCAS Beaufort (three operational squadrons and the PTC) and MCAS Cherry Point (eight operational squadrons) for the East Coast basing of the F-35B.

12/9/10
Date



Roger M. Natsuhara
Principal Deputy Assistant Secretary of the
Navy (Energy, Installations and Environment)

Appendix J

Sample No Conflict of Interest (COI) Disclosure Letter for NEPA Contractors

Organizational Conflicts of Interest Representation/Disclosure

COMPLETE EITHER THE REPRESENTATION OR THE DISCLOSURE STATEMENT --NOT BOTH

OCI Representation Statement:

I hereby certify (or as a representative of my organization, I hereby certify) that, to the best of my knowledge and belief, no facts exist relevant to any past, present or currently planned interest or activity (financial, contractual, personal, organizational or otherwise) that relate to the proposed work and bear on whether I have (or the organization has) a possible conflict of interest with respect to (1) being able to render impartial, technically sound, and objective assistance or advice; or (2) being given an unfair competitive advantage.*

Signature: _____ Date: _____

Name: _____ Organization: _____

Title: _____

OCI Disclosure Statement

I hereby certify (or as a representative of my organization, I hereby certify) that, to the best of my knowledge and belief, all relevant facts—concerning past, present or currently planned interests or activities (financial, contractual, organizational or otherwise) that relate to the proposed work and bear on whether I have (or the organization has) a possible conflict of interest with respect to (1) being able to render impartial, technically sound, and objective assistance or advice, or (2) being given an unfair competitive advantage *—are fully disclosed on the attached page(s) and formatted to show:

- For ease of presentation, divide the following data into four parts: organizational, contractual, financial, and other;
- The company, agency, organization in which you have a past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise);
- Brief description of relationship;
- Period of relationship;
- Extent of relationship (such as value of financial interest of work; percent of total holdings, total work, etc.); and,
- Mitigation plan, as necessary.

Signature: _____ Date: _____

Name: _____ Organization: _____

Title: _____

* An unfair competitive advantage does not include the normal flow of benefits from the performance of the contract.

Appendix K

Quality Assurance (QA) Checklist

**U.S. Marine Corps
Environmental Impact Analysis Document Quality Assurance Checklist**

Project Title & Date _____ **Project Proponent/ID Number:** _____

Action Proponent POC: _____ **USMC NEPA Lead:** _____

EA/EIS DOCUMENT QUALITY STANDARD

Subject Area	Issue Considered and Impacts Disclosed	Impacts Inadequately Considered/ Discussed	Not Relevant to Analysis (Explain in remarks)	Remarks
Cover Sheet: <ul style="list-style-type: none"> • Title of Proposed Action • Designation of draft, final, or supplemental EA or EIS • Lead/Responsible Agency or Command • Command's Point of Contact, (provide street and email address, phone number) • Cooperating Agencies (if any) • Abstract • Date by which comments must be received 				
Executive Summary: Is the Executive Summary a concise summary of the EA/EIS?				
Table of Contents and Acronym List				
Purpose and Need: Does the Purpose and Need state the underlying need for the project and the USMC/ action proponent's objective? What is the public need for the action being proposed? To be reasonable, an alternative must meet the purpose and need.				
Public Involvement: Does the section describe/ document public involvement opportunities and the process followed, such as public notices, NOIs, NOAs, public meetings, and public review of the document? <i>Note:</i> The purpose is to inform the public on participation opportunities and document the accomplishment of that fact.				
Scope/Framework of Analysis: To orient the reader, describe the geographic area (state, county) affected by the proposed action; the scope of the environmental analysis (e.g. cleanup, mission implementation, construction project, realignment etc.); required permits or other regulatory approvals; and relevant statutes, Executive Orders and regulations. (This sets the stage for conducting the analysis.)				
Description of the Proposed Action: Does the section describe the proposed action in sufficient detail for a meaningful analysis? Include specific details as location, numbers of personnel involved, and facility requirements. Include tables, drawings, footprints, or other necessary graphics to accurately represent the project site(s) and all biologically sensitive areas in and immediately adjacent to the project footprint, access roads, and construction support areas.				

USMC QA Checklist

Project Title & Date/Version _____

Subject Area	Issue Considered and Impacts Disclosed	Impacts Inadequately Considered/ Discussed	Not Relevant to Analysis (Explain in remarks)	Remarks
Does it answer the questions who, what, when and where? Does the document tell a coherent story of the project so that the reader (both military and civilian) can easily understand the purpose and need for the project, how each alternative would meet the project goals, and the strengths and weaknesses associated with each alternative?				
Alternatives Considered: Does the section describe how the alternatives were identified, such as the use of screening criteria? The alternatives analysis must provide a rigorous, thorough and comprehensive identification of a <i>reasonable</i> range of alternatives the USMC could take to meet its P&N. Provide a complete and accurate description of alternatives considered.				
Does the section discuss the alternatives considered, including those eliminated from detailed study? For alternatives dismissed, does the section provide specific reasons for their elimination?				
Does the Alternative Analysis include the “No-Action” alternative?				
For Final EA or Final EIS, does the section identify the preferred alternative that meets the Purpose and Need, and the environmentally preferred alternative?				
Affected Environment and Consequences (or Environmental Resources, Impacts, and Mitigation): Succinctly describe the current environmental conditions of each resource or issue of concern (air quality, natural and cultural resources, etc.) clearly establishing baseline data against which the analysis was conducted. Is baseline data sufficient to support the analysis/statements of findings? Does the analysis present the adverse and beneficial direct, indirect, and cumulative effects/impacts on each resource? Does the analysis compare and contrast the environmental effects of the alternatives, including the No-Action Alternative (baseline conditions)?				
Does the analysis provide clear, substantive statements regarding the insignificance (or significance) of the effects identified for each of the alternatives? A summary matrix showing the overall effects for each alternative can be useful. Have all conclusions and findings statements been supported by data and appropriate agency consultations?				
Analyze in detail each <u>relevant</u> resource. For resources or issues that are not relevant, include only a brief statement why they were not included. The preparers must use professional judgment in determining which resources are relevant to the analysis. Is the order, detail, and length of analysis proportionate to the level of anticipated impact on the resource? The EA/EIS should discuss first, and in greatest detail, those resources that are expected to have the most significant impacts. Resources that are expected to have minor or negligible impacts should be discussed last and in relatively less detail.				

USMC QA Checklist

Project Title & Date/Version _____

Subject Area	Issue Considered and Impacts Disclosed	Impacts Inadequately Considered/ Discussed	Not Relevant to Analysis (Explain in remarks)	Remarks
Does the analysis explain what that data means? Explaining the data involves more than stating in text the data that appears in an accompanying table or figure. The text should explain the cause and effect relationship that would result in an impact, and the significance (importance) of the impact. The data rarely speaks for itself; the responsibility for explaining the data rests with the preparer of the NEPA document.				
Land Use: Does the section describe the site and surrounding land use? This is the geographic setting, land, and air space use. Include recreation areas, parks, conservation areas, prime farmlands, timberlands, etc.				
Coastal Zone Management: Will the action be within a state’s coastal zone? If so, has a determination been made that the action will be consistent with the state’s enforceable Coastal Zone Management plan? Include coordination and chain of correspondence in the Appendix and describe the results and conditions in the EA/EIS. If discussed provide supporting maps and graphics.				
Aesthetic and Visual Resources: Does the section describe the street scene, seascape, or skyline as most people would see it? Are there any unique vistas? Provide before and after photos/simulations of project site and adjacent areas.				
Geology/Soils/Topography: Does the section describe the geologic structure, soil types, aquifers, topography, and seismicity potential?				
Water Resources: Does the section describe the key groundwater and surface water sources, quantities, quality, availability, uses and rights, and hydrology? <i>Note:</i> Wetlands, riparian areas, tidelands, navigable waters: If the proposed action could impact a wetland or navigable water, determine if the wetland/water is regulated by the Corps of Engineers. If yes, include appropriate maps and descriptions. The document must distinguish between “wetlands determination” and “wetlands delineation”. Determination refers only to nature and type; Delineation refers to specific quantities. State if an NPDES and Section 404/401 general or individual permits are required.				
Noise: Does the section describe the existing (ambient) sources, stationary and mobile, identify applicable ordinances, and management plan (AICUZ)? Identify potential noise impacts and the anticipated noise threshold levels from the project. If discussed identify noise sensitive receptors with supporting maps and graphics.				
Vegetation: Types of ecosystems (e.g. hardwood forest).				
Wildlife and aquatic resources: Mammals, birds, reptiles, amphibians, fish management programs if present (hunting, fishing, trapping, etc.)				
Threatened and Endangered Species: Federally listed or proposed for listing and critical habitat. If discussed provide supporting maps and graphics. <i>Note:</i> Endangered Species Act, Section 7 Consultation. If the proposed action could impact T&E species or their critical habitat, the USFWS or NOAA NMFS must be consulted. Document their response and include the correspondence chain in the Appendix.				

USMC QA Checklist

Project Title & Date/Version _____

Subject Area	Issue Considered and Impacts Disclosed	Impacts Inadequately Considered/ Discussed	Not Relevant to Analysis (Explain in remarks)	Remarks
<p>Floodplains: Does the section state if the action will be in or will impact a floodplain (100 yr, 500 yr)? Include a map if needed, in the project area, and describe impacts created by the project in the consequences. If the action will be in or will indirectly impact a floodplain, follow the FEMA 8-step process.</p>				
<p>Air Quality: Does the section describe the Air Quality Control Region and attainment status, background emission sources, stationary and mobile? Are new or modified permits required for emergency generators, boilers, and other stationery sources? Include climate, rainfall, and wind if necessary to conduct air quality or other analysis. Does the section state if a conformity determination is necessary, and if so is that included with the analysis? Let the analysis determine compliance with the State Implementation Plan (SIP). <i>Note:</i> GHG emissions should be discussed under cumulative effects.</p>				
<p>Cultural Resources: Does the section identify sites, buildings, and other structures of historic significance, including properties on or eligible for the NRHP? Include archaeological resources, state or tribal resources, and Traditional Cultural Properties. <i>Note:</i> In compliance with the NHPA Section 106, coordinate the proposed action and determinations with the appropriate State Historic Preservation Office (SHPO). Document the results in the text and include the chain of correspondence in the Appendix. The results of Programmatic Agreements and Memoranda of Agreements will be described in the text and the documents included in the Appendix. <i>Note:</i> Determine if Native American (Tribal Preservation Officer) coordination is required. Include the chain of correspondence in the appendix and discuss the process in the text.</p>				
<p>Infrastructure: Does the section discuss the availability of potable water, wastewater management and treatment, electric power supply, natural gas supply, fuel oil, and solid waste disposal including C&D management? If applicable, describe the distance to nearest source, supply capacity, average daily use, alternatives for supply and waste systems, and available capacity to accommodate the proposed action/alternatives.</p>				
<p>Roadways/Traffic: Describe the roadway network serving the project area. Include existing traffic conditions; discuss levels of operation in accepted units. Evaluate impacts of imposing the traffic increase of the project upon that baseline data.</p>				
<p>Hazardous Materials: Does the section describe the storage, handling, use, disposal, contaminated sites and status of cleanup Special Hazards, asbestos, radon.LBP, PCBs, UST and AST, Unexploded Ordnance? If the action involves the transfer of real property, does the section reference the preparation of an Environmental Due Diligence Assessment (EBS, Phase I Environmental Site Assessment, or equivalent)?</p>				
<p>Socioeconomic: Does the section identify economic Region of Influence</p>				

USMC QA Checklist

Project Title & Date/Version _____

Subject Area	Issue Considered and Impacts Disclosed	Impacts Inadequately Considered/ Discussed	Not Relevant to Analysis (Explain in remarks)	Remarks
(ROI) demographics such as minority and low-income populations, employment, housing, schools, shops, whatever is relevant in the ROI? Evaluate economic impacts to the ROI generated by implementing the project.				
Environmental Justice (EO 12898) and Protection of Children (EO 13045): Using minority and low-income populations data generated above identify and evaluate disproportionate and adverse impacts upon these resources. Evaluate impacts to children, if any.				
Health and Human Safety: Identify and evaluate various stressors potentially affecting health and safety. Document relevant chemical, physical, behavioral, or psychological stressors. Document and evaluate safety and accident hazards.				
Sustainability and Greening: In accordance with EO 13514, does the document discuss impacts from energy usage, use of alternative energy sources, conservation, pollution prevention, and sustainability?				
Cumulative Impacts: Does the document identify other past, present and reasonably foreseeable future actions that could occur within the same geographic area and timeframe as the Proposed Action (not only USMC actions)? Does the document evaluate the incremental and synergistic effects of each alternative with other reasonably foreseeable future actions?				
Mitigation: Does the document disclose all required or recommended mitigation? For example, if obtaining a Section 404 permit would require mitigating impacts to wetlands, state the number of acres that would be required and the USMC plans to accomplish the mitigation, including funding.				
Overall readability: Has the document has been edited for one voice, written in layman’s language, and free of grammatical/spelling errors? Can the public read it and make sense of it?				
References: Does the document include sources cited in the document? Are the references in a consistent format?				
List of Preparers: Was the document prepared with an interdisciplinary team of subject matter experts, as shown in list of preparers? List the names along with the qualifications (education, expertise, years of experience, certifications) of the primary persons responsible for preparing the EA/EIS or significant background papers.				
List of Individuals and Agencies Consulted: Are consulting agencies in agreement? List individual names, agencies, and organizations (if any) contacted for data and information in support of the analysis whether or not a response was received. Only contacts outside the USMC and DoN should be listed.				
Appendix: Include material prepared in connection with the EA/EIS (as distinct from material incorporated by reference), technical data that substantiates any analysis fundamental to the document (such as detailed tables of air quality or noise emissions), and copies of official correspondence sent or				

USMC QA Checklist

Project Title & Date/Version _____

Subject Area	Issue Considered and Impacts Disclosed	Impacts Inadequately Considered/ Discussed	Not Relevant to Analysis (Explain in remarks)	Remarks
received from resource regulatory agencies.				
<p>Finding of No Significant Impact: The FONSI is a separate, concise document presenting reasons why the proposed action would not significantly affect the human environment. It documents the decision not to prepare an EIS.</p> <ol style="list-style-type: none"> 1. Name the action 2. Brief description of the selected (preferred) action 3. Brief discussion of likely effects 4. Reasoning behind the determination of no significant effects. 5. Identify avoidance, minimization, and mitigation measures implemented for the project. 				
<p>Record of Decision (ROD): A concise public document that sets forth the decision, identifies the alternatives and factors considered, the preferred alternative and any mitigation measures to lessen impacts to the environment. It summarizes major issues and effects balanced by the agency in reaching a decision.</p>				

USMC NEPA Lead Signature _____ Date _____

Project Proponent Representative Signature _____ Date _____

Appendix L

Department of Justice (DOJ) Guidance on Preparing Administrative Records

**U.S. Department of Justice**Environment and Natural Resources Division

Dated: January 1999

**Guidance to Federal Agencies on Compiling
The Administrative Record****Introduction**

Under the Administrative Procedure Act (APA), a court reviews an agency's action to determine if it was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2) (A). In making this determination, a court evaluates the agency's whole administrative record. The administrative record is the paper trail that documents the agency's decision-making process and the basis for the agency's decision.

The APA governs judicial review of a challenged agency decision. However, several statutes specify what documents and materials constitute an administrative record, e.g., 42 U.S.C. § 7607(d)(7)(A) (provision states what materials will constitute the record for the purpose of judicial review of certain enumerated types of rulemaking issued under the Clean Air Act); 42 U.S.C. § 9613(j) and (k) (CERCLA). At the outset, be sure to determine whether a statute other than the APA applies in the case. In addition, regulations may govern how to assemble a record. See, e.g., 40 C.F.R. 300.800 -300.825 (CERCLA); 40 C.F.R. Part 24 (RCRA Corrective Action). See also FRAP Rules 16 and 17 (record on review or enforcement and filing of the record).

The purpose of this memorandum is to provide guidance to agencies in compiling the administrative record of agency decisions other than a formal rulemaking or an administrative adjudication. Optimally, an agency will compile the administrative record as documents and materials are generated or received in the course of the agency decision-making process. The record may be a contemporaneous record of the action. However, the administrative record may be compiled by the agency after litigation has been initiated. An agency employee should be designated to be responsible for compiling the administrative record. That individual will be responsible for certifying the administrative record to the court. S/he may keep a record of where s/he searched for the documents and materials and who was consulted in the process of compiling the administrative record.

It is critical for the agency to take great care in compiling a complete administrative record. If the agency fails to compile the whole administrative record, it may significantly impact our ability to defend and the court's ability to review a challenged agency decision.

1. General Principles for Compiling the Administrative Record

The administrative record consists of all documents and materials directly or indirectly

considered by the agency decision maker in making the challenged decision. It is not limited to documents and materials relevant only to the merits of the agency's decision. It includes documents and materials relevant to the process of making the agency's decision.

- Include documents and materials whether they support or do not support the final agency decision.
- Include documents and materials which were before or available to the decision-making office at the time the decision was made.
- Include documents and materials that were considered by or relied upon by the agency.
- Include documents and materials that were before the agency at the time of the challenged decision, even if they were not specifically considered by the final agency decision-maker.
- Include privileged and non-privileged documents and materials. (See section 4).

2. Where To Find The Documents and Materials That Comprise The Administrative Record

The agency should identify an agency employee to be responsible for compiling the administrative record. The identified agency person should be responsible, careful, and prepared to provide an affidavit. S/he should keep a record of where s/he searched for documents and who was consulted in the process. S/he should conduct a thorough search for the purpose of compiling the whole record, including the following:

- Contact all agency people, including program personnel and attorneys, involved in the final agency action and ask them to search their files and agency files for documents and materials related to the final agency action. Include agency people in field offices.
- Contact agency units other than program personnel, such as congressional and correspondence components.
- Where personnel involved in the final agency action are no longer employed by the agency, search the archives for documents and materials related to the final agency action. A former employee may be contacted for guidance as to where to search.
- Determine whether there are agency files relating to the final agency action. If there are such files, search those files.
- If more than one agency was involved in the decision-making process, the lead agency should contact the other agencies to be sure the record contains all the documents

and materials that were considered or relied on by the lead agency.

- Search a public docket room to determine whether there are relevant documents or materials.

3. What Documents and Materials To Include In The Administrative Record

a) Types of materials:

- Documents that are to be included in the administrative record should not be limited to paper but should include other means of communication or ways of storing or presenting information, including e-mail, computer tapes and discs, microfilm and microfiche. See 36 C.F.R. Chapter XII, subchapter B (electronic records). The term should include data files, graphs, charts and handwritten notes. Do not include personal notes, meaning an individual's notes taken at a meeting or journals maintained by an individual, unless they are included in an agency file. An agency file is determined by agency control, possession and maintenance.

b) Kinds of Information:

- Include all documents and materials prepared, reviewed, or received by agency personnel and used by or available to the decision-maker, even though the final decision-maker did not actually review or know about the documents and materials.
- Include policies, guidelines, directives and manuals.
- Include articles and books. Be sensitive to copyright laws governing duplication.
- Include factual information or data.
- Include communications the agency received from other agencies and from the public, and any responses to those communications. Be aware that documents concerning meetings between an agency and OMB should be included but may qualify, either partially or fully, for the deliberative process privilege.
- Include documents and materials that contain information that support or oppose the challenged agency decision.
- Exclude documents and materials that were not in

existence at the time of the agency decision.

- As a general rule, do not include internal “working” drafts of documents that were or were not superseded by a more complete, edited version of the same document. Generally, include all draft documents that were circulated for comment either outside the agency or outside the author’s immediate office, if changes in these documents reflect significant input into the decision-making process. Drafts, excluding “working” drafts, should be flagged for advice from the DOJ attorney or the Assistant United States Attorney (AUSA) on whether: 1) the draft was not an internal “working” draft; and 2) the draft reflects significant input into the decision-making process.
- Include technical information, sampling results, survey information, engineering reports or studies.
- Include decision documents.
- Include minutes of meetings or transcripts thereof.
- Include memorializations of telephone conversations and meetings, such as a memorandum or handwritten notes, unless they are personal notes.

4. How To Handle Privileged Documents and Materials

Generally, the administrative record includes privileged documents and materials and documents and materials that contain protected information. However, once the record is compiled privileged or protected documents and materials are redacted or removed from the record.

The agency should consult with the agency counsel and the DOJ attorney or the AUSA as to the type and the extent of the privilege(s) asserted. Be sensitive to the relevant privileges and prohibitions against disclosure, including, but not limited to, attorney-client, attorney work product, Privacy Act, deliberative or mental processes, executive, and confidential business information.

If documents and materials are determined to be privileged or protected, the index of record must identify the documents and materials, reflect that they are being withheld, and state on what basis they are being withheld.

5. How to Organize the Administrative Record

- Organize the documents and materials in a logical and accessible way.
- Organize the documents and materials in chronological order and/or by topic.

- Documents and materials that do not fit into a chronological order may be separated by category, e.g., internal policies, guidelines or manuals.
- After a DOJ attorney or an AUSA has had the opportunity to review the administrative record for completeness and organization, it may be useful to bates stamp or to number each item. A DOJ attorney or an AUSA may review the documents and materials the agency decided were not contained in the administrative record.
- Prepare an index to the administrative record.
- Index should identify each document and material by the bates stamp number or document number and a brief description of the document or material, e.g., “memorandum dated June 5, 1997 from Mary Smith to EPA Administrator Jones regarding June 6, 1997 meeting agenda.” If a document or material is being withheld based on a privilege or prohibition, state the privilege or prohibition.
- The agency must certify the administrative record.¹ Certificate language should reflect how the agency person who was responsible for compiling the record has personal knowledge of the assembly of the administrative record. Attached are sample certificates. Neither a DOJ attorney nor an AUSA should certify the record to avoid having them be a possible witness in the case.
- The DOJ attorney or the AUSA must consult the local rules of the court in which the matter is pending to determine how to file the administrative record with the court. If the local rules are silent on this issue, the DOJ attorney or the AUSA can address the issue with the parties and the court. For example, it may be appropriate to file only the index with the court and to provide the parties with copies of the index and the opportunity to review the record or to file the parts of the record that the parties will rely on as grounds for their motions for summary judgment. The U.S. Attorney’s Office in the jurisdiction in which the matter is pending should always be consulted.

¹If the agency fails to certify the record, the government may not be able to file a motion for summary judgment.

6. Important For Court To Have The Whole Administrative Record

- A court reviews the agency action based on the whole administrative record before the agency at the time the decision was made.
- The whole administrative record allows the court to determine whether the agency's decision complied with the appropriate APA standard of review.
- All agency findings and conclusion and the basis must appear in the record.
- The administrative record is the agency's evidence that its decision and its decision-making comply with relevant statutory and regulatory requirements.
- A court may remand the matter where the agency's reasoning for its decision is not contained in the administrative record.

7. Consequences of Incomplete Administrative Record

- If record is incomplete, government may be permitted to complete the record but, by doing so, you also may raise questions about the completeness of the entire record.
- If the court decides the record is not complete, it should remand the matter to the agency. However, it may allow extra-record discovery, including depositions of agency personnel, and may allow court testimony of agency personnel.
- Generally, although it may vary from circuit to circuit, courts will allow discovery when a party has proffered sufficient evidence suggesting:
 - bad faith;
 - improprieties may have influenced the decision-maker; or
 - agency relied on substantial materials not included in the record.

A party must make a strong showing that one of these exceptions applies before a court will allow extra-record inquiry.

8. Supplementation of the record

- When the administrative record fails to explain the agency's action, effectively frustrating judicial review, the court may allow the agency to supplement the record with affidavits or testimony.

- Be aware once the government supplements with affidavits or testimony, opposing party might depose your witnesses and/or submit additional affidavits or testimony.
- Be aware if agency counsel becomes a potential witness, it may be appropriate to screen the agency counsel from participation in the litigation. ABA Model Rule of Professional Responsibility 3.7.

Conclusion

When an agency must defend a final agency action before a court, it should take great care in preparing the administrative record for that decision. It is worth the effort and may avoid unnecessary and/or unfortunate litigation issues later on.

This memorandum provides only internal Department of Justice guidance. It does not create any rights, substantive or procedural, which are enforceable at law by any party. No limitations are hereby placed on otherwise lawful prerogatives of the Department of Justice or any other federal agency.

Attachments

Appendix M

Sample Administrative Record Requirements For NEPA Statement of Works (SOWs)

Task #X: Maintain and Provide Administrative Record.

The Contractor shall prepare a draft and final EA/EIS and compile the associated Administrative Record (AR) file. The AR file is a collection of the entirety of the information and data relied on to prepare the EA/EIS. The AR file shall include:

- All data, information and analyses, either generated by the Contractor or obtained from other sources, used to support the EA/EIS analysis and documentation. All references cited in the EA/EIS should be traceable to the administrative record. Include supplemental studies considered during EA/EIS development.
- Internal review drafts of the EA/EIS. Include Government comments on the draft documents and responses.
- Communications of all types (e.g., memoranda, internal notes, telephone conversation records, letters, e-mails, facsimiles, and minutes of meetings). Include materials which reflect significant changes in thinking on the project, that is, memoranda that raise important issues or criticize the assumptions or approaches or conclusions
- Public outreach materials, such as newsletters, newspaper advertisements, and other public notices. All formal published agency notices and documents (see Section 2.10 of the USMC NEPA Manual for further guidance on the contents of the AR file).

The Contractor shall submit a draft Table of Contents or Index of the AR file to the Government for review and approval. The AR file Table of Contents/Index may evolve over the course of the EA/EIS development. Changes in the AR file structure are subject to Government review and approval.

The AR file for the EA/EIS is the property of the Government. The NEPA Document Manager and/or contracting officer may direct the Contractor to transfer the AR file to the Government at any time during the EA/EIS preparation process and the Contractor shall comply within five days of notification.

Deliverable: Maintain and Provide Administrative Record

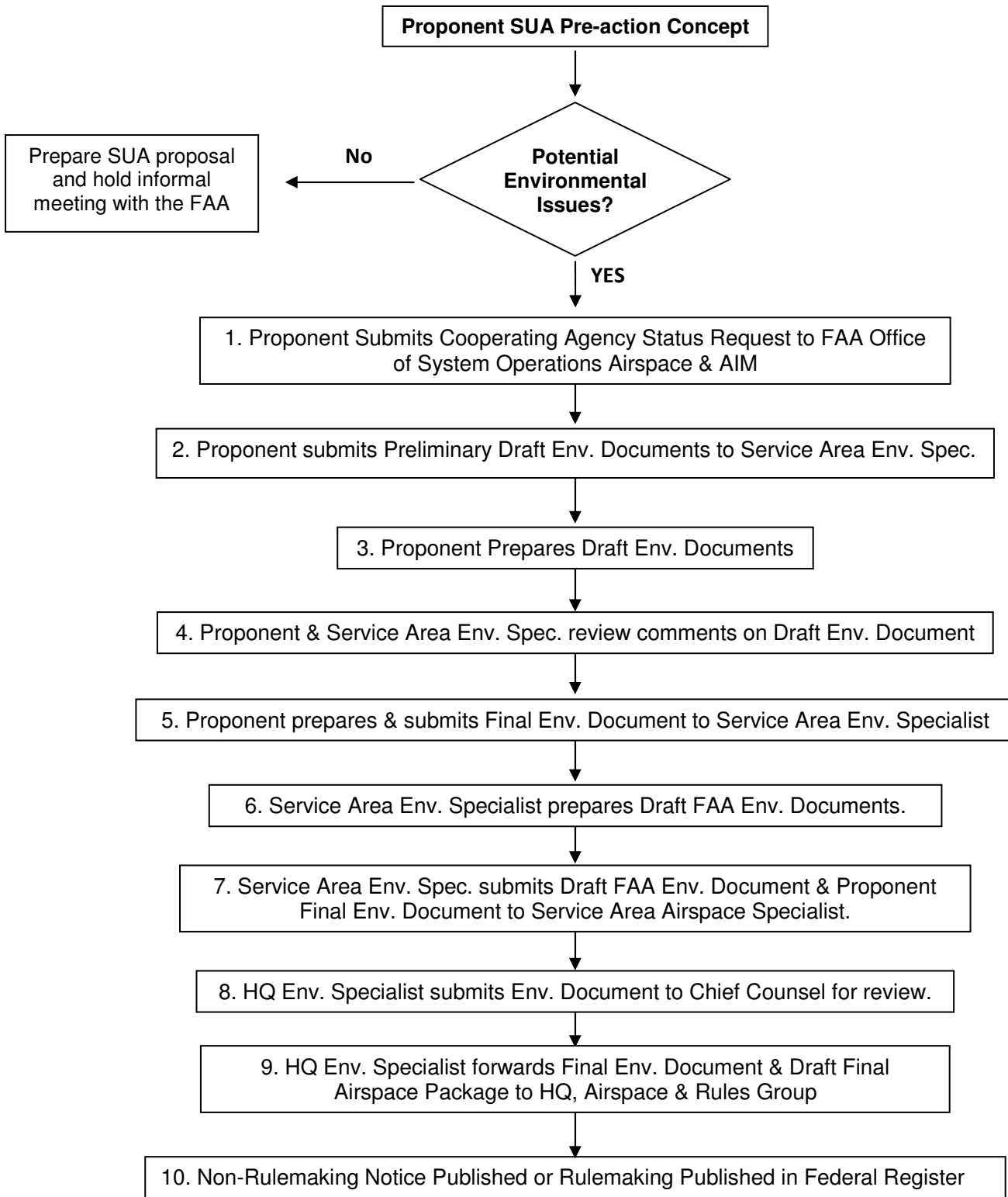
Schedule: The Contractor shall keep the AR file current with the development of the EA/EIS. The draft AR file Table of Contents/Index shall be submitted for Government review as part of the EA/EIS Project Management Plan, and no later than the start of the EA/EIS public scoping process. The Contractor shall submit the completed AR file to the Government 60 days after the FONSI/ROD is signed.

Appendix N

Federal Aviation Administration (FAA) Aeronautical and Environmental Procedures for Special Use Airspace (SUA)

Procedures for Processing SUA Actions Environmental Process Flow Chart

*This Chart is for use with the table, "FAA Procedures for Processing SUA Actions" on page A-3.
The numbers correlate to the numbers in the Environmental column of that table.*



Source: Modified from FAA Order JO 7400.2G, Appendix 2, "Procedures for Processing SUA Actions Environmental Process Flow Chart"

FAA Procedures for Processing SUA Actions Aeronautical and Environmental Summary Table

The aeronautical and environmental processes may not always occur in parallel. This table is for use with the flowchart on page A-2 and the numbers under Environmental correlate to numbers on that chart

AERONAUTICAL	ENVIRONMENTAL
1. Proponent shall present to the Facility a Pre-draft concept (i.e., new/ revisions to SUA needed or required).	1. Proponent shall discuss with the Service Area, at the earliest time, the potential for environmental impacts associated with the proposal.
	2. If there is the potential for environmental impacts, Proponent shall make a request to the FAA for a Cooperating Agency (CA) status when Proponent decides to initiate the environmental process. Proponent shall forward the request to the Director of the System Operations Airspace and AIM. The Director will transmit the request to the Environmental Programs Group who prepares and forwards the response to Proponent. The Environmental Programs Group will send a courtesy copy of the response to the responsible Service Area. The Service Area environmental specialist works as the FAA point of contact throughout the process in development of any required environmental documentation.
	3. Proponent submits a Preliminary Draft EA or EIS to the Service Area environmental specialist. The Service Area environmental specialist shall provide comments, in consultation with the airspace specialist and the Environmental Programs Group, back to Proponent.
2. Proponent forwards the aeronautical proposal to the FAA Service Area for review and processing by the airspace specialist.	4. Proponent prepares a Draft EA or EIS with a 45-day public comment period. As the FAA CA point of contact, the Service Area environmental specialist reviews the associated draft environmental documentation to ensure that the Proponent addressed adequately all environmental concerns submitted on the Preliminary Draft. If required, the Service Area environmental specialist forwards the draft environmental documentation to the Environmental Programs Group for review and comment by the headquarters environmental specialist and the Office of Chief Counsel.

<p>3. The Service Area airspace specialist, in accordance with this order, determines the type of airspace action(s) necessary, either Non-Rulemaking or Rulemaking. FAA Service Area and Proponent determine if informal Airspace Meetings are required.</p>	
<p>For Non-Rulemaking:</p>	
<p>4. The Service Area airspace specialist sends out a circularization with a 45-day public comment period. The Service Area airspace specialist reviews and prepares, in consultation with the Proponent, responses to the aeronautical comments from the study and circularization in accordance with Chapter 21 of this order.</p>	<p>5. The Proponent reviews comments received on their Draft EA/FONSI or EIS and prepares their responses to the comments, in consultation with the FAA and other cooperating agencies, if necessary, and in accordance with Chapter 32 of this order.</p>
	<p>6. Proponent prepares and submits their Final EA/FONSI or EIS/ROD to the Service Area environmental specialist.</p>
	<p>7. The Service Area environmental specialist prepares a Draft FAA FONSI/ROD or Draft FAA Adoption Document/ROD.</p>
	<p>8. The Service Area environmental specialist submits the Draft FAA FONSI/ROD or Draft FAA Adoption Document/ROD and the Proponent's Final EA/FONSI or EIS/ ROD to the Service Area airspace specialist for inclusion with the airspace proposal package.</p>
<p>5. The Service Area airspace specialist then sends the completed package containing the aeronautical proposal, response to comments, Proponent's Final EA/FONSI, and the Draft FAA FONSI/ROD to the Headquarters Airspace and Rules Group with their recommendation.</p>	
<p>For Rulemaking:</p>	
<p>6. The Service Area airspace specialist sends the proposal to the Airspace and Rules Group who prepares a Notice of Proposed Rulemaking (NPRM). The Headquarters Airspace and Rules Group submits the NPRM for publication in the Federal Register with a 45-day comment period in accordance with Chapter 2 of FAA Order JO 7400.2G.</p>	
<p>7. The Headquarters airspace specialist sends comments received on the NPRM to the Service Area airspace specialist for resolution.</p>	
<p>8. The Service Area airspace specialist then sends the completed package containing the response to comments, final service area recommendation, the proposal, Proponent's</p>	

Final EA/FONSI or EIS/ROD, and the Draft FAA FONSI/ROD or Draft FAA Adoption Document/ROD to the Headquarters Airspace and Rules Group for preparation of the Final Rule.	
9. The Headquarters airspace specialist forwards the draft final rule package or draft non-rulemaking case summary (NRCS) with all supporting documentation to the Headquarters Environmental Programs Group for review (after all aeronautical comments have been resolved).	9. The Headquarters environmental specialist reviews the package for environmental technical accuracy; then submits the environmental documentation to the Office of the Chief Counsel, Airports and Environmental Law Division, for legal sufficiency review (having collaborated throughout the process).
	10. The Chief Counsel's environmental attorney's comments are incorporated into the final FAA environmental decision and signed by Headquarters Environmental Programs Group Manager. The package is then returned to the Headquarters Airspace and Rules Group.
10. For Non-rulemaking: The non-rulemaking action is published in the National Flight Data Digest. 11. For Rulemaking: The Final Rule is published in the Federal Register. The Final Rule will contain a reference to the decision rendered and location of documentation for the associated environmental process.	

Consult the following documents throughout the process for further information:

- CEQ Regulations for Implementing NEPA, 40 CFR Parts 1500-1508
- FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures"
- FAA Order 7400.2, "Procedures for Handling Airspace Matters," Part 5
- FAA Order 7400.2, Chapter 32, "Environmental Matters" and the associated appendixes (for specific SUA environmental direction)

NOTE: The time periods below are for a non-controversial aeronautical proposal and its associated environmental process. The time periods are for FAA review/processing only. Times for proponent and/or environmental contract support processing must be added.

ENVIRONMENTAL: The estimated time of completion for EA processing is 12 to 18 months or, for EIS processing, 18 to 36 months.

AERONAUTICAL (Non-Rulemaking): A minimum 4 months is required from submission of the Formal Airspace Proposal by the Proponent to the Service Area through completion of the circularization process. Additionally, a minimum of 6 months is required from submission of the Formal Airspace Proposal by the Service Area to Headquarters through completion of the charting process.

AERONAUTICAL (Rulemaking): A minimum 6 weeks for Service Area processing, and a minimum of 9 months to complete rulemaking once the formal package is received at Headquarters.

Federal Aviation Administration (FAA) Special Use Airspace Environmental Processing Procedures

1. GENERAL.

This appendix provides guidance for FAA participation in the environmental review of proposed special use airspace (SUA) actions. The requirements in this appendix are in addition to the airspace proposal processing procedures contained in FAA Order JO7400.2G. FAA The aeronautical and environmental processes for SUA proposals involve some overlap and the actions taken, or modifications made, to the proposal in one process may affect the actions required and/or the outcome of the other process.

2. BACKGROUND.

a. The FAA SUA program is designed to accommodate national security requirements and military training activities wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations.

b. SUA proposals are subject to both NEPA and aeronautical processing requirements. Since the FAA is the approval authority for SUA actions, the agency cannot make a final decision on any particular SUA proposal prior to the completion of the NEPA and aeronautical processing phases.

3. POLICIES.

The following policies apply to FAA processing of SUA proposals:

a. In addition to responsibilities of a cooperating agency as defined in 40 CFR Parts 1500-1508, FAA shall:

1. Provide to DoD information and technical expertise within the special expertise and jurisdiction of the FAA as it relates to the proposed action.
2. Resolve or respond to environmental issues raised during the NEPA process relating to aeronautical issues.
3. If an EA or EIS is required, identify and evaluate the environmental impacts relating to the proposal.
4. Furnish to DoD the names of organizations, agencies, or other parties the FAA believes may be interested in the DoD proposal.
5. Notify and coordinate FAA proposed airspace actions with DoD components that may be affected.

b. FAA Participation in NEPA Meetings. The FAA shall participate in scoping, interagency, and public NEPA meetings conducted by the proponent. The Air Traffic Service Area Director (or the Director's Designee) with responsibility for Cooperating Agency participation will determine FAA representation in the meetings. When FAA personnel participate in such meetings:

1. The audience shall be informed that FAA participation is to provide aeronautical technical expertise and is not to be construed as FAA endorsement or support of any SUA proposal, and that no decisions concerning the proposal will be made at the meeting.
2. If requested, the FAA will provide an overview of the procedures followed by the FAA for processing SUA proposals.
3. The FAA will advise the audience of the Service Area handling the processing of the aeronautical proposal. Additionally, the audience should be advised that written comments on the aeronautical aspects of the proposal should be submitted during the public comment period associated with the aeronautical circularization.

c. FAA NEPA Compliance Options. In accordance with CEQ regulations, the FAA shall participate in the NEPA process as a cooperating agency. The FAA may adopt an EA or EIS prepared by DoD if the FAA independently evaluates the information in the document and takes full responsibility for the scope and content that addresses FAA actions. Where the proponent's NEPA documentation is insufficient, additional NEPA documentation will be required before the FAA can make a final decision. The FAA may ask the applicant to correct any deficiencies and re-submit the assessment if the FAA is not satisfied

(see FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” paragraph 203b). The FAA must issue its own FONSI and/or ROD. See FAA Order 1050.1E, paragraphs 404d and 518h.

d. Time Limits for Final Environmental Impact Statements (EISs). If three years have expired following the approval of a final EIS, and major steps towards implementation have not commenced, a written reevaluation of the adequacy, accuracy, and validity of the final EIS shall be prepared by the proponent. Written reevaluations must comply with the requirements set forth in FAA Order 1050.1E, paragraph 515. The proponent may also elect to prepare new documentation if circumstances dictate.

4. LEAD AND COOPERATING AGENCIES.

The FAA/DoD MOU provides for the application of “lead agency” and “cooperating agency” responsibilities in the SUA environmental process. When the DoD is the proponent, the DoD will serve as lead agency for the evaluation of SUA environmental impacts and the preparation and processing of environmental documents.

a. The DoD, as lead agency, will determine whether an SUA proposal:

1. Is a major action significantly affecting the quality of the human environment requiring an environmental impact statement (EIS);
2. Requires an environmental assessment (EA); or,
3. Is categorically excluded in accordance with the appropriate DoD Categorical Exclusions (CATEX) and FAA Order 1050.1E, paragraphs 307 through 311. The determination of the appropriate FAA CATEX must be coordinated with the FAA at the earliest possible time to prevent delay in preparation of any required NEPA documentation.

b. The appropriate FAA Service Area, as identified in response to a request to participate, will act as the FAA point of contact for Cooperating Agency status during the evaluation of the proposal’s environmental study. FAA may use documents prepared by the proponent in its environmental process, provided the FAA has independently reviewed the scope and content of the documentation and assumes responsibility as described in subparagraph 3c, above. (See also FAA Order 1050.1E, paragraphs 404d and 518.)

c. In the situation where the actions of one agency are eligible for a CATEX (i.e., FAA) and the actions of the other agency with respect to the same SUA is not eligible for a CATEX (i.e., DoD), then the agency not eligible for a CATEX (i.e., DoD) will prepare the appropriate environmental documentation. The applicability of a CATEX to parts of the action will be noted in the environmental document. FAA budget constraints may delay processing and implementation of a proponent’s proposal when the CATEX of the proponent is not listed in FAA Order 1050.1E, Chapter 3.

5. SUA ENVIRONMENTAL CONCERNS.

In addition to other environmental considerations required under NEPA, CEQ regulations, and FAA Order 1050.1E, the following are items the FAA expects to be considered, if applicable, in SUA environmental documents. This list should not be considered all-inclusive:

a. Other Times by Notice to Airmen (NOTAM). When specified in the proposal, this provision permits access to the SUA area 24 hours per day. The environmental document must address the potential impact for use of the SUA during the “other times by NOTAM” period.

b. Flares and Chaff. Address the potential impact of flare and/or chaff use when this activity is specified in the SUA proposal.

c. “No Action Alternative.” Include discussion of this alternative.

d. Coastal Zone Consistency Determination. Include if applicable.

e. Proposed Airspace Parameters. The environmental analysis in the EA or EIS for the SUA proposal must match the airspace parameters contained in the SUA proposal (i.e., boundaries, altitudes, times of use, and type and extent of activities).

f. Non-participating Aircraft. Include a discussion of the effect of the SUA proposed action on non-participating aircraft, if applicable.

g. Mitigation. As defined in CEQ regulations, mitigation includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
5. Compensating for the impact by replacing or providing substitute resources or environments.

h. Cumulative Impacts. Cumulative impacts on the environment are those that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal and Non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

i. Consultation. Consultation shall be conducted in accordance with the National Historic Preservation Act, Section 106; the Endangered Species Act, Section 7; FAA Order 1210.20 “American Indian and Alaska Native Tribal Consultation Policy and Procedures,” and other applicable laws, regulations, and Department of Transportation (DoT)/FAA Orders.

6. INTERAGENCY SUA ENVIRONMENTAL PLANNING MEETING.

To facilitate early coordination between the FAA and the DoD proponent, the DoD proponent shall make a request to the FAA for Cooperating Agency status as soon as the proponent decides to initiate the environmental process.

When the FAA is invited to participate as a cooperating agency, it is suggested that a planning meeting be held as soon as practical. The agenda of the meeting should be based on the type of SUA proposal, the extent of the planned environmental analysis.

a. The appropriate Regional Military Representative (Milrep) will coordinate the proponent’s request for a planning meeting with the appropriate Service Area Director (or their designee). Representatives of the FAA, the proponent, and the proponent’s NEPA consultant, if any, should be invited to participate by the Milrep.

b. The meeting should include discussion of pertinent issues, including but not limited to:

1. The type of SUA proposal to be submitted,
2. Identification of points-of-contact and establishment of liaison between concerned parties,
3. Determination of the appropriate type of environmental documentation,
4. The appropriate extent of FAA participation,
5. Identification of potentially significant impacts,
6. Consideration of the need for scoping, interagency, and/or other public meetings,
7. Setting processing milestones,
8. Clarifying any questions the proponent may have regarding the FAA’s requirements for the environmental analysis and documentation; and,
9. Exchange of information on any environmental and/or aeronautical concerns in the area of potential effect.

c. At the meeting, the FAA Service Area airspace representative should:

1. Brief attendees on the airspace processing procedures in FAA Order JO 7400.2G Part 5 that will apply to the SUA proposal.
2. Encourage the proponent to work proactively with aviation user groups and individuals to address aeronautical issues as they arise. This should ensure early consideration of aeronautical mitigation.

d. At the meeting, the Service Area environmental representative should:

1. Brief attendees on the environmental processing procedures in FAA Order 1050.1E and Chapter 32 of FAA Order JO 7400.2G that apply to the SUA proposal.
2. Encourage the proponent to work proactively with other Federal, State, and Local agencies; Tribal Governments; and the public on environmental concerns as they arise. This will ensure that mitigation to address environmental concerns is considered early in the process.
3. Advise attendees that the FAA cannot render a final determination on the environmental effects of the SUA proposal until after completion of the proponent’s environmental process, the FAA’s aeronautical process, the FAA’s independent review of the proponent’s environmental documentation, and any additional environmental analyses conducted by the FAA.

e. The meeting format may be tailored to the needs of the specific proposal. It may be conducted by a teleconference, if permitted by the scope of the proposal or if necessary due to funding or other constraints.

f. Additional meetings should be scheduled as needed to discuss changes, revise milestones, share updated environmental and/or aeronautical impact data or public comments, discuss alteration of the proposal in order to mitigate valid aeronautical objections, incorporate agreements by the proponent to mitigate environmental impacts, or discuss other matters.

7. RELATIONSHIPS AND TIMING OF ENVIRONMENTAL AND AERONAUTICAL PROCESSES.

a. SUA proposals are subject to both environmental and aeronautical processing requirements. These processes are separate but closely related. Any actions by a proponent to mitigate environmental impacts, and/or changes to the proposal to address valid aeronautical objections, may alter the type and extent of environmental analysis required.

b. Normally, the SUA proponent will initiate the environmental process well in advance of submitting an actual SUA proposal to the FAA for review. The appropriate Milrep should inform the appropriate FAA Service Area as soon as possible after receiving notice that a DoD proponent plans to initiate the environmental study process. A letter requesting FAA participation in the environmental study process as a Cooperating Agency should be forwarded to the Director of the Office of System Operations Airspace and Aeronautical Information Management (AIM), at FAA Headquarters.

c. Proponents should submit SUA proposals to the FAA Service Area prior to completion of the NEPA process. This will enable the FAA to initiate the aeronautical processing phase prior to completion of any required NEPA documents, which will facilitate the earlier consideration of aeronautical factors that may result in modification of the proposal and may affect the environmental analysis. In all cases, the FAA will defer a final decision on the proposal until the required NEPA process is completed.

d. During the aeronautical processing of a proposal with alternatives, only the alternative submitted to the FAA in accordance with Part 5 of FAA Order JO 7400.2G will be subjected to the aeronautical process described in FAA Order JO7400.2G (i.e., non-rulemaking circularization or Notice of Proposed Rulemaking (NPRM)) by the FAA. However, all reasonable alternatives, including the alternative of no action, must be evaluated in the environmental document.

8. SERVICE AREA PROCEDURES.

a. Normally, FAA participation in the SUA environmental process will begin at the headquarters level with a request by the proponent of an SUA proposal for the FAA to participate in the process as a Cooperating Agency. However, the FAA point of contact will generally be a representative from the Air Traffic Organization at the Service Area level. Close coordination is required between the Service Area Airspace Specialist and Environmental Specialist throughout the process. This will ensure that FAA concerns are provided to the proponent for consideration, and that NEPA and DoT/FAA environmental requirements are met.

b. Once notified of the initiation of the environmental process by the SUA proponent, the FAA Service Area environmental specialist should request that the proponent provide a minimum of five copies of all preliminary, draft, and final environmental documents for FAA review. The Service Area environmental specialist will forward three copies of the documents to FAA Headquarters (System Operations Airspace and AIM, Airspace and Rules or Environmental Programs Groups).

c. To the extent practicable, the Service Area should provide FAA representation at pre-scoping, scoping, and/or other NEPA public meetings concerning the SUA proposal. If requested by the Service Area, representation from the headquarters Airspace and Rules and/or Environmental Programs Groups will be provided.

d. Service Area Airspace Specialist Responsibilities:

1. Coordinate requests from the Milrep to schedule an interagency SUA environmental planning meeting with the Service Area Director (or the Director's designee) and the environmental specialist.
2. Participate in interagency SUA environmental planning meetings as directed, by the FAA Service Area Director (or the Director's designee). (See paragraph 6, above.)
3. Participate in pre-scoping, scoping and/or other public meetings as directed.

4. Provide information and assistance as required to the proponent regarding the aeronautical aspects of the proposal and processing procedures under Part 5 of FAA Order JO 7400.2G.

5. Coordinate with and assist the environmental specialist in the review of environmental documents to ensure consideration of pertinent aeronautical issues. Compare the SUA proposal parameters with the analysis in the environmental document to ensure that the analysis is consistent with the proponent's airspace request. Provide corrections and/or comments to the environmental specialist for transmittal to the proponent.

6. Maintain liaison with the proponent's environmental team to determine if any comments received pertain to aeronautical issues; provide information regarding the aeronautical aspects of alternatives developed by the proponent.

7. Provide to the proponent aeronautical impact information obtained from the formal aeronautical study conducted in accordance with Chapter 21 of FAA Order JO 7400.2G and during the aeronautical public comment period. As required, negotiate with the proponent to modify the proposal to mitigate valid aeronautical objections or adverse aeronautical impact.

8. Upon receipt of the SUA proposal, initiate processing in accordance with Part 5 of FAA Order JO 7400.2G.

(a). Determine if an Informal Airspace Meeting will be held in accordance with the procedures in Part 5 of FAA Order JO 7400.2G. If a meeting is planned, request participation by the proponent to explain and answer questions about the proposal.

(b). Complete the appropriate rulemaking or non-rulemaking processing requirements as defined in Part 5 of FAA Order JO 7400.2G.

Note: Informal Airspace Meetings are optional for SUA proposals. Normally, they are held only if the Service Area determines that there is a need to obtain additional aeronautical facts and information relevant to the SUA proposal under study. Informal airspace meetings may also be held based on known or anticipated controversy of the proposal.

9. In consultation with the FAA Service Area environmental specialist and Regional Counsel, review the proponent's decision document to ensure that it is consistent with any modifications made to the SUA proposal, if applicable, and that any agreed upon aeronautical mitigation measures are included.

10. If the FAA Service Area airspace specialist recommends approval of the SUA proposal, submit the completed proposal package to the Airspace and Rules Group for final review and determination. The Environmental Programs Group will receive the SUA package from the Airspace and Rules Group for review of any environmental documentation.

e. Service Area Environmental Specialist Responsibilities.

1. Coordinate as required with the Service Area Airspace Specialist regarding SUA matters.

2. Notify the Environmental Programs Group when informed of scheduled interagency SUA environmental planning meetings. Participate in such meetings as directed by the Service Area Director (or the Director's designee) (see paragraph 6 above).

3. Provide information as required to the SUA proponent regarding FAA environmental requirements and concerns.

4. In coordination with the Service Area Airspace Specialist, review the SUA proponent's environmental documents to ensure that applicable impact categories and any specific FAA environmental concerns are considered. After each review, forward any corrections and FAA comments to the proponent.

5. Review the proponent's final document to assess whether it meets the standards for an adequate document under NEPA, the CEQ regulations, DoT Order 5610.1C, and FAA Order 1050.1E. Following consultation with the Regional Counsel, determine if the FAA considers the document adequate for adoption. Provide documentation of the results of this review and a recommendation regarding FAA adoption to the Environmental Programs Group.

6. If the proponent takes the position that a CATEX applies to an SUA proposal:

(a). Determine if FAA Order 1050.1E, Chapter 3, *Advisory and Emergency Actions and Categorical Exclusions*, lists the CATEX. Verify that no extraordinary circumstances exist that would preclude use of the CATEX for the SUA proposal. Determine what additional environmental analysis would be required if the CATEX is not listed.

(b). Document the results of the review in subparagraphs (a) and (b) above, and submit the findings to the Environmental Programs Group.

7. Retain the administrative record in accordance with FAA retention guidelines. If DoD is the lead agency for the proposed project, a copy of relevant documents in its administrative record should be obtained and included in the FAA record.

9. SYSTEM OPERATIONS AIRSPACE and AIM, ENVIRONMENTAL PROGRAMS GROUP PROCEDURES:

a. Review the proponent's environmental document(s) to verify that the analysis matches the parameters specified in the SUA aeronautical proposal and that any required environmental issues are considered. Conduct this review simultaneously with the Service Area's review as described in paragraph 8. Provide corrections and identify deficiencies to the Service Area Airspace and/or Environmental Specialist for transmittal to the proponent.

b. The FAA Environmental Programs Group shall review the proponent's environmental documents for content and compliance with NEPA, CEQ regulations, and applicable DoT and FAA Orders. Coordinate with the Airspace and Rules Group as needed, regarding concerns, corrections, or other comments on aeronautical impacts. Provide FAA Headquarters comments to the Service Area Environmental Specialist for transmittal to the proponent.

c. Provide concurrent assistance and policy guidance regarding SUA environmental processing to the Service Area environmental specialist upon request.

d. Coordinate with the Airspace and Rules Group as needed for additional information concerning the SUA proposal and aeronautical impact matters.

e. Review the proponent's Final EIS or EA/Finding of No Significant Impact (FONSI), and the Service Area environmental specialists' comments regarding compliance with NEPA, CEQ, and applicable DoT and FAA requirements. Determine if the document is suitable for adoption by the FAA. Prepare FAA adoption memorandum and provide a copy to the Airspace and Rules Group for inclusion in the airspace docket or case file.

f. Review the proponent's and Service Area environmental specialist's comments regarding applicability of a categorical exclusion. If the categorical exclusion does not apply, determine if additional environmental analysis is required. Consider if categorical exclusion documentation is required in accordance with FAA Order 1050.1E, Paragraph 305. Provide a copy of the determination to Airspace and Rules Group for inclusion in the airspace docket or case file.

g. As appropriate, coordinate with the FAA Office of the Chief Counsel, Airports and Environmental Law Division. See, e.g. FAA Order 1050.1E paragraphs 214d, 304i, 404e, 508a, and 509a.

h. Prepare a separate FAA FONSI and/or Record of Decision (ROD) if circumstances dictate. Provide a copy to the Airspace and Rules Group for inclusion in the airspace docket or case file.

i. In the case of rulemaking SUA actions, assist the Airspace and Rules Group by preparing the statement to be included in the ENVIRONMENTAL REVIEW sections of the NPRM and the Final Rule. In the case of non-rulemaking SUA actions, prepare the FONSI/ROD for the airspace case file for the non-rulemaking documentation and notify the public in accordance with FAA Order 1050.1E, Paragraph 512e.

10. SYSTEM OPERATIONS AIRSPACE and AIM, AIRSPACE AND RULES GROUP PROCEDURES:

a. Upon receipt at headquarters, review the proponent's environmental document(s) from an airspace/aeronautical impact perspective to verify that the environmental analysis matches the parameters specified in the SUA proposal and that any required aeronautical issues are considered. Conduct this review simultaneously with the Service Area aeronautical review as described in paragraph 8, above.

b. Ensure that the Service Area airspace specialist provided a copy of the proposal, including any environmental documentation, to the Service Area environmental specialist.

c. Coordinate with the Environmental Programs Group, as required, to discuss the environmental analysis of the proposal.

d. Submit all SUA NPRMs, final rules, and non-rulemaking airspace determinations to the Environmental Programs Group for coordination prior to issuance.

e. Insert the following statement in the environmental review section of SUA NPRMs:

“This proposal will be subject to appropriate environmental impact analysis by the FAA prior to any final FAA regulatory action.”

f. Consult with the Environmental Programs Group to draft the text for the ENVIRONMENTAL REVIEW section for SUA final rules. In the case of rulemaking SUA actions, assist the Airspace and Rules Group by preparing the statement to be included in the ENVIRONMENTAL REVIEW sections of the NPRM and the Final Rule. In the case of non-rulemaking SUA actions, prepare the FONSI/ROD for the airspace case file for the non-rulemaking documentation and notify the public in accordance with FAA Order 1050.1E, Paragraph 512e.

g. Coordinate with the Environmental Programs Group to determine the status of FAA adoption of the proponent's environmental document(s). Obtain a copy of FAA adoption documentation for inclusion in the rulemaking docket file or non-rulemaking airspace case file.

h. Complete final airspace processing requirements in accordance with Part 5 of FAA Order JO 7400.2G, including the final determination on the airspace request. In all cases the FAA must not issue a final decision until after the NEPA process is completed; the FAA has adopted the proponent's EIS or EA, as applicable; and any additional FAA environmental requirements are satisfied.

Note: For “Direct-to-Final-Rule” actions which are categorically excluded under FAA Order 1050.1E, the following statement may be inserted in the environmental review section of the Final Rule:

“This action is categorically excluded under FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” Paragraph (insert Paragraph Number). Therefore, this action is not subject to environmental review.”

Appendix 7. FAA/DOD Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND THE DEPARTMENT OF DEFENSE Concerning Environmental Review of Special Use Airspace Actions

I. Purpose and Scope.

The purpose of this Memorandum of Understanding (MOU) is to describe the guidelines for compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321) and the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508) without unnecessary duplication of effort by the Federal Aviation Administration (FAA) and the Department of Defense (DOD). This MOU promotes early coordination between FAA and DOD during the environmental review process associated with the establishment, designation, and modification of Special Use Airspace (SUA); permits the application of “lead agency“ and “cooperating agency” procedures to environmental assessments (EA) and findings of no significant impact as well as to environmental impact statements (EIS); and provides for the issuance of environmental documents for the development, designation, modification, and use of SUA.

II. Definitions.

The definitions contained in the CEQ Regulations (40 CFR Parts 1500-1508), FAA Orders, and relevant DOD and/or Service guidance are applicable to this MOU.

III. Designation of Lead and Cooperating Agency.

A. Introduction: The actions taken by DOD and FAA in the establishment, designation, or modification of SUA are subject to environmental impact evaluation pursuant to NEPA, as implemented by the CEQ regulations. The CEQ regulations encourage a lead agency be designated where related actions by several Federal agencies are involved.

The lead agency, in such instances, is responsible for consultation with other agencies, for coordination of appropriate environmental studies and evaluations, and for preparation of any NEPA-related determinations or documents in cooperation with other Federal agencies. Each agency recognizes the need to eliminate duplication. The cooperating agency assumes responsibility to independently review the environmental documents prepared by the lead agency and to assess whether the environmental documents meet the standards for adequacy under NEPA.

The DOD and the FAA will ensure appropriate consideration of all actions and impacts, including cumulative impacts. The resultant environmental documents of the lead agency are accepted and used in decisions and planning by all agencies involved with the proposed action.

B. Designation of lead agency. When the DOD proposes that the FAA establish, designate, or modify SUA, the DOD shall serve as the lead agency for the evaluation of environmental impacts and the preparation and

processing of environmental documents. However, when the FAA proposes the establishment, designation, or modification of SUA affecting DOD, the FAA shall serve as the lead agency for the evaluation of environmental impacts and the preparation and processing of environmental documents.

C. Designation of cooperating agency. When the DOD proposes that the FAA establish, designate, or modify SUA, the FAA shall act as a cooperating agency for the evaluation of environmental impacts. However, when the FAA proposes the establishment, designation, or modification of SUA affecting DOD, the DOD shall act as a cooperating agency for the evaluation of environmental impacts.

IV. Level of Environmental Documentation

A. General. Environmental documentation will be processed in accordance with applicable FAA Orders, and DOD and/or Service directives.

B. Categorical Exclusions. Where the actions of one agency are subject to a categorical exclusion (CATEX), and the actions of the other agency, with respect to the same SUA request, require an EA, the agency requiring the EA will prepare the appropriate environmental documentation. The applicability of a CATEX to parts of the actions of one of the agencies will be noted in the environmental document. The background information in support of CATEXs, identified by either DOD or FAA, shall be forwarded to the agency requiring preparation of the EA and may be used by either agency, as allowed by their respective regulations/directives. When the categorical exclusion of the proponent is not listed in FAAO 1050.1E, Chapter 3, which would require FAA to prepare the environmental documentation; FAA budget constraints may delay processing and implementation of a proponent’s proposal.

V. General Guidance

A. Scheduling. Whenever an action under this MOU requires cooperation or coordination between the FAA and DOD, the two agencies shall agree on a schedule to ensure that required actions are taken on a timely basis. Each agency will notify the other of any difficulty with meeting scheduled deadlines or any need to revise the schedule.

B. Resolution of disagreements. If the FAA and DOD fail to reach agreement at the normal working level on any issue relating to environmental processing of SUA proposals, the matter will be referred, in ascending order, as outlined in the table below. At any time, the FAA’s Office of the Chief Counsel and the Office of the General Counsel of the Service Department involved shall be consulted for assistance with legal issues.

Equivalent Levels of Responsibility for Resolution of Disagreements	
FAA Administrator	Service Secretary
Vice President, System Operations Services	Policy Board on Federal Aviation (PBFA) Principal Member
Director, System Operations & Safety	PBFA Alternate Principal Member
Manager, System Operations & Safety, Environmental Programs	PBFA Working Group Member

VI. Effective Date. This MOU shall become effective on the last signature date below and shall remain in effect until otherwise rescinded or modified by both signatory parties. If either party determines that it is necessary to amend this MOU, the other party shall be notified in writing of the specific change(s) desired, with proposed language and the reason(s) for the amendment. The proposed amendment shall become effective upon written agreement of both parties.

SIGNED:

DATE: October 4, 2005

Carl P. McCullough
Department of Defense

Michael A. Cirillo
Federal Aviation Administration

Appendix 8. FAA Special Use Airspace Environmental Processing Procedures

1. GENERAL.

This appendix provides guidance for FAA participation in the environmental review of proposed special use airspace (SUA) actions. The requirements in this appendix are in addition to the airspace proposal processing procedures contained in this order. The aeronautical and environmental processes for SUA proposals involve some overlap and the actions taken, or modifications made, to the proposal in one process may affect the actions required and/or the outcome of the other process.

2. BACKGROUND.

a. The SUA program is designed to accommodate national security requirements and military training activities wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations.

b. SUA proposals are subject to both NEPA and aeronautical processing requirements. Since the FAA is the approval authority for SUA actions, the agency cannot make a final decision on any particular SUA proposal prior to the completion of the NEPA and aeronautical processing phases.

3. POLICIES.

The following policies apply to the processing of SUA proposals:

a. In addition to responsibilities of a cooperating agency as defined in 40 CFR Parts 1500–1508, FAA shall:

1. Provide to DOD information and technical expertise within the special expertise and jurisdiction of the FAA as it relates to the proposed action.
2. Resolve or respond to environmental issues raised during the NEPA process relating to aeronautical issues.
3. If an EA or EIS is required, identify and evaluate the environmental impacts relating to the proposal.
4. Furnish to DOD the names of organizations, agencies, or other parties the FAA believes may be interested in the DOD proposal.
5. Notify and coordinate FAA proposed airspace actions with DOD components that may be affected.

b. FAA Participation in NEPA Meetings. The FAA shall participate in scoping, interagency, and public NEPA meetings conducted by the proponent. The Air Traffic Service Area Director (or the Director's Designee) with responsibility for Cooperating Agency participation will determine FAA representation in the meetings. When FAA personnel participate in such meetings:

1. The audience shall be informed that FAA participation is to provide aeronautical technical expertise and is not to be construed as FAA endorsement or support of any SUA proposal, and that no decisions concerning the proposal will be made at the meeting.
2. If requested, the FAA will provide an overview of the procedures followed by the FAA for processing SUA proposals.
3. The FAA will advise the audience of the Service Area handling the processing of the aeronautical proposal. Additionally, the audience should be advised that written comments on the aeronautical aspects of the proposal should be submitted during the public comment period associated with the aeronautical circularization.

c. FAA NEPA Compliance Options. In accordance with CEQ regulations, the FAA shall participate in the NEPA process as a cooperating agency. The FAA may adopt an EA or EIS prepared by DOD if the FAA independently evaluates the information in the document and takes full responsibility for the scope and content that addresses FAA actions. Where the proponent's NEPA documentation is insufficient, additional NEPA documentation will be required before the FAA can make a final decision. The FAA may ask the applicant to correct any deficiencies and re-submit the assessment if the FAA is not satisfied (see FAAO 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 203b). The FAA must issue its own FONSI and/or ROD. See FAAO 1050.1E, paragraphs 404d and 518h.

d. Time Limits for Final Environmental Impact Statements (EISs). If three years have expired following the approval of a final EIS, and major steps towards implementation have not commenced, a written reevaluation of the adequacy, accuracy, and validity of the final EIS shall be prepared by the proponent. Written reevaluations must comply with the requirements set forth in FAAO 1050.1E, paragraph 515. The proponent may also elect to prepare new documentation if circumstances dictate.

4. LEAD AND COOPERATING AGENCIES.

The FAA/DOD MOU provides for the application of "lead agency" and "cooperating agency" responsibilities in the SUA environmental process. When the DOD is the proponent, the DOD will serve as lead agency for the evaluation of SUA environmental impacts and the preparation and processing of environmental documents.

a. The DOD, as lead agency, will determine whether an SUA proposal:

1. Is a major action significantly affecting the quality of the human environment requiring an environmental impact statement (EIS);

2. Requires an environmental assessment (EA); or,

3. Is categorically excluded in accordance with FAAO 1050.1E, paragraphs 307 through 311.

These determinations shall be coordinated with the FAA at the earliest possible time to prevent delay in preparation of any required NEPA documentation.

b. The appropriate FAA Service Area, as identified in response to a request to participate, will act as the point of contact for Cooperating Agency status during the evaluation of the proposal's environmental study. FAA may use documents prepared by the proponent in its environmental process, provided the FAA has independently reviewed the scope and content of the documentation and assumes responsibility as described in subparagraph 3c, above. (See FAAO 1050.1E, paragraphs 404d and 518.)

c. Where the actions of one agency are subject to a categorical exclusion and the actions of the other agency with respect to the same SUA is not subject to a categorical exclusion, then the other agency will prepare the appropriate environmental documentation. The applicability of a categorical exclusion to parts of the action will be noted in the environmental document. FAA budget constraints may delay processing and implementation of a proponent's proposal when the categorical exclusion of the proponent is not listed in FAAO 1050.1E, Chapter 3.

5. SUA ENVIRONMENTAL CONCERNS.

In addition to other environmental considerations required under NEPA, CEQ regulations, and FAAO 1050.1E, the following are items the FAA expects to be considered, if applicable, in SUA environmental documents. This list should not be considered all-inclusive:

a. Other Times by NOTAM. When specified in the proposal, this provision permits access to the SUA area 24 hours per day. The environmental document must address the potential impact for use of the SUA during the "other times by NOTAM" period.

b. Flares and Chaff. Address the potential impact of flare and/or chaff use when this activity is specified in the SUA proposal.

c. "No Action Alternative." Include discussion of this alternative.

- d. Coastal Zone Consistency Determination. Include if applicable.
- e. Proposed Airspace Parameters. The environmental analysis in the EA or EIS for the SUA proposal must match the airspace parameters contained in the SUA proposal (i.e., boundaries, altitudes, times of use, and type and extent of activities).
- f. Non-participating Aircraft. Include a discussion of the effect of the SUA proposed action on non-participating aircraft, if applicable.
- g. Mitigation. As defined in CEQ regulations, mitigation includes:
 - 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
 - 5. Compensating for the impact by replacing or providing substitute resources or environments.
- h. Cumulative Impacts. Cumulative impacts on the environment are those that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal and Non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.
- i. Consultation. Consultation shall be conducted in accordance with the National Historic Preservation Act, Section 106; the Endangered Species Act, Section 7; FAAO 1210.20
“American Indian and Alaska Native Tribal Consultation Policy and Procedures,” and other applicable laws, regulations, and Department of Transportation and FAA Orders.

6. INTERAGENCY SUA ENVIRONMENTAL PLANNING MEETING.

To facilitate early coordination between the FAA and the DOD proponent, the DOD proponent shall make a request to the FAA for Cooperating Agency status as soon as the proponent decides to initiate the environmental process.

When the FAA is invited to participate as a cooperating agency, it is suggested that a planning meeting be held as soon as practical. The agenda of the meeting should be based on the type of SUA proposal, the extent of the planned environmental analysis.

- a. The appropriate Regional Military Representative (Milrep) will coordinate the proponent’s request for a planning meeting with the appropriate Service Area Director (or their designee). Representatives of the FAA, the proponent, and the proponent’s NEPA consultant, if any, should be invited to participate by the military representative.
- b. The meeting should include discussion of pertinent issues, including but not limited to:
 - 1. The type of SUA proposal to be submitted,
 - 2. Identification of points-of-contact and establishment of liaison between concerned parties,
 - 3. Determination of the appropriate type of environmental documentation,
 - 4. The appropriate extent of FAA participation,
 - 5. Identification of potentially significant impacts,
 - 6. Consideration of the need for scoping, interagency, and/or other public meetings,
 - 7. Setting processing milestones,
 - 8. Clarifying any questions the proponent may have regarding the FAA’s requirements for the environmental analysis and documentation; and,
 - 9. Exchange of information on any environmental and/or aeronautical concerns in the area of potential effect.
- c. At the meeting, the Service Area airspace representative should:

1. Brief attendees on the airspace processing procedures in Part 5. of this order that will apply to the SUA proposal.

2. Encourage the proponent to work proactively with aviation user groups and individuals to address aeronautical issues as they arise. This should ensure early consideration of aeronautical mitigation.

d. At the meeting, the Service Area environmental representative should:

1. Brief attendees on the environmental processing procedures in FAAO 1050.1E and Chapter 32 of this order that apply to the SUA proposal.

2. Encourage the proponent to work proactively with other Federal, State, and Local agencies; Tribal Governments; and the public on environmental concerns as they arise. This will ensure that mitigation to address environmental concerns is considered early in the process.

3. Advise attendees that the FAA cannot render a final determination on the environmental effects of the SUA proposal until after completion of the proponent's environmental process, the FAA's aeronautical process, the FAA's independent review of the proponent's environmental documentation, and any additional environmental analyses conducted by the FAA.

e. The meeting format may be tailored to the needs of the specific proposal. It may be conducted by a teleconference, if permitted by the scope of the proposal or if necessary due to funding or other constraints.

f. Additional meetings should be scheduled as needed to discuss changes, revise milestones, share updated environmental and/or aeronautical impact data or public comments, discuss alteration of the proposal in order to mitigate valid aeronautical objections, incorporate agreements by the proponent to mitigate environmental impacts, or discuss other matters.

7. RELATIONSHIPS AND TIMING OF ENVIRONMENTAL AND AERONAUTICAL PROCESSES.

a. SUA proposals are subject to both environmental and aeronautical processing requirements. These processes are separate but closely related. Any actions by a proponent to mitigate environmental impacts, and/or changes to the proposal to address valid aeronautical objections, may alter the type and extent of environmental analysis required.

b. Normally, the SUA proponent will initiate the environmental process well in advance of submitting an actual SUA proposal to the FAA for review. The appropriate Milrep should inform the appropriate Service Area as soon as possible after receiving notice that a DOD proponent plans to initiate the environmental study process. A letter requesting FAA participation in the environmental study process as a Cooperating Agency should be forwarded to the Director of the Office of System Operations Airspace and Aeronautical Information Management (AIM), at FAA Headquarters.

c. Proponents should submit SUA proposals to the FAA Service Area prior to completion of the NEPA process. This will enable the FAA to initiate the aeronautical processing phase prior to completion of any required NEPA documents, which will facilitate the earlier consideration of aeronautical factors that may result in modification of the proposal and may affect the environmental analysis. In all cases, the FAA will defer a final decision on the proposal until the required NEPA process is completed.

d. During the aeronautical processing of a proposal with alternatives, only the alternative submitted to the FAA in accordance with Part 5. of this order will be subjected to the aeronautical process described in this order (i.e., non-rulemaking circularization or Notice of Proposed Rulemaking (NPRM)) by the FAA. However, all reasonable alternatives, including the alternative of no action, must be evaluated in the environmental document.

8. SERVICE AREA PROCEDURES.

a. Normally, FAA participation in the SUA environmental process will begin at the headquarters level with a request by the proponent of an SUA proposal for the FAA to participate in the process as a Cooperating Agency. However, the FAA point of contact will generally be a representative from the Air Traffic Organization at the Service Area level. Close coordination is required between the Service Area Airspace Specialist and Environmental Specialist throughout the process. This will ensure that FAA concerns are provided to the proponent for consideration, and that NEPA and DOT/FAA environmental requirements are met.

b. Once notified of the initiation of the environmental process by the SUA proponent, the Service Area environmental specialist should request that the proponent provide a minimum of five copies of all preliminary, draft, and final environmental documents for FAA review. The Service Area environmental specialist will forward three copies of the documents to FAA Headquarters (System Operations Airspace and AIM, Airspace and Rules or Environmental Programs Groups).

c. To the extent practicable, the Service Area should provide FAA representation at pre-scoping, scoping, and/or other NEPA public meetings concerning the SUA proposal. If requested by the Service Area, representation from the headquarters Airspace and Rules and/or Environmental Programs Groups will be provided.

d. Service Area Airspace Specialist Responsibilities:

1. Coordinate requests from the Milrep to schedule an interagency SUA environmental planning meeting with the Service Area Director (or the Director's designee) and the environmental specialist.

2. Participate in interagency SUA environmental planning meetings as directed, by the Service Area Director (or the Director's designee). (See paragraph 6, above.)

3. Participate in pre-scoping, scoping and/or other public meetings as directed.

4. Provide information and assistance as required to the proponent regarding the aeronautical aspects of the proposal and processing procedures under Part 5. of this order.

5. Coordinate with and assist the environmental specialist in the review of environmental documents to ensure consideration of pertinent aeronautical issues. Compare the SUA proposal parameters with the analysis in the environmental document to ensure that the analysis is consistent with the proponent's airspace request. Provide corrections and/or comments to the environmental specialist for transmittal to the proponent.

6. Maintain liaison with the proponent's environmental team to determine if any comments received pertain to aeronautical issues; provide information regarding the aeronautical aspects of alternatives developed by the proponent.

7. Provide to the proponent aeronautical impact information obtained from the formal aeronautical study conducted in accordance with Chapter 21 of this order and during the aeronautical public comment period. As required, negotiate with the proponent to modify the proposal to mitigate valid aeronautical objections or adverse aeronautical impact.

8. Upon receipt of the SUA proposal, initiate processing in accordance with Part 5. of this order.

(a). Determine if an Informal Airspace Meeting will be held in accordance with the procedures in Part 5. of this order. If a meeting is planned, request participation by the proponent to explain and answer questions about the proposal.

Note:

Informal Airspace Meetings are optional for SUA proposals. Normally, they are held only if the Service Area determines that there is a need to obtain additional aeronautical facts and information relevant to the SUA proposal under study. Informal airspace meetings may also be held based on known or anticipated controversy of the proposal.

(b). Complete the appropriate rulemaking or non-rulemaking processing requirements as defined in Part 5. of this order.

9. In consultation with the Service Area environmental specialist and the Regional Counsel, review the proponent's decision document to ensure that it is consistent with any modifications made to the SUA proposal, if applicable, and that any agreed upon aeronautical mitigation measures are included.

10. If the Service Area airspace specialist recommends approval of the SUA proposal, submit the completed proposal package to the Airspace and Rules Group for final review and determination. The Environmental Programs Group will receive the SUA package from the Airspace and Rules Group for review of any environmental documentation.

e. Service Area Environmental Specialist Responsibilities.

1. Coordinate as required with the Service Area Airspace Specialist regarding SUA matters.

2. Notify the Environmental Programs Group when informed of scheduled interagency SUA environmental planning meetings. Participate in such meetings as directed by the Service Area Director (or the Director's designee) (see paragraph 6 above).

3. Provide information as required to the SUA proponent regarding FAA environmental requirements and concerns.

4. In coordination with the Service Area Airspace Specialist, review the SUA proponent's environmental documents to ensure that applicable impact categories and any specific FAA environmental concerns are considered. After each review, forward any corrections and FAA comments to the proponent.

5. Review the proponent's final document to assess whether it meets the standards for an adequate document under NEPA, the CEQ regulations, DOT Order 5610.1C, and FAAO 1050.1E. Following consultation with the Regional Counsel, determine if the FAA considers the document adequate for adoption. Provide documentation of the results of this review and a recommendation regarding FAA adoption to the Environmental Programs Group.

6. If the proponent takes the position that a categorical exclusion (CATEX) applies to an SUA proposal:

(a). Determine if FAA Order 1050.1E, Chapter 3, Advisory and Emergency Actions and Categorical Exclusions, lists the CATEX. Verify that no extraordinary circumstances exist that would preclude use of the CATEX for the SUA proposal. Determine what additional environmental analysis would be required if the CATEX is not listed.

(b). Document the results of the review in subparagraphs (a) and (b) above, and submit the findings to the Environmental Programs Group.

7. Retain the administrative record in accordance with FAA retention guidelines. If DOD is the lead agency for the proposed project, a copy of relevant documents in its administrative record should be obtained and included in the FAA record.

9. SYSTEM OPERATIONS AIRSPACE and AIM, ENVIRONMENTAL PROGRAMS GROUP PROCEDURES:

a. Review the proponent's environmental document(s) to verify that the analysis matches the parameters specified in the SUA aeronautical proposal and that any required environmental issues are considered. Conduct this review simultaneously with the Service Area's review as described in paragraph 8. Provide corrections and identify deficiencies to the Service Area Airspace and/or Environmental Specialist for transmittal to the proponent.

b. The Environmental Programs Group shall review the proponent's environmental documents for content and compliance with NEPA, CEQ regulations, and applicable DOT and FAA Orders. Coordinate with the Airspace and Rules Group as needed, regarding concerns, corrections, or other comments on aeronautical

impacts. Provide FAA Headquarters comments to the Service Area Environmental Specialist for transmittal to the proponent.

c. Provide concurrent assistance and policy guidance regarding SUA environmental processing to the Service Area environmental specialist upon request.

d. Coordinate with the Airspace and Rules Group as needed for additional information concerning the SUA proposal and aeronautical impact matters.

e. Review the proponent's Final EIS or EA/Finding of No Significant Impact (FONSI), and the Service Area environmental specialists' comments regarding compliance with NEPA, CEQ, and applicable DOT and FAA requirements. Determine if the document is suitable for adoption by the FAA. Prepare FAA adoption memorandum and provide a copy to the Airspace and Rules Group for inclusion in the airspace docket or case file.

f. Review the proponent's and Service Area environmental specialist's comments regarding applicability of a categorical exclusion. If the categorical exclusion does not apply, determine if additional environmental analysis is required. Consider if categorical exclusion documentation is required in accordance with FAAO 1050.1E, Paragraph 305. Provide a copy of the determination to Airspace and Rules Group for inclusion in the airspace docket or case file.

g. As appropriate, coordinate with the FAA Office of the Chief Counsel, Airports and Environmental Law Division. See, e.g. FAAO 1050.1E paragraphs 214d, 304i, 404e, 508a, and 509a.

h. Prepare a separate FAA FONSI and/or Record of Decision (ROD) if circumstances dictate. Provide a copy to the Airspace and Rules Group for inclusion in the airspace docket or case file.

i. In the case of rulemaking SUA actions, assist the Airspace and Rules Group by preparing the statement to be included in the ENVIRONMENTAL REVIEW sections of the NPRM and the Final Rule. In the case of non-rulemaking SUA actions, prepare the FONSI/ROD for the airspace case file for the non-rulemaking documentation and notify the public in accordance with FAA Order 1050.1E, Paragraph 512e.

10. SYSTEM OPERATIONS AIRSPACE and AIM, AIRSPACE AND RULES GROUP PROCEDURES:

a. Upon receipt at headquarters, review the proponent's environmental document(s) from an airspace/aeronautical impact perspective to verify that the environmental analysis matches the parameters specified in the SUA proposal and that any required aeronautical issues are considered. Conduct this review simultaneously with the Service Area aeronautical review as described in paragraph 8, above.

b. Ensure that the Service Area airspace specialist provided a copy of the proposal, including any environmental documentation, to the Service Area environmental specialist.

c. Coordinate with the Environmental Programs Group, as required, to discuss the environmental analysis of the proposal.

d. Submit all SUA NPRMs, final rules, and non-rulemaking airspace determinations to the Environmental Programs Group for coordination prior to issuance.

e. Insert the following statement in the environmental review section of SUA NPRMs:

“This proposal will be subject to appropriate environmental impact analysis by the FAA prior to any final FAA regulatory action.”

f. Consult with the Environmental Programs Group to draft the text for the ENVIRONMENTAL REVIEW section for SUA final rules. In the case of rulemaking SUA actions, assist the Airspace and Rules Group by preparing the statement to be included in the ENVIRONMENTAL REVIEW sections of the NPRM and the Final Rule. In the case of non-rulemaking SUA actions, prepare the FONSI/ROD for the airspace case file for the non-rulemaking documentation and notify the public in accordance with FAAO 1050.1E, Paragraph 512e.

Note:

For “Direct-to-Final-Rule” actions which are categorically excluded under FAAO 1050.1E, the following statement may be inserted in the environmental review section of the Final Rule:

“This action is categorically excluded under FAAO 1050.1E, “Environmental Impacts: Policies and Procedures,” Paragraph (insert Paragraph Number). Therefore, this action is not subject to environmental review.”

g. Coordinate with the Environmental Programs Group to determine the status of FAA adoption of the proponent’s environmental document(s). Obtain a copy of FAA adoption documentation for inclusion in the rulemaking docket file or non-rulemaking airspace case file.

h. Complete final airspace processing requirements in accordance with Part 5. of this order, including the final determination on the airspace request. In all cases the FAA must not issue a final decision until after the NEPA process is completed; the FAA has adopted the proponent’s EIS or EA, as applicable; and any additional FAA environmental requirements are satisfied.

Appendix O

**Marine Corps Systems Command (MARCORSYSCOM)
Acquisition Policy Letter 7-10, "Policy Concerning the
Implementation of NEPA and EO 12114, 15 September 2010;
and Facility Impact Report (FIR)**



UNITED STATES MARINE CORPS
MARINE CORPS SYSTEMS COMMAND
2200 LESTER ST
QUANTICO, VIRGINIA 22134-6050

IN REPLY REFER TO:
5090
OOT
SEP 15 2010

ACQUISITION POLICY LETTER 7-10

From: Commander
To: Distribution

Subj: POLICY CONCERNING THE IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND EXECUTIVE ORDER (EO) 12114

Ref: (a) DoD Instruction 5000.02, Operation of the Defense Acquisition System of 02 Dec 08
(b) 42 U.S.C. 4321
(c) E.O. 12114
(d) MCO P5090.2A (CH 2), Chapter 12, the National Environmental Policy Act of 21 May 09

Encl: (1) Marine Corps Systems Command (MARCORSYSCOM) Implementation Procedures for the National Environmental Policy Act (NEPA) of Aug 10

1. Purpose. To establish policy, guidance, and responsibilities for MARCORSYSCOM acquisition programs to comply with mandatory Department of Defense (DoD) requirements listed in reference (a).

2. Cancellation. This letter cancels Acquisition Policy Letter No. 2-05. This letter will remain in effect until revision or when indicated by the appropriate authority.

3. Information. References (b) and (c) require the identification and analysis of potential environmental impacts on certain proposed Federal actions and provide alternatives to those actions prior to their initiation. The law also contains specific requirements for informing and involving other Federal and state agencies as well as providing opportunities for public comment. NEPA requires a systematic, interdisciplinary analysis in the consideration of environmental factors prior to decision-making and when planning or conducting Federal agency acquisition programs and projects. Procedures for United States Marine Corps compliance with NEPA within the United States, its territories, and possessions are established in reference (d).

ACQUISITION POLICY LETTER

4. Scope. This policy letter applies to all MARCORSYSCOM and Program Executive Officer Land Systems (PEO LS) acquisition programs regardless of acquisition category (ACAT) or size. NEPA requirements apply to Abbreviated Acquisition Programs (AAP). NEPA requirements also apply to Urgent programs when the acquisition is tested, trained, fielded, and/or disposed of at a peace-time location.

5. Discussion. The goal of this NEPA effort is to ensure MARCORSYSCOM identifies potential environmental impacts of the acquisition and lifecycle management products and services required by the Marine Corps. In order to maintain operational readiness, NEPA decisions should be made at the appropriate times in the acquisition process and recorded in official document(s). Enclosure (1) provides specific guidance for MARCORSYSCOM and PEO LS Program Managers (PMs) about how to comply with the NEPA.

6. Policy. Per NEPA/EO 12114, PMs shall assess activities (referred to as proposed actions) that have the potential to impact the human environment prior to actual implementation of the activity. These activities include decisions regarding the procurement, development, testing, production, fielding, training, operation and maintenance, and disposal. The plan for NEPA considerations during the acquisition lifecycle must be documented in the Programmatic Environment, Safety, and Occupational Health Evaluation (PESHE) or MARCORSYSCOM Single Acquisition Management Plan (MC-SAMP) (within the PESHE section of this document)¹. PESHE and Test and Evaluation Master Plan (TEMP) shall include a NEPA Compliance Schedule that details the development, testing, production, fielding, training, operation, maintenance, and disposal. The NEPA schedule shall address all document initiation, completion dates and be integrated within the master program schedule. All programs will execute NEPA in accordance with the guidance provided in enclosure (1).

7. Responsibilities. The responsibilities for compliance with NEPA are as follows:

a. PMs

¹ Guidance on PESHE/MC-SAMP preparation is provided in the MCSAMP Guide Version 3 of Nov 07.

ACQUISITION POLICY LETTER

(1) Shall implement NEPA considerations and analysis into their programs. The PM strategy for compliance with NEPA shall be documented in the PESHE or MC-SAMP.

(2) Shall conduct an environmental review at the earliest possible time of the acquisition process to ensure the NEPA decisions reflect environmental considerations to minimize delays and conflicts and maintain operational readiness.

(3) Shall coordinate with the Installation Environmental Planning staff for all proposed Federal actions that have potential to impact the environment at the specified installations.

(4) Shall maintain a NEPA administrative record as defined in enclosure (1).

(5) Shall ensure all NEPA-related documents fully comply with all legal and procedural requirements.

b. MARCORSYSCOM Environmental Impact Review Board (EIRB)

(1) Shall review all Environmental Assessments (EAs)/Environmental Impact Statements (EISs) and provide recommendations to the base Commander.

(2) Shall prepare a Finding of No Significant Impact (FONSI) for all EAs when applicable.

(3) Shall make recommendations and coordinate with Headquarters Marine Corps (HQMC) Code LFL for all EISs.

(4) Shall provide draft Record of Decision (ROD) to the HQMC EIRB.

c. MARCORSYSCOM Safety Office (00T)

(1) Shall serve as the chairman for the EIRB and maintain EIRB Charter.

(2) Shall maintain a permanent file of all final NEPA documents developed by MARCORSYSCOM.

(3) Shall serve as the NEPA Technical Warrant for MARCORSYSCOM.

ACQUISITION POLICY LETTER

(4) Shall advise PMs, upon request, whether a Categorical Exclusion (CATEX), EA or EIS is appropriate.

(5) Shall forward documents to higher authority as required by enclosure (1).

(6) Administrative POC: mcsc_safety@usmc.mil.



F. L. KELLEY

Distribution: A, TIGER Library



MARINE CORPS SYSTEMS COMMAND

UNITED STATES MARINE CORPS

**MARINE CORPS SYSTEMS COMMAND (MARCORSYSCOM)
IMPLEMENTATION PROCEDURES FOR
THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
AND EXECUTIVE ORDER (EO) 12114**

PREPARED BY:
MARCORSYSCOM

ENCLOSURE (1)

August 2010

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1 OBJECTIVE

This document provides guidance to MARCORSYSCOM and Program Executive Officer-Land Systems (PEO-LS) Action Proponent(s) (hereafter referred to in this document as the Program Managers (PMs)) on compliance with NEPA and EO 12114.

2 BACKGROUND

The MARCORSYSCOM Acquisition Policy Letter (APL) and Implementation Procedures were originally published in 2005 based on the Marine Corps Order (MCO) P5090.2A of 10 Jul 1998. The MCO P5090 was revised twice since the MARCORSYSCOM APL and Implementation Procedures were originally published. The current version of the MCO, P5090.2A, Ch 2, of 21 May 09, directs acquisition programs to:

- Comply with NEPA or EO 12114.
- Apply NEPA compliance relating to the acquisition process requirements as listed in the Secretary of Navy Instruction (SECNAVINST) 5000.2D.

3 HISTORY

Originally enacted in 1968, NEPA is one of the oldest environmental laws still enforced. The US Congress passed NEPA (42 U.S.C. 4321 et seq.) on 23 December 1969 and it was signed into law by President Richard M. Nixon on 1 January 1970. The EO 12114 “Environmental Effects Abroad of Major Federal Actions” was signed by Jimmy Carter on 4 January 1979. These environmental laws enacted a national policy to accomplish the following:

- Encourage productive and enjoyable harmony between people and their environment.
- Promote efforts to prevent and/or eliminate damage to the environment and biosphere.
- Stimulate the health and welfare of people.
- Enrich the understanding of the ecological systems and natural resources important to the Nation.
- Establish a Council of Environmental Quality.

Executive Order 12114 directs federal agencies to provide for informed decision making for major federal actions outside the United States, including the global commons, or harm to protected global resources. Global commons are defined in the EO as geographical areas that are outside of the jurisdiction of any nation, and include the oceans outside territorial limits (outside 22.2 kilometer [12 nautical miles] from the coast) and Antarctica. Global commons do not include contiguous zones and fisheries zones of foreign nations. EO 12114 exempts actions taken by or pursuant to the direction of the President or Cabinet officer when the national security or interests is involved or when the action occurs in the course of an armed conflict.

Traditionally, NEPA focused on the Department of Defense (DoD) facilities, but Executive Orders and the DoD 5000 series applies the NEPA process to all DoD acquisition programs. This shift was needed to counter the “National Security” mentality that was prevalent in federal agencies and served as a rationale to get around compliance with environmental laws. Immunity from prosecution of employees was waived back in the 1980’s. This fact was reinforced by the passage of the Federal Facilities Compliance Act (FFCA) in 1992. This act determined that all

federal employees (civilian and military) run the same risks and personal liabilities as their industry counterparts. Additionally, managers, particularly those responsible for DoD facilities and acquisition programs, are increasingly at risk for their actions regarding environmental impacts.

Over the past several years, major negative impacts have been realized by the DoD due to potential environmental concerns over substances such as depleted uranium, perchlorate, tungsten, and hexavalent chromium. Some negative impacts may be unavoidable due to the operational requirements of Marines; however, the NEPA process helps ensure that MARCORSYSCOM makes educated and defensible acquisition decisions. Additionally, MARCORSYSCOM and the Marines are provided with long-term benefits such as operational readiness when environmental impacts are taken into consideration during the acquisition process.

NEPA/EO12114 establishes policies, sets goals, and provides a means for carrying out environmental policy and requires DoD to:

- Consider the environment before making decisions.
- Seek less environmentally damaging ways to accomplish the mission or operation.
- Provide full disclosure of possible environmental impacts, alternatives, and mitigation measures.
- Inform and involve the public in that process.
- Support informed decisions with quality documents.
- Minimize environmental impacts.
- Where indicated by regulation, to implement, monitor and assess the effectiveness of mitigation measures.

4 REFERENCES

- National Environmental Policy Act, 1969 (42 U.S.C. 4321 et seq.)
- 32 CFR Part 775 Policies and Responsibilities for Implementation of the National Environmental Policy Act within the Department of the Navy, 23 Feb 2004
- Executive Order 12856 Federal Compliance with Community Right to Know Act, 3 Aug 1993
- Executive Order 12114 Environmental Effects Abroad, 29 Nov 1978
- Department of Defense Instruction (DoDI) 5000.02, 2 Dec 2008
- Defense Acquisition Guidebook, Nov 2004
- SECNAVINST 5000.2D, Implementation and Operation of the Defense Acquisition System and the Joint Capabilities Integration and Development System, 16 Oct 2008
- SECNAVINST 5090.6A, Environmental Planning for Department of the Navy Actions, 26 Apr 2004
- MCO P5090.2A Ch 2, Environmental Compliance and Protection Manual, 21 May 2009
- MARCORSYSCOM Order 5400.3, Technical Authority, 18 Aug 2000
- MARCORSYSCOM Single Acquisition Management Plan (MC-SAMP) Guide, version 3, Nov 2007

- MARCORSSYSCOM Environmental Impact Review Board (EIRB) Charter, 22 Oct 2008
- MARCORSSYSCOM ESOH Handbook, 5 Jan 2006
- Military Standard 882D (MIL-STD-882D) Standard Practice for System Safety, 10 Feb 2000

5 MARCORSSYSCOM NEPA PROCESS

Prior to executing the NEPA process, information and data from numerous sources will need to be collected. Several tools are available through the Safety Knowledge Center on TIGER to assist with NEPA implementation. These tools include a database of existing NEPA documentation, and regional environmental safety checklists and worksheets. Additional sources of data available to the PMs are the Concept of Operations (CONOPS), Test and Evaluation Master Plan (TEMP), Material Safety Data Sheets (MSDS), fielding plan, training plan, the MARCORSSYSCOM Safety Office (OOT), and installation field environmental offices.

The following MARCORSSYSCOM NEPA Process Flow Diagram (Figure 1) defines a 4-phase process for NEPA compliance. This guide adheres to the MCO P5090.2A Ch 2, Chapter 12. The MCO P5090.2A Ch2, chapter 12 shows a 5-step process for installations; this 5-step process was tailored specifically to acquisition programs. Additionally, Figure 1 provides guidance for the MARCORSSYSCOM NEPA process implementation with detailed information provided in the paragraphs below.

5.1 Phase I: Action Proposal and Determination of NEPA Applicability

- Identify and define the Proposed Action(s) as early in the lifecycle as possible to reduce program risk.
 - Consider NEPA when making decisions – even during the market research phase of the program and other actions throughout the program lifecycle. Example: When considering two items for purchase Item A and Item B, Item A has depleted uranium or some other environmentally unfriendly substance and Item B does not have any at all, consider purchasing Item B as a first alternative if both are equally capable of performing the mission.
- Determine if the Proposed Action is applicable under NEPA and if any exemptions under paragraph 12201.3.b (1) through (5) of MCO P5090.2A Ch 2, Chapter 12, apply.

Note

If it is determined that the Proposed Action is applicable under NEPA/EO 12114 and ***no*** exceptions are met, then proceed to Phase II.

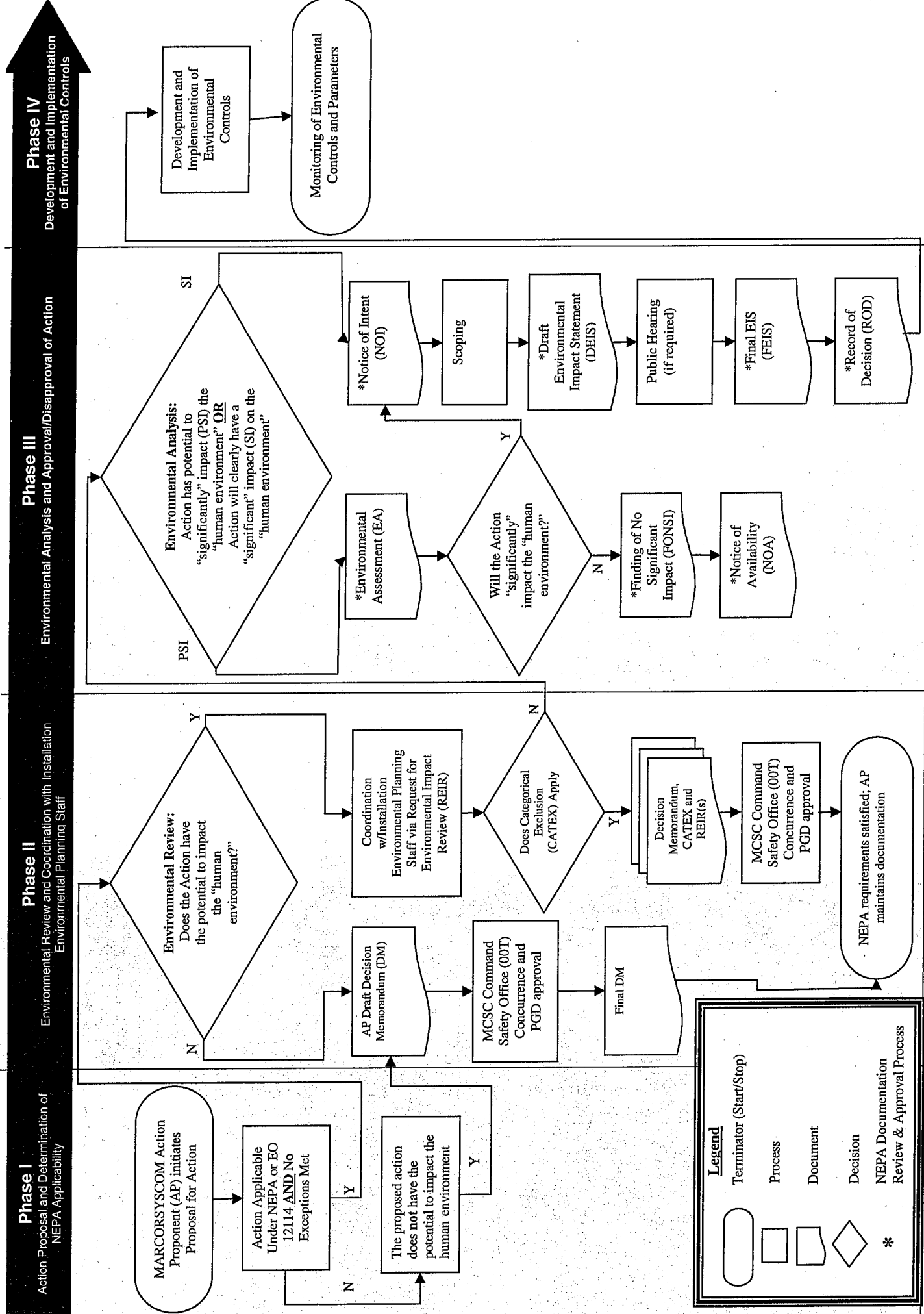


Figure 1 - MARCORSYSCOM NEPA Process Flow Diagram

For Definition of Terms see Appendix - A

Legend

- Terminator (Start/Stop)
- Process
- Document
- Decision
- NEPA Documentation Review & Approval Process
- *

5.2 Phase II: Environmental Review and Coordination with Installation Environmental Planning Staff

- Conduct an environmental review to determine if the Proposed Action will have a potential impact on the quality of the human environment. Items to consider when determining whether there are any environmental impact include:
 - Location of event.
 - Where the action will occur.
 - What will take place during the event.
 - Who will be involved in the event.
 - When the event will begin.
 - How long the event will last.
 - What support/support equipment is needed to perform the event.

If the PM is certain and has significant information that the Proposed Action does not have the potential to impact the human environment, then the following should occur:

- The PM shall draft a Decision Memorandum (DM) explaining of exclusion which documents the justification and decision that the Proposed Action does not have the potential to impact the human environment. (An example of the DM explaining the exclusion is provided as appendix B).
- The PM shall provide the draft DM to MARCORSYSCOM Safety Office, Code 00T, via “mesc_safety@usmc.mil” for a NEPA review. The DM shall detail why no further NEPA documentation is required.
- If the MARCORSYSCOM Safety Office, Code 00T, and the Product Group Director (PGD) concur that the Proposed Action does not have the potential to impact the human environment, then the DM must be signed in accordance with Table 1, which makes it a final DM. That DM now becomes part of the administrative record for the Proposed Action.
- In the event that the MARCORSYSCOM Safety Office, Code 00T, does not concur with the DM the Safety Office will provide written justification for non concurrence back to the PM. The PM can then make the decision on how to proceed.
- The NEPA findings shall be included in the PESHE/MC-SAMP.

Note

The decision that a proposed action does not have a potential impact to the human environment is rare. This option is offered to support the MARCORSYSCOM acquisition of items, such as but not limited to, clothing and computer software.

If the PM is uncertain or thinks there is a possibility the Proposed Action may potentially have an impact to the human environment.

The PM must prepare a Request for Environmental Impact Review (REIR); see guidance in paragraphs 12201.1 of MCO P5090.2A Ch 2, Chapter 12.

Note

Each installation may provide their specific REIR form for the PM to complete. The REIR form is provided in Appendix - C and taken from MCO P5090.2A Ch 2, Chapter 12. The PM may use the installation-specific REIR or Appendix - C as a suggested form for MARCORSSYSCOM Proposed Actions.

- Installation environmental staff obtains input on the REIR to determine the potential impacts to the human environment at the specific location where the Proposed Action is planning to occur.
- Through coordination with the installation environmental staff, determine whether the Proposed Action is covered by the list of Categorical Exclusions (CATEX) provided in paragraph 12201.3a of MCO P5090.2A Ch 2, Chapter 12.
- If a CATEX applies, the PM will prepare a DM, which shall include a copy of the REIR. A formal CATEX document that includes: a description of the proposed action, the purpose and need of the proposed action, the applicable exclusions, the facts supporting their use, the facts to support the statement that there are no environmental impacts or the impacts are mitigated, and specific consideration of the extraordinary circumstances. The CATEX should be concise, but must contain enough information to support the CATEX decision. An example of the DM to support a CATEX is provided as Appendix D. The CATEX must be signed in accordance with Table 1.
 - The DM only needs one CATEX. If more than one CATEX can be applied then select the one closest to the Proposed Action.
- Send a copy of the CATEX to all effected Installation Environmental Management Offices.

Note

Even if the proposed action technically qualifies for a CATEX, the PM may prepare an EA if circumstances are such that it would be prudent to do so. The PM should weigh their choice against the possibility for the CATEX decision to be legally challenged and what a potential challenge might mean in terms of schedule slips, increased cost, and operational readiness.

An information copy of the final DM will be provided to 00T, who will maintain a permanent file of all final NEPA documents on TIGER. Documents shall be forwarded to higher authorities, as required, by 00T.

If the Action Proponent determines that the Proposed Action is not covered by a CATEX or there is a potential to impact the human environment, then perform the following:

- Review paragraph 5.c of the SECNAVINST 5090.6A, Policies and Responsibilities for Implementation of the National Environmental Policy Act within the Department of the Navy, to determine if SECNAVINST 5090.6A requires an Environmental Assessment (EA) or Environmental Impact Statement (EIS).
- If SECNAVINST 5090.6A requires an EA or EIS proceed to Phase III and prepare an EA, which could lead to a Finding of No Significant Impact (FONSI) or a determination that a more extensive analysis is required. If more extensive analysis is required then an EIS shall be prepared per applicable procedures which could lead to a Record of Decision

(ROD).

5.3 Phase III: Environmental Analysis and Approval/Disapproval of Action

The Proposed Action must be analyzed for impact to the human environment and documented per the procedures in paragraph 12104.4 of MCO P5090.2A Ch 2, Chapter 12.

In Phase III, the program must define the project's objectives and explain the environmental issues. These objectives and issues drive the analysis process and thus determine the scope of the EA or EIS. During this NEPA process, decision makers use the objectives and environmental issues as evaluation criteria to select the preferred action alternative that best fulfills the proposals.

If there is any potential for an impact to the quality of the human environment, then perform the following:

- Review paragraph 5.c of the SECNAVINST 5090.6A, Policies and Responsibilities for Implementation of the National Environmental Policy Act within the Department of the Navy, to determine if SECNAVINST 5090.6A requires an EA or EIS.
 - Determine if SECNAVINST 5090.6A requires an EA or EIS.
 - Contact MCSC Legal when in doubt about whether an EA or EIS is required.
- Determine who will prepare the EA or EIS (in house or contract vehicle).
 - An EA or EIS can not be prepared by sources which would benefit from the Proposed Action.
- Prepare the EA or EIS in accordance with NEPA.
- Document in the PESHE/MC-SAMP the "thought process" and actual data collected that determined the environmental impacts.
- Document in the PESHE/MC-SAMP the NEPA Compliance Schedule. The first NEPA Compliance Schedule shall be included in the PESHE/MC-SAMP prior to the first milestone decision and updated, at a minimum, with each mandatory PESHE/MC-SAMP submittal.

5.4 Phase IV: Development and Implementation of Environmental Controls

The PM shall implement, monitor, and assess the effectiveness of mitigation measures (i.e., tracking NEPA progress in terms of regulatory compliance) to determine whether additional control actions are required. The PM shall document the effectiveness of any mitigation measures in the PESHE/MC-SAMP. Relevant information should include any mishaps that involve significant impacts to the human environment during system development, testing, training, operation, sustainment, maintenance, and/or demilitarization/disposal.

6 MARCORSSYSCOM NEPA DOCUMENTATION

The PM will document its strategy for NEPA compliance in the PESHE/MC-SAMP. Prior to the first milestone decision, the PM must develop a "NEPA Compliance Schedule" that addresses development, testing, production, fielding, training, operation, maintenance, and disposal. This NEPA Compliance Schedule shall be included in the PESHE/MC-SAMP. An example of the

NEPA Compliance Schedule is shown in Table 1.

Table 1 –NEPA Compliance Schedule Example

Event	Action Proponent	Date Of Event	NEPA Document Type (Proposed)	Document Start Date	Document Completion Date (EST)	Approval Authority

The environmental impact of the entire lifecycle should be evaluated to provide a complete environmental impact picture. Any potential impacts shall be analyzed prior to the actual implementation of an activity. The PM for each Proposed Action shall prepare the formal NEPA documentation (CATEX, EA/FONSI, EIS/ROD), establish the initiation date for each action, establish the type of NEPA documentation prior to the Proposed Action start date, establish the start and completion dates for the final NEPA documentation, and identify the specific approval authority. The NEPA process will involve other documents, such as the REIR, DM, NOI, and NOA, which are not formal documents. Final approval authority for acquisition program-related NEPA documents is shown in Table 2, derived from SECNAVINST 5000.2D.

Table 2– MARCORSYSCOM NEPA Process Documentation¹

Document	Prepared by	Review	Endorsement/ Concurrence	Approval/Signature	Info Copy To
REIR	PM	Installation Environmental Planning Staff		PM	
CATEX	PM	Independent Review	Code 00T	PGD	00T
Decision Memorandum	PM	Independent Review	Code 00T	PGD	00T
Final EA/ FONSI	PM	Command and Installation EIRBs		Commander	00T
Draft and Final EIS/Notice of Intent	PM	Command and Installation EIRBs	HQMC EIRB, CG/CO	ASN (RD&A) Approve	00T
Draft and Final EIS/ROD/ Notice of Intent	PM	Command and Installation EIRBs	HQMC EIRB, CG/CO	ASN (RD&A) Sign	00T

¹ Derived from Table E7T1 in SECNAVINST 5000.2D of 16 Oct 08

6.1 Joint Acquisition Programs

The Joint Acquisition Programs document process and approval authorities have some differences from the ones illustrated in Table 1. The Component Acquisition Executive (CAE) of the Lead Executive Component or designee is the approval authority for joint program-related NEPA/EO 12114 documentation. All Joint EAs, EISs, or EO 12114 documentation shall follow the NEPA guidance for the "Lead" service. The Joint PM is responsible for developing and coordinating the Joint Program's NEPA compliance schedule, funding Joint EAs or Joint EISs, and maintaining the Program's NEPA Administrative Record. Individual military services are responsible for funding service-specific NEPA documentation. Additionally, each service must provide copies of all service-specific NEPA documentation to the Joint PM for the Joint NEPA Administrative Record and coordinating service-specific NEPA activities with the Joint Program Manager for inclusion in the NEPA Compliance Schedule.

7 ROLES AND RESPONSIBILITIES

7.1 PM (Action Proponent)

- 7.1.1 Shall implement NEPA considerations and analysis into their programs. The PM strategy for compliance with NEPA shall be documented in the PESHE/MC-SAMP per DoD 5000 series.
- 7.1.2 Shall conduct a market research in accordance with the Federal Acquisition Regulation (FAR) at the earliest possible time of the acquisition process to ensure the NEPA decisions reflect environmental considerations to avoid delay, conflicts, and maintain operational readiness.
- 7.1.3 Plans and provides funding for NEPA documentation and all related ancillary studies and mitigation costs. This includes the Rough Order of Magnitude (ROM) in the Program Objectives Memorandum (POM) Cycle Request based on strategy documented in the PESHE/MC-SAMP.
- 7.1.4 Coordinate with Installation Environmental Planning Staff on which part of the installation will or could be impacted by the Proposed Actions at the earliest possible opportunity to determine the level of NEPA documentation that is required.
- 7.1.5 Submit a REIR to the Installation Environmental Planning Staff for all Proposed Actions that have potential to impact the human environment.
- 7.1.6 Shall work jointly with the Facility and Installation Environmental Planning Staff.
- 7.1.7 Shall assign qualified ESOH professional to prepare all NEPA documents.
- 7.1.8 Should seek an independent review of program NEPA documentation (i.e. Competency Lead Engineer (CLE) or MARCORSSYSCOM Safety Office, Code 00T).
- 7.1.9 Shall coordinate with and copy MARCORSSYSCOM Safety Office, Code 00T, on all final NEPA documents.

- 7.1.10 Review PESHE/MCSAMPs, REIRs, DMs, CATEXs EA/FONSI/NOAs, EIS/ROD/NOIs to ensure that the NEPA documents fully comply with all legal and procedural requirements through a review for technical sufficiency.
- 7.1.11 Shall request EIRB review, if applicable.
- 7.1.12 Shall maintain NEPA administrative record for no less than 10 years per Proposed Action. Administrative records shall include, but not limited to, draft and final documents, emails, and correspondence.
- 7.1.13 Brief MARCORSYSCOM EIRB, HQMC EIRB, Assistant Secretary of the Navy, Research Development and Acquisition (ASN (RD&A)) as required.
- 7.1.14 Fund and support public scoping meeting, as required.
- 7.1.15 Shall plan for the publishing of the NOI, NOA, ROD, FONSI in the Federal Register or the local installation media.

7.2 PGD

- 7.2.1 Shall be the approval authority for DM and CATEX documents.

7.3 MARCORSYSCOM Safety Office, Code 00T

- 7.3.1 Assist the PMs with the NEPA process and NEPA document development, as requested.
- 7.3.2 Upon request, shall advise PMs if a CATEX, EA or EIS is appropriate.
- 7.3.3 Shall forward documents to higher authority as required by Table 1.
- 7.3.4 Shall serve as the chairperson for the EIRB and maintain the EIRB Charter.
- 7.3.5 Shall make the MARCORSYSCOM, Code 00T, website available to host NEPA documents for public review.
- 7.3.6 Shall implement NEPA guidance and provide clarification and guidance when requested.
- 7.3.7 Shall provide independent reviews of NEPA documentation when requested.
- 7.3.8 Shall interface with HQMC, Code LFL, and the HQMC EIRB.
- 7.3.9 Shall concur with all CATEX and DM prior to PGD signature.

7.4 MARCORSYSCOM EIRB

- 7.4.1 Comprehensive information on the EIRB functions can be found at Appendix – E, the MARCORSYSCOM EIRB Charter, dated 23 Oct 2008.

7.5 Installation Environmental Planning Staff

- 7.5.1 Act as liaison between the installation and the PM to determine potential impacts to the human environment.
- 7.5.2 Assist the PM with specific installation guidance in the preparation of CATEXs, EAs, and EISs.
- 7.5.3 Assist in the review of NEPA documents and provide technical assistance to the PM.
- 7.5.4 Assist the PM to ensure that the NEPA documents fully comply with all legal and procedural requirements through a technical review.
- 7.5.5 Assist with the MARCORSYSCOM EIRB for upcoming issues.
- 7.5.6 Represent Installation at MARCORSYSCOM EIRB as non voting member as required.
- 7.5.7 Review any MARCORSYSCOM EA/FONSI, DEIS, FEIS, and ROD for concurrence when the Proposed Action will occur at the Installation.

7.6 MARCORSYSCOM Commander

- 7.6.1 Consider all MARCORSYSCOM EAs and FONSI for signature based on MARCORSYSCOM EIRB recommendations.
- 7.6.2 Forward the DEIS, FEIS, and any potentially controversial EAs to the CMC (LF) and CMC (Legal) for HQMC EIRB endorsement based on MARCORSYSCOM EIRB recommendations.

7.7 PEO-LS

- 7.7.1 Consider for signature all PEO-LS EAs and FONSI based on MARCORSYSCOM EIRB recommendations.
- 7.7.2 Forward the DEIS, FEIS, and any potentially controversial EAs to the CMC (LF) and CMC (Legal) for HQMC EIRB endorsement based on MARCORSYSCOM EIRB recommendations.

7.8 Headquarters Marine Corps (HQMC) Code LFL

- 7.8.1 Reviews and approve/disapprove DEIS, EIS, ROD, and any potentially controversial EAs.
- 7.8.2 Prepares NOI for publication in Federal Register through the EPA.
- 7.8.3 Endorses the FEIS and DEIS.
- 7.8.4 Publishes the FONSI or ROD on the Federal Register through the EPA or local newspaper(s), and mail it to appropriate agencies, organization, and individuals.

7.8.5 Chairs HQMC EIRB.

7.8.6 Reviews and make recommendations to HQMC EIRB on all DEIS, FEIS, and potentially controversial EAs.

7.8.7 Forwards the DEIS or FEIS to the Deputy Assistant Secretary of the Navy (Installations and Environment) (DASN I&E) or designee for signature. Place NOI and NOA in Federal Register through EPA.

7.8.8 Delivers copies of the document to EPA Headquarters.

7.8.9 Publishes the signed ROD in the Federal Register through the EPA.

7.9 Deputy ASN (RD&A)

7.9.1 Approve or disapprove the DEIS and FEIS.

7.9.2 Sign the ROD.

APPENDIX – A: Definition of Terms

1. **Action Proponent:** The commander, commanding officer, or civilian director of a unit, activity, or organization who initiates a proposal for action and who has command and control authority over the action once it is authorized. For some actions, the Action Proponent will also serve as the decision-making authority for that action. In specific circumstances, the Action Proponent and decision maker may be identified in Navy regulations, other SECNAV Instructions, operational instructions and orders, acquisition instructions, and other sources which set out authority and responsibility within the DoN.

2. **Categorical Exclusion (CATEX):** Actions that the DoN has determined do not have a significant effect, individually or cumulatively, on the human environment under normal circumstances and for which neither an EA nor an EIS is required. See SECNAVINST 5090.6A for a complete list of the approved DoN CATEXs.

3. **Environmental Analysis:** The initial processes by which determinations of potential effects to the human environment are reviewed, so a preliminary decision can be made to the extent of an environmental analysis required to support NEPA compliance.

4. **Environmental Assessment (EA):** An EA is a concise document that briefly analyzes the potential environmental impacts of a proposed action. An EA is prepared for those proposed actions that do not qualify for a CATEX and when the Action Proponent:

- Initially predicts that the proposed action will not have a significant impact on the environment.
- Is uncertain whether the effects of the proposed action will not have a significant impact on the environment.
- Has reason to believe the proposed action will be environmentally controversial.

Based on these three criteria, an EA will result in either a FONSI or a decision to prepare an EIS.

5. **Environmental Impact Statement (EIS):** An EIS provides full and unbiased discussion of significant environmental impacts of major Federal actions 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. It is used by Federal officials, in conjunction with other relevant materials, to plan actions and make decisions.

a. Draft Environmental Impact Statement (DEIS): A document normally prepared for actions that potentially have a significant impact on the quality of the human environment or have potentially controversial environmental effects. DEISs are filed with the EPA and distributed to cognizant Federal, State, local, and private agencies, organizations, and individuals for review and comment before preparation of an FEIS.

b. Final Environmental Impact Statement (FEIS): A completed statement, normally a separate and additional document from the DEIS, that incorporates all pertinent comments and information provided during public and agency review of the DEIS. Responses to all substantive review comments will be contained in the FEIS. The FEIS is filed with the EPA.

6. Federal Action: Broadly interpreted as any proposal initiated by the Marine Corps, including: (1) new activities or projects entirely or partly funded, assisted, conducted, regulated, or approved by the Marine Corps; (2) Substantive changes in continuing actions, such as major changes in operation tempo, areas of use, or in methodology/equipment, where these changes have the potential for significant impact; (3) Specific projects, such as construction or management activities located in a defined geographic area (e.g., Military Construction projects, public/private venture projects, special projects, land acquisition, natural resources management projects, and locally funded projects). DoD 5000.2 directs the PM conduct NEPA/E.O. 12114 analyses for which the PM is the action proponent.

7. Finding of No Significant Impact (FONSI): A Marine Corps document that briefly presents why an action, not otherwise categorically excluded, will not have a significant effect on the human environment and for which an EIS will not be prepared. A FONSI may be one result of the review of an EA.

8. Human Environment: The natural and physical environment and the relationship of people with that environment.

9. Impact: Impacts are synonymous with effects and include direct, indirect, and cumulative impacts.

a. Direct Effect: Effect caused by an action, which occurs at the same time and place as the action.

b. Indirect Effect: Effect also caused by an action, which occurs later in time or farther removed in distance from the action. Indirect impacts include: growth-inducing effects, effects related to induced changes in the pattern of land use, population density, or growth rate and related effects on the human environment including the natural and physical environment.

c. Cumulative Impact: Impacts that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions that take place over a time.

10. Notice of Availability (NOA): The Action Proponent is required to provide public notice of availability through a statement published in local correspondence (i.e., newspapers, Federal Register, etc), in lieu of the full text of the EA's FONSI or EIS's ROD, that informs the public of the Proposed Action and the availability of the FONSI/ROD.

11. Notice of Intent (NOI): The NEPA process for an EIS begins with publishing a Notice of Intent (NOI) in the Federal Register. The NOI is the official, approved statement by the Command EIRB, published in the Federal Register and distributed to interested organizations. The NOI is the official agency public announcement that a proposed planning effort is starting. During this part of the planning process, the agency solicits public input to identify major resource issues to be addressed in the proposed plan. At this point, the public will have at least 30 days to provide comments pertaining to the area to be addressed in the plan. The NOI will:

- Solicit the comments and suggestions of affected Federal, State, and local agencies, any affected Native American tribes, Hawaiian interest groups, the proponent of the action, and any other interested persons (including those who might not be in accord with the action on environmental grounds)
- Briefly describe the Proposed Action and the scoping process to be undertaken and whether a scoping meeting is to be held (include a public notice of such meeting).
- Be mailed directly to concerned agencies, organizations, and individuals and published in local newspapers. Per EO 12898, whenever practicable and appropriate, the NOI and announcement of the scoping meeting must be translated for non-English speaking populations; in the case of an action with effects of local concern primarily, the notice may include compliance with the affected state's public notice procedures of comparable actions.

12. Request for Environmental Impact Review (REIR): A standard form prescribed by the Installation Commander to document the need for environmental analysis and compliance with reference 42 U.S.C. 4321-4347, NEPA. REIR example is provided in the MCO P5090 and appendix C of this document. Installations may have their own form which is acceptable to use. The REIR initiates the discussion between the Action Proponent and the Installation.

13. Record of Decision (ROD): A concise public document that provides a rationale for the alternative selected for implementation as presented in an FEIS. The ROD is the final document in the EIS process. The document, as proposed by the activity/Action Proponent, will be finalized by the CMC (LF) on behalf of the HQEIRB. It 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 Proponent to the appropriate mitigation, if applicable, to minimize environmental harm, and to identify those measures that were considered, but not selected, for implementation. Additionally, any monitoring program associated with selected mitigation measures will be addressed.

14. Scoping: An early and open public process for determining the scope of issues to be addressed and for identifying the significant issues related to a Proposed Action. Scoping includes public involvement with all potential stakeholders and affected parties.

15. Significantly: "Significantly" as used in NEPA requires consideration of both context and intensity:

a. Context: This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. The significance analyzed varies with the setting of the Proposed Action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. The analysis includes both short- and long-term effects.

b. Intensity: This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that the effect will be beneficial.

(2) The degree to which the Proposed Action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under 16 U.S.C. 1531-1544.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

APPENDIX – B: Decision Memorandum (Exclusion Example)

[Guidance in preparing a NEPA Exclusion]

MEMORANDUM FOR THE RECORD

Subj: DECISION MEMORANDUM TO SUPPORT THE *[Project Name]* NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) EXCLUSION

Ref: (a) SECNAVINST 5090.6A, Environmental Planning for Department of the Navy Actions, 26 Apr 2004
(b) MCO P5090.2A (Ch 2), Chapter 12, 21 May 09
(c) Acquisition Policy Letter X-09

1. The proposed action has undergone National Environmental Policy Act Review per references (a) - (c).
2. Proposed Action. *[Describe the system (including number of items), the action, where the event (includes storage, will take place (include range names), who will be participating in the action (if fielding include receiving units; if test then include numbers for contractors and Marines), any support equipment that will be needed, and any unique materials or special handling requirements.]*
3. Purpose. *[Briefly describe the purpose and need for the proposed action to include your decision-making process. The purpose succinctly and objectively justifies the proposed action and explains the essential requirements that must be satisfied to achieve the purposes of the proposed action. The need briefly specifies the underlying need for the project and its objectives.]*
4. Project Description. *[Describe the project in appropriate detail and discuss the intended use]*
5. Environmental Analysis. *[State why a Categorical Exclusion does not apply. Provide detailed information to support the Program's belief that the Proposed Action will not impact the environment.]*
6. Decision. Based on the Environmental review, the fielding of the *[Project Name]* is excluded from any further NEPA requirements.

Concurred by: _____ Date: _____
[Insert decision authority's name in accordance with Table 1]
[Insert decision authority's title and organization]

Approved by: _____ Date: _____
[Insert decision authority's name in accordance with Table 1]
[Insert decision authority's title and organization]

APPENDIX – C: Request for Environmental Impact Review (Example)

[Template for use in preparing a Request for Environmental Impact Review]

REQUEST FOR ENVIRONMENTAL IMPACT REVIEW		Report Control Number RCN:			
INSTRUCTIONS: Section 1 to be completed by Proponent; Sections II and III to be completed by Environmental Planning Function. Continue on separate sheets as necessary. Reference appropriate item number(s).					
SECTION I - PROPONENT INFORMATION					
1. TO (Environmental Planning Function)	2. FROM (Proponent organization and functional address symbol)	2a. TELEPHONE NO.			
3. TITLE OF PROPOSED ACTION					
4. PURPOSE AND NEED FOR ACTION (Identify decision to be made and need date)					
5. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES (DOPAA) (Provide sufficient details for evaluation of the total action.)					
6. PROPONENT APPROVAL (Name and Grade)	6a. SIGNATURE	6b. DATE			
SECTION II - PRELIMINARY ENVIRONMENTAL SURVEY. (Check appropriate box and describe potential environmental effects including cumulative effects.) (+ = positive effect; 0 = no effect; - = adverse effect; U = unknown effect)		+	0	-	U
7. AIR INSTALLATION COMPATIBLE USE ZONE/LAND USE (Noise, accident potential, encroachment, etc.)					
8. AIR QUALITY (Emissions, attainment status, state implementation plan, etc.)					
9. WATER RESOURCES (Quality, quantity, source, etc.)					
10. SAFETY AND OCCUPATIONAL HEALTH (Asbestos/radiation/chemical exposure, explosives safety quantity-distance, bird/wildlife aircraft hazard, etc.)					
11. HAZARDOUS MATERIALS/WASTE (Use/storage/generation, solid waste, etc.)					
12. BIOLOGICAL RESOURCES (Wetlands/floodplains, threatened or endangered species, etc.)					
13. CULTURAL RESOURCES (Native American burial sites, archaeological, historical, etc.)					
14. GEOLOGY AND SOILS (Topography, minerals, geothermal, Installation Restoration Program, seismicity, etc.)					
15. SOCIOECONOMIC (Employment/population projections, school and local fiscal impacts, etc.)					
16. OTHER (Potential impacts not addressed above.)					
SECTION III - ENVIRONMENTAL ANALYSIS DETERMINATION					
17. <input type="checkbox"/> PROPOSED ACTION QUALIFIES FOR CATEGORICAL EXCLUSION (CATEX) # _____; OR		<input type="checkbox"/> PROPOSED ACTION DOES NOT QUALIFY FOR A CATEX; FURTHER ENVIRONMENTAL ANALYSIS IS REQUIRED.			
18. REMARKS					
19. ENVIRONMENTAL PLANNING FUNCTION CERTIFICATION (Name and Grade)		19a. SIGNATURE		19b. DATE	

REQUEST FOR ENVIRONMENTAL REVIEW IMPACT CONTINUATION SHEET

A large, empty rectangular box with a black border, occupying most of the page. It is intended for the user to provide details for the environmental review impact continuation sheet.

APPENDIX – D: Decision Memorandum (Example)

[Guidance in preparing a Decision Memorandum/NEPA CATEX]

[Date]

MEMORANDUM FOR THE RECORD

Subj: DECISION MEMORANDUM TO SUPPORT THE *[Project Name]* NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CATEGORICAL EXCLUSION

Ref: (a) SECNAVINST 5090.6A, Environmental Planning for Department of the Navy Actions, 26 Apr 2004
(b) MCO P5090.2A (Ch 2), Chapter 12, 21 May 09
(c) Acquisition Policy Letter X-09

Encl: (1) Request for Environmental Impact Review
(2) Other supporting documentation

1. The proposed action has undergone National Environmental Policy Act (NEPA) Review per references (a) - (c).

2. Proposed Action. *[Describe the system (including number of item), the action, where the event (includes storage, will take place (include range names), who will be participating in the action (if fielding include receiving units; if test then include numbers for contractors and Marines), any support equipment that will be needed, and any unique materials or special handling requirements.]*

3. Purpose. *[Briefly describe the purpose and need for the proposed action to include your decision-making process. The purpose succinctly and objectively justifies the proposed action and explains the essential requirements that must be satisfied to achieve the purposes of the proposed action. The need briefly specifies the underlying need for the project and its objectives.]*

4. Project Description. *[Describe the project in appropriate detail and discuss the intended use]*

5. Affected Environment. *[Describe what effects the proposed action will have on the environment. Include analysis of potential impacts to federal environmental laws (Fish and Wildlife Coordination Act (FWCA), Endangered Species Act (ESA), Clean Water Act (CWA), Clean Air Act (CAA), National Historic Preservation Act (NHPA), Resource Conservation and Recovery Act (RCRA), Executive Orders, Comprehensive Environmental Response and Compensation and Liability Act (CERCLA).]*

6. Categorical Exclusion to be Applied. *[State which CATEX applies from reference (a).]*

7. Supporting Facts. *[State why the CATEX applies. Include mitigations that will ensure minimal environmental impact.]*

8. Recommendation. The Proposed Action is categorically excluded from further NEPA review and documentation due to the proposed action meeting the requirements for a CATEX as outlined above.

Concurred by: _____ Date: _____
[Insert decision authority's name in accordance with Table 1]
[Insert decision authority's title and organization]

Approved by: _____ Date: _____
[PGD Name]
[Product Group Code Number]

[The signature authority shall be completed IAW MARCORSSYSCOM Implementation Procedure for the NEPA, Table 1]

APPENDIX – E: MARCORSSYSCOM EIRB Charter

MARINE CORPS SYSTEMS COMMAND
Environmental Impact Review Board (EIRB) Charter

Team Name	Level of Team
Environmental Impact Review Board (EIRB)	Command

Team Mission
 To oversee and execute the Commander's requirements and responsibilities of the National Environmental Policy Act (NEPA) as outlined in DoD 5000 and MCO 5090.2A (CH 1) as it applies to acquisition programs. This Charter documents the formation of a lifecycle interdisciplinary team that will meet the intent of the Acquisition Policy Letter [2-05].

Team Goals
 The goal is to ensure that NEPA documents presented for review by the MARCORSYSCOM Program Managers (PM) fully comply with all legal and procedural requirements. Additionally, the designated chair provides recommendations to the MARCORSYSCOM Commander on matters related to the implementation of the NEPA, and the exercising of signature authority.

Team Objectives
 The team will advise and assist PMs in meeting the requirements for NEPA compliance in DoD 5000 and MCO P5090.2A, Chapter 12 (CH 1) as it applies to acquisition prior to outside agency reviews of MARCORSYSCOM NEPA documentation. The team will advise PMs of the procedural process for gaining concurrence on NEPA documents.

Team Responsibility
 MARCORSYSCOM EIRB will ensure the PMs' proposed action has undergone the appropriate review prior to requesting Environmental Analysis Endorsement from HQMC I&L EIRB as needed. It will review completed environmental analysis (Environmental Assessments (EA's) or Environmental Impact Statements (EIS's)) making recommendations to the Commander regarding exercising signature authority for a Finding of No Significant Impact (FONSI) or Request for Record of Decision from ASN (RDA) via HQMC LFL EIRB. By the Commander's decision, the EIRB will draft a proposed FONSI and Notice of Intent (NOI) for public review when an Environmental Assessment has been prepared or a letter requesting HQMC EIRB Review when an EIS has been prepared. The EIRB will ensure that the EA and EIS documentation meet the policies and goals of the Command in the military and civilian communities. The EIRB will be convened when requested or when necessary to resolve a controversial issue on NEPA compliance for which a cross experience and expertise is needed.

Customers/Stakeholders

Customer
 PG Director's and Independent PMs (Action Proponents)
 MARCORSYSCOM Commander
 Installation Environmental Planning Staff
 Interested Public

Stakeholder
 Headquarters Marine Corps (HQMC)
 Council of Environmental Quality (CEQ)

Team Products/Services
 Appropriate NEPA documentation recommendations and guidance.
 Preparation of the FONSI and NOI for public notice and documentation.
 Preparation of request letter for HQMC EIRB review.
 Coordinate public communications with Marine Corps Communication (CORPCOMM).
 Provide coordination with HQMC when required.

Team Membership by Discipline/Organization/Function

Name	Organization	Function
Ms. Sandra Fenwick	00T (Safety Director)	Chairperson
Mr. John Bennett	LAW	Lawyer
Mr. Steve Howell	PM AMMO	Explosives/Environmental
Mr. Sanford McLaurin	CORPCOMM	Public Communications
Mr. David Ungar	SIAT/SE&T	Systems Engineering
Mr. Walter Warne	DFM	Financial
Mr. Steve Zoric	AC PROG	Program Management

Team Duties

Chairperson, EIRB

- Provide recommendations on NEPA-related issues to the MARCORSYSCOM Commander.
- Call to order the EIRB meetings and serve as the meeting chair to ensure items are properly addressed.
- Invite advisors, as required, for each meeting.
- Request NEPA Analysis Endorsement from HQMC I&L EIRB as needed.

Secretariat to the Chairperson

Assist the Chairperson in the administration of the EIRB as follows:

- Investigate and fully describe any environmental impacts, including any potentially significant impacts that could result from a proposed action or alternative.
- Prepare summary page on specific meeting details and distribute all NEPA documentation to EIRB Members 30 days prior to convening EIRB.
- Encourage, where appropriate, participation by representatives of Federal, State, and County Governments, officially chartered conservation organizations, and interested citizenry in environmental evaluations of projects and programs.
- Ensure MARCORSYSCOM administrative records, minutes, files, and other pertinent documents of the EIRB are properly maintained for no less than 10 years.
- Act as a non-voting member during the actual proceedings.
- Serve as a recording secretary at EIRB meetings. Submit copies of meeting minutes to the Board, Action Proponent, and Environmental POC.
- Prepare Decision Memorandum for EIRB Chairperson or Commander's signature.
- Resolve issues resulting from EIRB meetings as assigned by Chairperson.
- Ensure Action Proponents, whose project is under consideration by the EIRB, submit information at the earliest possible opportunity.
- Ensure the Action Proponents attend EIRB meetings prepared to discuss alternatives and rationale for the level of NEPA documentation and rationale for the preferred alternative.
- Assist Action Proponents with adjudication of comments from EIRB members prior to convening EIRB meeting.

EIRB Team and Advisors

Coordinate and provide assistance to the Chairperson as appropriate, to include, but not limited to the following:

- Attend meetings when called.
- Review and provide timely preliminary comments to draft documents as requested.
- Evaluate environmental reviews of proposed actions and recommend disposition procedures.
- Provide technical expertise on the process, and support draft and final documents as requested.
- Provide supporting analysis as applicable.
- Provide programmatic impacts of alternative courses of action, including cost differentials for those alternative actions.

Authority/Accountability/Boundaries


The EIRB will function as required by this charter and MARCORSYSCOM Commander. The Safety Office will provide administrative support. The MARCORSYSCOM EIRB will meet only when required and will make maximum use of electronic collaboration. The board will manage its own functioning by consensus. The board will vote on recommended follow-on program environmental actions. All permanent members get one vote, with the chairperson only voting in order to break ties. Any dissenting opinion will also be provided to the MARCORSYSCOM Commander along with the board's recommendation.

Review and Approval Process

Date of Approval: 23 Oct 08 (Will be reviewed semi-annually)

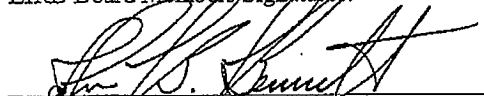
Approved by MARCORSSYSCOM Commander

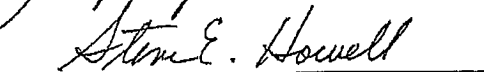
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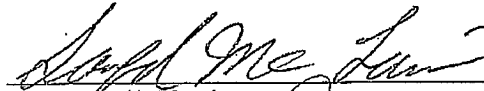

M. M. BROGAN


Sandra G. Fenwick
Safety Director, 00T

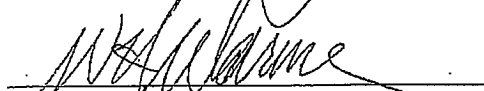
EIRB Board Members Signatures:

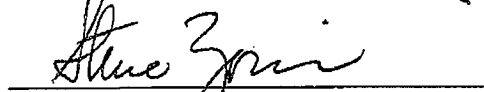

Mr. John Bennett


Mr. Steve Howell


Mr. Sanford McLaurin


Mr. David Ungar


Mr. Walter Warme


Mr. Steve Zoric

Facilities Impact Report (FIR) Response

Form updated March 2011

The purpose of the Facilities Impact Report (FIR) Response is to provide Marine Corps Systems Command (MCSC) or affiliated PEOs with the necessary information to understand the impact of fielded equipment on individual installations and to assess the equipment's supportability. Please provide the scope of any required construction projects, the required collateral equipment and the estimated time of project completion in the space below.

Your Name:	Phone Number:
Installation:	Date:
Nomenclature:	TAMCN:

SECTION I: Construction Projects

Will construction project(s), relocatable facilities, or additional Information Technology (IT) installation be required to support the subject system(s) or equipment?

Yes No

If yes, check the box indicating the type of project (MILCON, Minor Construction, Locally Funded, Relocatable or Repair) and complete the questions below. Please answer each question as comprehensively as possible. Use the addendum page if more than five projects are required.

PROJECT 1:

- MILCON Locally Funded
 Minor Const. Relocatable
 Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete its mission or the quality of life of the Marines?

Is funding available for this project?

Yes No

If no, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project?

Yes No

If yes, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

PROJECT 2:

- MILCON Locally Funded
 Minor Const. Relocatable
 Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete it's mission or the quality of life of the Marines?

Is funding available for this project?

Yes No

If no, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project?

Yes No

If yes, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

PROJECT 3:

- MILCON Locally Funded
- Minor Const. Relocatable
- Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete it's mission or the quality of life of the Marines?

Is funding available for this project?

Yes No

If no, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project?

Yes No

If yes, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

PROJECT 4:

- MILCON Locally Funded
- Minor Const. Relocatable
- Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete it's mission or the quality of life of the Marines?

Is funding available for this project?

Yes No

If no, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project?

Yes No

If yes, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

PROJECT 5:

- MILCON Locally Funded
- Minor Const. Relocatable
- Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete it's mission or the quality of life of the Marines?

Is funding available for this project?

Yes No

If no, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project?

Yes No

If yes, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

--

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

SECTION II: Collateral Equipment

Indicate any collateral equipment required that is not included as part of a construction or relocatable project addressed in Section I. Include what unit it will support, where it will be acquired from (and funding source if known,) how it will be installed, and estimated completion date:

--

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

SECTION III: IT/Telecommunications Costs

Describe any telecommunications costs that were not included in the construction scope:

--

IT/Telecommunications Equipment Cost:	\$
IT/Telecommunications Equipment Installation Cost:	\$

SECTION IV: Preliminary Environmental Survey - To be Completed in coordination with the Environmental Office

Will there be potential adverse environmental effects (including cumulative effects) on the following:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Air Installation Compatible Use Zone/Land Use (Noise, accident potential, encroachment, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Air Quality (Emissions, attainment status, state implementation plan, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Water Resources (Quality, quantity, source, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Safety/Occupational Safety & Health (Asbestos/radiation/chemical exposure, explosives safety quantity-distance, bird/wildlife aircraft hazard, etc) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Hazardous Materials/Waste (Use/storage/generation, solid waste, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Are there any known or expected impacts to Biological Resources (Wetlands/floodplains, threatened or endangered species, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Cultural Resources (Native American burial sites, archaeological, historical, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Geology & Soils (Topography, minerals, geothermal, Installation Restoration Program, seismicity, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Socioeconomic (Employment/population projections, school and local fiscal impacts, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. Does this equipment require a Clean Air Act Emission Construction Permit? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 11. Are there any known or expected impacts to natural resources in the training areas or other areas? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

12. If "yes" was marked for any question(s) 1-11 in Section IV, elaborate on the impact below:

13. Comment on any additional environmental impacts not mentioned above:

ENVIRONMENTAL ANALYSIS DETERMINATION

14. Does the proposed action qualify for a Categorical Exclusion (CATEX) -- Decision Memorandum (DM)? Yes No

14.a. If yes, what is the CATEX #?

15. If the proposed action does *not* qualify for a CATEX, is further environmental analysis required? Yes No

16. If question 15 of Section IV is marked "yes," please explain:

17. Environmental Planning Function Certification (Name and Grade)	17.a. Electronic Signature	17.b. Date
18. Proponent Approval (Name and Grade) of FIR	18.a. Electronic Signature	18.b. Date
19. Installation Communications Director (if IT/Telecommunications is required) (Name and Grade)	19.a. Electronic Signature	19.b. Date
20. Installation Planner (Name and Grade) of FIR	20.a. Electronic Signature	20.b. Date

SECTION V: Addendum Page

PROJECT 6:

- MILCON Locally Funded
 Minor Const. Relocatable
 Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete its mission or the quality of life of the Marines?

Is funding available for this project? Yes No

If *no*, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project? Yes No

If yes, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

PROJECT 7:

- MILCON Locally Funded
 Minor Const. Relocatable
 Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete it's mission or the quality of life of the Marines?

Is funding available for this project?

- Yes No

If *no*, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project?

- Yes No

If *yes*, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

PROJECT 8:

- MILCON Locally Funded
 Minor Const. Relocatable
 Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete it's mission or the quality of life of the Marines?

Is funding available for this project?

- Yes No

If *no*, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project?

- Yes No

If *yes*, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

PROJECT 9:

- MILCON Locally Funded
 Minor Const. Relocatable
 Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete it's mission or the quality of life of the Marines?

Is funding available for this project? Yes No

If *no*, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project? Yes No

If *yes*, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

PROJECT 10:

- MILCON Locally Funded
 Minor Const. Relocatable
 Repair

Unit(s) Supported	Estimated Cost	Est. Completion Date

Project description and scope:

What is the impact of the equipment arriving prior to facilities being constructed and/or modified to accommodate it? Will it impact the unit/base's ability to complete it's mission or the quality of life of the Marines?

Is funding available for this project?

- Yes No

If *no*, please explain the shortfall. Include to whom the request was made, alternate funding options, and estimated time to receive funds if applicable.

Is collateral equipment required for this project?

- Yes No

If *yes*, indicate the collateral equipment required, what unit it will support, where it will be acquired from (and funding source if known), how it will be installed, and estimated completion date:

Collateral Equipment Cost:	\$
Collateral Equipment Installation Cost:	\$

Appendix P
CEQ Scoping Guidance Memo

**EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C.**

April 30, 1981

**MEMORANDUM FOR GENERAL COUNSELS, NEPA LIAISONS AND PARTICIPANTS IN
SCOPING**

SUBJECT:

Scoping Guidance

As part of its continuing oversight of the implementation of the NEPA regulations, the Council on Environmental Quality has been investigating agency experience with scoping. This is the process by which the scope of the issues and alternatives to be examined in an EIS is determined. In a project led by Barbara Bramble of the General Counsel's staff the Council asked federal agencies to report their scoping experiences; Council staff held meetings and workshops in all regions of the country to discuss scoping practice; and a contract study was performed for the Council to investigate what techniques work best for various kinds of proposals. Out of this material has been distilled a series of recommendations for successfully conducting scoping. The attached guidance document consists of advice on what works and what does not, based on the experience of many agencies and other participants in scoping. It contains no new legal requirements beyond those in the NEPA regulations. It is intended to make generally available the results of the Council's research, and to encourage the use of better techniques for ensuring public participation and efficiency in the scoping process.

NICHOLAS C. YOST

General Counsel Scoping Guidance

I. Introduction

A. Background of this document

B. What scoping is and what it can do

II. Advice for Government Agencies Conducting Scoping

A. General context

B. Step-by-step through the process

- 1. Start scoping after you have enough information*
- 2. Prepare an information packet*
- 3. Design the scoping process for each project*
- 4. Issuing the public notice*
- 5. Conducting a public meeting*
- 6. What to do with the comments*
- 7. Allocating work assignments and setting schedules*
- 8. A few ideas to try*

C. Pitfalls

- 1. Closed meetings*
- 2. Contacting interested groups*
- 3. Tiering*
- 4. Scoping for unusual programs*

D. Lead and Cooperating Agencies

III. Advice for Public Participants

- A. Public input is often only negative
- B. Issues are too broad
- C. Impacts are not identified

IV. Brief Points For Applicants

I. Introduction

A. Background of this document.

In 1978, with the publication of the proposed NEPA regulations (since adopted as formal rules, 40 C.F.R. Parts 1500-1508), the Council on Environmental Quality gave formal recognition to an increasingly used term -- scoping. Scoping is an idea that has long been familiar to those involved in NEPA compliance: In order to gage effectively the preparation of an environmental impact statement (EIS), one must determine the scope of the document - that is, what will be covered, and in what detail. Planning of this kind was a normal component of EIS preparation. But the consideration of issues and choice of alternatives to be examined was in too many cases completed outside of public view. The innovative approach to scoping in the regulations is that the process is open to the public and state and local averments, as well as to affected federal agencies. This open process gives rise to important new opportunities for better and more

efficient NEPA analyses; and simultaneously places new responsibilities on public and agency participants alike to surface their concerns early. Scoping helps insure that real problems are identified early and properly studied; that issues that are of no concern do not consume time and effort; that the draft statement when first made public is balanced and thorough; and that the delays occasioned by re-doing an inadequate draft are avoided. Scoping does not create problems that did not already exist; it ensures that problems that would have been raised anyway are identified early in the process. Many members of the public as well as agency staffs engaged in the NEPA process have told the Council that the open scoping requirement is one of the most far-reaching changes engendered by the NEPA regulations. They have predicted that scoping could have a profound positive effect on environmental analyses, on the impact statement process itself, and ultimately on decisionmaking. Because the concept of open scoping was new, the Council decided to encourage agencies' innovation without unduly restrictive guidance. Thus the regulations relating to scoping are very simple. They state that "there shall be an early and open process for determining the scope of issues to be addressed" which "shall be termed scoping," but they lay down few specific requirements. (Section 1501.7). They require an open process with public notice; identification of significant and insignificant issues; allocation of EIS preparation assignments; identification of related analysis requirements in order to avoid duplication of work; and the planning of a schedule for EIS preparation that meshes with the agency's decisionmaking schedule. (Section 1501.7(a)). The regulations encourage but do not require, setting time limits and page limits for the EIS, and holding scoping meetings. (Section 1501.7(b)). Aside from these general outlines, the regulations left the agencies on their own. The Council did not believe, and still does not, that it is necessary or appropriate to dictate the specific manner in which over 100 federal agencies should deal with the public. However, the Council has received several requests for more guidance. In 1980 we decided to investigate the agency and public response to the scoping requirement, to find out what was working and what was not, and to share this with all agencies and the public. The Council first conducted its own survey, asking federal agencies to report some of their scoping experiences. The Council then contracted with the American Arbitration Association and Clark McGlennon Associates to survey the scoping techniques of major agencies and to study several innovative methods in detail. Council staff conducted a two-day workshop in Atlanta in June 1980, to discuss with federal agency NEPA staff and several EIS contractors what seems to work best in scoping of different types of proposals, and discussed scoping with federal, state and local officials in meetings in all 10 federal regions. This document is a distillation of all the work that has been done so far by many people to identify valuable scoping techniques. It is offered as a guide to encourage success and to help avoid pitfalls. Since scoping methods are still evolving, the Council welcomes any comments on this guide, and may add to it or revise it in coming years.

B. What scoping is and what it can do.

Scoping is often the first contact between proponents of a proposal and the public. This fact is the source of the power of scoping and of the trepidation that it sometimes evokes. If a scoping meeting is held, people on both sides of an issue will be in the same room and, if all goes well, will speak to each other. The possibilities that flow from this situation are vast. Therefore, a large portion of this document is devoted to the productive management of meetings and the de-fusing of possible heated disagreements. Even if a meeting is not held, the scoping process leads EIS preparers to think about the proposal early

on, in order to explain it to the public and affected agencies. The participants respond with their own concerns about significant issues and suggestions of alternatives. Thus as the draft EIS is prepared, it will include, from the beginning, a reflection or at least an acknowledgement of the cooperating agencies' and the public's concerns. This reduces the need for changes after the draft is finished, because it reduces the chances of overlooking a significant issue or reasonable alternative. It also in many cases increases public confidence in NEPA and the decisionmaking process, thereby reducing delays, such as from litigation, later on when implementing the decisions. As we will discuss further in this document, the public generally responds positively when its views are taken seriously, even if they cannot be wholly accommodated. But scoping is not simply another "public relations" meeting requirement. It has specific and fairly limited objectives: (a) to identify the affected public, and agency concerns; (b) to facilitate an efficient EIS preparation process, through assembling the cooperating agencies, assigning EIS writing tasks, ascertaining all the related permits and reviews that must be scheduled concurrently, and setting time or page limits; (c) to define the issues and alternatives that will be examined in detail in the EIS while simultaneously devoting less attention and time to issues which cause no concern; and (d) to save time in the overall process by helping to ensure that draft statements adequately address relevant issues, reducing the possibility that new comments will cause a statement to be rewritten or supplemented.

Sometimes the scoping process enables early identification of a few serious problems with a proposal, which can be changed or solved because the proposal is still being developed. In these cases, scoping the EIS can actually lead to the solution of a conflict over the proposed action itself. We have found that this extra benefit of scoping occurs fairly frequently. But it cannot be expected in most cases, and scoping can still be considered successful when conflicts are clarified but not solved. This guide does not presume that resolution of conflicts over proposals is a principal goal of scoping, because it is only possible in limited circumstances. Instead, the Council views the principal goal of scoping to be an adequate and efficiently prepared EIS. Our suggestions and recommendations are aimed at reducing the conflicts among affected interests that impede this limited objective. But we are aware of the possibilities of more general conflict resolution that are inherent in any productive discussions among interested parties. We urge all participants in scoping processes to be alert to this larger context, in which scoping could prove to be the first step in environmental problem-solving.

Scoping can lay a firm foundation for the rest of the decisionmaking process. If the EIS can be relied upon to include all the necessary information for formulating policies and making rational choices, the agency will be better able to make a sound and prompt decision. In addition, if it is clear that all reasonable alternatives are being seriously considered, the public will usually be more satisfied with the choice among them.

II. Advice for Government Agencies Conducting Scoping

A. General context.

Scoping is a process, not an event or a meeting. It continues throughout the planning for an EIS, and may involve a series of meetings, telephone conversations, or written comments from different interested groups. Because it is a process, participants must remain flexible. The scope of an EIS occasionally may

need to be modified later if a new issue surfaces, no matter how thorough the scoping was. But it makes sense to try to set the scope of the statement as early as possible.

Scoping may identify people who already have knowledge about a site or an alternative proposal or a relevant study, and induce them to make it available. This can save a lot of research time and money. But people will not come forward unless they believe their views and materials will receive serious consideration. Thus scoping is a crucial first step toward building public confidence in a fair environmental analysis and ultimately a fair decisionmaking process. One further point to remember: the lead agency cannot shed its responsibility to assess each significant impact or alternative even if one is found after scoping. But anyone who hangs back and fails to raise something that reasonably could have been raised earlier on will have a hard time prevailing during later stages of the NEPA process or if litigation ensues. Thus a thorough scoping process does provide some protection against subsequent lawsuits.

B. Step-by-step through the process.

1. Start scoping after you have enough information.

Scoping cannot be useful until the agency knows enough about the proposed action to identify most of the affected parties, and to present a coherent proposal and a suggested initial list of environmental issues and alternatives. Until that time there is no way to explain to the public or other agencies what you want them to get involved in. So the first stage is to gather preliminary information from the applicant, or to compose a clear picture of your proposal, if it is being developed by the agency.

2. Prepare an information packet.

In many cases, scoping of the EIS has been preceded by preparation of an environmental assessment (EA) as the basis for the decision to proceed with an EIS. In such cases, the EA will, of course, include the preliminary information that is needed. If you have not prepared an EA, you should put together a brief information packet consisting of a description of the proposal, an initial list of impacts and alternatives, maps, drawings, and any other material or references that can help the interested public to understand what is being proposed. The proposed work plan of the EIS is not usually sufficient for this purpose. Such documents rarely contain a description of the goals of the proposal to enable readers to develop alternatives. At this stage, the purpose of the information is to enable participants to make an intelligent contribution to scoping the EIS. Because they will be helping to plan what will be examined during the environmental review, they need to know where you are now in that planning process. Include in the packet a brief explanation of what scoping is, and what procedure will be used, to give potential participants a context for their involvement. Be sure to point out that you want comments from participants on very specific matters. Also reiterate that no decision has yet been made on the contents of the EIS, much less on the proposal itself. Thus, explain that you do not yet have a preferred alternative, but that you may identify the preferred alternative in the draft EIS. (See Section 1502.14(e)). This should reduce the tendency of participants to perceive the proposal as already a definite plan. Encourage them to focus on recommendations for improvements to the various alternatives. Some of the complaints alleging

that scoping can be a waste of time stem from the fact that the participants may not know what the proposal is until they arrive at a meeting. Even the most intelligent among us can rarely make useful, substantive comments on the spur of the moment. Don't expect helpful suggestions to result if participants are put in such a position.

3. Design the scoping process for each project.

There is no established or required procedure for scoping. The process can be carried out by meetings, telephone conversations, written comments, or a combination of all three. It is important to tailor the type, the timing and the location of public and agency comments to the proposal at hand. For example, a proposal to adopt a land management plan for a National Forest in a sparsely populated region may not lend itself to calling a single meeting in a central location. While people living in the area and elsewhere may be interested, any meeting place will be inconvenient for most of the potential participants. One solution is to distribute the information packet, solicit written comments, list a telephone number with the name of the scoping coordinator, and invite comments to be phoned in. Otherwise, small meetings in several locations may be necessary when face-to-face communication is important. In another case, a site-specific construction project may be proposed. This would be a better candidate for a central scoping meeting. But you must first find out if anyone would be interested in attending such a meeting. If you simply assume that a meeting is necessary, you may hire a hall and a stenographer, assemble your staff for a meeting, and find that nobody shows up. There are many proposals that just do not generate sufficient public interest to cause people to attend another public meeting. So a wise early step is to contact known local citizens groups and civic leaders. In addition, you may suggest in your initial scoping notice and information packet that all those who desire a meeting should call to request one. That way you will only hear from those who are seriously interested in attending. The question of where to hold a meeting is a difficult one in many cases. Except for site specific construction projects, it may be unclear where the interested parties can be found. For example, an EIS on a major energy development program may involve policy issues and alternatives to the program that are of interest to public groups all over the nation, and to agencies headquartered in Washington, D.C., while the physical impacts might be expected to be felt most strongly in a particular region of the country. In such a case, if personal contact is desired, several meetings would be necessary, especially in the affected region and in Washington, to enable all interests to be heard. As a general guide, unless a proposal has no site specific impacts, scoping meetings should not be confined to Washington. Agencies should try to elicit the views of people who are closer to the affected regions. The key is to be flexible. It may not be possible to plan the whole scoping process at the outset, unless you know who all the potential players are. You can start with written comments, move on to an informal meeting, and hold further meetings if desired. There are several reasons to hold a scoping meeting. First, some of the best effects of scoping stem from the fact that all parties have the opportunity to meet one another and to listen to the concerns of the others. There is no satisfactory substitute for personal contact to achieve this result. If there is any possibility that resolution of underlying conflicts over a proposal may be achieved, this is always enhanced by the development of personal and working relationships among the parties. Second, even in a conflict situation people usually respond positively when they are treated as partners in the project review process. If they feel confident that their views were actually heard and taken seriously, they will be more likely to be satisfied that the decisionmaking process was fair even if they disagree with the outcome. It is much easier to show people

that you are listening to them if you hold a face-to-face meeting where they can see you writing down their points, than if their only contact is through written comments. If you suspect that a particular proposal could benefit from a meeting with the affected public at any time during its review, the best time to have the meeting is during this early scoping stage. The fact that you are willing to discuss openly a proposal before you have committed substantial resources to it will often enhance the chances for reaching an accord. If you decide that a public meeting is appropriate, you still must decide what type of meeting, or how many meetings, to hold. We will discuss meetings in detail below in "Conducting a Public Meeting." But as part of designing the scoping process, you must decide between a single meeting and multiple ones for different interest groups, and whether to hold a separate meeting for government agency participants. The single large public meeting brings together all the interested parties, which has both advantages and disadvantages. If the meeting is efficiently run, you can cover a lot of interests and issues in a short time. And a single meeting does reduce agency travel time and expense. In some cases it may be an advantage to have all interest groups hear each others' concerns, possibly promoting compromise. It is definitely important to have the staffs of the cooperating agencies, as well as the lead agency, hear the public views of what the significant issues are; and it will be difficult and expensive for the cooperating agencies to attend several meetings. But if there are opposing groups of citizens who feel strongly on both sides of an issue, the setting of the large meeting may needlessly create tension and an emotional confrontation between the groups. Moreover, some people may feel intimidated in such a setting, and won't express themselves at all. The principal drawback of the large meeting, however, is that it is generally unwieldy. To keep order, discussion is limited, dialogue is difficult, and often all participants are frustrated, agency and public alike. Large meetings can serve to identify the interest groups for future discussion, but often little else is accomplished. Large meetings often become "events" where grandstanding substitutes for substantive comments. Many agencies resort to a formal hearing-type format to maintain control, and this can cause resentments among participants who came to the meeting expecting a responsive discussion. For these reasons, we recommend that meetings be kept small and informal, and that you hold several, if necessary, to accommodate the different interest groups. The other solution is to break a large gathering into small discussion groups, which is discussed below. Using either method increases the likelihood that participants will level with you and communicate their underlying concerns rather than make an emotional statement just for effect. Moreover, in our experience, a separate meeting for cooperating agencies is quite productive. Working relationships can be forged for the effective participation of all involved in the preparation of the EIS. Work assignments are made by the lead agency, a schedule may be set for production of parts of the draft EIS, and information gaps can be identified early. But a productive meeting such as this is not possible at the very beginning of the process. It can only result from the same sort of planning and preparation that goes into the public meetings. We discuss below the special problems of cooperating agencies, and their information needs for effective participation in scoping.

4. Issuing the public notice.

The preliminary look at the proposal, in which you develop the information packet discussed above, will enable you to tell what kind of public notice will be most appropriate and effective. Section 1501.7 of the NEPA regulations requires that a notice of intent to prepare an EIS must be published in the Federal Register prior to initiating scoping. This means that one of the appropriate means of giving public notice

of the upcoming scoping process could be the same Federal Register notice. And because the notice of intent must be published anyway, the scoping notice would be essentially free. But use of the Federal Register is not an absolute requirement, and other means of public notice often are more effective, including local newspapers, radio and TV, posting notices in public places, etc. (See Section 1506.6 of the regulations.) What is important is that the notice actually reach the affected public. If the proposal is an important new national policy in which national environmental groups can be expected to be interested, these groups can be contacted by form letter with ease. (See the Conservation Directory for a list of national groups.) Similarly, for proposals that may have major implications for the business community, trade associations can be helpful means of alerting affected groups. The Federal Register notice can be relied upon to notify others that you did not know about. But the Federal Register is of little use for reaching individuals or local groups interested in a site specific proposal. Therefore notices in local papers, letters to local government officials and personal contact with a few known interested individuals would be more appropriate. Land owners abutting any proposed project site should be notified individually. Remember that issuing press releases to newspapers, and radio and TV stations is not enough, because they may not be used by the media unless the proposal is considered "newsworthy." If the proposal is controversial, you can try alerting reporters or editors to an upcoming scoping meeting for coverage in special weekend sections used by many papers. But placing a notice in the legal notices section of the paper is the only guarantee that it will be published.

5. Conducting a public meeting.

In our study of agency practice in conducting scoping, the most interesting information on what works and doesn't work involves the conduct of meetings. Innovative techniques have been developed, and experience shows that these can be successful. One of the most important factors turns out to be the training and experience of the moderator. The U.S. Office of Personnel Management and others give training courses on how to run a meeting effectively. Specific techniques are taught to keep the meeting on course and to deal with confrontations. These techniques are sometimes called "meeting facilitation skills." When holding a meeting, the principle thing to remember about scoping is that it is a process to initiate preparation of an EIS. It is not concerned with the ultimate decision on the proposal. A fruitful scoping process leads to an adequate environmental analysis, including all reasonable alternatives and mitigation measures. This limited goal is in the interest of all the participants, and thus offers the possibility of agreement by the parties on this much at least. To run a successful meeting you must keep the focus on this positive purpose. At the point of scoping therefore, in one sense all the parties involved have a common goal, which is a thorough environmental review. If you emphasize this in the meeting you can stop any grandstanding speeches without a heavy hand, by simply asking the speaker if he or she has any concrete suggestions for the group on issues to be covered in the EIS. By frequently drawing the meeting back to this central purpose of scoping, the opponents of a proposal will see that you have not already made a decision, and they will be forced to deal with the real issues. In addition, when people see that you are genuinely seeking their opinion, some will volunteer useful information about a particular subject or site that they may know better than anyone on your Staff. As we stated above, we found that informal meetings in small groups are the most satisfactory for eliciting useful issues and information. Small groups can be formed in two ways: you can invite different interest groups to different meetings, or you can break a large number into small groups for discussion. One successful model is used by the

Army Corps of Engineers, among others. In cases where a public meeting is desired, it is publicized and scheduled for a location that will be convenient for as many potential participants as possible. The information packet is made available in several ways, by sending it to those known to be interested, giving a telephone number in the public notices for use in requesting one, and providing more at the door of the meeting place as well. As participants enter the door, each is given a number. Participants are asked to register their name, address and/or telephone number for use in future contact during scoping and the rest of the NEPA process. The first part of the meeting is devoted to a discussion of the proposal in general, covering its purpose, proposed location, design, and any other aspects that can be presented in a lecture format. A question and answer period concerning this information is often held at this time. Then if there are more than 15 or 20 attendees at the meeting, the next step is to break it into small groups for more intensive discussion. At this point, the numbers held by the participants are used to assign them to small groups by sequence, random drawing, or any other method. Each group should be no larger than 12, and 8-10 is better. The groups are informed that their task is to prepare a list of significant environmental issues and reasonable alternatives for analysis in the EIS. These lists will be presented to the main group and combined into a master list, after the discussion groups are finished. The rules for how priorities are to be assigned to the issues identified by each group should be made clear before the large group breaks up. Some agencies ask each group member to vote for the 5 or 10 most important issues. After tallying the votes of individual members, each group would only report out those issues that received a certain number of votes. In this way only those items of most concern to the members would even make the list compiled by each group. Some agencies go further, and only let each group report out the top few issues identified. But you must be careful not to ignore issues that may be considered a medium priority by many people. They may still be important, even if not in the top rank. Thus instead of simply voting, the members of the groups should rank the listed issues in order of perceived importance. Points may be assigned to each item on the basis of the rankings by each member, so that the group can compile a list of its issues in priority order. Each group should then be asked to assign cut-off numbers to separate high, medium and low priority items. Each group should then report out to the main meeting all of its issues, but with priorities clearly assigned. One member of the lead agency or cooperating agency staff should join each group to answer questions and to listen to the participants' expressions of concern. It has been the experience of many of those who have tried this method that it is better not to have the agency person lead the group discussions. There does need to be a leader, who should be chosen by the group members. In this way, the agency staff member will not be perceived as forcing his opinions on the others. If the agency has a sufficient staff of formally trained "meeting facilitators," they may be able to achieve the same result even where agency staff people lead the discussion groups. But absent such training, the staff should not lead the discussion groups. A good technique is to have the agency person serve as the recording secretary for the group, writing down each impact and alternative that is suggested for study by the participants. This enhances the neutral status of the agency representative, and ensures that he is perceived as listening and reacting to the views of the group. Frequently, the recording of issues is done with a large pad mounted on the wall like a blackboard, which has been well received by agency and public alike, because all can see that the views expressed actually have been heard and understood. When the issues are listed, each must be clarified or combined with others to eliminate duplication or fuzzy concepts. The agency staff person can actually lead in this effort because of his need to reflect on paper exactly what the issues are. After the group has listed all the environmental impacts and alternatives and any other issues that the members wish to have considered, they are asked to discuss the relative merits and importance of each listed item. The group should be reminded that one of its tasks is to

eliminate insignificant issues. Following this, the members assign priorities or vote using one of the methods described above. The discussion groups are then to return to the large meeting to report on the results of their ranking. At this point further discussion may be useful to seek a consensus on which issues are really insignificant. But the moderator must not appear to be ruthlessly eliminating issues that the participants ranked of high or medium importance. The best that can usually be achieved is to "deemphasize" some of them, by placing them in the low priority category.

6. What to do with the comments.

After you have comments from the cooperating agencies and the interested public, you must evaluate them and make judgments about which issues are in fact significant and which ones are not. The decision of what the EIS should contain is ultimately made by the lead agency. But you will now know what the interested participants consider to be the principal areas for study and analysis. You should be guided by these concerns, or be prepared to briefly explain why you do not agree. Every issue that is raised as a priority matter during scoping should be addressed in some manner in the EIS, either by in-depth analysis, or at least a short explanation showing that the issue was examined, but not considered significant for one or more reasons. Some agencies have complained that the time savings claimed for scoping have not been realized because after public groups raise numerous minor matters, they cannot focus the EIS on the significant issues. It is true that it is always easier to add issues than it is to subtract them during scoping. And you should realize that trying to eliminate a particular environmental impact or alternative from study may arouse the suspicions of some people. cooperating agencies may be even more reluctant to eliminate issues in their areas of special expertise than the public participants. But the way to approach it is to seek consensus on which issues are less important. These issues may then be deemphasized in the EIS by a brief discussion of why they were not examined in depth. If no consensus can be reached, it is still your responsibility to select the significant issues. The lead agency cannot abdicate its role and simply defer to the public. Thus a group of participants at a scoping meeting should not be able to "vote" an insignificant matter into a big issue. If a certain issue is raised and in your professional judgment you believe it is not significant, explain clearly and briefly in the EIS why it is not significant. There is no need to devote time and pages to it in the EIS if you can show that it is not relevant or important to the proposed action. But you should address in some manner all matters that were raised in the scoping process, either by an extended analysis or a brief explanation showing that you acknowledge the concern. Several agencies have made a practice of sending out a post-scoping document to make public the decisions that have been made on what issues to cover in the EIS. This is not a requirement, but in certain controversial cases it can be worthwhile. Especially when scoping has been conducted by written comments, and there has been no face-to-face contact, a post-scoping document is the only assurance to the participants that they were heard and understood until the draft EIS comes out. Agencies have acknowledged to us that "letters instead of meetings seem to get disregarded easier." Thus a reasonable quid pro quo for relying on comment letters would be to send out a post-scoping document as feedback to the commentors. The post-scoping document may be as brief as a list of impacts and alternatives selected for analysis; it may consist of the "scope of work" produced by the lead and cooperating agencies for their own EIS work or for the contractor; or it may be a special document that describes all the issues and explains why they were selected.

7. Allocating work assignments and setting schedules.

Following the public participation in whatever form, and the selection of issues to be covered, the lead agency must allocate the EIS preparation work among the available resources. If there are no cooperating agencies, the lead agency allocates work among its own personnel or contractors. If there are cooperating agencies involved, they may be assigned specific research or writing tasks. The NEPA regulations require that they normally devote their own resources to the issues in which they have special expertise or jurisdiction by law. (Sections 1501.6(b)(3), (5), and 1501.7(a)(4)). In all cases, the lead agency should set a schedule for completion of the work, designate a project manager and assign the reviewers, and must set a time limit for the entire NEPA analysis if requested to do so by an applicant. (Section 1501.8).

8. A few ideas to try.

- **a. Route design workshop** As part of a scoping process, a successful innovation by one agency involved route selection for a railroad. The agency invited representatives of the interested groups (identified at a previous public meeting) to try their hand at designing alternative routes for a proposed rail segment. Agency staff explained design constraints and evaluation criteria such as the desire to minimize damage to prime agricultural land and valuable wildlife habitat. The participants were divided into small groups for a few hours of intensive work. After learning of the real constraints on alternative routes, the participants had a better understanding of the agency's and applicant's viewpoints. Two of the participants actually supported alternative routes that affected their own land because the overall impacts of these routes appeared less adverse. The participants were asked to rank the five alternatives they had devised and the top two were included in the EIS. But the agency did not permit the groups to apply the same evaluation criteria to the routes proposed by the applicant or the agency. Thus public confidence in the process was not as high as it could have been, and probably was reduced when the applicant's proposal was ultimately selected. The Council recommends that when a hands-on design workshop is used, the assignment of the group be expanded to include evaluation of the reasonableness of all the suggested alternatives.
- **b. Hotline** Several agencies have successfully used a special telephone number, essentially a hotline, to take public comments before, after, or instead of a public meeting. It helps to designate a named staff member to receive these calls so that sane continuity and personal relationships can be developed.
- **c. Videotape of sites** A videotape of proposed sites is an excellent tool for explaining site differences and limitations during the lecture-format part of a scoping meeting.
- **d. Videotape meetings** one agency has videotaped whole scoping meetings. Staff found that the participants took their roles more seriously and the taping appeared not to precipitate grandstanding tactics.
- **e. Review committee** Success has been reported from one agency which sets up review committees, representing all interested groups, to oversee the scoping process. The committees help to design the scoping process. In cooperation with the lead agency, the committee reviews the materials generated by the scoping meeting. Again, however, the final decision on EIS content is the responsibility of the lead agency.

- f. Consultant as meeting moderator In some hotly contested cases, several agencies have used the EIS consultant to actually run the scoping meeting. This is permitted under the NEPA regulations and can be useful to de-fuse a tense atmosphere if the consultant is perceived as a neutral third party. But the responsible agency officials must attend the meetings. There is no substitute for developing a relationship between the agency officials and the affected parties. Moreover, if the responsible officials are not prominently present, the public may interpret that to mean that the consultant is actually making the decisions about the EIS, and not the lead agency.
- g. Money saving tips Remember that money can be saved by using conference calls instead of meetings, tape-recording the meetings instead of hiring a stenographer, and finding out whether people want a meeting before announcing it.

C. Pitfalls.

We list here some of the problems that have been experienced in certain scoping cases, in order to enable others to avoid the same difficulties.

1. Closed meetings.

In response to informal advice from CEQ that holding separate meetings for agencies and the public would be permitted under the regulations and could be more productive, one agency scheduled a scoping meeting for the cooperating agencies same weeks in advance of the public meeting. Apparently, the lead agency felt that the views of the cooperating agencies would be more candidly expressed if the meeting were closed. In any event, several members of the public learned of the meeting and asked to be present. The lead agency acquiesced only after newspaper reporters were able to make a story out of the closed session. At the meeting, the members of the public were informed that they would not be allowed to speak, nor to record the proceedings. The ill feeling aroused by this chain of events may not be repaired for a long time. Instead, we would suggest the following possibilities:

- a. Although separate meetings for agencies and public groups may be more efficient, there is no magic to them. By all means, if someone insists on attending the agency meeting, let him. There is nothing as secret going on there as he may think there is if you refuse him admittance. Better yet, have your meeting of cooperating agencies after the public meeting. That may be the most logical time anyway, since only then can the scope of the EIS be decided upon and assignments made among the agencies. If it is well done, the public meeting will satisfy most people and show them that you are listening to them.
- b. Always permit recording. In fact, you should suggest it for public meetings. All parties will feel better if there is a record of the proceeding. There is no need for a stenographer, and tape is inexpensive. It may even be better than a typed transcript, because staff and decision-makers who did not attend the meeting can listen to the exchange and may learn a lot about public perceptions of the proposal.
- c. When people are admitted to a meeting, it makes no sense to refuse their requests to speak. However, you can legitimately limit their statements to the subject at hand-scoping. You do not have to permit some participants to waste the others' time if they refuse to focus on the impacts

and alternatives for inclusion in the EIS. Having a tape of the proceedings could be useful after the meeting if there is some question that speakers were improperly silenced. But it takes an experienced moderator to handle a situation like this.

- d. The scoping stage is the time for building confidence and trust on all sides of a proposal, because this is the only time when there is a cannon enterprise. The attitudes formed at this stage can carry through the project review process. Certainly it is difficult for things to get better. So foster the good will as long as you can by listening to what is being said during scoping. It is possible that out of that dialogue may appear recommendations for changes and mitigation measures that can turn a controversial fight into an acceptable proposal.

2. Contacting interested groups.

Some problems have arisen in scoping where agencies failed to contact all the affected parties, such as industries or state and local governments. In one case, a panel was assembled to represent various interests in scoping an EIS on a wildlife-related program. The agency had an excellent format for the meeting, but the panel did not represent industries that would be affected by the program or interested state and local governments. As a result, the EIS may fail to reflect the issues of concern to these parties. Another agency reported to us that it failed to contact parties directly because staff feared that if they missed someone they would be accused of favoritism. Thus they relied on the issuance of press releases which were not effective. Many people who did not learn about the meetings in time sought additional meeting opportunities, which cost extra money and delayed the process. In our experience, the attempt to reach people is worth the effort. Even if you miss someone, it will be clear that you tried. You can enlist a few representatives of an interest group to help you identify and contact others. Trade associations, chambers of commerce, local civic groups, and local and national conservation groups can spread the word to members.

3. Tiering.

Many people are not familiar with the way environmental impact statements can be "tiered" under the NEPA regulations, so that issues are examined in detail at the stage that decisions on them are being made. See Section 1508.28 of the regulations. For example, if a proposed program is under review, it is possible that site specific actions are not yet proposed. In such a case, these actions are not addressed in the EIS on the program, but are reserved for a later tier of analysis. If tiering is being used, this concept must be made clear at the outset of any scoping meeting, so that participants do not concentrate on issues that are not going to be addressed at this time. If you can specify when these other issues will be addressed it will be easier to convince people to focus on the matters at hand.

4. Scoping for unusual programs.

One interesting scoping case involved proposed changes in the Endangered Species Program. Among the impacts to be examined were the effects of this conservation program on user activities such as mining, hunting, and timber harvest, instead of the other way around. Because of this reverse twist in the impacts to be analyzed, some participants had difficulty focusing on useful issues. Apparently, if the subject of the

EIS is unusual, it will be even harder than normal for scoping participants to grasp what is expected of them. In the case of the Endangered Species Program EIS, the agency planned an intensive 3 day scoping session, successfully involved the participants, and reached accord on several issues that would be important for the future implementation of the program. But the participants were unable to focus on impacts and program alternatives for the EIS. We suggest that if the intensive session had been broken up into 2 or 3 meetings separated by days or weeks, the participants might have been able to get used to the new way of thinking required, and thereby to participate more productively. Programmatic proposals are often harder to deal with in a scoping context than site specific projects. Thus extra care should be taken in explaining the goals of the proposal and in making the information available well in advance of any meetings.

D. Lead and Cooperating Agencies.

Some problems with scoping revolve around the relationship between lead and cooperating agencies. Some agencies are still uncomfortable with these roles. The NEPA regulations, and the 40 Questions and Answers about the NEPA Regulate 46 Fed. Reg. 18026, (March 23, 1981) describe in detail the way agencies are now asked to cooperate on environmental analyses. (See Questions 9, 14, and 30.) We will focus here on the early phase of that cooperation. It is important for the lead agency to be as specific as possible with the cooperating agencies. Tell them what you want them to contribute during scoping: environmental impacts and alternatives. Some agencies still do not understand the purpose of scoping. Be sure to contact and involve representatives of the cooperating agencies who are responsible for NEPA-related functions. The lead agency will need to contact staff of the cooperating agencies who can both help to identify issues and alternatives and commit resources to a study, agree to a schedule for EIS preparation, or approve a list of issues as sufficient. In scene agencies that will be at the district or state office level (e.g., Corps of Engineers, Bureau of Land Management, and Soil Conservation Service) for all but exceptional cases. In other agencies you must go to regional offices for scoping comments and commitments (e.g., EPA, Fish and Wildlife Service, Water and Power Resources Service). In still others, the field offices do not have NEPA responsibilities or expertise and you will deal directly with headquarters (e.g., Federal Energy Regulatory Commission, Interstate Commerce Commission). In all cases you are looking for the office that can give you the answers you need. So keep trying until you find the organizational level of the cooperating agency that can give you useful information and that has the authority to make commitments. As stated in 40 Questions and Answers about the NEPA Regulations, the lead agency has the ultimate responsibility for the content of the EIS, but if it leaves out a significant issue or ignores the advice and expertise of the cooperating agency, the EIS may be found later to be inadequate. (46 Fed. Reg. 18030, Question 14b.) At the same time, the cooperating agency will be concerned that the EIS contain material sufficient to satisfy its decisionmaking needs. Thus, both agencies have a stake in producing a document of good quality. The cooperating agencies should be encouraged not only to participate in scoping but also to review the decisions made by the lead agency about what to include in the EIS. Lead agencies should allow any information needed by a cooperating agency to be included, and any issues of concern to the cooperating agency should be covered, but it usually will have to be at the expense of the cooperating agency. Cooperating agencies have at least as great a need as the general public for advance information on a proposal before any scoping takes place. Agencies have reported to us that information from the lead agency is often too sketchy or comes too late

for informed participation. Lead agencies must clearly explain to all cooperating agencies what the proposed action is conceived to be at this time, and what present alternatives and issues the lead agency sees, before expecting other agencies to devote time and money to a scoping session. Informal contacts among the agencies before scoping gets underway are valuable to establish what the cooperating agencies will need for productive scoping to take place. Some agencies will be called upon to be cooperators more frequently than others, and they may lack the resources to respond to the numerous requests. The NEPA regulations permit agencies without jurisdiction by law (i.e., no approval authority over the proposal) to decline the cooperating agency role. (Section 1501.6(c)). But agencies that do have jurisdiction by law cannot opt out entirely and may have to reduce their cooperating effort devoted to each EIS. (See Section 1501.6(c) and 40 Questions and Answers about the NEPA Regulations, 46 Fed. Reg. 18030, Question 14a.) Thus, cooperators would be greatly aided by a priority list from the lead agency showing which proposals most need their help. This will lead to a more efficient allocation of resources. Some cooperating agencies are still holding back at the scoping stage in order to retain a critical position for later in the process. "They either avoid the scoping sessions or fail to contribute, and then raise objections in comments on the draft EIS. We cannot emphasize enough that the whole point of scoping is to avoid this situation. As we stated in 40 Questions and Answers about the NEPA Regulations, "if the new alternative [or other issue] was not raised by the commentor during scoping, but could have been, commentors may find that they are unpersuasive in their efforts to have their suggested alternative analyzed in detail by the [lead] agency." (46 Fed. Reg. 18035, Question 29b.)

III. Advice for Public Participants

Scoping is a new opportunity for you to enter the earliest phase of the decisionmaking process on proposals that affect you. Through this process you have access to public officials before decisions are made and the right to explain your objections and concerns. But this opportunity carries with it a new responsibility. No longer may individuals hang back until the process is almost complete and then spring forth with a significant issue or alternative that might have been raised earlier. You are now part of the review process, and your role is to inform the responsible agencies of the potential impacts that should be studied, the problems a proposal may cause that you foresee, and the alternatives and mitigating measures that offer promise. As noted above, and in 40 Questions and Answers, no longer will a comment raised for the first time after the draft EIS is finished be accorded the same serious consideration it would otherwise have merited if the issue had been raised during scoping. Thus you have a responsibility to come forward early with known issues. In return, you get the chance to meet the responsible officials and to make the case for your alternative before they are committed to a course of action. To a surprising degree this avenue has been found to yield satisfactory results. There's no guarantee, of course, but when the alternative you suggest is really better, it is often hard for a decisionmaker to resist. There are several problems that commonly arise that public participants should be aware of:

A. Public input is often only negative

The optimal timing of scoping within the NEPA process is difficult to judge. On the one hand, as explained above (Section II.B.1.), if it is attempted too early, the agency cannot explain what it has in mind and informed participation will be impossible. On the other, if it is delayed, the public may find that

significant decisions are already made, and their comments may be discounted or will be too late to change the project. Sane agencies have found themselves in a tactical cross-fire when public criticism arises before they can even define their proposal sufficiently to see whether they have a worthwhile plan. Understandably, they would be reluctant after such an experience to invite public criticism early in the planning process through open scoping. But it is in your interest to encourage agencies to come out with proposals in the early stage because that enhances the possibility of your comments being used. Thus public participants in scoping should reduce the emotion level wherever possible and use the opportunity to make thoughtful, rational presentations on impacts and alternatives. Polarizing over issues too early hurts all parties. If agencies get positive and useful public responses from the scoping process, they will more frequently come forward with proposals early enough so that they can be materially improved by your suggestions.

B. Issues are too broad

The issues that participants tend to identify during scoping are much too broad to be useful for analytical purposes. For example, "cultural impacts" - what does this mean? What precisely are the impacts that should be examined? When the EIS preparers encounter a comment as vague as this they will have to make their own judgment about what you meant, and you may find that your issues are not covered. Thus, you should refine the broad general topics, and specify which issues need evaluation and analysis.

C. Impacts are not identified

Similarly, people (including agency staff) frequently identify "causes" as issues but fail to identify the principal "effects" that the EIS should evaluate in depth. For example, oil and gas development is a cause of many impacts. Simply listing this generic category is of little help. You must go beyond the obvious causes to the specific effects that are of concern. If you want scoping to be seen as more than just another public meeting, you will need to put in extra work.

IV. Brief Points For Applicants.

Scoping can be an invaluable part of your early project planning. Your main interest is in getting a proposal through the review process. This interest is best advanced by finding out early where the problems with the proposal are, who the affected parties are, and where accommodations can be made. Scoping is an ideal meeting place for all the interest groups if you proposal are, who the affected parties are, and where accommodations can be made. Scoping is an ideal meeting place for all the interest groups if you have not already contacted them. In several cases, we found that the compromises made at this stage allowed a project to move efficiently through the permitting process virtually unopposed. The NEPA regulations place an affirmative obligation on agencies to "provide for cases where actions are planned by private applicants" so that designated staff are available to consult with the applicants, to advise applicants of information that will be required during review, and to insure that the NEPA process commences at the earliest possible time. (Section 1501.2(d)). This section of the regulations is intended to ensure that environmental factors are considered at an early stage in the applicant's planing process. (See 40 Questions and Answers about the NEPA Regulations, 46 Fed. Reg. 18028, Questions 8 and 9.)

Applicants should take advantage of this requirement in the regulations by approaching the agencies early to consult on alternatives, mitigation requirements, and the agency's information needs. This early contact with the agency can facilitate a prompt initiation of the scoping process in cases where an EIS will be prepared. You will need to furnish sufficient information about your proposal to enable the lead agency to formulate a coherent presentation for cooperating agencies and the public. But don't wait until your choices are all made and the alternatives have been eliminated. (Section 1506.1). During scoping, be sure to attend any of the public meetings unless the agency is dividing groups by interest affiliation. You will be able to answer any questions about the proposal, and even more important, you will be able to hear the objections raised, and find out what the real concerns of the public are. This is, of course, vital information for future negotiations with the affected parties.

Appendix Q

DoD Public Participation Checklist on Environmental Justice

I. IMPLEMENTATION

A. Establish a decision-making infrastructure to implement the provisions of the Executive Order

1. Identify an internal administrative process for developing the strategy
2. Establish mechanisms for working cooperatively with the interagency working group on environmental justice
3. Identify an internal administrative process for monitoring and evaluating progress toward implementing the strategy

II. HUMAN HEALTH AND ENVIRONMENTAL RESEARCH, DATA COLLECTION, AND ANALYSIS

A. Identify populations and communities that may be exposed to disproportionately high and adverse human health or environmental effects caused by activities under DoD's U.S. jurisdiction

1. Establish a strategy to gather existing demographic data within appropriate geographic areas.
2. Establish an information resource management strategy to maintain demographic data within appropriate geographic areas.
3. Enhance existing, or as appropriate, develop new site specific study mechanisms to identify high risk populations or communities.

B. Identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of DoD programs, policies and activities on minority and low-income populations at DoD U.S. sites and facilities

1. Collect, maintain, and analyze information, whenever practicable and appropriate to assess and compare disproportionately high and adverse environmental and human health risks borne by populations identified by race, national origin, and income.
2. Conduct, whenever practicable and appropriate, a systematic review of DoD U.S. programs, policies and activities to identify activities that may have a disproportionately high and adverse environmental or human health effect on minority and low-income populations.

3. Assess DoD's methods for determining changes to existing or additions of new military operations and siting of facilities such as sanitary landfills and wastewater treatment plants.
4. Identify opportunities to avoid or mitigate disproportionately high and adverse human health and environmental impacts on minority and low-income populations and identify and undertake new or existing model demonstration programs to reduce such effects.
5. Ensure that DoD programs and actions involving environmental permitting, compliance, research, grants, and agreements, are administered so as to identify and address, where appropriate, disproportionately high and adverse human health or environmental effects of DoD U.S. activities on minority and low income populations.

C. Ensure that DoD environmental and human health research, whenever practicable and appropriate, includes diverse segments of the population

1. Evaluate current risk assessment methodologies as they relate to affected communities, including cumulative and multiple exposures and/or synergistic effects.
2. Review, and revise accordingly, guidance for appropriate inclusion of high risk populations in DoD's health-related research.

D. Identify the patterns of consumption for, and communicate the health risks to, populations who principally rely on fish and/or wildlife for subsistence at DoD U.S. installations

1. Assess the cumulative exposures affecting human health.
2. Assess the cumulative risks related to consumption of fish and/or wildlife.

III. PUBLIC PARTICIPATION AND OUTREACH

A. Improve opportunities for minority and low-income communities to participate in and have access to information on DoD policies and practices that affect human health and the environment

1. Identify DoD stakeholder groups and their environmental justice concerns and interests.
2. Encourage stakeholder participation in the implementation of the Executive order.
3. Improve existing outreach and communication systems to include Environmental Justice stakeholders.

4. Enhance existing, or as appropriate, develop new mechanisms to encourage stakeholder participation in DoD activities that affect human health and the environment.

5. Provide translation of crucial public documents and conduct interpretation of hearings, where practicable and appropriate. Communication should be clear and concise to facilitate comprehension.

IV. NONDISCRIMINATION-TITLE VI

A. Foster nondiscrimination in DoD-funded programs or activities that substantially affect human health or the environment as required by Title VI of the Civil Rights Act

1. Review compliance with Title VI of the Civil Rights Act and develop adequate oversight to determine that programs and activities receiving DoD financial assistance that affect human health or the environment do not discriminate on the basis of race, color, or national origin.

Appendix R

Examples of Newspaper Public Meeting Announcements

officials will use the form which will be filled out entirely at the site during the normal course of the pool and spa inspection. Using the form, the inspectors will collect information regarding the pool or spa facility; identify the type, location and features of the pool or spa; describe the drain covers, anti-entrapment device/systems, sump or equalizer lines at the site; and report on whether any actions are necessary to bring the pool or spa into compliance.

In the **Federal Register** of September 21, 2009, (74 FR 48064), the CPSC published a 60-day notice requesting public comment on the proposed collection of information. Seven comments were received. Several commenters suggested the time burden allotted for the pool operators to participate in the pool inspection was insufficient.

Based on the public comments and CPSC staff's experience inspecting 1,200 pools and spas, the estimated burden hours for pool operators have been increased from 0.5 hours to 3.0 hours.

One commenter recommended that State or local officials use the proposed compliance form during the inspections to ensure consistency. In addition, the commenter stated that CPSC staff should accept findings by State or local officials and not re-inspect the pool.

CPSC staff is working with State and local officials to avoid a duplication of effort regarding pool inspections. State and local officials are conducting a limited number of pool and spa inspections to determine if the requirements of the Pool and Spa Safety Act have been met. CPSC staff will follow up with the pool owner or operator if corrective action is needed.

One commenter recommended an additional requirement for pool operators to state how the facility will monitor the security of the drain cover (*i.e.*, insure it stays fastened in place) and note the expiration date for the cover. Another commenter suggested that the pool operators provide documentation that drain covers and/or SVRS were correctly installed.

CPSC staff is aware of the importance of ensuring the security of the drain cover, but those are policies for the facility to implement, and are not a part of the inspection. However, CPSC staff will request that the pool owner or operator provide the expiration date for the drain covers in the compliance form.

One commenter suggested that, in order to minimize the burden, an electronic form should be used and the pool owners/operators should fill it out before the inspection. A few commenters requested additional

questions, or the use of different terms in the compliance form.

The purpose of the compliance form is to ensure that the CPSC inspection and data collection procedures are completed by CPSC staff or the designated State or local government official. The compliance form is not intended to be filled out by the pool owner or operator. Based on the CPSC staff's experience with the compliance form to date, the information obtained through the form adequately identifies drain covers at pools and spas that do not meet the requirements of ASME/ANSI A112.19.8, and except for the inclusion of the expiration date of the drain cover, we will not otherwise revise the compliance form at this time.

One commenter recommended that CPSC partner with local departments of health, industry, or a non-profit so it can inspect a more representative sample of pools.

CPSC is contracting with State and local officials to conduct pool inspections that follow guidelines provided by CPSC for inspecting pools for compliance with the Pool and Spa Safety Act. The State and local officials can conduct the pool inspections when they do their regular visits to these pools. CPSC staff will follow up with the pool owner or operator if corrective action is needed.

Burden Estimates: The CPSC staff estimates that there may be approximately 700 facilities inspected annually. Because the investigators will be talking to either the pool owner/operator or pool staff at the time of the inspection and asking questions to help complete the form, the CPSC staff estimates that the burden hours for pool owners or pool staff to respond to the questions will be approximately 3 hours per inspection. Thus, the estimated total annual burden hours for respondents are approximately 2,100 hours (700 inspections × 3 hours per inspection). Although respondents may include either junior or senior pool staff, CPSC staff based the annualized cost to respondents based on the compensation for management-level employees, since such employees may be the most knowledgeable of the pool or spa used. The CPSC staff estimates that the annualized cost to all respondents is approximately \$99,624 based on an hourly wage of \$47.44 per hour (\$47.44 × 2,100) (Bureau of Labor Statistics ("BLS"), December 2008, all workers, service, management, professional, and related).

The CPSC staff estimates that it will take an average of 2.5 hours to review the information collected from the oral communications with pool owners/

operators or staff. The annual cost to the Federal government of the collection of information in these regulations is estimated to be \$19,361. This is based on an average wage rate of \$55.97 (the equivalent of a GS-14 Step 5 employee). This represents 70.1 percent of total compensation with an additional 29.9 percent coming from benefits (BLS, September 2008, percentage total benefits for all civilian management, professional, and related employees), or \$79.84 × 242.5 hours.

Dated: May 19, 2010.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2010-12605 Filed 5-25-10; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Meetings of the Draft Environmental Impact Statement for Basing the U.S. Marine Corps Joint Strike Fighter F-35B on the East Coast

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969, and regulations implemented by the Council on Environmental Quality (40 Code of Federal Regulations [CFR] Parts 1500-1508), Department of Navy (DoN) NEPA regulations (32 CFR Part 775), and U.S. Marine Corps (USMC) NEPA directives (Marine Corps Order P5090.2A, changes 1 and 2), DoN has prepared and filed with the U.S. Environmental Protection Agency (EPA) a Draft Environmental Impact Statement (DEIS) that evaluates the potential environmental consequences that may result from the basing of the F-35B Joint Strike Fighter (JSF) on the East Coast of the United States.

With the filing of the DEIS, DoN is initiating a 45-day public comment period and has scheduled five public comment meetings to receive oral and written comments on the DEIS. Federal, state, local agencies, and interested parties are encouraged to provide comments in person at any of the public comment meetings, or in writing anytime during the public comment period. This notice announces the date and location of the public meetings and provides supplementary information about the environmental planning effort.

DATES: The DEIS will be distributed to Federal, State, and local agencies, elected officials, and other interested

parties on May 28, 2010, initiating the 45-day public comment period which will end on July 12, 2010. Each of the five public meetings will be conducted as an informational open house. Marine Corps and Navy representatives will be available to clarify information related to the DEIS. All five public comment meetings will be held from 4 p.m. to 7 p.m., on the dates and at the locations indicated below:

(1) June 15, 2010, Havelock Tourist and Event Center, 201 Tourist Center Drive, Havelock, NC 28532.

(2) June 16, 2010, Emerald Isle Community Center, 7500 Emerald Drive, Emerald Isle, NC 28594.

(3) June 17, 2010, Fred A. Anderson Elementary School Cafeteria, 507 Anderson Drive, Bayboro, NC 28515.

(4) June 22, 2010, Holiday Inn Conference Convention Center, 2225 Boundary Street, Beaufort, SC 29902.

(5) June 24, 2010, Long County High School, 1 East Academy Street, Ludowici, GA 31316.

Attendees can submit written comments at all public meetings. A stenographer will also be present to transcribe oral comments. Equal weight will be given to both oral and written comments and all comments (either presented orally through transcription and/or written) submitted during the public review period will become part of the public record on the DEIS and will be responded to in the Final EIS. Written comments may be submitted by regular U.S. mail or electronically as described below.

ADDRESSES: A copy of the DEIS is available at the project Web site, <http://www.usmcJSEast.com>, and at the local libraries identified at the end of this notice. Comments on the DEIS can be submitted via the project Web site or in writing by submitting to: USMC F-35B East Coast Basing EIS, P.O. Box 56488, Jacksonville, FL 32241-6488. Mailed comments must be postmarked by July 12, 2010, and electronic comments must be submitted on or before July 12, 2010, to be considered in this environmental review process.

FOR FURTHER INFORMATION CONTACT: F-35B EIS Project Manager, Environmental Planning & Conservation Division, Naval Facilities Engineering Command Mid-Atlantic, Code EV21, 9742 Maryland Avenue, Z-144, 1st Floor, Attn: Ms. Linda Blount, Norfolk, VA 23511.

SUPPLEMENTARY INFORMATION: A Notice of Intent for the EIS was published in the **Federal Register** on January 15, 2009 (Vol. 74, No. 10, pp. 2514-2515).

Proposed Action

The Proposed Action would base and operate a total of 13 squadrons of F-35B aircraft on the East Coast of the United States. The F-35B aircraft is the world's first 5th generation Short Takeoff Vertical Landing (STOVL), stealth, supersonic, multi-role, fighter aircraft that would replace legacy Marine Corps air fleets of F/A-18s and AV-8Bs. Specifically, the proposal would base and operate 11 F-35B operational squadrons (which includes one Reserve squadron) with up to 16 aircraft per squadron and the PTC (composed of two Fleet Replacement Squadrons [FRSs]) with 20 aircraft per squadron. The Proposed Action involves replacing seven operational F/A-18 and four AV-8B (three operational squadrons and one FRS) squadrons of 152 authorized aircraft with up to 216 F-35Bs; establishing a PTC with two F-35B FRSs; conducting flight operations to meet the training and combat readiness requirements; transitioning associated military personnel; and constructing and/or demolishing facilities and infrastructure needed to base and operate both the operational F-35B squadrons and the PTC.

Purpose and Need

The purpose of the Proposed Action is to efficiently and effectively maintain combat capability and mission readiness as the Marine Corps faces increased deployments across a spectrum of conflicts, and a corresponding increased difficulty in maintaining an aging legacy aircraft inventory. The need for the Proposed Action is to replace aging legacy aircraft and integrate the operational and PTC squadrons into the existing Marine Corps command and organizational structure. This action would also ensure that the Marine Corps' aircrews benefit from the aircraft's major technological improvements and enhanced training and readiness requirements.

Alternatives Considered in the DEIS

The DEIS evaluates the potential environmental impacts of four action alternatives and the No Action Alternative.

- Alternative 1 (Preferred) would base three operational squadrons and the PTC at MCAS Beaufort and eight operational squadrons at MCAS Cherry Point.

- Alternative 2 would base the PTC at MCAS Beaufort and eleven operational squadrons at MCAS Cherry Point.

- Alternative 3 would base eight operational squadrons at MCAS Beaufort and three operational

squadrons and the PTC at MCAS Cherry Point.

- Alternative 4 would base eleven operational squadrons at MCAS Beaufort and the PTC at MCAS Cherry Point.

- Under the No Action Alternative, the Marine Corps would not provide the facilities or functions to support basing or operating F-35B squadrons at these two Air Stations on the East Coast. There would be no transition of F-35B personnel, construction to support the F-35B, or F-35B operations. Existing F/A-18 and AV-8B squadrons would continue to be used at approximately the current levels. The Marine Corps would continue to repair and operate the existing aircraft at greater expense as the F/A-18 and AV-8B aircraft continue to deteriorate until the end of their useful life.

Environmental resources evaluated for potential impacts in the DEIS include airfields and airspace; noise; air quality; hazardous materials, toxic substances, and hazardous wastes; safety; land use; socioeconomic; environmental justice/protection of children; community services; utilities and infrastructure; transportation and ground traffic; biological resources; geology, topography, and soils; water resources; cultural resources; and coastal zone management. The DEIS also analyzes cumulative impacts from other past, present, and reasonably foreseeable future actions occurring at or near MCAS Beaufort and MCAS Cherry Point.

Environmental consequences of the Proposed Action would principally arise from construction and aircraft operations. Under the preferred alternative (Alternative 1), construction would occur at both Air Stations but would not affect any special status species or cultural resources. The noise environment at the two Air Stations would also change as a result of the preferred alternative. The other three alternatives have similar types and levels of impacts. The DEIS presents an array of construction and minimization measures associated with project design and planning that avoids and minimizes most potential impacts. The USMC will fully comply with regulatory requirements for the protection of environmental resources.

Schedule: The Notice of Availability publication in the **Federal Register** and local print media starts the 45-day public comment period for the DEIS. The Marine Corps will consider and respond to all written and electronic comments, including email, submitted as described above in preparing the Final EIS. DoN intends to issue the

Final EIS in November 2010, at which time a Notice of Availability will be published in the **Federal Register** and local media. A Record of Decision is expected in December 2010.

Copies of the DEIS are available for public review at the following libraries in North Carolina:

- Havelock-Craven County Public Library, 301 Cunningham Boulevard, Havelock;
- Bogue Banks Public Library, 320 Salter Path Rd., Suite W Pine Knoll Shores;
- Carteret County Public Library, 1702 Live Oak Street, Suite 100, Beaufort;
- Emerald Isle Library, 100 Leisure Lane, Emerald Isle; Western Carteret Public Library, 230 Taylor Notion Road, Cape Carteret;
- Newport Public Library, 210 Howard Boulevard, Newport;
- Pamlico County Library, 603 Main Street, Bayboro;
- New Bern-Craven County Public Library, 400 Johnson Street, New Bern; and
- Onslow County Public Library, 58 Doris Avenue East, Jacksonville.

In South Carolina, copies of the DEIS are available at:

- Beaufort County Library, 311 Scott Street, Beaufort;
- Hilton Head Island Library, 11 Beach City Road, Hilton Head Island;
- Beaufort County Library, 1862 Trask Parkway, Lobeck; and
- Bluffton Community Library, 42 Bamberg Drive, Bluffton.

In Georgia, copies of the DEIS are available at:

- Ida Hilton Public Library, 1105 Wayne Street, Darien;
- Long County Public Library, 28 S Main Street, Ludowici; and
- Brunswick Glynn County Regional Library, 208 Gloucester Street, Brunswick, GA.

Dated: May 20, 2010.

A. M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2010-12632 Filed 5-25-10; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of

Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 25, 2010.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or e-mailed to oir_submission@omb.eop.gov with a cc: to ICDocketMgr@ed.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: May 21, 2010.

James Hyler,

Acting Director, Information Collection Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Innovation and Improvement

Type of Review: Extension.

Title: Open Innovation Web Portal.

Frequency: On Occasion.

Affected Public: Businesses or other for-profit; Federal Government; Individuals or household; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 4,850.

Burden Hours: 12,327.

Abstract: The U.S. Department of Education's (ED) Office of Innovation and Improvement (OII) has developed a Web-based platform, the Open Innovation Web Portal (Portal), to support communication and collaboration among a wide range of key education stakeholders, including practitioners, funders, and the general public. This platform, which is currently operating under emergency clearance, allows geographically dispersed but like-minded entities to discover each other and work together to address some of the most intractable challenges in education. OII promotes this platform as a tool for use with the Investing in Innovation grant program (i3), which was established as the "Innovation Fund" in the "American Recovery and Reinvestment Act of 2009" (ARRA), signed into law by the President on February 17, 2009. This new program will provide \$650,000,000 in competitive grants to Local Education Agencies (LEAs), non-profit organizations working in collaboration with LEAs, or non-profit organizations working in collaboration with a consortium of schools. The Department must obligate funds to i3 grantees before the end of the fiscal year 2010, September 30, 2010. The Department also plans for the Portal to remain operational after i3 funding is awarded so that there is an ongoing community that focuses on innovation in education. Part of our intent in implementing the i3 program is to identify innovative new approaches proposed by individuals and organizations that have previously had limited experience in obtaining grants in the education sector yet have promising evidence-based ideas for improving American education. These applicants in particular face challenges in identifying schools or LEAs with which to partner given their limited experience in the field. Further, organizations without existing relationships in education may find it difficult to secure the private sector matching funds required of all grantees under ARRA. Receiving OMB's approval for an extension Receiving OMB's approval for an extension of the PRA clearance will allow continued operation of the Portal, which currently has over 3000 members, and support improved student achievement through school improvement and reform, a key departmental goal.

Requests for copies of the information collection submission for OMB review



PUBLIC SCOPING MEETINGS

Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal

The Department of the Navy (DoN) is proposing to renew the land withdrawal and military reservation of the Chocolate Mountain Aerial Gunnery Range (CMAGR) for another 25 years. The CMAGR currently includes land owned by the DoN, in addition to withdrawn public land managed by the Bureau of Land Management (BLM).

The DoN, in cooperation with the BLM, is preparing a Legislative Environmental Impact Statement (LEIS) to analyze potential effects that the proposed action may have on the environment, in support of a request to Congress to renew the land withdrawal. The LEIS will consider several alternatives, such as modifying the range boundary and transferring the title or resource management of BLM land to the DoN.

The U.S. Marine Corps wants your input!

Attend a public meeting to provide comments. **These meetings will be in an "open house" format between 5:30 p.m. and 8:00 p.m.** There will be no formal presentation.*

Or, submit written comments by December 23, 2010 to:

Department of the Navy
Naval Facilities Engineering Command Southwest Region
Attn: Kelly L. Finn, NAVFAC Project Manager
Building 1, Central IPT
1220 Pacific Highway, San Diego, CA 92132-5190
Or online at: ChocolateMountainRenewal.com

* Individuals who require special accommodation, such as a sign language interpreter, should contact the LEIS Project Manager at 619-532-4452 at least 5 days prior to the meeting date.



Yuma, AZ

Monday, December 6, 2010
Yuma County Library
2951 S. 21st Drive

El Centro, CA

Tuesday, December 7, 2010
Holiday Inn Express
350 Smoketree Drive

Palm Springs, CA

Wednesday, December 8, 2010
Holiday Inn
1800 E. Palm Canyon

San Diego, CA

Thursday, December 9, 2010
San Diego Planning Commission
5201 Ruffin Road, Suite B

During scoping, comments also will be accepted on the BLM withdrawal application and temporary segregation of public land.

PUBLIC SCOPING MEETING FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR BASEWIDE UTILITY INFRASTRUCTURE IMPROVEMENTS AT MARINE CORPS BASE CAMP PENDLETON, SAN DIEGO COUNTY, CALIFORNIA.

The Department of the Navy (Navy) and Marine Corps Base (MCB) Camp Pendleton intend to prepare an Environmental Impact Statement for the proposed installation and operation of multiple utility infrastructure improvements throughout MCB Camp Pendleton in San Diego County, California. A public scoping meeting will be held in the Ole Hanson Fireside Room at the San Clemente Community Center, 100 North Calle Seville, San Clemente, California, 92672 from 6 p.m. to 8 p.m. on December 10, 2008.

The public is invited to attend the open-house type meeting at their convenience during the meeting hours and can view project-related displays and speak with Navy and MCB Camp Pendleton representatives and resource staff. Public opinion on environmental issues and possible alternatives to the proposed action will be sought. A court reporter will be available at the meeting to accept oral comments.

The proposed action is entirely within MCB Camp Pendleton and includes a wastewater tertiary treatment plant and associated facilities; advanced water treatment and associated facilities; connection of north and south water systems; upgrades to electrical systems and associated facilities; replacement of existing electrical distribution systems; wastewater facilities; roadway improvements and shoot house construction and expansion; communication system upgrades; and natural gas system upgrades.

A 30-day public scoping period began with the publication of a Notice of Intent to prepare the EIS in the Federal Register on November 12, 2008. The Navy and MCB Camp Pendleton will review all comments received during the public scoping period. Written comments on the scope of the proposed action should be mailed to: Ms. Rebecca Loomis, Naval Facilities Engineering Command Southwest, 1220 Pacific Highway, San Diego, California, 92132, or emailed to: rebecca.l.loomis@navy.mil.

Appendix S

Sample Environmental Impact Statement (EIS) Transmittal Letter to the U.S. Environmental Protection Agency (EPA) and Office of Legislative Affairs (OLA) Notification Letter

Ms. Susan E. Bromm
Office of Federal Activities
Environmental Protection Agency
Ariel Rios Building South Oval Office
Mail Code 225 1A, Room 7220
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Bromm:

Per Council on Environmental Quality regulations at 40 C.F.R. §1506.9 and Clean Air Act Section 309, enclosed are five copies of the Department of the Navy's Draft Environmental Impact Statement (DEIS) for the U.S. Marine Corps Joint Strike Fighter F-35B East Coast Basing. I request that you publish a notice of availability of this DEIS in the Federal Register.

Sincerely,

Roger Natsuhara
Principal Deputy

Enclosures:
As stated

June , 2009

Dear Senator Bayh:

I write to inform you of a proposed land acquisition that would expand the Townsend Bombing Range (TBR) to support Marine Corps aviation training and readiness proficiency in the use of precision guided munitions (PGM)s. Expanding TBR and accommodating PGM training would significantly enhance east-coast aviation unit training efficiency. Presently, TBR can accommodate only 43% of the required individual fixed-wing air crew training sorties. Modernization would allow air crews to meet up to 93% of their proficiency requirements at TBR.

The Marine Corps Requirements Oversight Council (MROC) determined on February 2, 2009 that East Coast aviation range capabilities are inadequate to support PGM delivery. Currently, all East Coast aviation units must deploy cross-country to conduct required PGM training. The MROC concluded that modernization at TBR would allow East Coast aviation units, especially units based at Marine Corps Air Station Beaufort for which TBR is their home station range, the ability to deliver PGM(s). This would also make for more efficient use of the larger training ranges in the Southwest Region.

The Office of the Assistant Secretary of the Navy for Installations and Environment concurred with the MROC, and on December 4, 2009, the Undersecretary of Defense (AT&L) approved going forward with the study of the range modernization at TBR.

An environmental impact review and assessment is the next step in the process for the proposed land acquisition. The TBR modernization study will analyze land contiguous to the range's boundaries for possible acquisition to support achieving Marine Corps training objectives. Modernization and expansion of TBR would require only minor modification to current special use airspace supporting TBR. The EIS process will start this summer with a public notice in the Federal Register announcing the study, currently scheduled for August 6, 2010. Public hearings will be held and inputs from stakeholders considered in finalizing and evaluating alternatives for study, leading to a Record of Decision.

Please be assured that the Marine Corps remains committed to working with neighbors and stakeholders as full partners during this process. Should you have any questions or desire further information, please contact the Senate Liaison Director, Colonel Phil Skuta at (202) 685-6004.

Very Respectfully,

Richard L. Simcock II
Brigadier General, U.S. Marine Corps
Legislative Assistant to the Commandant

The Honorable Evan Bayh
Chairman

Senate Armed Services Committee
Subcommittee on Readiness and Management Support
131 Russell Senate Office Building
Washington, DC 20510

Appendix T

Sample Record of Non-Applicability (RONA) for Clean Air Act (CAA) General Conformity

RECORD OF NON-APPLICABILITY (RONA) FOR GENERAL CONFORMITY

NAME OF PROJECT: XXXXXX
PROJECT ID NUMBER: XXXXXX
POINT OF CONTACT: Veronda Johnson
PHONE/EMAIL: 571-256-2783, veronda.johnson@usmc.mil
START DATE: FY 2011-2012

General Conformity under the Clean Air Act, Section 176(c) has been evaluated for the project described above according to the requirements of Title 40 Code of Federal Regulations (CFR) Part 93 and the applicable State Implementation Plan. The requirement of a conformity determination under this rule is not applicable to this project/action because:

[] The project/action qualifies as an exempt action. The applicable exemption citation is:

Example: 40 CFR 93.153(c)(2)(xiv) Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of the transfer.

Note: Exemptions must be contained in State Implementation Plans, or if no SIP exists, in the federal rule.

OR

[] Total direct and indirect emissions from this project/action have been determined to be below the de minimus threshold for conformity purposes estimated at (only include information for applicable pollutants):

-- tons/yr of NOx
-- tons/yr of VOC
-- tons/yr of PM10

tons/yr of (specify pollutant)
tons/yr of (specify pollutant)

These levels are below the conformity threshold values established at 40 CFR 93.153 (b),

Supporting documentation and emission estimates are:

- [] Attached
[] Appear in NEPA Documentation (cite reference)
[] Other (cite reference)

Appendix U

Installation Biological Assessment and Biological Opinion Notification System



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:
11000
LFL/eel
JUL 2 2008

From: Commandant of the Marine Corps
Subj: INSTALLATION BIOLOGICAL ASSESSMENTS AND U.S. FISH AND WILDLIFE SERVICE BIOLOGICAL OPINIONS NOTIFICATION SYSTEM
Encl: (1) Biological Assessment/Biological Opinion Notification Summary

1. To avoid duplication of effort, institute uniformity of management practices, and ensure efficient use of Marine Corps funds, the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF)) is instituting an Installation Biological Assessments (BA) and U.S. Fish and Wildlife Service (USFWS) Biological Opinions (BO) Notification System.

2. Before initiating formal consultation and submitting a BA to USFWS, and before concurring with a USFWS BO, installations will forward to CMC (LF), via the Regional Commands as appropriate, a summary of the BA/BO. This requirement applies to actions associated with Integrated Natural Resource Management Plans (INRMPs), Environmental Assessments, and Environmental Impact Statements. Summaries will include: name of proponent, proposed action, recommended conservation measures, funding sponsor, and proposed funding amounts. Based on these summaries, CMC (LF) will determine its level of involvement, which may range from but is not limited to:

- a. Involvement not necessary;
- b. Review and comment on entire biological assessment or biological opinion; or
- c. Coordination of Marine Corps participation, especially if the BA/BO will significantly affect Marine Corps interests.

3. The Headquarters Marine Corps (LFL) point of contact for this subject is Ms. Mary Hassell. She can be reached at DSN 225-8232, (703) 695-8240, ext 3346, or mary.hassell@usmc.mil.

A handwritten signature in black ink, appearing to read "E. G. Payne", with a long horizontal stroke extending to the right.

E. G. PAYNE
Major General, USMC
Assistant Deputy Commandant
Installations and Logistics
(Facilities)

Subj: INSTALLATION BIOLOGICAL ASSESSMENTS AND U.S. FISH AND
WILDLIFE SERVICE BIOLOGICAL OPINIONS NOTIFICATION SYSTEM

Distribution:

CG MCCDC QUANTICO VA	MCAS IWAKUNI JA
COMMARFORRES NEW ORLEANS LA	MCAS FUTENMA JA
COMMARFORPAC CAMP SMITH HI	MCLB ALBANY GA
COMMARFORCOM NORFOLK VA	MCLB BARSTOW CA
CG II MEF CAMP LEJEUNE NC	MARBKS WASHINGTON DC
CG III MEF OKINAWA JA	MCMWTC BRIDGEPORT CA
CG I MEF CAMP PENDLETON CA	MCAF QUANTICO VA
COMMARSOC CAMP LEJEUNE NC	MCSF BLOUNT ISLAND
CG MCI EAST CAMP LEJEUNE NC	BIC JACKSONVILLE FL
CG MOBCOM KANSAS CITY MO	HQBN HENDERSON HALL
CG MCI WEST CAMP PENDLETON CA	REC III
COM MCLC ALBANY GA	REC IV
CG 3D MARDIV OKINAWA JA	REC IX
CG 4 TH MARDIV NEW ORLEANS LA	
CG MCB CAMP BUTLER JA	<u>Copy to:</u>
CG 2D MARDIV CAMP LEJEUNE NC	DUSD (I&E)
CG 3D MAW SAN DIEGO CA	DASN (E)
CG MCRC QUANTICO VA	CNO (N45)
CG 1 ST MAW MCAS MIRAMAR CA	COMNAVFACENGCOMHQ
CG 1 ST MARDIV CAMP PENDLETON CA	
CG MCRC QUANTICO VA	
CG TECOM QUANTICO VA	
CG 4 TH MLG NEW ORLEANS LA	
CG MAGTFTC/MCAGCC TWENTYNINE PALMS CA	
CG MCRD/WRR SAN DIEGO CA	
CG MCRD/ERR PARRIS ISLAND SC	
COM MCSC QUANTICO VA	
CG 1 ST MLG CAMP PENDLETON CA	
CG 3D MLG	
CG 2D MLG	
MCB CAMP LEJEUNE NC	
MCB CAMP PENDLETON CA	
MCB QUANTICO VA	
MCB HAWAII KANEOHE HI	
MCAS YUMA AZ	
MCAS CHERRY POINT NC	
MCAS MIRAMAR CA	
MCAS BEAUFORT SC	
MCAS CAMP PENDLETON CA	
MCAS NEW RIVER NC	

Biological Assessment and Biological Opinion Notification Summary

INSTRUCTIONS: *To be completed by Environmental Planning Function. Continue on separate sheets as necessary. Reference appropriate item number(s).*

SECTION I – NEPA DOCUMENT INFORMATION

1. NEPA Document Type (EA or EIS)	2. NEPA Document Title	3. INSTALLATION/ PROPONENT	4. INSTALLATION/ PROPONENT POC
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5. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES (DOPAA) *(Provide sufficient details for evaluation of the total action.)*

SECTION II – BIOLOGICAL INFORMATION

1. AFFECTED SPECIES <i>(Common and Latin names)</i>	2. FEDERAL ACTION HISTORY <i>(Discussion of past consultations relevant to the proposed project)</i>
---	--

3. ANTICIPATED/REQUIRED CONSERVATION ACTIONS *(Include short-term and long-term efforts)*

4. ANTICIPATED FINANCIAL COST FOR CONSERVATION ACTIONS/FUNDING SPONSOR

ENVIRONMENTAL PLANNING FUNCTION CERTIFICATION <i>(Name and Grade)</i>	SIGNATURE	DATE
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BA/BO NOTIFICATION SUMMARY CONTINUATION SHEET

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Appendix V

Sample Continuing Environmental Review Statements (CERS)



UNITED STATES MARINE CORPS

MARINE CORPS BASE

BOX 555008

CAMP PENDLETON, CALIFORNIA 92055-5008

IN REPLY REFER TO:

5090.5B

ENVSEC/511

AUG 10 2010

'10

MEMORANDUM FOR THE RECORD

From: Commanding Officer, Marine Corps Base Camp Pendleton,
California

Subj: CONTINUING ENVIRONMENTAL REVIEW STATEMENT FOR THE
NAVAL HOSPITAL CAMP PENDLETON REPLACEMENT AND THE
MAIN EXCHANGE COMPLEX BOUNDARIES

Ref: (a) Naval Hospital Camp Pendleton Replacement
Environmental Assessment and Finding of No
Significant Impact of 8 January 2010

(b) Main Exchange Complex Environmental Assessment
and Finding of No Significant Impact of 8 January
2010

Encl: (1) Site Approval Change for Naval Hospital and
Marine Corps Exchange

1. In January 2010, Environmental Assessments (EA) for the proposed Naval Hospital Replacement (reference (a)), and the Main Exchange Complex (reference (b)) were prepared per the Council on Environmental Quality (CEQ) regulations (40 C.F.R. Parts 1500-1508) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969. These EAs analyzed the potential environmental effects associated with their respective project actions as described below.

The Naval Hospital Camp Pendleton (NHCP) Replacement project constructs a medical facility to include emergency services, in-patient services, out-patient clinics, ancillary services, surgical services, logistics, and other medical functions.

The Main Exchange Complex constructs a retail complex to include retail sales, military clothing, outdoor lawn

Subj: CONTINUING ENVIRONMENTAL REVIEW STATEMENT FOR THE
NAVAL HOSPITAL CAMP PENDLETON REPLACEMENT AND THE
MAIN EXCHANGE COMPLEX BOUNDARIES

and garden shop, service vendors, a warehouse,
administration and support offices, and a receiving area.

2. A Finding of No Significant Impact (FONSI) for each
project (Hospital and Exchange) was signed on 8 January
2010, reference (a) and (b).

3. Following signature of the FONSI, it was determined
that the Hospital boundary needed to be slightly expanded,
by approximately 7 acres, to accommodate parking on the
northern side of the Hospital site (Enclosure 1).
Increasing the size of the Hospital boundary by
approximately 7 acres, would decrease the size of the Main
Exchange boundary by approximately 7 acres. Changing the
size of the footprint for both projects would still allow
ample space for construction of the respective facilities.

4. The 7 acre area was analyzed in both EAs and does not
include any area not previously studied (Enclosure 1).
Therefore, impacts to environmental resources would remain
unchanged, including traffic impacts. The boundary change
for both projects will not affect the trip generation or
traffic analysis in any way. Traffic generation and loading
onto the street system would have the same patterns and
intensities as previously identified. No adverse impacts to
traffic or any other environmental resources would occur as
a result of the boundary change.

The NHCP project and the Main Exchange Complex, may impact
up to 22.18 acres and 16.40 acres, respectively, of coastal
California gnatcatcher (CAGN) occupied sage scrub vegetation
requiring mitigation as determined through consultation with
the U.S. Fish and Wildlife Service.

5. After reviewing the enclosure, I have determined per 40
C.F.R. § 1502.9(c)(1) that no significant new information
has arisen since signing of the Hospital and Exchange
FONSI on 8 January 2010. Therefore, a supplemental
environmental analysis will not be completed.



N.F. MARANO



UNITED STATES MARINE CORPS
FACILITIES DIRECTORATE
MARINE CORPS BASE
BOX 555013
CAMP PENDLETON, CALIFORNIA 92055-5013

IN REPLY REFER TO:

11000
FACPWO
AUG 3 2010

From: AC/S Facilities
To: AC/S Environmental Security (Attn: Kristin Thomas)

Subj: SITE APPROVAL CHANGE FOR NAVAL HOSPITAL AND MARINE CORPS EXCHANGE

Encl: (1) Hospital revised Environmental Assessment Boundary of 3 Aug 10
(2) Kimley-Horn and Associates, Inc. ltr of 7 Jul 10

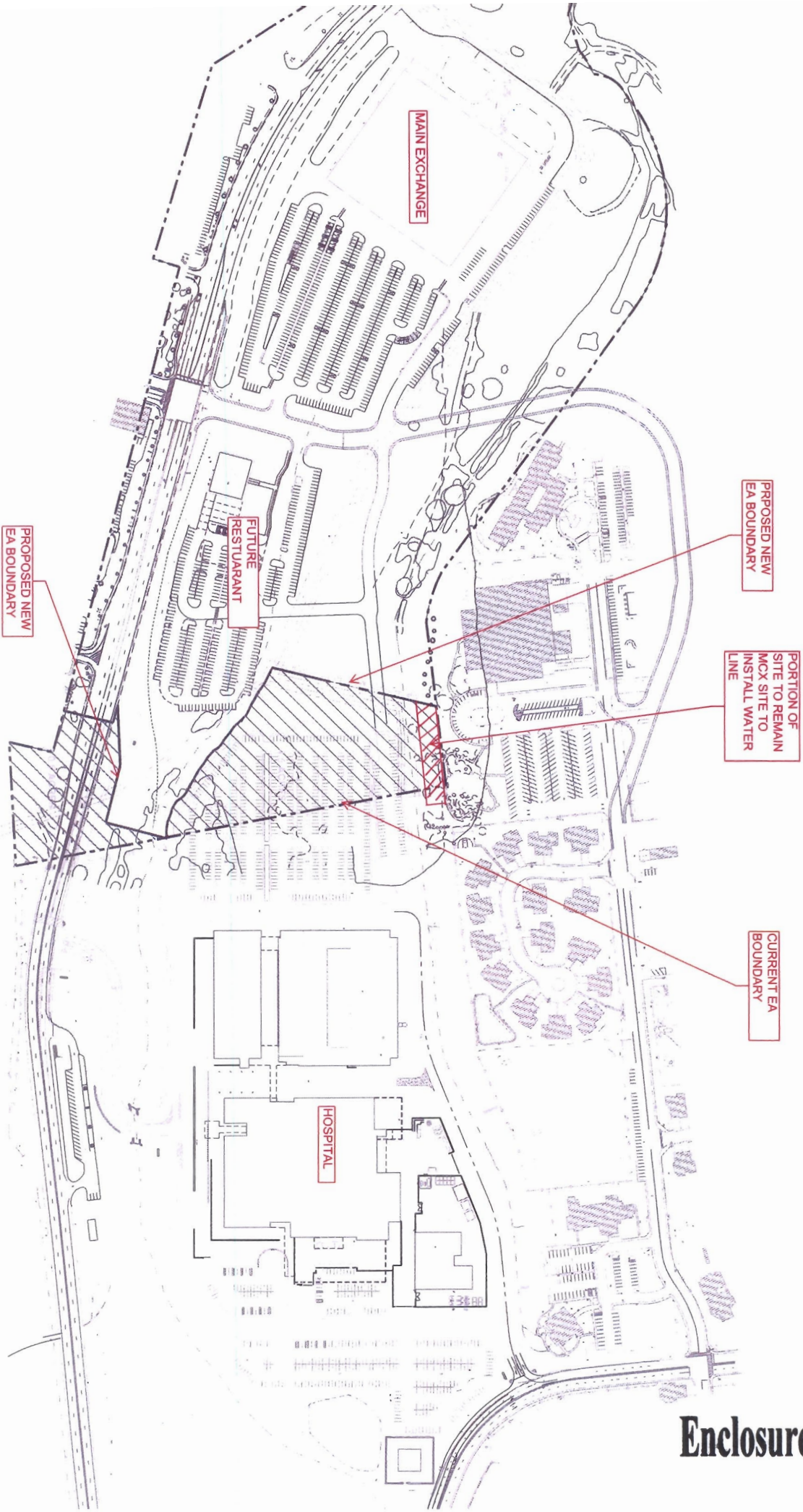
1. The hospital site boundary revision depicted in enclosure (1) has been coordinated with Marine Corps Community Services (MCCS) and their interests with the adjoining Marine Corps Exchange (MCX) and future MCCS restaurant. The site approval for this change is approved.

2. Additionally, the traffic analysis for changing the parking lot has been reviewed by the consultant, enclosure (2). Impact of the change does not affect the traffic analysis as part of the original Naval Hospital and MCX environmental analysis.

3. My point of contact for this matter is Mr. Tyrone Hall, 20 Area Planner, (760) 763-7851, or Mr. Dave Irelan, Project Leader, (760) 763-7330.

RA Lim

R. A. LIM
By direction



RHCP NORTHERN CONTRACT LIMIT LINE & E.A. BOUNDARY

AUGUST 3, 2010



Kimley-Horn
and Associates, Inc.

July 7, 2010

Rebecca Loomis
Central Integrated Product Team
Naval Facilities Engineering Command, SW
1220 Pacific Highway
San Diego, CA 92132

■
Suite 600
401 B Street
San Diego, California
92101

Re: Hospital and Exchange Projects

Dear Ms. Loomis:

We have review the information that you discussed with me regarding minor changes to the hospital and exchange projects and offer the following conclusions:

1. Shifting the hospital site to the north about 100' will not affect the trip generation or traffic impact analysis in any way. Traffic generation and loading onto the street system would have the same patterns and intensities as was evaluated in the EA.
2. The exchange site would become smaller in area as a result of shifting the hospital site to the north; however, the same amount of retail space from that parcel would occur and would be loaded to the street system at the exact location.

The potential changes to the projects will not affect the traffic analysis that we conducted for the Hospital EA or the Exchange EA.

Sincerely yours,

Kimley-Horn and Associates, Inc.

David Sorenson, PE
Senior Traffic Engineer

■
TEL 619 234 9411
FAX 619 234 9433

Enclosure (2)

Appendix W

Sample Cooperating Agency Invitation Letter



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS WEST
BOX 555200
CAMP PENDLETON, CALIFORNIA 92055-5200

IN REPLY REFER TO:
5090.2x
ENVSEC

Teri Raml
District Manager
Bureau of Land Management
California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Dear Mrs. Raml:

SUBJECT: COOPERATING AGENCY FOR THE CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE (CMAGR) LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT (L-EIS)

The Department of the Navy (DoN), U.S. Marine Corps (USMC), is initiating preparation of a Legislative Environmental Impact Statement (L-EIS) on the proposed extension of the withdrawal of approximately 226,711 acres of public lands in Imperial and Riverside Counties, California, for our continued use as the Chocolate Mountain Aerial Gunnery Range (CMAGR). The CMAGR Land Withdrawal Extension L-EIS will also evaluate the alternative of restructuring the range boundary to improve management of the CMAGR and adjacent lands.

The CMAGR has been used as an aerial bombing and gunnery training range since the 1940s, and is a key component of the Bob Stump Training Range Complex (BSTRC) (formerly known as the Yuma Training Range Complex). The CMAGR is a non-attended/non-instrumented ordnance range providing a large land and airspace area for aerial tactics, close air support (CAS) missions, laser system operations, air-to-air gunnery and air-to-ground bombing, rocket, and strafing activities. Artillery, demolition, small arms and Navy Special Warfare training are also conducted within the range.

In 1994, Congress passed the California Military Lands Withdrawal and Overflights Act of 1994 (P.L. 103-433). This Act allowed the DoN to withdraw approximately 226,711 acres of publicly owned lands to be reserved for military purposes in Imperial and Riverside County in California, and to continue to use those lands for an additional 20 years. Additionally, the 1994 Act provided a process for the continued use of those lands beyond the 2014 withdrawal termination date.

We request Bureau of Land Management (BLM) formal participation as a cooperating agency in the preparation of the CMAGR Land Withdrawal Extension L-EIS, as prescribed in the Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA), Title 40 Code of Federal Regulations (CFR) 1501.6 on Cooperating Agencies. The USMC is also requesting BLM participation in the NEPA process as required by law (BLM jurisdiction), and based on your expertise in the management of the public lands within the CMAGR.

As the lead agency for the proposed action, the USMC will prepare the CMAGR Land Withdrawal Extension L-EIS, including but not limited to the following tasks:

- Gathering all necessary background information and preparing the EIS
- Working with BLM to evaluate potential impacts of alternative means of managing the CMAGR resources
- Identifying the scope of the EIS, including the alternatives evaluated
- Circulating the appropriate NEPA documentation to the general public and any other interested parties
- Scheduling and supervising meetings held in support of the NEPA process and compiling any comments received, and
- Maintaining an administrative record for the EIS

As a cooperating agency, the USMC requests BLM support of the L-EIS withdrawal extension effort by:

- Providing timely response to USMC requests for information
- Providing timely comments throughout the EIS process, to include making staff support available to enhance L-EIS interdisciplinary analysis and review
- Participating, as necessary, in meetings hosted by the USMC for discussion of EIS related issues including preparation of the L-EIS and responses to comments
- Participating in the public involvement process, and
- Assuming responsibility, upon request, for developing information and preparing analyses on topics for which BLM has special expertise.

The USMC views BLM participation as a cooperating agency as crucial to the successful completion of the NEPA process for the CMAGR L-EIS. It is the USMC's goal to complete the analysis as expeditiously as possible, while using best available scientific information. BLM assistance will be invaluable in that endeavor.

We look forward to working with the BLM to produce an L-EIS that meets the needs of both our organizations. Should you or your staff have any questions regarding this request, please contact Col. Werth, Commanding Officer at MCAS Yuma (928.269.2224) or his Range Operations Manager, Mr. Ron Pearce at (928) 269.3401 (ronald.pearce@usmc.mil).

Sincerely,

ANTHONY L. JACKSON
Commanding General

Cc: CMC (LFL)
CO, MCAS Yuma