

**VOLUME 12**

**“ENVIRONMENTAL PLANNING AND REVIEW”**

**SUMMARY OF VOLUME 12 CHANGES**

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (right header) will not change unless/until a full revision of the MCO has been conducted.

The date denoted by ***blue font*** (left header) will reflect the date this Volume was last updated.

All Volume changes denoted in ***blue font*** will reset to black font upon a full revision of this Volume.

<b>VOLUME VERSION</b>	<b>SUMMARY OF CHANGE</b>	<b>ORIGINATION DATE</b>	<b>DATE OF CHANGES</b>
ORIGINAL VOLUME	N/A	DD MMM YYYY	N/A

Submit recommended changes to this Volume, via the proper channels, to:

CMC (OFC CODE)  
 3000 Marine Corps Pentagon  
 Washington, DC 20350-3000

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

(This page intentionally left blank)

**VOLUME 12: ENVIRONMENTAL PLANNING AND REVIEW**

**TABLE OF CONTENTS**

<b>REFERENCES.....</b>	<b>REF-1</b>
<b>CHAPTER 1: SCOPE .....</b>	<b>1-3</b>
0101 PURPOSE .....	1-3
0102 APPLICABILITY .....	1-3
0103 BACKGROUND.....	1-6
010301 BASIC NATIONAL CHARTER.....	1-6
010302 “ACTION-FORCING” PROVISIONS.....	1-6
010303 COUNCIL ON ENVIRONMENTAL QUALITY (CEO).....	1-7
010304 FOUR BASIC TENETS.....	1-7
010305 INTERACTION WITH OTHER ENVIRONMENTAL STATUTES, REGULATIONS, AND EXECUTIVE ORDER (E.O.s).....	1-7
010306 E.O. 12114.....	1-7
Figure 1-1. GENERALIZED GEOGRAPHIC APPLICABILITY.....	1-4
Table 1-1. GUIDANCE FOR CHOOSING THE ENVIRONMENTAL PLANNING PROCESS FOR COMPLYING WITH NEPA AND EXECUTIVE ORDER (E.O.) 12114.....	1-5
<b>CHAPTER 2: AUTHORITY .....</b>	<b>2-3</b>
0201 GENERAL .....	2-3
0202 FEDERAL STATUTES .....	2-4
0203 FEDERAL REGULATIONS .....	2-5
0204 EXECUTIVE ORDERS (E.O.).....	2-5
<b>CHAPTER 3: REQUIREMENTS.....</b>	<b>3-3</b>
0301 GENERAL .....	3-3
0302 SPECIFIC REQUIREMENTS FOR NEPA.....	3-3

030201 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) PROCESS.....3-3

030202 STEP-BY-STEP METHODOLOGY.....3-3

030203 CATEX (SECTION 4, PART 1508 OF REFERENCE (B)).....3-11

030204 ENVIRONMENTAL ASSESSMENT (EA) (SECTION 9, PART 1508 OF REFERENCE (B)).....3-10

030205 ENVIRONMENTAL IMPACT STATEMENT (EIS) (PART 1502 OF REFERENCE (B)).....3-17

030206 OTHER ISSUES.....3-26

0303 ENVIRONMENTAL PLANNING UNDER EXECUTIVE ORDER (E.O.) 12114 .....3-38

0304 POLICY.....3-39

Table 3-1. DEPARTMENT OF NAVY CATEXS .....3-7

Table 3-2. LIST OF ACTIONS NORMALLY REQUIRING AN EA.....3-12

**CHAPTER 4: RESPONSIBILITIES .....4-3**

0401 CMC (LF)/COMMANDER MCICOM (GF) .....4-3

0402 HEADQUARTERS ENVIRONMENTAL IMPACT REVIEW BOARD (HQEIRB) .....4-4

0403 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION AND COMMARFORRES .....4-4

0404 REGIONAL ENVIRONMENTAL IMPACT REVIEW BOARD (EIRB).....4-5

0405 COMMANDING GENERAL (CGs)/COMMANDING OFFICER (COs) OF INSTALLATIONS AND COMMANDS .....4-6

0406 INSTALLATION/COMMAND ENVIRONMENTAL IMPACT REVIEW BOARD (EIRB ..... )4-8

0407 INSTALLATION/COMMAND/REGION ENVIRONMENTAL PLANNING STAFF .....4-9

0408 ACTION PROPONENTS/SPONSORS .....4-10

**APPENDICES**

A FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND  
DEPARTMENT OF DEFENSE (DOD) POLICIES .....A-1

B ENVIRONMENTAL IMPACT REVIEW FORM .....B-1

**REFERENCES**

- (a) 42 U.S.C. §§4321-4347
- (b) Parts 1500-1508 of Title 40, Code of Federal Regulations (40 CFR 1500-1508), “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act”
- (c) 32 CFR 775, “DON Procedures for Implementing the National Environmental Policy Act” (also published as SECNAV Instruction 5090.6A, Environmental Planning for Department of the Navy Actions, 26 April 2004).
- (d) Executive Order (E.O.) 12114, “Environmental Effects Abroad of Major Federal Actions,” January 4, 1979
- (e) 32 CFR 187, “Environmental Effects Abroad of Major Department of Defense Actions”
- (f) Headquarters Marine Corps, “United States Marine Corps National Environmental Policy Act (NEPA) Manual,” Version 2.0, September 8, 2011
- (g) United Nations, “Convention on the Law of the Sea,” December 10, 1982
- (h) Department of Defense (DoD) 2005.1-M, “Maritime Claims Reference Manual,” June 2005
- (i) 42 U.S.C. §§9601-9675
- (j) 16 U.S.C. §§1531-1544
- (k) 54 U.S.C. 300101
- (l) 16 U.S.C. §1361
- (m) 16 U.S.C. §§1451-1465
- (n) 16 U.S.C. 1801
- (o) USMC DC I&L Memorandum, “Supplemental Policy Guidance to SECNAV Instruction 5090.6A for Consultations and Regulatory Coordination,” July 27, 2009
- (p) SECNAV Policy, “Supplemental Policy Guidance to SECNAV Instruction 5090.6A for Consultations and Regulatory Coordination,” May 6, 2009
- (q) 42 U.S.C. §§7401-7671
- (r) 33 U.S.C. §§1251-1387
- (s) DoD Instruction 4715.9, “Environmental Planning and Analysis,” May 3, 1996
- (t) SECNAV M-5214.1
- (u) SECNAV M-52100.2
- (v) 42 U.S.C. §300f-300j-26
- (w) SECNAV Policy Memorandum, “Department of the Navy Environmental Policy Memorandum 98-06; Review of Integrated Natural Resources Management Plans under the National Environmental Policy Act (NEPA),” August 12, 1998
- (x) Page 18026 of Volume 46, Federal Register, March 23, 1981 (46 FR 18026), CEQ Memorandum: “Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations”
- (y) E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 16, 1994
- (z) DoD, “Strategy on Environmental Justice,” March 24, 1995
- (aa) SECNAV Instruction 5000.2D
- (ab) DoD Instruction 5000.02, “Operation of the Defense Acquisition System,” December 8, 2008
- (ac) 42 U.S.C. §§13101-13109
- (ad) Council of Environmental Quality (CEQ) Memorandum “Pollution Prevention and the National Environmental Policy Act,” January 12, 1993

**ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM**

**Volume 12**

**MCO 5090.2 – V12**

11 JUN 2018

- (ae) 79 FR 76986, December 23, 2014, CEQ “Final Guidance for Effective Use of Programmatic NEPA Reviews”
- (af) SECNAV Memorandum, “Reporting Cooperating Agencies in Implementing the National Environmental Policy Act,” January 6, 2005
- (ag) SECNAV Policy, “Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking,” May 31, 2007
- (ah) CMC(I&L) Policy, “Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking,” April 28, 2008
- (ai) SECNAV Memorandum, “Environmental Planning Process Improvements, Metrics, and Reporting,” August 24, 2016
- (aj) 7 U.S.C. §§4201 - 4209
- (ak) 77 FR 14473, March 12, 2012, CEQ “Final Guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act”

**VOLUME 12: CHAPTER 1**

**“SCOPE”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>



(This page intentionally left blank)

## **CHAPTER 1**

### **SCOPE**

#### **0101 PURPOSE**

This Volume establishes Marine Corps procedures, policy, and responsibilities for compliance with Sections 4321-4347 of Title 42, United States Codes (42 U.S.C. §§4321-4347) (also known and referred to in this order as “National Environmental Policy Act” (NEPA)) (Reference (a)); Parts 1500-1508 of Title 40, Code of Federal Regulations (40 CFR 1500-1508) (Reference (b)); 32 CFR 775 (Reference (c)); Executive Order (E.O.) 12114 (Reference (d)); and 32 CFR 187 (Reference (e)).

#### **0102 APPLICABILITY**

010201. This Volume applies to all Marine Corps actions by active and reserve installations, Marine Corps forces commands, detachments, and units. These actions include ones that fall within the realm of systems acquisition, research and development related programs, training, and installation operations. For the purposes of this order, "Installation" includes any Marine Corps base, camp, range, air station, outlying field, depot, center, or other activity under the jurisdiction of the Commandant of the Marine Corps, Installations & Logistics (I&L) Facilities and Services Division (CMC (LF))/Marine Corps Installation Command, Facilities Division (MCICOM (GF)). In general, the environmental planning requirements of Reference (a) and Reference (d) apply to all major federal actions authorized, funded, or carried out by the Marine Corps that may affect the environment.

##### **A. National Environmental Policy Act (NEPA) Application**

NEPA applies to Marine Corps actions with environmental effects in the United States, its territories, and possessions, including the 12 nautical mile (NM) U.S. territorial sea (see Figure 1-1). Per judicial decision, NEPA also applies to actions that affect Antarctica. 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.

##### **B. Executive Order (E.O.) 12114 Application**

E.O. 12114 applies to major Marine Corps actions occurring outside the United States and its territories and possessions; it applies to actions proposed within foreign nations (e.g., Japan, Norway, etc.), their Exclusive Economic Zones (EEZ), and their 12-NM territorial seas. Figure 1-1 illustrates the geographic scope of NEPA and E.O. 12114. Table 1-1 provides guidance regarding geographic scope, applicable references, and document selection for environmental planning under NEPA and E.O. 12114 (see Figure 1-1). While NEPA requirements do not explicitly apply to Marine Corps actions abroad, they could be used as best management practices (BMPs) for environmental planning actions abroad as long as they do not conflict with References (d) and (e).

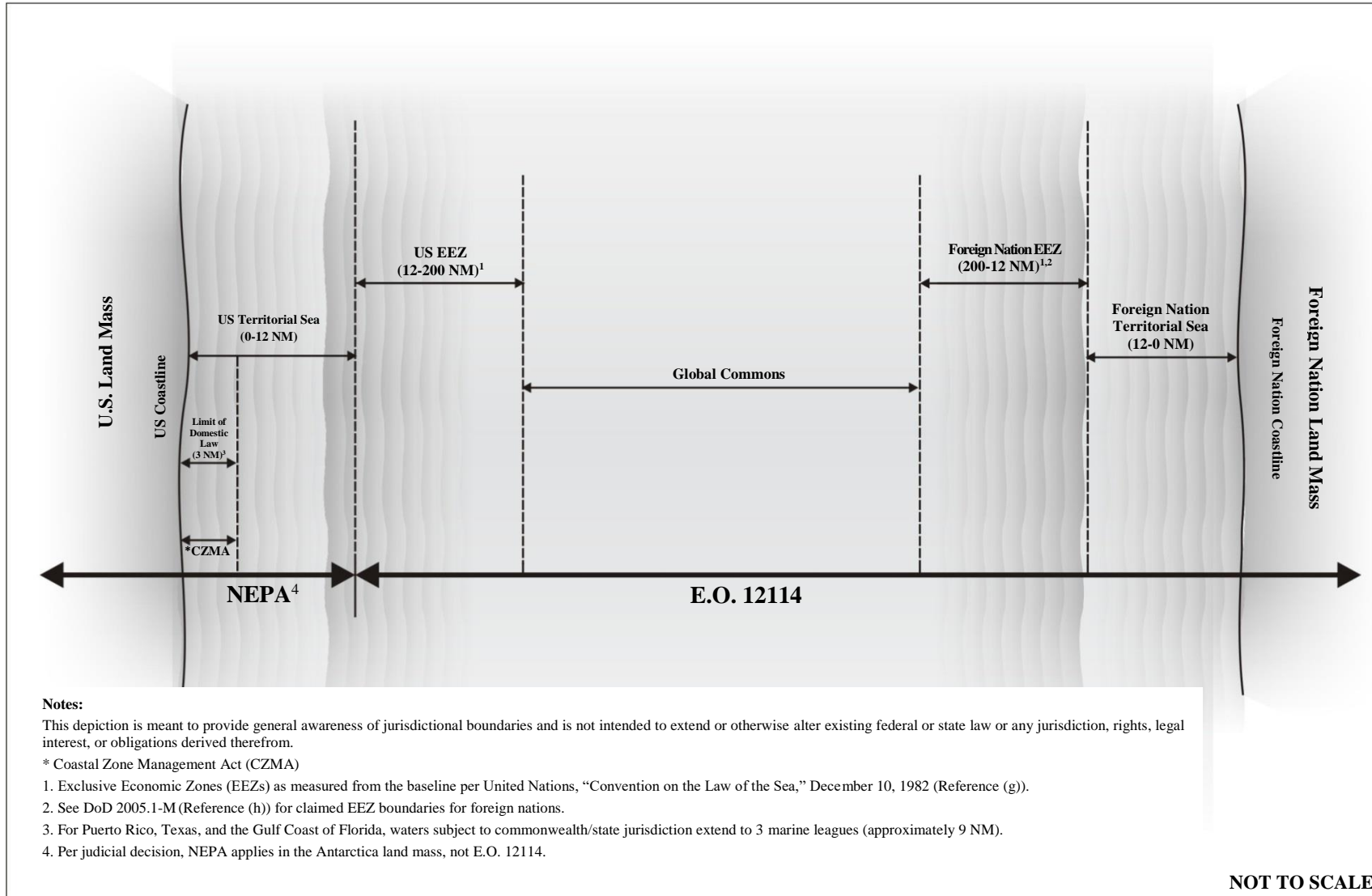


Figure 1-1.--Generalized Geographic Applicability

Table 1-1.--Guidance for Choosing the Environmental Planning Process for Complying with NEPA and E.O. 12114

<b>Locations of Effects</b>	<b>Environmental Planning Process</b>	<b>Applicable Instruction/ Guidance</b>	<b>Environmental Planning Document</b>
Within U.S. territory, U.S. territorial sea, and Antarctica (0-12 NM)	NEPA	MCO P5090.2A (series) USMC NEPA Manual	REIR PEIR CATEX DM EA and FONSI EIS and ROD
Within U.S. territorial sea and U.S. EEZ (0-200 NM)	NEPA and E.O. 12114	MCO P5090.2A (series) 32 CFR 187 USMC NEPA Manual	REIR PEIR Hybrid EA/OEA and FONSI/ Finding of No Significant Harm (FONSH) Hybrid EIS/OEIS and ROD/environmental decision document
Within U.S. EEZ (12-200 NM of United States)	E.O. 12114	32 CFR 187	OEA and FONSH OEIS and environmental decision document
Within the global commons (high seas) or 200 NM from any foreign coastline	E.O. 12114	32 CFR 187	OEA and FONSH OEIS and environmental decision document Record of Negative Decision
Within a foreign nation EEZ (200-12 NM)	E.O. 12114	32 CFR 187	Environmental review Environmental study Record of Negative Decision
Within territorial sea of a foreign nation or landward of the coastline of a foreign nation (12-0 NM)	E.O. 12114	As required by SOFA, other international agreements or treaties, or FGS 32 CFR 187	As required by SOFA, other international agreements or treaties, or FGS Environmental review Environmental study Record of Negative Decision

CATEX = Categorical Exclusion  
DM = Decision Memorandum  
EA = Environmental Assessment

FONSH = Finding of No Significant Harm  
OEA = Overseas Environmental Assessment  
OEIS = Overseas Environmental Impact Statement

Table 1-1.--Guidance for Choosing the Environmental Planning Process for Complying with NEPA and E.O. 12114

Locations of Effects	Environmental Planning Process	Applicable Instruction/ Guidance	Environmental Planning Document
EEZ = Exclusive Economic Zone		PEIR = Preliminary Environmental Impact Review	
EIS = Environmental Impact Statement		REIR = Request for Environmental Impact Review	
FGS = Final Governing Standards		ROD = Record of Decision	
FONSI = Finding of No Significant Impact		SOFA = Status of Forces Agreement	

010202. Marine Corps actions in foreign countries are not subject to the requirements of Reference (a). However, certain Marine Corps actions are subject to References (d) and (e) concerning environmental effects abroad of major Department of Defense (DoD) actions. Commanders of overseas installations comply with these requirements pursuant to Reference (d).

010203. Due to the interdisciplinary nature of environmental planning, personnel should also refer to other volumes in this Order, specifically Volume 3 (Funding) for funding policy guidance and requirements, Volume 8 (Cultural Resources Compliance and Management) for cultural resources and Integrated Cultural Resources Management Plans (ICRMPs), and Volume 11 (Natural Resources Conservation) for management of natural resources and guidance on preparing NEPA documentation for Integrated Natural Resources Management Plans (INRMPs).

0103 BACKGROUND

010301. Basic National Charter

Reference (a) establishes national policy and goals for protection of the environment and requires federal decision makers to consider the environmental consequences of a proposed action before making the decision to take the action. For actions requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS), References (a) and (b) require decision makers to open the decision making process to public scrutiny and involvement.

010302. "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(2)(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." Agencies are also directed to integrate the requirements of NEPA with other planning and environmental review procedures. Further, Section 102(2)(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."

010303. 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 (b)) are binding on the Marine Corps. CEQ also provides guidance documents that aid the Marine Corps in implementation of NEPA, Headquarters Marine Corps, "United States Marine Corps National Environmental Policy Act (NEPA) Manual," Version 2.0, September 8, 2011 (Reference (f)).

010304. Four Basic Tenets

The four basic tenets of References (a) and (b) are:

A. Procedures shall be in place to ensure that environmental information is available to decision makers and the public before decisions are made and before federal actions are taken.

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

C. 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.

D. Agencies shall 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.

010305. Interaction with other Environmental Statutes, Regulations, and E.O.s

A number of environmental statutes, implementing regulations, and E.O.s that 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 Marine Corps shall also comply. Completion of the NEPA process does not substitute for compliance with these other laws and statutes; however, certain procedural requirements included in the NEPA process may satisfy those of other statutes and streamline compliance.

010306. Executive Order (E.O.) 12114

Reference (d) directs the Marine Corps to assess the effects of major actions that may significantly harm the environment of places outside the U.S., its territories, and possessions. Reference (d) provides the exclusive and complete set of requirements for assessing these effects.





(This page intentionally left blank)

**VOLUME 12: CHAPTER 2**

**“AUTHORITY”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>

(This page intentionally left blank)

**CHAPTER 2**

**AUTHORITY**

0201 GENERAL

To comply with the procedural requirements of References (a) through (e), the Marine Corps shall attain the following objectives:

020101. Ensure compliance by beginning analysis of the effects of an action at the earliest planning stage.

020102. Assess environmental consequences of proposed actions that could affect the quality of the environment.

020103. 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.

020104. Consider a reasonable range of alternatives (including the "no action" alternative) to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources (Reference (a)).

020105. Use ecological information when planning and developing resource-oriented projects.

020106. Ensure that environmental planning analyses are based on information that is of "high quality" (as defined in section 1500.1(b) of Reference (b)).

020107. For actions conducted in the United States, its possessions, and territories, set time limits appropriate to the proposed action, considering operational requirements, as well as necessary time for consultations required under 42 U.S.C. §§9601-9675 (also known and referred to in this order as "Comprehensive Environmental Response, Compensation, and Liability Act," (CERCLA) as amended)(Reference (i)), 16 U.S.C. §§1531-1544, also known and referred to in this order as "Endangered Species Act" (Reference (j)), and 54 U.S.C. 300101 et seq., also known and referred to in this order as "National Historic Preservation Act," (Reference (k)) and public notice and comment periods required under section 10, part 1506 of Reference (b) as legally applied by the U.S. Environmental Protection Agency (EPA).

020108. To ensure the Marine Corps takes the requisite "hard look" at environmental impacts and that decision-makers are fully informed by the NEPA process, environmental analysis shall be complete and coordinated, in accordance with applicable federal laws, regulations and executive orders and Department of the Navy (DON) policy before signing a decision document. Therefore, consultation, coordination, and authorization processes required by NEPA and under applicable environmental protection statutes (including, but not limited to Reference (j), 16 U.S.C. §1361 et seq. (also known and referred to in this order as "Marine Mammal Protection Act") (Reference (l)), 16 U.S.C. §§1451-1465 (also known and referred to in this order as "Coastal Zone

Management Act” (CZMA)) (Reference (m)), 16 U.S.C. 1801 et seq., also known and referred to in this order as “Magnuson-Stevens Fishery Conservation and Management Act,” (Reference (n)), and Reference (k) shall be completed before a Finding of No Significant Impact (FONSI) may be signed or a final Environmental Impact Statement (FEIS) may be published in accordance with Marine Corps DC I&L Memorandum (Reference (o)) and SECNAV Policy, “Supplemental Policy Guidance to SECNAVINST 5090.6A for Consultations and Regulatory Coordination,” May 6, 2009 (Reference (p)). This requirement does not mean that every permit associated with the execution of the proposed action is issued by the time a FONSI is signed or a FEIS is published as certain statutes (e.g., 42 U.S.C. §§7401-7671, also known and referred to in this order as “Clean Air Act,” as amended (Reference (q)), 33 U.S.C. §§1251-1387, also known and referred to in this order as “Clean Water Act,” as amended (Reference (r)), and Reference (l) require environmental planning to be completed prior to permit issuance. In situations where completion of the required consultation, coordination, or authorization processes cannot be completed in time to support the publication of a FONSI or FEIS, a detailed justification for moving forward with release of the FEIS shall be provided by the action proponent or sponsor to the CMC (LF)/MCICOM (GF), the Deputy Assistant Secretary of the Navy for Environment (DASN(E)), and the Assistant Secretary of the Navy for Energy, Installations and Environment (ASN (E,I&E)).

0202 FEDERAL STATUTES

020201. American Indian Religious Freedom Act (42 United States Code (U.S.C.) §§1996 and 1996a).

020202. Archaeological Resource Protection Act of 1979, as Amended (16 U.S.C. §§470aa-mm).

020203. Clean Air Act of 1970, as Amended (42 U.S.C. 7401 et seq.).

020204. Clean Water Act of 1977, as Amended (33 U.S.C. 1251 et seq.).

020205. Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

020206. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§9601-9675)

020207. Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

020208. Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

020209. Marine Mammal Protection Act of 1972, as Amended (16 U.S.C. 1361 et seq.).

020210. 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.).

020211. Migratory Bird Treaty Act of 1918, as Amended (16 U.S.C. 703 et seq.).

020212. National Historic Preservation Act of 1966 (54 U.S.C. §§100101, 300101-307108 or Section 1 of the National Historic Preservation Act, Public Law 89-665, as amended by Public Law 96-515).

020213. Native American Graves Protection Act of 1990 (25 U.S.C. 3001 et seq.)

020214. Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.).

020215. Resource Conservation and Recovery Act of 1976 as Amended (42 U.S.C. 6901 et seq.)

020216. Safe Drinking Water Act of 1974 (42 U.S.C. 300f et seq.).

020217. Toxic Substances Control Act of 1976 (15 U.S.C. 2601 et seq.)

020218. Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 731).

#### 0203 FEDERAL REGULATIONS

020301. 32 CFR 187, “Environmental Effects Abroad of Major Department of Defense Actions”.

020302. 32 CFR 775, “Procedures for Implementing the National Environmental Policy Act”.

020303. 40 CFR 1500, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act”.

#### 0204 EXECUTIVE ORDERS (E.O.)

020401. Executive Order (E.O.) 11988, “Floodplain Management,” May 24, 1977, as modified by E.O. 13690, 30 January 2015.

020402. E.O. 11990, “Protection of Wetlands,” May 24, 1977.

020403. E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 11, 1994.

020404. E.O. 12962, “Recreational Fisheries,” June 7, 1995.

020405. E.O. 13007, “Indian Sacred Sites,” May 24, 1996.

020406. E.O. 13045, “Protection of Children from Environmental Health Risks and Safety Risks,” April 21, 1997.

020407. E.O. 13089, “Coral Reef Protection,” June 11, 1998.

020408.        E.O. 13112, “Invasive Species,” February 3, 1999.
020409.        E.O. 13158, “Marine Protected Areas,” May 26, 2000.
020410.        E.O. 13175, “Consultation and Coordination with Indian Tribal Governments,” November 6, 2000.
020411.        E.O. 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 10, 2001.
020412.        E.O. 13690, “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,” January 30, 2015
020413.        E.O. 13693, “Planning For Federal Sustainability In The Next Decade,” March 19, 2015.

**VOLUME 12: CHAPTER 3**

**“REQUIREMENTS”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>



(This page intentionally left blank)

### **CHAPTER 3**

#### **REQUIREMENTS**

##### 0301 GENERAL

This chapter constitutes the Marine Corps' procedures to implement the procedural requirements of NEPA as required by Sections 1505.1 and 1507.3 of Reference (b); Sections 2.4, 5.2.4, and 6.2.1 of DoD Instruction 4715.9 (Reference (s)), and Section 775.4(d)(2) of Reference (c). Adherence to the NEPA requirements of this Volume is mandatory for all Marine Corps installations and Commands. More detailed guidance on elements of the environmental planning process and special topics is provided in (Reference (f)).

##### 0302 SPECIFIC REQUIREMENTS FOR NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

###### 030201. National Environmental Policy Act (NEPA) Process

The requirements of this Volume apply to proposed federal actions in the United States, its possessions, and territories that have potential to impact the human environment. Examples of such actions include actions that could result in a change to the physical environment; such as facilities construction; new management and operational concepts and programs, including personnel assignments; real property and facility management; homebasing new weapon systems or units or moving assets to a new location that requires new construction or modification of existing structures; implementation of plans such as INRMPs; actions involving chemical weapons/munitions; an action with adverse local or regional effects on energy or water availability; changes to existing airspace use that generate impacts on the environment or socioeconomic systems, or create a hazard to non-participants; issuance of leases, easements, permits, licenses, or other entitlement for use; changes to established installation land use that generate impacts on the environment; and operations and activities including training, flight operations, or facility test and evaluation programs conducted inside and outside the boundaries of an existing military reservation where potentially significant environmental impacts may occur. Social and economic impacts alone are not sufficient to trigger Reference (a).

###### 030202. Step-By-Step Methodology

Use the following methodology to determine whether requirements of this Volume apply and, if so, what level of NEPA documentation the action proponent/sponsor should initiate. In accordance with Reference (b), Reference (ai), and Section 12102.d(4), early coordination between the action proponent/action sponsor and Installation/Command environmental planning staff is essential to properly defining and vetting the purpose and need for the proposal, identifying reasonable alternatives that avoid or minimize environmental impacts, and effective environmental planning.

A. Step 1

Action proponents/sponsors shall submit a completed Request for Environmental Impact Review (REIR) (Appendix B) to the installation environmental planning staff at the affected installation(s) for all proposed actions that have potential to impact the human environment. Installations shall maintain a current REIR in the Marine Corps NEPA Process Automation & Management Support (NEPA-PAMS) decision support system described in paragraph 030406. The REIR should contain enough information to support the use of a Categorical Exclusion (CATEX), if applicable (see paragraph 030203.A below). This reporting requirement is exempt from reports control per SECNAV M-5214.1 (Reference (t)), part IV, paragraph 7. k.

B. Step 2

Using the REIR (see also paragraph 030202.C; Appendix B), installation environmental planning staff shall determine whether the proposed action is exempt from NEPA documentation pursuant to paragraphs (a) through (e) below. If the proposed action is exempt from further NEPA documentation, the requirements of this Volume do not apply and the exemption shall be documented on the REIR. Such a decision need not be presented to the Installation/Command Environmental Impact Review Board (EIRB). If the proposed action is not exempt, go to Step 3.

1. The proposed action is an approved CERCLA remedial action and documented pursuant to Reference (i).
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 pursuant to a non-discretionary mandate from Congress under base realignment and closure (e.g., Congressional direction to transfer federal property to a particular entity for a particular purpose that leaves the 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.
5. The action is purely economic in accordance with section 14, part 1508 of Reference (b).

C. Step 3

Installation/Command environmental planning staff shall review the REIR and determine whether the proposed action is of a type that is categorically excluded from further NEPA analysis (see paragraph 030203.A). Environmental planning staff will specify any conditions or requirements that shall be met to qualify the action for categorical exclusion before, during, or following the implementation of the proposed action. If it is a type of action that can be categorically excluded, go to Step 4. If the action is not of a type that can be categorically excluded, go to Step 5.

D. Step 4

1. Installation/Command environmental planning staff shall determine whether any of the Conditions Not Permitting the Use of a CATEX, also known as Extraordinary Circumstances, listed in paragraph 030203.B, applies. Revised Guidance for the Application of Existing Department of the Navy CATEXs was published as part of Reference (ai). If one of the Extraordinary Circumstances applies and cannot be resolved, document it on the REIR and go to Step 5. If none of the Extraordinary Circumstances apply, the proposed action may be categorically excluded from the requirement of preparing an EA or an EIS. An action may not be segmented in order to categorically exclude it from further analysis (e.g., an action may only be considered exempt if the selected CATEX from paragraph 030203.A applies to all aspects of that action; see Reference (f) for additional guidance). The REIR shall be signed by the environmental director, returned to the action proponent/sponsor who shall acknowledge and agree to any required conditions by signing and returning the REIR to the environmental planning staff. If the action proponent/sponsor and the environmental planning staff disagree on the applicability of a CATEX, presence of an extraordinary circumstance, or the conditions and requirements appropriate for the action, the REIR shall be referred to the Installation/Command EIRB for resolution. Issues that cannot be resolved by the EIRB shall be referred to the Installation/Command CG/CO, Chief of Staff, or Executive Officer (XO).

2. The decision to categorically exclude an action and forgo preparation of an EA or EIS will be documented in a CATEX Decision Memorandum (DM). The Installation/Command environmental planning staff shall prepare a CATEX DM that summarizes the proposed action, specifies the CATEX being used, the rationale for using that specific CATEX, specifies that no Extraordinary Circumstances apply to the action, and specifies any BMPs or conservation measures required before, during, and following completion of the action. The DM is then forwarded to the Installation/Command CG/CO or the official to whom signature authority has been delegated. As a BMP, for actions that are completed on a routine basis over the course of a year, a single REIR (Appendix B) and CATEX DM summarizing all planned instances of that action may be prepared (e.g., painting, routine grounds keeping, roof replacement on non-historic buildings).

3. The REIR, CATEX DM, and any records or proposed action review correspondence shall accompany the project file through project planning, and retained in the administrative record in accordance with SECNAV M-5210.1 (Reference (u)), Standard Subject Classification Code 5090.4. The action proponent/sponsor is responsible for communicating the conditions (including incorporation of conditions in contracting documents) to personnel carrying out the proposed action and tracking that conditions are appropriately implemented.

E. Step 5

If the action is not of a type that can be categorically excluded or if the action triggers one or more of the Extraordinary Circumstances, installation environmental planning staff shall determine whether the proposed action requires preparation of an EA under paragraph 030204 or an EIS under paragraph 030205. If so, prepare a DM noting the rationale for the decision to complete an EA or an EIS. Forward the DM for signature to the Installation/Command CG/CO or the official

to whom signature authority has been delegated. Notify the action proponent/sponsor of the requirement to prepare an EA or EIS, as appropriate.

F. Step 6

Action proponent/sponsor shall proceed with preparation of an EA or EIS (with the assistance of the installation environmental planning staff). Notify CMC (LF)/MCICOM (GF) of decisions to prepare an EIS or an EA that meets the criteria in paragraphs 030205.C and 030204.B.

G. Step 7

1. Policy for EAs/Overseas EAs: As required in Reference (ai), the action proponent/sponsor shall provide a concise written summary prior to EA contract award or prior to the EA kickoff meeting if prepared “in-house” to CMC (LF)/MCICOM (GF) of early planning decisions that occurred with environmental subject matter experts (SMEs), planners, and others. The summary will discuss environmental factors considered in developing the proposed action and how those factors influenced the development of project preliminary alternatives. The summary will discuss what aspects of the project prevented use of a CATEX. The summary should be included as part of existing EA notification process in Step 6 above.

2. Policy for EISs/Overseas EISs (including Supplemental/Revised EISs): As required in Reference (ai), the action proponent/sponsor, prior to EIS contract award to develop the environmental analysis, and as early as possible in the planning process, must convene an interdisciplinary Project EIS Review Team (PERT). The PERT should review all aspects of the proposed action and ensure environmental considerations are fully integrated into early project planning and preliminary alternatives development. The PERT should consist of representatives from the action proponent/sponsor, interdisciplinary environmental SMEs, a USMC regional representative, counsel, civilian public affairs and liaison officer, and representatives of the EIS execution agent (e.g., NAVFAC) including the designated EIS project manager. Action proponents shall invite CMC (LF)/MCICOM (GF) and ODASN(E) to participate in PERT discussions to provide a headquarters level perspective. As part of the existing EIS Notice of Intent (NOI) package that is forwarded to CMC (LF)/MCICOM (GF) for processing, the action proponent/sponsor must include a summary of PERT discussions, including any adjustments made to the proposed action or preliminary alternatives as a result of those discussions. Consistent with existing SECNAV policy, the NOI package should also discuss expected public/agency/political interest, consultation and permit requirements, and any known schedule, funding, contracting, or staffing challenges.

030203. Categorical Exclusion (CATEX) (section 4, part 1508 of Reference (b))

A. Types of Actions that may be Categorically Excluded (CATEX) (section 6(f) of Reference (c))

Pursuant to References (b) and (c), 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. The DON, in coordination with CEQ, has identified 45 types of actions that may be categorically excluded (see Table 3-1). If one of the Extraordinary Circumstances listed in paragraph 030203.B applies to the proposed action,

it may not be categorically excluded. Proponents should note that categorical exclusion of the action under NEPA does not relieve proponents from compliance with other federal statutes (e.g., section 106 of Reference (k)). The completion of the Section 106 consultation process, including public participation requirements and development of any memoranda or programmatic agreements that document mitigation requirements, must be documented to support the exemption of this extraordinary circumstance before application of the CATEX.

**B. Conditions Not Permitting the Use of a Categorical Exclusion (CATEX)**  
(section 6(e) in Reference (c))

A CATEX will not be used if the proposed action meets one of the following conditions:

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 are scientifically controversial.
3. Establishes precedents or makes decisions in principle for future actions that have the potential for significant impacts.

Table 3-1.--Department of Navy Categorical Exclusion (CATEXs)

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 <sup>1</sup>
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, painting, 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

Table 3-1.--Department of Navy Categorical Exclusion (CATEXs)

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, 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 stormwater and sanitary and industrial wastewater collection and treatment systems, and installation of fire-fighting equipment)
15.	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/wastes that are moved, handled, or distributed 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, 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 hazardous materials
23.	Non-routine repair and 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) which will result in no adverse effect

Table 3-1.--Department of Navy Categorical Exclusion (CATEXs)

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 time periods 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, stormwater, and irrigation pipelines, pumping stations, and facilities; and for 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 cantonment 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 hazardous materials
36.	Acquisition, installation, and operation of utility (e.g., water, sewer, electrical) and communication systems (e.g., data processing cable and similar electronic equipment) that 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



Table 3-1.--Department of Navy Categorical Exclusion (CATEXs)

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 on a military reservation or an established range, restricted area, or operating area; 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; 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 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; conducted in accordance with all applicable standard operating procedures protective of the environment

1. CATEX 7 does not include procurement or acquisition of new technologies and weapons systems developed for the use in theater to U.S. military installations upon demobilization.

4. Threatens a violation of federal, state, or local environmental laws applicable to DON.

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 affect 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.

e. Result in an uncontrolled or unpermitted release of hazardous substances, or require a conformity determination under the standards of the General Conformity Rule of Reference (q).

030204. Environmental Assessment (EA) (section 9, part 1508 of Reference (b))

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/sponsor:

1. Initially predicts that the proposed action will not have a significant impact on the environment;

2. Is uncertain whether the effects of the proposed action will have a significant impact on the human environment; or

3. Has reason to believe the proposed action will be environmentally controversial.

4. Based on these criteria, an EA will result in either a FONSI or a decision to prepare an EIS.

B. Actions for which an Environmental Assessment (EA) is Normally Required

Table 3-2 provides examples of actions that under normal circumstances require an EA.

C. Environmental Assessment (EA) Public Participation (section 6, part 1506 in Reference (b))

CEQ regulations define an EA as “a concise public document” and direct agencies to “ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.” The CEQ regulations also direct agencies to “[p]rovide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.” CEQ guidance, Page 18026 of Volume 46, Federal Register (Reference (x)), states that EAs and FONSI “must be available to the public.” Reference (b) provides agencies with discretion on how to involve the public in EAs. Therefore, commands proposing an action will develop an appropriate public involvement strategy taking into consideration the following factors:

1. What individuals and organizations would be interested in or how individuals and organizations would be 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, including publication of a Notice of Public Meeting (NOPM).
5. Any relevant issues of national security or classification.
6. Case law (e.g., Ninth Circuit requirements for public involvement).
7. More detailed guidance on alternative approaches to public involvement is provided in Reference (f).

Table 3-2.--List of Actions Normally Requiring an EA

1.	Training exercises for which the impacts are uncertain, 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.	Actions that would adversely affect the size, function, or biological value of tidelands or wetlands where the action is not covered by a nation-wide or regional permit
4.	Real estate acquisitions or outleases of land involving: (a) New in/out-grants involving a change in land use (b) Substantial changes in existing land use (c) Renewals of agricultural or grazing leases that involve substantially different animal stocking rates, agricultural practices, seasons of use, or conversions to or from cropland
5.	Family housing projects when the resident population substantially changes
6.	Establishing a new range or change in range mission that results in substantially new or increased environmental impact
7.	Proposals for new low-altitude aircraft training routes or special use airspace (SUA) and warning areas; per Federal Aviation Administration (FAA) regulations, proposals for airspace, except for prohibited area and alert area designations, are subject to environmental impact analysis in accordance with NEPA; guidance for the environmental analysis of military airspace proposals is contained in FAA Order JO 7400.2G (Procedures for Handling Airspace Matters), the FAA/DoD Memorandum of Understanding Concerning SUA actions, and other applicable regulations and statutes

Table 3-2.--List of Actions Normally Requiring an EA

8.	Mission changes, installation 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
9.	Any activity that, as determined in coordination with the appropriate resource agency, would result in more than a low effect on 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 (j) (see Volume 11 of this Order for a complete discussion of endangered species requirements)
10.	Any activity that, as determined in coordination with the appropriate resource agency, would adversely affect resources either listed or eligible for listing in the NRHP, unless the effect on historic properties is the only potentially significant impact and the adverse effect can be resolved through an NHPA agreement document (e.g., memorandum of agreement, programmatic agreement); preparation of an EA does not replace the requirements for review of the proposed action under Reference (k) (see Volume 8 of this Order for a complete discussion of cultural resources requirements)
11.	Permanent closure or limitation of access to any areas previously open to public use (e.g., roads and recreational areas)
12.	Construction or any other action resulting in discharges to, or potential contamination of, an aquifer, watershed, or recharge zone as described in 42 U.S.C. §300f-300j-26 (also known and referred to in this Order as “Safe Drinking Water Act”) (Reference (v)).
13.	Irreversible conversion of "prime or unique farmland" to other uses except when the proposed action is directly related to national defense (in accordance with section 1547(b) of 7 U.S.C. 4208(b)) (Reference (aj))
14.	Ocean disposal of wastes that are subject to an EPA or EPA-delegated permit
15.	Award or termination of contracts involving substantial quantities of natural resources wherein the military is the contracting agency
16.	Any action for which the environmental effect is controversial
17.	Integrated Natural Resource Management Plans (INRMPs), SECNAV Policy Memorandum (Reference (w))

D. Environmental Assessment (EA) Procedures/Responsibilities

1. Action Proponent/Sponsor shall:

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, compile the following information in consultation with the installation environmental planning staff:

(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 any from further consideration.

(3) A description of the likely consequences 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 that could avoid or minimize those impacts.

(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 the Glossary for the definition of "Scope").

(8) Any recent, present, or reasonably foreseeable future actions with the potential, together with the proposed action, to cause cumulative environmental impacts.

b. At the earliest opportunity, determine which entity will prepare the EA. The action proponent/sponsor is responsible for the EA preparation (exclusive of the EA conclusion and final recommendation) via contractor, Naval Facilities Engineering Command (NAVFAC), Installation/Command environmental planning staff, or action proponent/sponsor staff (if the proposed action is not part of the mission of the affected Marine Corps activity).

c. As required in Reference (ai), utilize the Navy's "Environmental Document Preparation Tools" for preparation of the EA, regardless of the entity selected to prepare the document. These tools include a document preparation guide, standardized templates, a comment submittal matrix, and an EP standards training brief. At present no regional specific language exists for Marine Corps installations. The tools are available on the Navy's OPNAV N45 Environmental Planning & Compliance Library website in the Environmental Planning Standards section under the Reference Materials Library tab. See <https://epl.navfac.navy.mil/login.aspx?returnURL=%2fdefault.aspx?>

d. As noted in paragraph 030202.G.1, the action proponent/sponsor shall provide a concise written summary prior to EA contract award or prior to the EA/OEA kickoff meeting if prepared "in-house" to CMC (LF)/MCICOM (GF) of early planning decisions that occurred with environmental SMEs, planners, and others. The summary will discuss environmental

factors considered in developing the proposed action and how those factors influenced the development of project preliminary alternatives. The summary will discuss what aspects of the project prevented use of a CATEX. The summary should be included as part of the existing EA notification process.

2. Installation/Command Environmental Planning Staff shall:

a. Participate in discussions regarding the EA and be involved in its preparation as noted in Reference (ai).

b. Review the EA documentation provided by the action proponent/sponsor and prepare its findings and recommendations, and distribute all documentation to the Installation/Command EIRB for appropriate action.

3. Installation/Command EIRB shall:

a. Review the EA analysis 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, included in project funding, 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 that now avoids or minimizes impacts to the environment could proceed without a significant impact. The final recommendation from the Installation/Command 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/sponsor 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 planning staff, prepare a recommended course of action (to include a draft FONSI, if appropriate) for consideration by the Installation/Command CG/CO.

4. Installation/Command CG/CO shall, upon consideration of the EA and Installation/Command EIRB recommendation, 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. Note that pursuant to Reference (o), all required consultations for the proposed action shall be completed prior to signature of the FONSI. This requirement does not mean that every permit associated with the proposed action shall be issued by the time a FONSI is signed or a FEIS is published (see paragraph 020108).

b. For proposed actions that fall within one of the categories set forth in paragraph 030205.C, forward the proposed FONSI, EA, and a recommended course of action to CMC (LF)/MCICOM (GF) for review and approval before the Installation/Command CG/CO signs the FONSI.

c. If there would be potentially significant impacts from the proposed action that cannot be avoided or mitigated to less than “significant,” direct the preparation of an EIS if the action proponent/sponsor intends to proceed with the proposed action as analyzed.

E. Coordinate with CMC (LF)/MCICOM (GF)

1. If the Installation/Command CG/CO decides not to issue a FONSI and concludes that an EIS is required, notify CMC (LF)/MCICOM (GF). EIS notification shall occur prior to commencing EIS preparation. See paragraph 030205.H for information on requirements for CMC (LF)/MCICOM (GF) notification.

2. Notify CMC (LF)/MCICOM (GF) as soon as it becomes apparent that potentially sensitive public interest issues are involved with the preparation of an EA.

3. For proposed actions that fall within one or more of the following categories, forward the proposed FONSI, EA, and recommended course of action to CMC (LF)/MCICOM (GF) 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.

d. The proposed action has, or can be expected to have, substantial public or congressional interest.

4. Commands shall promptly submit a copy of all published FONSI and related EIRB recommendations (such as a Memo or minutes taken during EIRB meetings) to CMC (LF)/MCICOM (GF).

F. Content of Environmental Assessment (EA) (section 9, part 1508 of Reference (b))

EAs are intended to be clear and concise documents describing a proposed action, the alternatives, and the associated environmental effects. An EA's scope, content, and format will vary with the scope and scale of the proposed action, environmental impacts, and the extent to which mitigation may be required to avoid significant impacts. Above all, the analysis should be proportionate to the significance of the impacts (section 2(b), part 1502 of Reference (b)). References (f) and (ak) provide guidance on preparing concise, focused EAs. At a minimum EAs shall:

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 affected environment within the area of effect for the proposed action.
5. Describe the potential direct, indirect, and cumulative environmental impacts of the proposed action and alternatives considered, paying special attention to applicable regulatory consultations and coordination (see paragraph 020108).
6. Describe any avoidance, minimization, mitigation, or environmental monitoring requirements. Note that BMPs (e.g., Storm Water Pollution Prevention Plans) are not mitigation measures.
7. List the agencies and persons consulted.
8. Include in the Appendix substantive comments, replies, and consultation correspondence from agencies, non-governmental organizations, or entities with relevant expertise.

G. Preparation of a Finding of No Significant Impact (FONSI)

1. Signature Authority. Reference (c) delegates FONSI signature authority to CMC(LF) with authority to subdelegate. The Installation CG/CO holds FONSI signature authority, and that authority shall not be delegated. Major commands (e.g., MARFORRES) may delegate FONSI signature authority in writing to the Deputy Commander or Chief of Staff. If the official holding 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 030205.E, the Installation/Command CG/CO will seek CMC (LF)/MCICOM (GF) 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 030204.F) should be summarized in the FONSI, including mitigation and monitoring requirements that support the FONSI determination, but excluding the list of agencies, consultants, and correspondence.



3. Publication

a. CEQ regulations require agencies to notify the public (“persons and agencies who may be interested or affected”) of the availability of a FONSI. The extent of public involvement and notification of a FONSI is correlated to the extent of public involvement and notice for the EA (paragraph 030204.C) and whether the proposed action meets one of the conditions in paragraph 030204.G.3.b. If limited public involvement has occurred for the EA, the action proponent/sponsor shall publish the signed FONSI or a Notice of the Availability (NOA) of the FONSI in local newspapers for at least 3 consecutive days (preferably over a weekend to ensure higher public visibility), send a mailing to potentially interested stakeholders, post it on the Installation, Command, or project’s website or social networking site(s). The intent of such notices is to inform the public and others that a NEPA document has been prepared and/or is available for review. The proposed action may begin three days after the NOA is published.

b. If the proposed action involves one of the following two conditions, the action proponent/sponsor shall make the proposed (unsigned) FONSI available for public review (including publishing in state- and area-wide clearing houses and forwarding to CMC (LF)/MCICOM (GF) 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 (i.e., there is a reasonable argument for the preparation of an EIS).

(2) The nature of the proposed action is without precedent (e.g., 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).

030205.        Environmental Impact Statement (EIS) (part 1502 of Reference (b))

A.        Overview

1.        An EIS is prepared for major federal actions with the potential to significantly affect the human environment, 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 FEIS, a supplemental EIS (SEIS) if applicable, and the opportunity for public comment at several stages of the process. The process culminates in the issuance of a Record of Decision (ROD).

2.        As noted in paragraph 030202.G.2, the action proponent/sponsor, prior to EIS contract award to develop the environmental analysis, and as early as possible in the planning process, must convene an interdisciplinary Project EIS Review Team (PERT). The PERT should review all aspects of the proposed action and ensure environmental considerations are fully integrated into early project planning and preliminary alternatives development. The PERT should consist of representatives from the action proponent/sponsor, interdisciplinary environmental SMEs, a USMC regional representative, counsel, civilian public affairs and liaison officer, and

representatives of the EIS execution agent (e.g., NAVFAC) including the designated EIS project manager. Action proponents shall invite CMC (LF)/MCICOM (GF) and ODASN(E) to participate in PERT discussions to provide a headquarters level perspective. As part of the existing EIS NOI package that is forwarded to CMC (LF)/MCICOM (GF) for processing, the action proponent/sponsor must include a summary of PERT discussions, including any adjustments made to the proposed action or preliminary alternatives as a result of those discussions. Consistent with existing SECNAV policy, the NOI package should also discuss expected public/agency/political interest, consultation and permit requirements, and any known schedule, funding, contracting, or staffing challenges.

B. Significantly

As defined in the Glossary, the term “significantly” provides a basis for determining whether a proposed action is a major federal action significantly affecting the quality of the human environment which requires the preparation of an EIS. 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 (section 27(b)(3, 4), part 1508 of Reference (b)). 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 and be highly controversial.

2. The Long-Term Impact of the Action (section 27(b)(6,7), part 1508 of Reference (b)). 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 that could result in a cumulatively significant impact.

3. The Risk Potential (section 22, part 1502 of Reference (b); section 27(b)(5), part 1508 of Reference (b)). For example, even though the environmental impact of an efficiently and safely operated fuel depot may not be significant, if a large 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, Cultural, Architectural, or Archaeological Interest (section 27(b)(8), part 1508 of Reference (b)). See Volume 8 of this Order for a discussion of treatment of sites listed or eligible for listing on the National Register of Historic Properties as well as other aspects of compliance with requirements of Reference (k).

5. The Potential Impact on Endangered or Threatened Species, and/or Their "Critical Habitat" as designated by the U.S. Fish and Wildlife Service or National Marine Fisheries Service (section 27(b)(9), part 1508 of Reference (b)). An EIS is required when an action would significantly affect a federally listed threatened or endangered plant or animal species, a federal candidate species, a species proposed for federal listing, or critical habitat. See Volume 11 of this Order for more information pertaining to compliance with requirements of Reference (j).

C. Actions Normally Requiring an Environmental Impact Statement (EIS)

The following are examples of actions that may have a significant impact on the quality of the human environment or are potentially controversial in environmental effects and, therefore, normally require preparation of an EIS by an action proponent:

1. Large dredging projects or dredging projects where dredged material disposal may result in significant impacts.
2. Proposed discharge of dredged or fill material in jurisdictional waters of the United States, including tidelands/wetlands that provide a high-value ecological function in the watershed and for which a U.S. Army Corps of Engineers Section 404 individual permit is required.
3. Establishment of major new installations.
4. Major land acquisitions that result in a change in how the property is used (a major land acquisition is as defined by SECNAV Instruction 11011.47B, “Acquisition, Management, and Disposal of Real Property and Real Property Interests by the Department of the Navy”).
5. New municipal solid waste landfills.
6. Disposal of biological or chemical munitions and pesticides or herbicides other than in the manner in which they are authorized for use or disposal.
7. When an action is among those listed above, closely analogous to the same, or when an EA concludes impacts to be significant or environmentally (scientifically) controversial, the action proponent/sponsor will prepare an EIS using procedures outlined in this instruction. The action proponent/sponsor shall notify CMC (LF)/MCICOM (GF) before commencing an EIS.

D. Environmental Impact Statement (EIS) Preparation

1. General (section 2, part 1502 of Reference (b)). To achieve the NEPA goal of preparing a concise and useful statement, action proponents/sponsors shall prepare an EIS pursuant to the format in paragraph 030205.E, following these principles:
  - a. Write an analytic, rather than encyclopedic, EIS.
  - b. Discuss impacts in proportion to their significance. Briefly discuss issues that are less significant. 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), DON NEPA regulations (Reference (c)), and CEQ regulations (Reference (b)) and Guidance (Reference (ak)). Length should vary first with potential environmental issues and then with project scope.
  - d. Describe the criteria used to select alternatives.

e. Outline the range of alternatives, including a "no action" alternative, to be evaluated in the EIS and considered by the ultimate decision maker or by the lead agency if the DoD is a cooperating agency.

f. Cognizant commands shall not make irreversible or irretrievable commitments of resources that change the physical environment (e.g., filling wetlands) before making a final decision.

g. To satisfy E.O. 12898 (Reference (y)) and DoD, "Strategy on Environmental Justice," March 24, 1995 (Reference (z)), identify and address in the EIS any disproportionately high and/or adverse human health and/or environmental effects of federal programs, policies, and activities on minority and low-income populations.

2. Document Length (section 7, part 1502 in Reference (b)). Restrict the document to pertinent facts, excluding material not directly applicable to the expected impact. When possible, incorporate documents by reference. The EIS shall contain sufficient information and baseline data to support the conclusions reached. Supporting data can be included in the EIS as appendices.

3. Scoping (section 7, part 1501 in Reference (b)) and Lead and Cooperating Agencies (sections 5 and 6, part 1501 of Reference (b))

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 that are not significant or that have been covered by prior environmental review. Narrow the discussion of these issues 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) Identify potential cooperating agencies and 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 EIS 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 (j), the compliance requirement of Reference (k), Reference (l), or Reference (q)) 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 as well as the relationship between the timing of permits and approvals and the start of the proposed action.

b. These scoping functions may be carried out in the context of a public, informal meeting or open house 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 (section 6, part 1506 of Reference (b)). As soon as practicable after the action proponent/sponsor's responsible 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 action proponent/sponsor drafts a NOI to prepare an EIS and forwards it to the Installation/Command CG/CO for approval. The Installation/Command CG/CO forwards the NOI to the appropriate Region/Command EIRB for review and approval (or in the case of actions proposed by a Region, to the Headquarters EIRB (HQEIRB)). If approved, the Region/Command forwards the NOI to CMC (LF)/MCICOM (GF) for HQEIRB review and approval. The NOI package will include a cover letter, proper chain of command endorsements, NOPM (if applicable), and complete REIR. The required contents of the cover letter are the identity of the action proponent, any cooperating agencies that are being considered, and any required permits, consultations, or authorizations that will be undertaken as part of the proposed action. If approved by the HQEIRB, the request to publish the NOI is forwarded to ASN (EI&E) or a designee for signature. For an EIS on acquisition- or research and development-related actions (e.g., for which Marine Corps Systems Command (MARCORSYSCOM) is the action proponent/sponsor), the NOI would be forwarded to ASN for Research, Development and Acquisition (RD&A).

b. CMC (LF)/MCICOM (GF) shall publish the NOI to prepare an EIS in the Federal Register.

c. Action proponents/sponsors shall provide the NOI and related scoping information to organizations that have a reasonable expectation of interest in the proposed action. In all cases, the action proponent/sponsor shall 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 or Native Hawaiian organizations; 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) Include a public notice (e.g., NOPM) of any scoping meetings to be held. This notice may be published separately from the NOI but shall be published no less than 15 days before the scheduled meeting, regardless of whether it is an individual notice or part of the NOI. If the NOI does not include information on public scoping meetings but there are plans to conduct such meetings, the NOI shall state this fact.

(4) Be mailed directly to concerned agencies, organizations, and individuals and may be published in local newspapers.

e. Per Reference (y), where there are significant non-English speaking populations within the proposed project study area, and in coordination with the appropriate public affairs office, the action proponent should translate the NOI and announcement of scoping meetings into languages other than English and undertake outreach appropriate to that community. The action proponent should also consider translating summaries or portions of the EIS into languages other than English.

f. Whenever applicable and practical, the NOI should meet the requirements of NEPA and other environmental planning authorities (i.e., Notice of Preparation for joint EIS/Environmental Impact Review).

5. Time Limits (section 8, part 1501, and section 10, part 1506 in Reference (b)). EPA publishes a weekly notice in the Federal Register listing the EISs filed during the preceding week. The following schedule, calculated from the date of publication of the EPA notice, shall be followed:

a. The DEIS should be made available to the public at least 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 NOA for the DEIS.

c. Any ROD on a proposed action cannot be signed earlier than 90 days after issuing the DEIS and no less than 30 days after issuing the FEIS.

E. Format (sections 10-18, part 1502 of Reference (b))

Unless there is a compelling reason to do otherwise, the EIS should follow the recommended format provided in Reference (b). As required in Reference (ai), utilize the Navy's "Environmental Document Preparation Tools" for preparation of the EIS, regardless of the entity selected to prepare the document. These tools include a document preparation guide, standardized templates, a comment submittal matrix, and an EP standards training brief. At present no regional

specific language exists for Marine Corps installations. The tools are available on the Navy's OPNAV N45 Environmental Planning & Compliance Library website in the Environmental Planning Standards section under the Reference Materials Library tab. The EIS shall include:

1. Purpose and Need. This section, which actually begins the body of the analytic portion of the document, discloses and concisely describes the underlying need for the project and its objectives for which the Marine Corps or action proponent/sponsor is pursuing the proposed action and alternatives. It succinctly and objectively justifies the proposed action and explains the essential requirements that shall be satisfied to achieve the purposes of the proposed action.

2. Alternatives, Including the Preferred Alternative, to Accomplish the Proposed Action

a. This section is the heart of the EIS. Based on the information and analysis presented in paragraphs 030205.D.5, 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 or minimize 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 in accordance with section 23, part 1502 of Reference (b). 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).

(5) Those alternatives not within the authority of the Marine Corps or action proponent/sponsor 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's preferred alternative and each reasonable alternative. In all cases, however, evaluate the impact of not proceeding with the proposed action ("no action" alternative). Throughout the 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.

3. Affected Environment in which the Proposed Action Would Occur. Succinctly describe the environment that would be affected by 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.

4. Environmental Consequences. This section forms the scientific and analytic basis for the comparison of impacts of each alternative. Section 24, part 1502 of Reference (b) requires this comparison of impacts to be based on methods that have professional and scientific integrity. For each resource or issue evaluated in detail describe the cause of the direct, indirect, and cumulative impact; how the environment would change; and the consequences of the change. Quantify impacts to the extent practical and in sufficient detail so that potential mitigation measures can be identified and decision makers can distinguish differences in impacts of alternatives. The discussion will include 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. 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 aspects of the human environment varies according to the nature, scale, and location of proposed actions. Give primary attention to a discussion of those aspects most evidently impacted by the proposed action.

b. Indirect effects and their significance. Include a discussion of 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 (e.g., new development and increased traffic). Such secondary effects, by their impact on existing community facilities and activities, by inducing new facilities and activities, or by changing 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 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, such as 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 offsite or later in time.

c. Cumulative impacts as appropriate and in context with the scope and magnitude of the proposed action. Rigorously examine the potential overlap of the proposed action and alternatives with the impacts of current and future actions planned in the vicinity of the proposed action. Include a discussion on any programs currently in place to monitor impacts from previous actions and whether the observations from such programs inform the assessment of impacts anticipated from the proposed action. Also discuss any programs that should be put in place to monitor long-term impacts on specific resources. Greenhouse Gas (GHG) emissions and climate change adaptation should also be considered in accordance with CEQ guidance. More detailed guidance on consideration of GHG emissions and climate change adaptation is provided in Reference (f).

d. 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.

e. The environmental effects of alternatives, including the “no action” alternative. Base comparisons on the alternatives as outlined in paragraph 030205.E.4, preceding.

f. Energy requirements and conservation potential of various alternatives and mitigation measures. Address the energy impact of the proposed action and alternatives, including GHG emissions, alternative energy sources, conservation, and mitigation potential.

g. 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.

h. 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.

i. Urban quality, historic architecture, cultural value, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

j. Ways to mitigate and/or monitor adverse environmental impacts (if not previously discussed). When appropriate, discuss mitigation measures in the form of avoidance, minimization, 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. The proposed mitigation measures should also be coordinated with the appropriate regulatory agencies. Note that BMPs are not mitigation measures or special conservation measures.

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.

5. List of Preparers. Prepare environmental statements using an interdisciplinary approach that will ensure the integrated use of the natural, social sciences, and 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 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.

6. Distribution List. Include in the document a complete distribution list, including the names of all the organizations, agencies, and individuals to whom copies of the statement are to be sent.

7. 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. Correspondence is normally placed in an appendix.

8. Appendix. An appendix to an EIS is optional; however, if used, it will:
- a. Consist of material prepared in connection with the 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.

F. Incorporation by Reference (section 21, part 1502 of Reference (b))

As much as possible, commands preparing an EIS should incorporate material into the document by reference when doing so 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.

G. Incomplete or Unavailable Information (section 22, part 1502 of Reference (b))

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 shall 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.
  - d. The action proponent/sponsor's evaluation of such impacts based on theoretical approaches or research methods generally accepted in the scientific community.

H. Chain-of-Command Review of Draft Environmental Impact Statement (DEIS)/Final Environmental Impact Statement (FEIS) and notice of the Availability (NOA)

1. Action proponents shall provide CMC (LF)/MCICOM (GF) with periodic status updates on EISs, including status of regulatory consultations required by Reference (o). For

further information regarding consultation and permits, see paragraph 12101.4(e) of this Volume for timing related to environmental planning, Volume 8 for cultural resources management, and Volume 11 for natural resources management.

2. Installation, Region, and Command EIRBs review and approve EISs before formal staffing to Headquarters, Marine Corps, Facilities Division (HQMC (LF))/MCICOM (GF). Following the installation or Command EIRB, the Commander forwards the NEPA document (e.g., DEIS or FEIS) to the appropriate Region (e.g., Marine Corps Installations (MCI) East, West, and National Capital Region, Marine Corps Installations Pacific (MCIPAC)) or Command (e.g., Training and Education Command (TECOM), Marine Forces Pacific) for review and approval. If approved, the Region/Command forwards the EIS, briefing documents, and an endorsement letter including a statement of legal sufficiency to CMC (LF)/MCICOM (GF) for HQEIRB review and approval.

3. Per reference (c), ASN (EI&E) reviews, signs, and approves NOIs, NOPMs, DEISs, FEISs, and RODs. Early review drafts shall be submitted to CMC (LF)/MCICOM (GF) and the DASN(E) to ensure potential regulatory and policy concerns are addressed early in the process. HQMC and DASN concerns are addressed before submitting these documents to the ASN(EI&E). Action proponents shall account for NOI, draft and final EIS, and ROD reviews in their project schedules, and coordinate with CMC (LF)/MCICOM (GF) on upcoming document reviews and HQEIRB/DASN/ASN briefs. Reference (f) provides further procedures and guidance on the timing and requirements for these products.

4. If the EIS documents are approved by DASN (Environment) (DASN(E)) and ASN (EI&E), CMC (LF)/MCICOM (GF) will coordinate delivery of the NOI, NOPM, and ROD to the Federal Register and file the DEIS and FEIS with EPA. Reference (f) provides further procedures and guidance.

I. Record of Decision (ROD) (section 2, part 1505 of Reference (b))

1. The ROD is a public record of the decision to select one alternative for implementation from among the alternatives considered in detail in an EIS. The document, as proposed by the action proponent/sponsor, and approved by the appropriate Installation/Command and Regional EIRBs, will be finalized by CMC (LF)/MCICOM (GF) 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. If applicable, the ROD should also address any substantive comments on the final EIS. The ROD will commit the action proponent/sponsor to the appropriate mitigation, if applicable, to minimize environmental harm and to identify those measures that were considered, but not selected, for implementation. Mitigation measures required as a result of a regulatory consultation shall be specified in the ROD. Additionally, any monitoring program associated with selected mitigation measures will be briefly discussed. After the ROD is signed, it becomes the responsibility of the action proponent/sponsor to track implementation of mitigation measures and review the effectiveness of the mitigation and monitoring programs.

2. The ROD shall be drafted by the action proponent/sponsor in coordination with CMC (LF)/MCICOM (GF) environmental planning staff. The process for ROD approval is the same as that described for DEIS/FEIS approval above. CMC (LF)/MCICOM (GF) publishes a

summary of the signed ROD in the Federal Register, and the command or action proponent/sponsor publishes an NOA in the local newspaper(s) and distributes it to appropriate agencies, organization, and individuals. The NOA shall state where the complete ROD can be obtained, such as on an Installation or project website.

030206. Other Issues

A. Regulatory and Statutory Conclusions in National Environmental Policy Act (NEPA) Documents

All Marine Corps REIRs, CATEX DMs, EA/FONSIs, and EIS/RODs should include the NEPA analysis determination (i.e., qualifies for a CATEX and no extraordinary circumstances apply, no significant impacts, potentially significant or significant impacts) along with the findings of applicable regulatory and statutory consultations and coordinations (see also paragraph 020108 and Reference (o)). Findings shall be supported by appropriate analyses, and analyses shall be specific to the statutory requirement. NEPA, regulatory, and non-regulatory analyses may have differing conclusions that should be clearly described. For example, an EA with potential impacts to archaeological, cultural and/or historic resources should include a NEPA finding and an NHPA Section 106 determination. Similarly, an assessment of essential fish habitat (EFH) should include distinct analysis and findings specific to potential effects on defined EFH and other impacts to fish species or fish assemblages. Analyses on federally-listed ESA species should be separate from discussions of state-listed species. Conclusions reached following the environmental analysis process should be phrased such that the impact assessment pertinent to each particular environmental statute is clearly identified.

B. Contractor Involvement in National Environmental Policy Act (NEPA) Documentation (section 5(c), part 1506 of Reference (b))

Due to its complexity, an EIS, unlike some EAs, frequently is prepared by a contractor. To obtain unbiased analyses, the contractor shall 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/sponsor, and area land managers should be continuously involved in the process. The executed disclosure statements shall become a part of the administrative record for the action.

C. Cooperation with Federal, State, and Local Agencies (section 2, part 1506 of Reference (b))

To eliminate duplication with federal, state, and local procedures and to fully address their requirements, commands shall 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 meetings/public hearings (except where otherwise provided by statute).

4. Joint EAs or EISs that may be combined with state environmental planning documents (e.g., California Environmental Impact Report).

D. 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 action proponent/sponsor is responsible for assembling and maintaining the administrative record. To this end, commanders/supervisors/officers-in-charge shall ensure that all administrative record documents and materials are properly maintained and readily retrievable upon request. The administrative record shall be retained after the proposed action has taken place in the event that the action is challenged after the fact, in accordance with Reference (u). For CATEXs, the administrative record includes the REIR and the CATEX DM as well as the results of consultations or coordination.

E. Classified Environmental Assessment (EA) and Environmental Impact Statement (EIS) Documents (section 3(c), part 1507 of Reference (b))

1. The fact that a proposed action is of a classified nature does not relieve the action proponent/sponsor from complying with the requirements of this Volume. Prepare, safeguard, and disseminate the DEIS and FEIS, as well as the EA, in accordance with 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 EPA for requirements applicable to section 309 of Reference (q).

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 shall 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 shall meet the same overall content requirements applicable to a fully published EA or EIS.

F. Emergency Actions

Where emergency circumstances outside Marine Corps control make it necessary to take an action with potential significant environmental impacts (e.g., remediating hazardous substance spills that threaten human health immediately following a natural disaster) before a thorough environmental analysis can take place, the Marine Corps shall consult with CEQ in

accordance with section 1506.11 of Reference (b) about alternative arrangements. Action proponents/sponsors shall contact CMC (LF)/MCICOM (GF) as soon as practicable to allow consultation with the ASN(EI&E) and CEQ. CMC (LF)/MCICOM (GF) will consult with CEQ and make alternative arrangements as appropriate with CEQ to effect NEPA compliance for emergency actions. Alternative arrangements are limited to those aspects of a proposal that shall proceed on an emergency basis (e.g., response actions). Remaining actions (e.g., recovery) to be taken are subject to normal NEPA review. Ordinarily, the failure to plan (e.g., lack of an oil and hazardous substances response plan) or exercise established plans properly does not establish an emergency. Note: Regulations implementing other environmental laws (e.g., References (j) and (r)) contain requirements for consultation with the applicable regulatory agencies for actions taken relative to emergency circumstances.

G. Continuing Activities

1. CEQ regulations (section 18, part 1508 of Reference (b)) define major federal actions subject to evaluation under NEPA to include, among other things, “new and continuing activities.” Per Reference (c), continuing activities that may necessitate the preparation of a NEPA document include activities that are presently being carried out in fulfillment of DON mission and function, including existing training functions, where:

a. The currently occurring environmental effects of the activity have not been previously evaluated in a NEPA document (this includes activities initiated prior to the enactment of NEPA) and there is a discovery that substantial environmental degradation is occurring, or is likely to occur, as a result of ongoing operations (e.g., a discovery that significant beach erosion is occurring as a result of continuing amphibious exercises, new designation of wetland habitat, or discovery of an endangered species residing in the area of the activity).

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

2. A substantial change in a continuing activity (such as a substantial change in operational tempo, area of use, or in methodology/equipment), which has the potential for significant environmental impacts, should be considered a proposal for a new action and be documented accordingly.

3. Under this definition, many installation operations may qualify as “continuing activities.” Since NEPA documentation is required for continuing activities under certain circumstances, action proponents/sponsors shall coordinate all continuing activities with the installation environmental planning staff. Should an EA or an EIS be required for a continuing activity, the “no action” alternative is to continue the activity under the current condition at the installation. The environmental baseline for continuing activities is the present condition at the installation and not a pristine condition.

4. When a continuing activity has the potential for significant environmental degradation, or when required by the affected installation environmental planning staff, the action proponent/sponsor shall provide a brief on the action to the affected Installation/Command EIRB.

This brief will include a description of the proposed action, the need for the proposed action, and the objectives to be obtained by the proposed action. The description of the proposed action should include the proposed training, its location, and its timing.

H. Acquisition Programs

1. References (a) and (d) apply to all acquisition programs regardless of acquisition category or size. The Acquisition Program Manager, as the action proponent, shall comply with References (a) and (d) in accordance with SECNAV Instruction 5000.2D (Reference (aa)) and DoD Instruction 5000.02 (Reference (ab)).

a. References (a) and (d) apply to urgent programs when the acquisition is tested, trained, fielded, and/or disposed of at a peace-time location.

b. In accordance with Reference (d), sections 2-5, actions where acquisition programs are fielded directly to theater to support the warfighter or to support international relief efforts are exempt from further analysis when:

(1) In accordance with Reference (d) 2-5 (ii), the actions are taken by the President.

(2) In accordance with Reference (d) 2-5 (iii), the actions are taken by or pursuant to the direction of the President or Cabinet officer when the national security or interest is involved or when the action occurs in the course of an armed conflict.

(3) In accordance with Reference (d) 2-5 (vii), the action is a disaster and emergency relief action.

2. The Acquisition Program Manager shall use the methodology in paragraph 030202 of this document for all program actions over the program's lifecycle at peace-time locations.

a. The Acquisition Program Manager, as the action proponent/sponsor for the proposed action, shall coordinate and converse with the installation environmental planning staff at the installation(s) where the action is to occur. This coordination includes, at a minimum, the submittal of an REIR to the installation environmental planning point of contact for each location where the action is to occur.

b. If the Acquisition Program Manager, in coordination with the installation environmental planning staff, determines that a CATEX applies, then the Acquisition Program Manager shall sign the REIR and shall prepare a DM for the administrative record.

c. If the Acquisition Program Manager, in coordination with the installation environmental planning staff, determines that the proposed action requires an EA or EIS, then the acquisition program shall fund and prepare the EA or EIS. The program shall rely on the installation environmental planning staff to provide expertise regarding their installation's environment and impacts thereto.



(1) An EA prepared and funded by the program office shall utilize both the installation EIRB and MARCORSSYSCOM EIRB.

(2) An EIS prepared and funded by the program office shall utilize the installation EIRB, MARCORSSYSCOM EIRB, and HQMC (GF)/MCICOM (LF) EIRB.

(3) The acquisition program EA signature authority is the Commander Marine Corps Systems Command in accordance with Reference (aa). An acquisition EA shall also have a second signature for the CG/CO of the installation where the action will occur.

(4) Prior to signature on any acquisition EA or EIS, MARCORSSYSCOM and the installation environmental planning staff shall agree who shall pay for the mitigation actions prescribed in the EA or EIS.

d. The Acquisition Program Manager shall document all NEPA and E.O. 12114 plans and resulting actions in the Programmatic Environmental, Safety and Health Evaluation in accordance with Reference (ab).

3. In accordance with Reference (ab), the Component Acquisition Executive of the lead executive component or designee is the approval authority for system-related NEPA and E.O. 12114 documentation. If the lead executive component for a joint program is not the United States Marine Corps, the Marine Corps Program Manager shall use the methodology in paragraph 030202 of this document to ensure compliance with References (a) and (d) for Marine Corps-specific actions.

4. The Acquisition Program Manager shall provide system-specific analyses and data to support other organizations' analyses under References (a) and (d), including documentation prepared by installation environmental planning staff.

I. Special Use Airspace (SUA)

1. SUA actions, except for designations of prohibited areas and alert areas, are subject to environmental impact analysis in accordance with NEPA.

2. Internal FAA guidance for the environmental analysis of SUA proposals 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," the FAA/DoD Memorandum of Understanding Concerning SUA EA, MCO 3570.1, and MCO 3550.10.

3. A more detailed discussion on how to complete environmental documentation relative to SUA proposals is provided in Reference (f).

J. Pollution Prevention (P2)

1. 42 U.S.C. §§13101-13109 (also known and referred to in this Order as "Pollution Prevention Act of 1990")(Reference (ac)) established requirements for incorporating P2

into agency activities and the NEPA planning process. Council of Environmental Quality (CEQ) Memorandum (Reference (ad)) provides guidance to agencies to incorporate P2 considerations in the NEPA planning process, scoping process, and mitigation planning.

2. EPA evaluates EISs for incorporation of P2 measures to assist federal agencies in acknowledging and receiving credit for commitment to pollution prevention.

3. P2 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/sponsors should seek opportunities to incorporate P2 into their programs.

4. Further guidance on compliance with Reference (ac), as well as pollution prevention strategies, can be found in Volumes 6, 7, and 15 of this Order. More detailed guidance on incorporating P2 in NEPA analysis is provided in Reference (f).

K. Programmatic NEPA Reviews and Tiering (section 20, part 1502, and section 28, part 1508 of Reference (b))

Reference (ae) states that programmatic NEPA analyses have value by setting out the broad view of environmental impacts and benefits for a proposed decision. That programmatic NEPA review can then be relied upon when agencies make decisions based on a Programmatic EA or Programmatic EIS such as a major weapon acquisition program rulemaking or establishing a policy, program, or plan, as well as when decisions are based on a subsequent – tiered – NEPA review. Programmatic NEPA reviews should result in clearer and more transparent decision-making, as well as provide a better defined and more expeditious path toward decisions on proposed actions on more specific actions derived from the programmatic decision document. Reference (b) 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. Tiering is appropriate when it helps the action proponent/sponsor 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. 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 Environmental Impact Statement (EIS). If a programmatic EA or EIS is prepared as the initial analysis, from which subsequent site-specific analyses will be tiered, such documents shall include:

- 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.
- 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, evaluate the impacts of the subsequent tiered action in an REIR or an EA to fully assess the environmental impacts of the action.

b. In addition to the discussion required by these procedures for inclusion in EA and EIS documents, each subsequent tiered analysis shall:

(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.

(3) State where the programmatic document is available for review.

4. Programmatic EISs and all subsequent tiered EISs will be prepared, circulated, and distributed in the same fashion as required of any other EIS. Commands shall prepare, circulate, and distribute tiered EAs and resulting FONSI in accordance with the procedures applicable to EAs. CEQ guidance on programmatic NEPA reviews can be found in 79 FR 76986 (Reference (ae)).

L. Supplemental Analysis

1. Supplemental analysis may be necessary after the NEPA analysis is complete (i.e., FONSI or ROD signed, or Final EA or EIS issued) if the action has not been fully implemented and substantial changes to the approved action are proposed or new information on

environmental resources or effects is identified. In these situations, the Marine Corps shall determine if the new information constitutes a substantial change relevant to environmental concerns that would require a supplemental NEPA document (e.g., supplemental EA or SEIS). The determination hinges on the change or new information's potential to have significant environmental effects on the human environment.

2. If it is determined that the change or new information may have significant environmental effects, focus the supplemental EA/EIS on changes to the proposed action/preferred alternative, new baseline data (if any), and analysis of potentially significant direct, indirect, or cumulative effects of the changes. Supplements should be prepared, circulated, and filed in the same fashion as the EA or EIS being supplemented. Scoping is not required.

3. If it is determined that changes to the proposed action are not substantial or new information or circumstances are not significant relevant to environmental concerns, a Continuing Environmental Review Statement (CERS) should be prepared for the sole purpose of documenting the Marine Corps' determination not to prepare a supplemental EA or EIS. A CERS may not be used to correct an EA or EIS by analyzing important information that was known at the time of the original NEPA document but was omitted from that analysis. A CERS shall be approved in writing by the action proponent/sponsor, applicable NEPA subject matter expert (SME), the appropriate counsel, and signed by the original decision maker unless they have delegated approval. In the case of an EIS where the ROD was signed by ASN, the determination to prepare a CERS shall be coordinated with ASN through HQMC (LF)/MCICOM (GF-7). More detailed guidance on preparation of supplemental NEPA documentation is provided in Reference (f).

M. Procedures for Conducting Public Meetings under National Environmental Policy Act (NEPA)

Public meetings may have different formats, including formal public hearings in which the Marine Corps receives testimony, public meetings that include a presentation and a question and answer session, and informal open houses. A public meeting could include multiple formats, such as an open house followed by a public hearing. Public meetings are typically conducted in conjunction with preparation of an EIS, require publication of a NOPM, include a court reporter, and facilitate the recording of public comments. However, the action proponent/sponsor may elect to conduct public meetings for an EA. Hearings shall be conducted as follows:

1. Guidelines and Standards. The action proponent/sponsor, in coordination with the appropriate Region and CMC (LF)/MCICOM (GF), determines whether a public meeting will be held. Public meetings are appropriate in the following situations:

a. When the proposed agency action will have a direct or specific 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 meeting has been submitted by another agency with jurisdiction over the action and is supported by reasons why a meeting will be helpful.

e. When a minority or low-income population may be disproportionately affected.

2. Purpose. The purpose of public meetings on a proposed project is twofold. First, public meetings are intended to provide interested members of the public with relevant information. Second, public meetings afford members of the public an opportunity to present their views of the proposed action. The two foregoing objectives dictate the format for conducting public meetings, hearings, or open houses. Reference (f), distributed by CMC (LF)/MCICOM (GF), outlines the steps involved in preparing for public meetings and a suggested format for public meetings. Action proponents, in consultation with command or installation environmental planning staff, should tailor the format for each hearing as the circumstances dictate to meet the objectives of the public meeting. 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.

#### 0303 ENVIRONMENTAL PLANNING UNDER EXECUTIVE ORDER (E.O.) 12114

030301. E.O. 12114 (Reference (d)) provides the exclusive and complete set of requirements for assessing the effects of major Marine Corps actions that may significantly harm the environment of places outside the United States, its territories, and possessions. See Figure 12-1.

030302. The environmental review process mandated by E.O. 12114 applies to major federal actions that would significantly affect the environment of a foreign nation not participating with the United States or otherwise involved in the action.

030303. 32 CFR 187 (Reference (e)) represents the agency procedures required by the E.O., is the sole implementing regulation for E.O. 12114, and provides the exclusive and complete procedures to evaluate environmental effects of major Marine Corps actions abroad.

A. Enclosure 1 to 32 CFR 187 outlines the procedures for environmental impact analysis when a project significantly impacts the Global Commons (defined as geographical areas that are outside the jurisdiction of any nation). E.O. 12114 includes oceans outside territorial limits and Antarctica as part of the Global Commons.

B. Enclosure 2 to 32 CFR 187 outlines the procedures for environmental impact analysis of actions in foreign nations. This enclosure also includes procedures for actions undertaken by the United States jointly with another nation or nations.

C. An Overseas Environmental Assessment (OEA) or Overseas Environmental Impact Statement (OEIS) is required when a major Marine Corps action would significantly harm the environment of the U.S. EEZ or the Global Commons (high seas). An OEA is an environmental analysis similar to an EA under NEPA. The objective of an OEA is to document the environmental consequences of a proposed action, allowing the reviewing authority to determine whether or not the effects of the action would significantly harm the environment. If the action would affect the environment in the U.S. EEZ and the Global Commons and it is unknown whether the action would

significantly harm the environment, the action proponent/sponsor should prepare an OEA. If it is known that the proposed action would significantly harm the environment, an OEIS should be prepared. An OEIS is an environmental analysis similar to an EIS under NEPA. An OEA should result in a FONSH, a decision to prepare an OEIS, or a decision to not pursue the action as proposed.

D. If both NEPA and E.O. 12114 apply, the analyses for both should be combined into a single environmental planning document. In combining analyses, the action proponent/sponsor should differentiate between NEPA and E.O. 12114 descriptions, so it is clearly understood which authority applies to what part of the proposed action. However, should the circumstances or nature of the proposed action warrant, two separate environmental planning documents may be prepared.

E. The Installation/Command should coordinate with CMC (LF)/MCICOM (GF) on all OEISs and any OEAs that meet the coordination requirements for EAs listed in paragraph 030204.E.

030304. E.O. 12114 includes seven exemptions to its requirements:

A. Actions not having a significant effect on the environment outside the United States as determined by the agency;

B. Actions taken by the President;

C. Actions taken by or pursuant to the direction of the President or Cabinet officer when the national security or interest is involved or when the action occurs in the course of an armed conflict;

D. Intelligence activities and arms transfers;

E. Export licenses or permits or export approvals, and actions relating to nuclear activities except actions providing to a foreign nation a nuclear production or utilization facility as defined in the Atomic Energy Act of 1954, as amended, or a nuclear waste management facility;

F. Votes and other actions in international conferences and organizations;

G. Disaster and emergency relief action.

030305. At present, there are no approved overseas CATEXs. Should overseas CATEXs be established by the Office of the Secretary of Defense, CMC (LF)/MCICOM (GF) will provide implementation guidance.

#### 0304 POLICY

030401. CMC (LF)/MCICOM (GF) is the 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 Volume and References (b) and (c), as well as any procedural requirements related to NEPA analysis and decision making within the chain of command. Overseas installations should consult CMC (LF)/MCICOM (GF) regarding compliance with Reference (d) and Marine Corps interpretation of the procedures contained in Reference (e).

030402. 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. Avoid, minimize or mitigate 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 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. Apply appropriate consideration of socioeconomic issues in environmental planning matters, including 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. The action proponent/sponsor has the responsibility for programming these costs and including sufficient time in project schedules to allow for compliance with References (a) and (d).
- 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/sponsor. The action proponent/sponsor should understand the plans, analyses, and environmental documents related to that action and ensure that

any measures required to mitigate the impacts of the action are implemented and monitored for effectiveness once the appropriate NEPA decision document is signed.

030403. Whenever possible, action proponents/sponsors shall include sustainable alternatives in the NEPA process. In particular, action proponents/sponsors shall consider life-cycle costs and the options available in addressing the potential effects of climate change adaptation, reducing GHG emissions, and increasing energy efficiency to minimize these costs when evaluating potential projects or actions.

030404. Action proponents/sponsors shall 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 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.

030405. The Installation/Command EIRB shall 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. 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 installation or Command CG/CO.

030406. NEPA-PAMS is an enterprise-wide decision support system to facilitate the Marine Corps NEPA review process. NEPA-PAMS is hosted by Marine Corps Enterprise Information Technology Services and managed by HQMC (LF)/MCICOM Conservation and Planning (GF-7) and Facilities Systems (GF-8). When NEPA-PAMS roll-out and user training is complete, Marine Corps action proponents and action sponsors shall use the system for the REIR process, create CATEX DMs, track milestones for their EAs and EISs, and monitor mitigation commitments. All mitigation committed to in a CATEX DM (e.g., for historic resources), FONSI or ROD that brings potential adverse environmental impacts below the level of significance shall be reported until the project has been completed. Use of legacy systems will be discontinued.



(This page intentionally left blank)

**VOLUME 12: CHAPTER 4**

**“RESPONSIBILITIES”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in *blue font* will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>

(This page intentionally left blank)

**CHAPTER 4**

**RESPONSIBILITIES**

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Establish policy and procedures regarding compliance with References (a) and (d).

040102. Coordinate CMC (LF)/MCICOM (GF) review and disposition of EAs/OEAs referred by the Installation/Command CG/CO and EIS/OEIS documents through the HQEIRB.

040103. Coordinate, as appropriate, with CEQ, EPA, ASN (EI&E or RD&A) and, if appropriate, with the Office of the Assistant Secretary of Defense for Energy, Installations, and Environment regarding NEPA and E.O. 12114 actions elevated to Headquarters level.

040104. For EIS documents, coordinate with the Regional and Installation/Command EIRBs during preparation of a ROD. The proposed ROD will be drafted to reflect the HQEIRB review of the FEIS and will be forwarded to DASN(E) by CMC (LF)/MCICOM (GF) for review and then to ASN (EI&E) for signature and final disposition.

040105. Assist commands with the interpretation of policies, implementation of procedures, and compliance with References (a) and (d) for Marine Corps actions.

040106. Coordinate, as appropriate, with the director of public affairs release to the public environmental documents in accordance with Reference (a) and other applicable federal laws.

040107. Publish NOIs, NOAs, announcements of EIS public meetings/public hearings, and RODs in the Federal Register.

040108. Provide assistance for actions and review environmental planning documents initiated by private persons, state or local agencies, Native American tribes, and other non-DON/DoD federal entities for which Marine Corps involvement may be foreseen or that have the potential to impact Marine Corps equities. If Marine Corps interests are involved, consider participation as a Cooperating Agency with the Lead Agency or Action Proponent.

040109. Provide support to Marine Corps Regions, Marine Corps installations, and Marine Corps commands/units and tenants by interpreting federal, state, local, and overseas compliance requirements for References (a) and (d), and by uniformly applying Marine Corps policy as set forth in this Order.

040110. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040111. 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.

040112. Distribute data call for the annual CEQ Cooperating Agency data call to installations and command environmental planning staff. Compile the findings and provide findings to CEQ and DASN(E) as specified in SECNAV Memorandum (Reference (af)).

040113. For EAs/Overseas EAs submitted by action proponents/sponsors, review the written summary of early planning decisions that occurred with environmental SMEs, planners, and others as discussed in paragraph 030202.G.1. Prepare and submit comments to the action proponents/sponsors as necessary.

040114. For EISs/Overseas EISs (including Supplemental/Revised EISs) submitted by action proponents/sponsors, review the summary of PERT discussions submitted with the EIS NOI package forwarded to CMC (LF)/MCICOM (GF) for processing as discussed in paragraph 030202.G.2. Prepare and submit comments to the action proponents/sponsors as necessary.

040115. Participate in the action proponent/sponsor EIS/OEIS PERT discussions as necessary.

040116. Coordinate semi-annually with regional command environmental planners to ensure action proponents/sponsors and installation environmental planners are coordinating proposed actions with the cognizant regional commander to ensure their situational awareness of environmental planning efforts within the region.

040117. Receive, compile, and report to ASN(EI&E) annual cost and time data for all EAs and EISs completed during each fiscal year by March of the following fiscal year. Identify the primary reasons for significant time or cost overruns (if applicable).

#### 0402 HEADQUARTERS ENVIRONMENTAL IMPACT REVIEW BOARD (HQEIRB)

HQEIRB shall receive, review, and provide recommendations, as appropriate, to the Deputy Assistant Deputy Commandant for Installations and Logistics on NEPA and E.O. 12114 documents elevated to Headquarters level (e.g., NOIs, NOPMs, DEISs, FEISs, RODs, OEAs, and OEISs).

#### 0403 COMMANDING GENERAL (CG) MARINE CORPS INSTALLATIONS (MCI) EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION AND COMMARFORRES

CG Marine Corps Installations East, West, Pacific, and National Capital Region and COMMARFORRES shall:

040301. Establish and conduct NEPA programs in compliance with References (a) and (d), and approve qualifying actions within their authority.

040302. Develop, publish, implement, and periodically update environmental instructions and standard operating procedures that assure compliance with the procedures and objectives established by References (a) and (d).

040303. Ensure that analyses of the environmental effects of proposed actions, conducted in accordance with References (a) and (d) and other applicable implementing regulations, are sufficient to satisfy public scrutiny and will withstand potential challenges.

040304. Ensure no irretrievable or irreversible commitment of resources is made prior to the completion of the environmental planning process.

040305. For actions the Region proposes or sponsors, fund environmental planning and related requirements, including all mitigation measures and BMPs subsequently committed to in the ROD or FONSI. Ensure that adequate funding and personnel are available for environmental review and that appropriate Region orders include the requirements of planning and funding environmental documents.

040306. Designate, chair, and provide for establishing a Regional EIRB consisting of a cross-section of Regional personnel. 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 installation or Command CG/CO.

040307. Review, endorse, and forward to CMC (LF)/MCICOM (GF) all environmental planning documentation (e.g., NOIs, NOPMs, DEISs, FEISs, RODs, OEAs, and OEISs). Ensure documentation meets legal and technical sufficiency requirements.

040308. Per NEPA analyses, in accordance with Reference (o), ensure that all agency consultations and coordination, excluding permits (e.g., wetland or stormwater permits), are completed prior to signing FONSI and prior to forwarding FEISs to CMC (LF)/MCICOM (GF).

040309. Ensure that the requirements of the applicable MCI regional NEPA order are met.

040310. Review, endorse, and forward to CMC (LF)/MCICOM (GF) the written summary of EA/Overseas EA early planning decisions that occurred with environmental SMEs, planners, and others as discussed in paragraph 030202.G.1. Prepare and submit comments to CMC (LF)/MCICOM (GF) as necessary.

040311. Review, endorse, and forward to CMC (LF)/MCICOM (GF) the written summary of PERT discussions submitted with the EIS NOI package forwarded to CMC (LF)/MCICOM (GF) for processing as discussed in paragraph 030202.G.2. Prepare and submit comments to CMC (LF)/MCICOM (GF) as necessary.

040312. Receive, compile, and report to CMC (LF)/MCICOM (GF) annual cost and time data for all EAs and EISs completed by each installation/subordinate command during each fiscal year by March of the following fiscal year. Review and comment on the primary reasons for

significant time or cost overruns (if applicable).

040313. Ensure action proponents/sponsors and installation planning staffs coordinate closely with the cognizant regional environmental planner to maintain situational awareness of environmental planning efforts within the region.

0404 REGIONAL ENVIRONMENTAL IMPACT REVIEW BOARD (EIRB)

Regional EIRBs shall:

040401. Receive, review, and provide recommendations, as appropriate, to the CG of the Region (i.e., MCIEAST, MCIWEST, MCIPAC, MCINCR) for approval on NOIs, NOPMs, DEISs, FEISs, RODs, and those EA/FONSI documents to be elevated to Headquarters level, prior to forwarding documents to CMC (LF)/MCICOM (GF) for review and approval. For actions proposed directly by the Region, the Regional EIRB shall function as the initial EIRB for review of the action.

040402. For actions proposed directly by the Region, function as the initial EIRB for review of the action.

040403. Coordinate with the Regional Environmental Coordinator, when required, on documents prior to elevating to Headquarters level (e.g., NOIs, NOPMs, DEISs, FEISs, RODs, OEAs, and OEISs).

040404. Ensure review of documents by technical SMEs and legal experts prior to elevating documents to Headquarters level to ensure documents are technically and legally sufficient.

040405. Advise Regional CG as to the implications of environmental planning documentation and mitigation commitments.

040406. Recommend Regional CG endorsement of environmental planning documentation prior to Headquarters submittal.

040407. Review to ensure that the requirements of the applicable MCI regional NEPA order are met.

0405 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF INSTALLATIONS AND COMMANDS

CGs/COs of Installations and Commands shall:

040501. Designate, chair, and provide for establishing an Installation/Command EIRB consisting of a cross-section of command personnel. 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 installation or Command CG/CO.

040502. Develop, publish, and implement environmental instructions and standard operating procedures that assure compliance with the procedures and objectives established by References (a) and (d).

040503. Designate an alternate to whom responsibility for signing or endorsing the CATEX DM may be delegated.

040504. Promptly notify CMC (LF)/MCICOM (GF) when a decision to prepare an EA that meets conditions in paragraph 030204.B, or an EIS, has been made.

040505. Decide whether a FONSI is appropriate when the proposed action does not involve any of the circumstances listed at paragraph 030204.A, recommend preparation of an EIS, or recommend that the action not proceed. The decision shall be based on the Installation/Command EIRB's recommendation. Installation FONSI signature authority may not be delegated. Major commands (e.g., MARFORRES) may delegate FONSI signature authority in writing to the Deputy Commander or Chief of Staff.

040506. Ensure, prior to forwarding to Region or senior Command (e.g., MCAGCC Twentynine Palms to TECOM), all environmental planning documentation (e.g., NOIs, NOPMs, DEISs, FEISs, RODs, OEAs, and OEISs) meets legal and technical sufficiency. Include the results of the Installation/Command EIRB with a statement on legal and technical sufficiency in the endorsement letter to the Regional EIRB or HQEIRB.

040507. Ensure that adequate funding and personnel are available for environmental review and that appropriate orders specify the responsibilities of action proponents/sponsors to fund and complete environmental planning documentation, and to fund and implement any measures required to mitigate the impacts of their proposed actions.

040508. Ensure that analyses are conducted for the environmental effects of current and proposed actions in accordance with DoD regulations, Reference (b), and other applicable statutes and regulations. Ensure that all documents are reviewed by Installation/Command legal counsel for legal sufficiency.

040509. As appropriate under References (a) and (d), encourage public participation in environmental evaluations of projects or programs. To the extent practical, post environmental planning documents and decision documents on a public website.

040510. Ensure that environmental analysis and the NEPA or E.O. 12114 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.

040511. Per NEPA analyses, in accordance with Reference (o), ensure that all agency consultations and coordination, excluding permits (e.g., wetland or stormwater permits), are completed prior to signing FONSI and prior to forwarding final EISs to CMC (LF)/MCICOM (GF).

040512. Ensure that the administrative record supporting the NEPA or E.O. 12114 process for the proposed action is assembled and maintained.



040513. Identify and submit to CMC (LF)/MCICOM (GF) project documentation and funding requests for NEPA/E.O. 12114-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 for compliance with NEPA/E.O. 12114 requirements. Pay appropriate federal, state, and local fees. Ensure that P2 alternatives are evaluated and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040514. Ensure that impacts to installation resources are mitigated, as specified in decision documents and pursuant to applicable environmental statutes, and that the effectiveness of mitigation measures is monitored in accordance with SECNAV Policy, "Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking," May 31, 2007 (Reference (ag)) and CMC(I&L) Policy, "Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking," April 28, 2008 (Reference (ah)).

040515. Ensure that permit conditions and commitments are met.

040516. Ensure that the requirements of applicable installation and regional NEPA orders are met.

040517. Ensure that installation environmental planners coordinate closely with the cognizant regional environmental planner to maintain situational awareness of environmental planning efforts within the region.

040518. Ensure that cost and time data for all EAs and EISs are captured for each fiscal year and reported to CMC (LF)/MCICOM (GF) no later than the last working day of each February. Ensure the report includes the primary reasons for significant time and/or cost overruns (if applicable).

**0406 INSTALLATION/COMMAND ENVIRONMENTAL IMPACT REVIEW BOARD (EIRB)**

Installation/Command EIRB shall:

040601. 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.
- C. Consistency with installation mission.

040602. Ensure that all NEPA documents have undergone appropriate staff review.

040603. Assist the action proponent/sponsor in determining whether the proposed action requires the preparation of an EA or EIS.

040604. Review completed EAs, and make recommendations to the Installation/Command CG/CO for a FONSI, an NOI for an EIS, or no action. The EIRB will draft the proposed FONSI and forward both the EA and FONSI to the installation CO/CG or Command CG/CO for signature.

040605. If the EA meets one of the requirements discussed in paragraph 030204.E, the EIRB will forward, for the Installation/Command CG/CO, the EA and proposed FONSI to the next level of EIRB (Regional EIRB or HQEIRB) for review and concurrence for approval. Include a mitigation matrix or table in the briefing package. For each FONSI with mitigation requirements, include the Mitigation Implementation Plan in the EIRB briefing package.

040606. Forward draft NOI, DEIS, FEIS, and ROD to the Installation/Command CG/CO for review and approval. A letter from the Installation/Command CG/CO stating the results of the Installation/Command EIRB and certifying that the document(s) have been found legally sufficient by the Installation/Command legal counsel shall be included with the documentation provided to the Regional EIRB or HQEIRB. Forward documents to the next level of EIRB (Regional EIRB or HQEIRB) for review and concurrence for approval. Include a mitigation matrix or table in the briefing package. For each ROD with mitigation requirements, include the Mitigation Implementation Plan in the EIRB briefing package.

040607. Retain on file, for no less than 10 years, copies of all decision documents, CATEX DMs, completed EAs and EISs, published FONSI statements, RODs, and minutes taken during EIRB meetings.

040608. Include in its composition the Installation/Command CG/CO or his/her designated representative; the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; comptroller; public affairs; community plans and liaison office, as appropriate; and any others as determined to have an interest in the proposed action by the Installation/Command CG/CO.

040609. Ensure that the requirements of applicable installation and regional NEPA orders are met.

**0407 INSTALLATION/COMMAND/REGION ENVIRONMENTAL PLANNING STAFF**

Installation/Command/Region Environmental Planning Staff shall:

040701. Assist the action proponent/sponsor to affect References (a) and/or (d).

040702. Provide specific Installation/Command guidance related to References (a) or (d).

040703. Emphasize avoidance and minimization of potential environmental impacts in early planning and development for the proposed action.

040704. Review and/or prepare NEPA documents and provide technical assistance. Track, at a minimum, annually, the number of CATEXs, EAs, and EISs initiated or completed by the Installation/Command/Region.

040705. Ensure installation natural resource program managers shall serve as the primary point of contact for all formal or informal consultation with the appropriate regulatory agencies when actions may impact natural resources (e.g., threatened or endangered species, critical habitat, wetlands) on Marine Corps lands.

040706. Ensure installation cultural resource program managers shall serve as the primary point of contact for all consultations with the Advisory Council on Historic Preservation, State Historic Preservation Offices, Tribal Historic preservation Officers, Native American tribes, and Native Hawaiian organizations when actions may impact archaeological, cultural, and historic resources on Marine Corps lands.

040707. Negotiate (in coordination with action proponent/sponsor) mitigation requirements with applicable regulatory agencies. Consider the use of adaptive management plans. Coordinate through CMC (LF)/MCICOM (GF) interactions with headquarters of federal agencies such as Headquarters, National Marine Fisheries Service or Headquarters, U.S. Fish and Wildlife Service.

040708. Monitor and track mitigation implementation in accordance with References (ag) and (ah) and the project Mitigation Implementation Plan, and adjust as necessary to ensure success. Should there be a substantial failure of the mitigation, in either implementation or effectiveness, work with the action proponent/sponsor and appropriate regulatory authority (if any) to implement appropriate remedies.

040709. Respond to CMC (LF)/MCICOM (GF) data call for annual CEQ Cooperating Agency data call and brief installation CG/CO, Commander Marine Forces Reserve, or MARCORSSYSCOM on any issues regarding data call responses (Reference (af)).

040710. Ensure that the requirements of applicable installation and regional NEPA orders are met.

040711. Coordinate closely with the cognizant regional commander's environmental planner to ensure situational awareness of environmental planning efforts within the region.

#### 0408 ACTION PROPONENTS/SPONSORS

Action Proponents/Sponsors shall:

040801. Provide funds for NEPA/E.O. 12114 documentation and all related ancillary studies, mitigation, and monitoring costs. NEPA/E.O. 12114 funding is not centrally managed; funds shall come from action proponents/sponsors or from installation operation and maintenance budgets. Action proponents/sponsors shall program funds for NEPA/E.O. 12114 compliance. If the action will be funded through MILCON, funds for mitigation measures should be identified as part of the

MILCON funding request (separate line item of Form 1391). For non-MILCON projects, funds for mitigation shall be programmed as part of the project funding request.

040802. Coordinate with the Installation/Command environmental planning staff at the earliest possible opportunity to determine the level of NEPA/E.O. 12114 documentation required. The Installation/Command Region environmental planning staff will consult with counsel and/or the EIRB when the level of NEPA/E.O. 12114 documentation may be subject to legal or other qualifying interpretations.

040803. Inform the Regional Environmental Coordinator of the proposed action and coordinate as appropriate.

040804. Acknowledge and agree to required mitigation or conditions to be met before, during, and following completion of the proposed action by signing and returning the REIR or DM to the Installation/Command environmental planning staff. For each FONSI or ROD with mitigation requirements, prepare a concise Mitigation Implementation Plan that identifies the process and organizations responsible for ensuring mitigation is implemented and that established success criteria are met in accordance with References (ag) and (ah). Ensure that required conditions are incorporated into contracting language so that the individuals implementing the action are aware of and comply with the conditions. The action proponent/sponsor should maintain the original documentation. Copies of the REIR and/or DM shall be made available to CMC (LF)/MCICOM (GF) upon request.

040805. Ensure that all mitigation measures identified in the FONSI or ROD are implemented in a timely fashion, and 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. If funding is not available for mitigation specified in a FONSI or ROD, the action may not go forward until (1) funding is provided and mitigation is implemented, (2) the project design can be modified to minimize or avoid the anticipated impact, or (3) an EIS is prepared to document that a significant impact will occur due to lack of funding for mitigation.

040806. Ensure that the requirements of applicable installation and regional NEPA orders are met.

040807. When developing an EA/Overseas EA and prior to EA contract award or prior to the EA kickoff meeting if prepared “in-house”, provide a concise written summary to CMC (LF)/MCICOM (GF) of early planning decisions that occurred with environmental SMEs, planners, and others as specified in SECNAV Memorandum (Reference (ai)). The summary will discuss environmental factors considered in developing the proposed action and how those factors influenced the development of project preliminary alternatives. The summary will discuss what aspects of the project prevented use of a CATEX. Include the summary as part of existing EA notification process.

040808. When developing an EIS/Overseas EIS (including a Supplemental/Revised EIS) and prior to EIS contract award to develop the environmental analysis, as early as possible in the planning process, convene an interdisciplinary PERT as specified in SECNAV Memorandum (Reference (ai)). The PERT should review all aspects of the proposed action and ensure environmental considerations are fully integrated into early project planning and preliminary

alternatives development. The PERT should consist of representatives from the action proponent/sponsor, interdisciplinary environmental SMEs, a USMC regional representative, counsel, civilian public affairs and liaison officer, and representatives of the EIS execution agent (e.g., NAVFAC) including the designated EIS project manager. Invite CMC (LF)/MCICOM (GF) to participate in PERT discussions to provide a headquarters level perspective.

040809. Develop a summary of PERT discussions, including any adjustments made to the proposed action or preliminary alternatives as a result of those discussions and forward it to CMC (LF)/MCICOM (GF) for processing as part of the existing EIS NOI package. Consistent with existing SECNAV policy, the NOI package should also discuss expected public/agency/political interest, consultation and permit requirements, and any known schedule, funding, contracting, or staffing challenges.

040810. Coordinate closely with the cognizant regional commander to ensure their situational awareness of environmental planning efforts within the region as specified in SECNAV Memorandum (Reference (ai)).

040811. Monitor and track all cost and time data for all EAs and EISs for each fiscal year and report these data to CMC (LF)/MCICOM (GF) no later than the last working day of each February. Include in the report the primary reasons for significant time and/or cost overruns if applicable. The following must be collected and reported:

A. Cost. If the environmental planning document is prepared using a contractor, report the total cost of the contract effort including any change orders/contract modifications. Do not report Government in-house labor management costs. Include the cost of any key supporting studies (e.g., noise, traffic, natural resources, cultural resources, etc.) that directly support the environmental planning effort. If the document is prepared in-house by Government employees, report the total cost as a function of labor, travel, and other related expenses necessary for the completion of the document. Finally report the cost of any mitigation commitments in the EA/FONSI or the EIS/ROD. Do not include the cost of any BMP.

B. Time. For EAs/OEAs, track the time (in years, months, and days) from the project kickoff meeting date to the FONSI signature date. For EISs/OEISs, track the time (in years, months, and days) from the Federal Register NOI publication date to the ROD signature date.

**VOLUME 12: APPENDIX A**

**“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD  
POLICIES”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>

(This page intentionally left blank)

**APPENDIX A**

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD  
POLICIES**

1 FEDERAL STATUTES

a. American Indian Religious Freedom Act, 42 U.S.C. §1996 and §1996a

This Act states the policy of the United States to protect and preserve for Native Americans their inherent rights of freedom to believe, express, and exercise the traditional religions of Native Americans, Eskimos, Aleuts, and Native Hawaiians. These rights include, but are not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremony and traditional rites.

b. Archaeological Resource Protection Act (ARPA) of 1979, as Amended, 16 U.S.C. §470aa-mm

This Act prohibits the removal, sale, receipt, and interstate transportation of archaeological resources obtained illegally (without permits) from public or Native American lands and authorizes agency permit procedures for investigations of archaeological resources on public lands under the agency's control. Public Law 100-555 amended the ARPA to require the Secretaries of the Interior, Agriculture, and Defense (1) to develop plans for surveying the lands under their control to determine the nature and extent of archaeological resources, and (2) to prepare a schedule for surveying those lands that are likely to contain the most scientifically valuable archaeological resources.

c. Clean Air Act of 1970, as Amended, 42 U.S.C. 7401 et seq.

This Act, the major federal legislation concerning the control of the Nation's air quality, requires the setting of National Ambient Air Quality Standards and the development of federal and state programs to achieve these standards through the control of air pollution sources. The Act also provides for the U.S. Environmental Protection Agency's (EPA's) delegation of authority to states to conduct air pollution control programs. The 1990 amendments (Public Law 101-549) stress pollution control and prevention.

d. Clean Water Act (CWA) of 1977, as Amended, 33 U.S.C. 1251 et seq.

This Act is a compilation of decades of federal water pollution control legislation. The Act amended the Federal Water Pollution Control Act and requires federal agency consistency with state nonpoint source pollution abatement plans. The CWA is the major federal legislation concerning improvement of the Nation's water resources. The Act was amended in 1987 to strengthen enforcement mechanisms and to regulate stormwater runoff. The Act provides for the development of municipal and industrial wastewater treatment standards and a permitting system to control wastewater discharges to surface waters. The CWA contains specific provisions for the regulation of dredge spoil disposal within navigable waters and for the placement of material into wetlands.



Permits are required under sections 401, 402, and 404 for proposed actions which involve wastewater discharges and/or dredging/placement of fill in wetlands or navigable waters. These permits are required prior to the initiation of proposed actions. Certain proposed actions may implicate state review and water quality certification jurisdiction under section 401 of the Act, resulting in the imposition of conditions designed to ensure consistency with state water quality standards.

e. Coastal Zone Management Act (CZMA) of 1972, 16 U.S.C. 1451 et seq.

This Act provides incentives for coastal states to develop and implement coastal area management programs. The Act plays a significant role in water pollution abatement, particularly with regard to nonpoint source pollution. State coastal zone management programs frequently incorporate flood control, sediment control, grading control, and stormwater runoff control statutes. Under the CZMA, federal actions that have a direct impact on the coastal zone must be consistent to the maximum extent practicable with the state program. These state statutes must be considered when addressing the water pollution impacts of Marine Corps projects.

f. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§9601-9675

This Act provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. The Defense Environmental Restoration Program provides program management for DON sites.

g. Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.

This Act determines and protects both plant/animal species and their critical habitats that are threatened or endangered. The Act prohibits any federal action that may jeopardize such species and provides for the designation of critical habitat of such species wherein no action is to be taken concerning degradation of the habitat. The ESA requires a biological assessment of federal agency actions when an endangered or threatened species may be present in the area affected by the actions.

h. Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.

This Act halts overfishing by foreign fleets and aids the development of the domestic fishing industry. The Act gives the United States sole management authority over living resources within its jurisdictional waters.

i. Marine Mammal Protection Act of 1972, as Amended, 16 U.S.C. 1361 et seq.

This Act protects marine mammals and establishes a marine mammal commission. It also establishes processes for permitting incidental "take" related to Marine Corps actions.

j. 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.

This Act, also known as the Ocean Dumping Act, protects oceanic waters from dumping. The Act provides for the establishment of procedures for regulating the transportation of materials into the oceans for the purpose of dumping. The Act prohibits the dumping of sewage sludge after December 31, 1991. The Act provides authority to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System. It also provides authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities.

- k. Migratory Bird Treaty Act of 1918, as amended, 16 U.S.C. 703 et seq.

This Act prohibits taking or harming a migratory bird, its eggs, nests, or young without the appropriate permit.

- l. National Historic Preservation Act of 1966, (54 U.S.C. §100101, §300101-307108 or Section 1 of the National Historic Preservation Act, Public Law 89-665, as amended by Public Law 96-515)

This Act provides for the nomination, identification (through listing on the NRHP), and protection of historical and cultural properties of significance. The Act establishes specific procedures for compliance, including initial review authority by the cognizant State Historic Protection Officer.

- m. Native American Graves Protection Act of 1990, 25 U.S.C. 3001 et seq.
- n. Pollution Prevention Act of 1990, 42 U.S.C. 13101 et seq.

This Act establishes the national policy that pollution should be prevented at the source whenever feasible. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible, pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible, and disposal or other release into the environment should be employed only pursuant to a permit and only as a last resort and should be conducted in an environmentally safe manner.

- o. Resource Conservation and Recovery Act of 1976 as Amended, 42 U.S.C. 6901 et seq.

This Act creates the framework for the proper management of hazardous and non-hazardous solid waste. The law describes the waste management program mandated by Congress that gave EPA authority to develop the RCRA program. Implementing regulations are found in 40 CFR parts 239 through 282.

- p. Safe Drinking Water Act of 1974, 42 U.S.C. 300(f) et seq.

This Act amended the Public Health Service Act and specifies a system for the protection of drinking water supplies through the establishment of contaminant limitations and enforcement procedures. The EPA has two kinds of promulgated contaminant limitations: primary drinking

water standards to protect public health and secondary drinking water standards to protect public welfare. This Act requires each state to adopt a program to protect wells within its jurisdiction from contamination. States have the primary responsibility to enforce compliance with national primary drinking water standards and sampling, monitoring, and notice requirements. The 1996 amendments (Public Law 104-182) to the Safe Drinking Water Act include new regulations based on risk and public health concerns. These regulations include prohibiting the use of lead in plumbing that carries potable water and the listing of unregulated contaminants which pose a health threat or which are known to occur in public water supplies. Additionally, the amendments waive sovereign immunity for federal facilities.

q. Toxic Substances Control Act of 1976, 15 U.S.C. 2601 et seq.

This Act provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. It addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon and lead-based paint.

r. Federal Aviation Act of 1958, Public Law 85-726, 72 Stat. 731

This Act created the Federal Aviation Agency (later the Federal Aviation Administration, or FAA) and abolished its predecessor, the Civil Aeronautics Administration. The act empowered the FAA to oversee and regulate safety in the airline industry and the use of American airspace by both military aircraft and civilian aircraft

2 FEDERAL REGULATIONS

a. 32 CFR 187

Environmental Effects Abroad of Major Department of Defense Actions provides policy and procedures to enable DoD officials to be informed and take account of environmental considerations when authorizing or approving certain major Federal actions that do significant harm to the environment of places outside of the United States, its territories, possessions, and territorial waters.

b. 32 CFR 775

Procedures for Implementing the National Environmental Policy Act (NEPA) provide direction to implement the provisions of the NEPA, 42 U.S.C. 4321 et seq., the CEQ Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR 1500–1508, and the Department of Defense Instruction on Environmental Planning and Analysis, DoD Instruction 4715.9, and to assign responsibilities within the DON for preparation, review, and approval of environmental documents prepared under NEPA.

b. 40 CFR 1500

Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act are binding on all federal agencies. The regulations address the procedural provisions of NEPA and the administration of the NEPA process, including preparation of EISs. To date, the only

change in the NEPA regulations occurred on May 27, 1986, when the Council of Environmental Quality (CEQ) amended Section 1502.22 of its regulations to clarify how agencies are to carry out their environmental evaluations in situations where information is incomplete or unavailable.

3 EXECUTIVE ORDERS (E.O.)

a. Executive Order (E.O.) 11988, “Floodplain Management,” May 24, 1977

This E.O. requires federal agencies to evaluate the effects of their actions on floodplains.

b. Executive Order (E.O.) 11990, “Protection of Wetlands,” May 24, 1977

This E.O. directs agencies to take action to protect wetlands on federal property and mandates the review of proposed actions on wetlands through procedures established by NEPA.

c. Executive Order (E.O.) 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 11, 1994

This E.O. requires federal actions to address environmental justice in minority and low-income populations. The E.O. directs each federal agency, wherever practicable and appropriate, to collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding federal facilities that are subject to the reporting requirements under the Emergency Planning and Community Right to Know Act, sections 11001-1105, and that are expected to have a substantial environmental, human health, or economic effect on surrounding populations.

d. Executive Order (E.O.) 12962, “Recreational Fisheries,” June 7, 1995

This Order states that federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with states and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities.

e. Executive Order (E.O.) 13007, “Indian Sacred Sites,” May 24, 1996

This E.O. directs federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.

f. Executive Order (E.O.) 13045, “Protection of Children from Environmental Health Risks and Safety Risks,” April 21, 1997

To the extent permitted by law and appropriate, and consistent with the agency’s mission, each federal agency: shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.

g. Executive Order (E.O.) 13089, “Coral Reef Protection,” June 11, 1998

This Order established the interagency U.S. Coral Reef Task Force, charged with developing and implementing a comprehensive program of research and mapping to inventory, monitor, and “identify the major causes and consequences of degradation of coral reef ecosystems.” This Order also directs federal agencies to expand their own research, preservation, and restoration efforts.

h. Executive Order (E.O.) 13112, “Invasive Species,” February 3, 1999

This Order calls on Executive Branch agencies to work to prevent and control the introduction and spread of invasive species.

i. Executive Order (E.O.) 13158, “Marine Protected Areas,” May 26, 2000

E.O. 13158 mandates strengthening the management, protection, and conservation of existing marine protected areas (MPA) and establishment of new or expanded MPAs; the development of a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems and the Nation’s natural and cultural resources; and the avoiding causing harm to MPAs through federally conducted, approved, or funded activities.

j. Executive Order (E.O.) 13175, “Consultation and Coordination with Indian Tribal Governments,” November 6, 2000

The objective of this Order is to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

k. Executive Order (E.O.) 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 10, 2001

E.O. 13186 directs executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act. The Order requires that each federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding with the Fish and Wildlife Service that shall promote the conservation of migratory bird populations.

l. Executive Order (E.O.) 13690, “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,” January 30, 2015

E.O. 13690 established a Federal Flood Risk Management Standard to ensure that Federal Actions located in or near the floodplain when no other practical alternatives exist will last as long as intended by considering risks, changes in climate, and vulnerability. It revised the procedures published in E.O. 11988 under which a floodplain is established.

m. Executive Order (E.O.) 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015

E.O. 13693 has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and pollution prevention, performance contracts, and electronics stewardship.

(This page intentionally left blank)

**VOLUME 12: APPENDIX B**

**“ENVIRONMENTAL IMPACT REVIEW FORM”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>



(This page intentionally left blank)

**APPENDIX B**

**ENVIRONMENTAL IMPACT REVIEW FORM**

1 GENERAL

NEPA requirements 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 actions pursuant to 42 U.S.C. 4321-4347).

2 REIR FORM

To ensure installation environmental planning staff coordinate on actions with the potential to impact the human environment, Action Proponents shall submit a completed REIR to the installation's environmental planning staff for all proposed actions that have potential to impact the human environment. Sample forms are presented in Figures B-1 and B-2.

<b>REQUEST FOR ENVIRONMENTAL IMPACT REVIEW</b>			<i>Report Control Number RCN:</i>				
<i>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).</i>							
<b>SECTION I - PROPONENT INFORMATION</b>							
1. TO <i>(Environmental Planning Function)</i>		2. FROM <i>(Proponent organization and functional address symbol)</i>			2a. TELEPHONE NO.		
3. TITLE OF PROPOSED ACTION							
4. PURPOSE AND NEED FOR ACTION <i>(Identify decision to be made and need date)</i>							
5. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES <i>(DOPAA) (Provide sufficient details for evaluation of the total action.)</i>							
6. PROPONENT APPROVAL <i>(Name and Grade)</i>		6a. SIGNATURE			6b. DATE		
<b>SECTION II - PRELIMINARY ENVIRONMENTAL SURVEY.</b> <i>(Check appropriate box and describe potential environmental effects including cumulative effects.) (+ = positive effect; O = no effect; - = adverse effect; U = unknown effect)</i>				+	O	-	U
7. AIR INSTALLATION COMPATIBLE USE ZONE/LAND USE <i>(Noise, accident potential, encroachment, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. AIR QUALITY <i>(Emissions, attainment status, state implementation plan, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. WATER RESOURCES <i>(Quality, quantity, source, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. SAFETY AND OCCUPATIONAL HEALTH <i>(Asbestos/radiation/chemical exposure, explosives safety quantity-distance, bird/wildlife aircraft hazard, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. HAZARDOUS MATERIALS/WASTE <i>(Use/storage/generation, solid waste, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. BIOLOGICAL RESOURCES <i>(Wetlands/floodplains, threatened or endangered species, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. CULTURAL RESOURCES <i>(Native American burial sites, archaeological, historical, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. GEOLOGY AND SOILS <i>(Topography, minerals, geothermal, Installation Restoration Program, seismicity, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. SOCIOECONOMIC <i>(Employment/population projections, school and local fiscal impacts, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. OTHER <i>(Potential impacts not addressed above.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>SECTION III - ENVIRONMENTAL ANALYSIS DETERMINATION</b>							
17. <input type="radio"/> PROPOSED ACTION QUALIFIES FOR CATEGORICAL EXCLUSION (CATEX) -- Decision Memorandum (DM) # _____; OR				<input type="radio"/> PROPOSED ACTION DOES NOT QUALIFY FOR A CATEX; FURTHER ENVIRONMENTAL ANALYSIS IS REQUIRED.			
18. REMARKS							
19. ENVIRONMENTAL PLANNING FUNCTION CERTIFICATION <i>(Name and Grade)</i>		19a. SIGNATURE			19b. DATE		
20. PROPONENT APPROVAL <i>(Name and Grade) OF SECTION III</i>		20a. SIGNATURE			20b. DATE		

Figure B-1.--Sample REIR Form

NAVMC 11601 (10-07), Page 2

REQUEST FOR ENVIRONMENTAL REVIEW IMPACT CONTINUATION SHEET
<h1>SAMPLE</h1>

Figure B-1.--Sample REIR Form--Continued

NOV 2013

**Marine Corps Installations Pacific (MCIPAC)**  
**PRELIMINARY ENVIRONMENTAL IMPACT REVIEW (PEIR)**

Instructions: Information for this form is to be initially provided or completed by the project proponent (e.g., installation facilities planners, MARCORSYSCOM fielding new equipment, operations & training staff regarding a training exercise, etc.) and then routed through the installation environmental office to complete and sign the form.

This form applies to proposed actions in Department of Defense (DoD) controlled areas within MCIPAC. For other locations, please contact Pacific Area Counsel Office (PACO).

Note for Overseas MCIPAC Installations: Proposed actions that have the potential to cause environmental impacts at overseas installations are subject to Executive Order (EO) 12114, Department of Defense Directive (DoDD) 6050.7. The intended use of this form is for overseas installations to document the review of U.S. funded projects but it can also be used to document recommended environmental measures for host nation construction.

MCIPAC PEIR Form		
<b>PART I - LOCATION</b>		
<input type="checkbox"/>	Marine Corps Base (MCB) Camp Butler (Okinawa, Japan)	
<input type="checkbox"/>	Marine Corps Air Station (MCAS) Futenma (Okinawa, Japan)	
<input type="checkbox"/>	MCAS Iwakuni (Mainland Japan)	
<input type="checkbox"/>	Combined Arms Training Center Camp Fuji (Mainland Japan)	
<input type="checkbox"/>	Camp Mujuk (Republic of Korea)	
<input type="checkbox"/>	MCB Hawaii and MCAS Kaneohe Bay (Hawaii)	
<b>PART I - GENERAL INFORMATION</b>		
1. Project Name:		2. Env Doc #
3. Project Number:	4. Funding Source:	5. Date of Review:
6. Proponent Org:	7. Proponent POC:	
8. Reviewed By:		
9. Specific Project, Range, or Facility Location (e.g., Camp Foster):		
<b>PART II - PROJECT DESCRIPTION</b>		
<i>Describe the proposed project. If necessary, use a separate sheet of paper labeled: PRELIMINARY 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.</i>		

Figure B-2.--Sample PEIR Form

NOV 2013

<b>MCIPAC PEIR Form</b>			
<b>PART III - ENVIRONMENTAL QUESTIONNAIRE</b>			
<i>Check the appropriate box ["Yes," "No," or "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 or on an extra sheet of paper clearly marked "Part III (continuation)," including the paragraph number and subparagraph being addressed. Check "Undetermined" if unsure.</i>			
<b>1. LAND USE/QUALITY</b>			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Is the proposed action consistent with the Base Master Plan/General Development Map?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. 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"/>	Und <input type="checkbox"/>	c. Will any land disturbing activity occur in the course of this project?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Will there be any damage to native (not including native vegetation in gardens or building landscape)?
Acreage			e. What is the amount of acreage involved with the proposed project?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	f. Will the proposed action cause or create conditions that risk red soil run off, sediment run off or other erosion risks?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	g. Will the proposed action involve replacement or upgrade of existing vehicles, aircraft or equipment or the installation or stationing of new vehicles, aircraft or equipment?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	h. Will the proposed action require temporary or permanent infrastructure, i.e. roads, landing zones, runways, taxiways, bridges, tunnels, or similar construction?
<b>2. AIR QUALITY</b>			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <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"/>	No <input type="checkbox"/>	Und <input 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"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	c. Will the proposed action involve the agitation, removal, or disposal of asbestos or lead-based paint?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input 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"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	e. Will the proposed action cause an increase in dust emissions?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	f. Will pollution control equipment or reduction techniques be used as part of this action?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	g. Will the proposed action increase vehicle emissions?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	h. Will there be an incinerator constructed as part of this action?
<b>3. HAZARDOUS WASTE OR HAZARDOUS MATERIALS</b>			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Does the proposed action involve the use of herbicides, insecticides or other pesticides?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Will any toxic materials or hazardous substances be used in construction or operation of the proposed action or any hazardous waste be generated during construction and/or after the proposed action is complete?

Figure B-2.--Sample PEIR Form—Continued

NOV 2013

MCIPAC PEIR Form						
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <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?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Will it generate additional hazardous waste or does the end item contain lithium batteries?			
<b>4. WATER QUALITY</b>						
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Will the proposed action involve tapping into a main drinking water line?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Will the proposed action have the potential for the discharge of a low threat water quality to land? (i.e. well development discharge, water main flushing, tank hydrostatic testing, dewatering project, etc.).			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	c. Will there be an increase in run-off, erosion, or siltation during and/or after the proposed action?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Will wastewater be connected or discharged to the Sanitary Sewer?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	e. Will wastewater be connected or discharged to the Industrial Waste System?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	f. Will wastewater be connected or discharged to the Storm Water Conveyance System?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	g. Will the proposed action require the use of potable water on-site for construction purposes?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	h. Have cross-connection needs been identified for the project?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	i. Will the proposed action have discharges to an existing or new oil water separator?			
<b>5. NATURAL AND CULTURAL RESOURCES</b>						
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Will any threatened/endangered, or Host Nation protected species be affected?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input 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"/>	Und <input type="checkbox"/>	c. Will the proposed action result in the fill of wetlands?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Does the proposed action have the potential to impact natural resources?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	e. Does the proposed action have the potential to impact cultural or historic resources?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	f. Are surveys required to determine if cultural or historic artifacts are present?			
<b>6. UTILITIES AND SERVICES</b>						
a. Will any new or modifications to existing utilities be required? If yes, check the appropriate box or boxes.						
Gas	Phone	Electric	Potable Water	Domestic Waste Water	Industrial Waste Water	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7. NOISE</b>						
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Will the proposed action cause an increase in noise levels?			

Figure B-2.--Sample PEIR Form—Continued

NOV 2013

MCIPAC PEIR Form			
<b>8. GENERAL CONSIDERATIONS</b>			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Are alternative sites or actions available for the proposed action?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Are alternative procedures, practices, or technologies available to minimize environmental impact or utility use?
<b>9. GENERAL COMMENTS</b>			
Use this space to provide answers to Part II of this form – PROJECT DESCRIPTION or explain any “yes” answers in Part III – Environmental Questionnaire.			

Figure B-2.--Sample PEIR Form—Continued



NOV 2013

<b>MCIPAC PEIR Form</b>			
<b>PART IV – Determination and Certification</b>			
<b>1. SEE THE APPROPRIATE CHECKED BOX:</b>	<b>YES (TRUE)</b>	<b>NO (FALSE)</b>	<b>INIT</b>
<b>HAWAII:</b>			
a. The above indicates that the effect of the proposed action on the human environment will require a more thorough evaluation in a detailed Environmental Assessment (EA) or Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA).	<input type="checkbox"/>	<input type="checkbox"/>	
b. The above indicates that the effects of the proposed action on the human environment are so minimal that neither an EA, nor an EIS is required.	<input type="checkbox"/>	<input type="checkbox"/>	
c. This is a categorical exclusion (CATEX) action that does not normally significantly impact on the quality of the human environment. The applicable CATEX (s) is/are as follows (exclusion number and text from MCO P5090.2):	<input type="checkbox"/>	<input type="checkbox"/>	
<b>MCIPAC OVERSEAS:</b>			
a. The above indicates that the effect of the proposed action on the environment may be minimized by implementing the recommendations provided in Part III.9. and will not require a detailed Environmental Review (ER).	<input type="checkbox"/>	<input type="checkbox"/>	
b. The above indicates that the effect of the proposed action on the environment will require a more thorough evaluation in a detailed ER in accordance with DoDD 6050.7.	<input type="checkbox"/>	<input type="checkbox"/>	
c. The above indicates that the effects of the proposed action on the environment are so minimal that an Environmental Review is not required.	<input type="checkbox"/>	<input type="checkbox"/>	
d. This is a proposed action that does not normally significantly impact on the quality of the environment. No further evaluation under Marine Corps Order (MCO) P5090.2A and DoDD 6050.7 is required. <i>Note: At present, there are no approved Overseas CATEXs.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
e. <b>Host Nation Funded Projects:</b> The above indicates that the effect of the proposed action on the environment requires further environmental analysis to be prepared by the Host Nation in accordance with applicable host nation laws.	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2. SPECIAL REMARKS:</b>			
<b>3. I have reviewed the information contained herein, verified that it is accurate and complete.</b>			
Reviewer's Signature (ENV)	Date	Environmental Director/Section Signature (if applicable)	Date

Figure B-2.--Sample PEIR Form—Continued