DEPARTMENT OF THE ARMY
DIRECTORATE OF PUBLIC WORKS
FORT BRAGG GARRISON COMMAND (AIRBORNE)
INSTALLATION MANAGEMENT AGENCY
FORT BRAGG, NORTH CAROLINA

NEPA/ENVIRONMENTAL MANAGEMENT TRAINING

at

DPW ENVIRONMENTAL CLASSROOM, BLDG 3-2232
FORT BRAGG MILITARY RESERVATION, NORTH CAROLINA

31 January 2006

Prepared by:

Fort Bragg NEPA Team
Bldg 3-1137, Reilly St

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NEPA / ENVIRONMENTAL MANAGEMENT TRAINING

Tuesday, 31 January 2006
DPW Environmental Class Room, Bldg 3-2232
Fort Bragg, North Carolina

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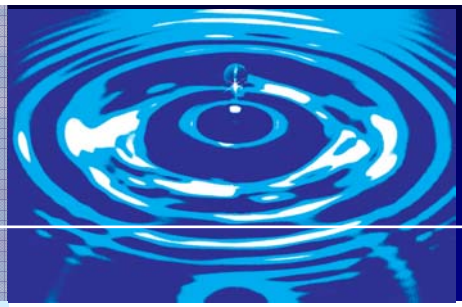

Tab 1: Course Information

This Section Contains:

- Course Agenda
- Course Objectives
- Course Evaluation Form

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NEPA/ENVIRONMENTAL MANAGEMENT TRAINING
for

Tuesday, 31 January 2006

DPW Environmental Class Room, Bldg 3-2232

Fort Bragg, North Carolina

Class Agenda

0800 – 0830	Introduction	Mr. Greg Bean Paul Wirt
0830 - 0900	PM (Checklist)	Jennifer Whittinham
0910 – 1010	Env. Compliance	Christine Hull
1020 - 1100	Natural Resources	Erich Hoffman
1100 - 1130	Cultural Resources	Michelle Michael
1130 – 1230	Lunch	
1230 – 1300	SJA	CPT Wayne Williams
1300 – 1400	WMB	Lee Ward
1410 – 1510	NEPA Process	Steven Harris/David Corzilius
1520 – 1550	Env PM/SPiRiT/LEED/ Green Building Materials	Jennifer Whittinham Julia Love
1600 - 1630	PDT Training	Robert Harris & Ted Kientz

Notes:

1. Please be sure to sign-in on the attendance sheet.
2. We ask that each attendee fill out the class evaluation form located in the provided binder (blue pocket folder). Your input is very important to the success of this training.
3. There will be a 10 minute break after each hour of training.

Meeting facilitated by: Paul Wirt, Fort Bragg EMB Branch Chief, 910-396-6518

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Fort Bragg NEPA / Project Management Training

Primary Goals:

1. To foster a better understanding of the revised Fort Bragg environmental analysis and project review/management processes;

2. To build a more cooperative relationship for these processes between the Army Corps of Engineers, the Fort Bragg Directorate of Public Works project managers, and Fort Bragg's environmental subject matter experts; and

3. To use these processes and cooperation to meet Fort Bragg's modernization and smart growth needs and initiatives while conserving and sustaining Fort Bragg's natural and cultural resources.

Specific Objectives to be met:

1. Define and discuss the federal, state, local, and Fort Bragg regulations governing the environmental review and analysis processes;

2. Introduce and implement the NEPA/Project Management Standard Operating Procedures as the processes to be followed for effective and efficient project management and review;

3. Identify and implement the process to integrate NEPA analysis earlier into the project decision-making, design, and construction process;

4. Identify and implement the process by which all environmental permitting and NEPA documentation requirements are identified early in the project planning process and completed prior to the construction contract award date.

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TRAINING PROGRAM EVALUATION FORM

NEPA/Environmental Project Management Training Class Date: _____

Name: (Optional) _____Phone # (Optional) _____

We hope your experience in this class and the subjects discussed will give you a better understanding of the Fort Bragg NEPA and Environmental Project Management Process. Your completion of this evaluation form will serve us in making future improvements to both the raining and the process. Circle the numbers that best describes your evaluation and add comments.

Scale: (Circle Your Overall Ranking)

5 (Excellent) **4** (Very Good) **3** (Average) **2** (Poor) **1** (Unsatisfactory)

Course Content:

1. How well were the training objectives met?

2. How well did the SOP, demonstrations, visual aids (slides) and guest speakers help you better understand Fort Bragg's NEPA/Project Management process?	5 4 3 2 1
3. How useful was the training you received? Will it improve your work process in any way?	5 4 3 2 1

4. How can we improve our process to ensure project success?

Comments?

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Tab 2: Environmental Mgmt Checklists

This Section Contains:

- 4283 Clearance Checklist
- Environmental Questionnaire
- Environmental Checklist -- Sample

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ENVIRONMENTAL CONSIDERATIONS CHECKLIST
4283 WORK ORDERS

There are several buildings that are individually eligible for listing in the National Register of Historic Places all interior and exterior projects associated with these buildings require review from Cultural Resources, they are			
		NO	**YES**
1	Is the project located within the Old Post Historic District, Overhills Historic District, or the Simmons Army Airfield Historic District?		
2	Is the project visible from the Old Post Historic District (in the viewshed)?		
4	Is the building over 45 years old?		
4	Does the project involved the following buildings: Water and Waste Water Treatment Plants (V-3308, V-3912, V-3610, V-3911) Longstreet Presbyterian Church & Cemetery (O-9023) Sandy Grove Presbyterian Church & Cemetery (O-9008) Barber Steamship Company Hunting Lodge No.2, Camp MacKall		
INTERIOR			
5	Will the project need an Asbestos survey or removal of Asbestos Containing Material?		
6	Does the project involve Lead Base Paint LPB? (Bldgs prior to 1978)		
7	Will project require removal of 9 x 9 tiles or carpet with 9 x 9 tiles underneath?		
8	Will there be any construction or demolition waste generated?		
9	Will the project require an extension to the water or sewer system?		
EXTERIOR			
10	Will the project require ground disturbance of any kind?		
11	Will the project require tree removal?		
12	Will the project require tree trimming?		
13	Is the project sited in the Greenbelt area of post?		
14	Are there pine trees or other native vegetation on the site?		
15	Will this project required a fence of access road now or in the future?		
16	Will the project require new construction, demolition, or right-of-way/easements?		
17	Are there streams, beaver ponds, or other types of wet areas on the site?		
18	Does the project involve Above and Underground Storage Tanks AST/UST?		
19	Will the project require a Septic Tank?		
20	Will there be storm water discharge?		
21	Will the project involve oil water separator or a wash rack?		
PROVIDE ENVIRONMENTAL BRANCH INFORMATION ON THE FOLLOWING:			
22	New projects involving paint booths and blasting media booth.		
23	Any projects involving conversion of building heating systems or large boilers.		
24	If the project requires removal of Aboveground Storage Tanks.		
25	Installation and/or removal of an emergency electrical power generators.		
26	Project requires chiller replacement to determine the presence of Class I ODCs		
27	Project requires disposal of solid waste into the Landfill. (Permit)		
28	Project location has underground monitoring wells.		

NEPA is required if any of the above questions are YES. Contact Mr. Gillin x 7-3213 or Mr. Harris x 7-3214

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Project Number:	PRELIMINARY ENVIRONMENTAL QUESTIONNAIRE

Purpose: This questionnaire provides Fort Bragg Directorate of Public Works Project Managers (DPW-PM) a guidance document to prevent costly delays and/or violations of Environmental Laws and Regulations when dealing with projects in matters of design, renovation, demolition, construction or real estate. Additionally, this questionnaire is designed to improve coordination between Project Managers, Environmental/Natural Resource Program Managers, and Architectural/Engineering (A/E) firms. Once this questionnaire is completed by the DPW-PM and/or the A/E firm and sent forward to the Environmental Project Coordinator (EPC), within 10 working days a project checklist will be created based on the answers provided on this questionnaire and returned to the DPW-PM. The checklist provides the DPW-PM a complete list of the environmental regulatory requirements for a specific project. The EPC shall keep the original questionnaire and checklist with the project folder. If a response on the questionnaire is answered "yes", the appropriate Environmental/Natural Resource Manager shall be contacted by the EPC who will keep copies of this correspondence in the project folder.

Questionnaire must be completed NLT Pre-Design charrette (for OMA projects) or the Planning Charrette (for MCA projects)

PROJECT DESCRIPTION

Project Title: _____	Funding Year: FY_____	Original Date of Survey: _____	Revised Date of Survey: _____

DPW-PM Name: _____ Phone: _____ Email: _____	USACE-PM Name: _____ Phone: _____ Email: _____	A&E or Contractor: _____ POC Name: _____ Phone: _____

Type of Contract:	Estimated Dates for:
☐ IDC(Indefinite Delivery of Contract)	. Advertisement for Bids: _____
☐ Design-Bid-Build	. Notice of Award (NOA): _____
☐ Design-Build	. Start of Construction: _____
☐ Permission Only	. Construction Completion: _____

Description of Project (Scope of Work):

Project Phase: ☐ 1391 ☐ 4283

☐ Planning Charrette ☐ Clearance (OMA only) ☐ Schematic (35%)

☐ Design Development (60)% ☐ Actual (90)% ☐ Pre-Final (99%) ☐ Corrected Final (100%)

Location of Proposed Activity (Provide address or nearest intersection and attach map)

Type of Action/Activity *(Check all that apply)*	What is the approximate size (acres, square feet, linear feet) of the project clearing limits including roads, utilities, laydown area?	What are project coordinates? [4 project corners, boundaries]
☐ *Demolition* ☐ *Renovation or expansion* ☐ *New construction* ☐ *Replacement* ☐ *Repair*		Datum used (circle one): NAD 1983 UTM Zone 17N

ENVIRONMENTAL QUESTIONNAIRE ONLY

What is the intended purpose of construction/activity?

SECTION II.

	Yes	No	N/A	Maybe	No Change	DPW-PM, A/E, Contractor Comments
DESIGN & CONSTRUCTION:						
1. Has the project scope changed in anyway since last submittal?	☐	☐	☐	☐	☐	
2. Have alternative locations been considered? If so where? Why were they eliminated? (For projects 5 or more acres)	☐	☐	☐	☐	☐	
3. Is there any ground disturbance associated with this project?	☐	☐	☐	☐	☐	
4. Will project impact a previously undisturbed area?	☐	☐	☐	☐	☐	
5. Will the project require tree removal? If known, attach a list of the species, quantity, and diameter at breast height (DBH) of trees to be removed.	☐	☐	☐	☐	☐	
6. Are streams, lakes, stormwater drainage, or wet (drainage) areas within the project area?	☐	☐	☐	☐	☐	
7. Is there a landscape plan?	☐	☐	☐	☐	☐	
8. Will there be water line extension?	☐	☐	☐	☐	☐	
9. Will project require sanitary sewer?	☐	☐	☐	☐	☐	
10. Will there be any septic tank installation/modification/removal?	☐	☐	☐	☐	☐	
11. Will there be sewer line extension?	☐	☐	☐	☐	☐	
12. Will there be other utility extensions? (electrical, telecom, water, sewer, etc.)	☐	☐	☐	☐	☐	
13. Will the project install an oil/water separator?	☐	☐	☐	☐	☐	
14. Will the project demolish or replace an existing oil/water separator?	☐	☐	☐	☐	☐	
15. Will any boilers be removed, replaced or installed? Provide boiler sizes, (heat input) and fuel(s)?	☐	☐	☐	☐	☐	
16. Will this facility be connected to a Central Energy Plant?	☐	☐	☐	☐	☐	

ENVIRONMENTAL QUESTIONNAIRE ONLY

	Yes	No	N/A	Maybe	No Change	DPW-PM, A/E, Contractor Comments
17. Will emergency generators be removed, replaced or installed? Provide (new) generator(s) electrical output, fuel, and location (nearest or supported building number)	☐	☐	☐	☐	☐	
18. Are there other possible air emission sources to be built or demolished? (Paint booths, shot blasting operation, engine testing, wood working?)	☐	☐	☐	☐	☐	
19. Will any above ground storage tanks (AST) or any fuel tank be part of the facility or construction?	☐	☐	☐	☐	☐	
20. Will there be any tank removal, closure, modification, or abandonment?	☐	☐	☐	☐	☐	
21. Will temporary fuel tanks be erected for construction equipment refueling?	☐	☐	☐	☐	☐	
22. Will this project require SPiRiT/LEED rating? If no, state why not. If yes, what is target rating?	☐	☐	☐	☐	☐	
23. Will the project install/renovate/remove/replace/repair fire suppression system containing Halon?	☐	☐	☐	☐	☐	
24 Does the project include Lead Based Paint abatement?	☐	☐	☐	☐	☐	
25. Will contractor/customer store hazardous material/oils?	☐	☐	☐	☐	☐	
26. Will hazardous waste be a part of the facility activity? (weapons storage facility)	☐	☐	☐	☐	☐	
27. Will the project require pesticides insecticides, herbicides, fungicides, or rodenticides application during construction?	☐	☐	☐	☐	☐	
28. Will this project be located near or adjacent to a known Solid Waste Management Unit (SWMU) or monitoring wells?	☐	☐	☐	☐	☐	
29. Will there be installation/retrofit/replacement of refrigeration equipment containing Freon?	☐	☐	☐	☐	☐	
DEMOLITION / RENOVATION FOR CONSTRUCTION:						
30. Will the project remove any HVAC systems or equipment?	☐	☐	☐	☐	☐	
31. Will there be any renovation/demolition of an existing building? What is the building number?	☐	☐	☐	☐	☐	
32. Has an asbestos survey been conducted?	☐	☐	☐	☐	☐	
33. Will the construction or demolition include shot blasting, odorous emissions, dust clouds or thick smoke-producing activities?	☐	☐	☐	☐	☐	
34. Will the project generate construction waste?	☐	☐	☐	☐	☐	

ENVIRONMENTAL QUESTIONNAIRE ONLY

	Yes	No	N/A	Maybe	No Change	DPW-PM, A/E, Contractor Comments
35. Will any demolition material be recycled?	☐	☐	☐	☐	☐	
36. Will a waste management area be built on site?	☐	☐	☐	☐	☐	
37. Will the Fort Bragg landfill be used for Construction & Demolition (C&D) waste?	☐	☐	☐	☐	☐	
38. Will the project generate hazardous waste?	☐	☐	☐	☐	☐	
39. Will any universal wastes be generated? (e.g. fluorescent lamps, batteries, ballasts, thermostats.)	☐	☐	☐	☐	☐	
40. Will solid waste segregation containers be required or available?	☐	☐	☐	☐	☐	

Remarks/Additional Information

Printed Name of Person Completing This Questionnaire

Signature of Person Completing This Questionnaire	Telephone No.	Date:
_____		

ENVIRONMENTAL QUESTIONNAIRE ONLY

Environmental/Natural Resources Program Managers

The following is contact list of the current Fort Bragg DPW Environmental/Natural Resources Program Managers, & Subject Matter Experts (SMEs). DPW-PMs are encouraged to contact these SMEs for assistance in answering the previous questions and to properly complete this questionnaire. Communication and coordination between DPW-PMs and these SMEs will increase the use and effectiveness of sustainable design practices and construction of the resulting facilities on Fort Bragg.

Environmental/Natural Resources Program Managers, SMEs	Contact Information
ENVIRONMENTAL ATTORNEY (SJA)	
CPT Brent Goodwin	910.396.3134
National Environmental Policy Act (NEPA)	
Steven Harris	910.396.8586
Emile Gillin	910.907.3213
David Corzilius	910.396.9888
Shana Marchetti	910.432.8865
To be filled (NEPA EE & Env Project Coordinator)	910.432.8903
NATURAL RESOURCES	
Erich Hoffman (Biologist, Endangered Species)	910.396.2867
Ginny Carswell (Biologist, Endangered Species)	910.907.3578
Joe Stancar (Forestry)	910.396.1438
Lynette Simko (Urban Forrester &Landscaping)	910.907.3578
CULTURAL RESOURCES	
Michelle Michael	910.396.6680
WATER MANAGEMENT	
Lee Ward	910.396.2301
WATER QUALITY	
Lynn Vaughan	910.907.2419
AIR QUALITY	
Gary Cullen	910.432.8467
ASBESTOS/Lead Based Paint (LBP)	
Gary Cullen	910.907.3645
SOLID WASTE	
Sid Williamson	910.396.3372
HAZARDOUS WASTE	
Wilfredo Rivera	910.396.2295
HAZARDOUS MATERIALS	
Danny Terry	910.396.7432
Underground Storage Tank/Above Ground Storage Tank & Installation Restoration Program (UST/AST/IRP)	
Ed Schwacke	910.432.8470
Sustainable Project Rating Tool (SPiRiT)/Leadership in Energy and Environmental Design (LEED)	
Alice Soulek	910.432.8482
OIL WATER SEPARATORS (OWS)	
Herman Crawford	910.396.2301
PESTICIDE MANAGEMENT	
Tommie Campbell	910.907.2160

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Project Number:

ENVIRONMENTAL CHECKLIST

Purpose: This checklist provides Ft. Bragg Directorate of Public Works Design, Construction, Renovation, Demolition and Real Estate Project Managers (DPW-PM) with a guidance document to prevent costly delays and/or violations of Environmental Laws and Regulations. The checklist is designed to improve coordination between DPW-PMs and individual Environmental/Natural Resources Program Managers, Subject Matter Experts (SMEs) as well as the A/E firm. DPW-PMs should coordinate directly with individual SMEs to provide necessary information to modify permits and/or coordinate with regulatory agencies. The checklist is based on questionnaire responses, provided by the DPW PM and provides a complete list of regulatory requirements associated with the project as well as a list of SME contact information for additional information that may be needed. The checklist shall remain in the project file to document coordination with the Environmental/Natural Resources Division. The Environmental Project Coordinator (EPC) will keep a master of both questionnaire and checklist. The DPW-PM will also maintain a copy of the environmental checklist as well as all related correspondence in the Project File.

PROJECT DESCRIPTION

Project Title	Funding Year: FY__	Date of Checklist Completion_____	Date of Revised Checklist _____

DPW-PM Name: Phone:	USACE-PM Name: Phone:	A&E or Contractor: POC Name: Phone No:

Type of Contract:	Estimate Date for:
☐ IDC (Indefinite Delivery of Contract)	. Advertisement for Bids _____
☐ Design-Bid-Build	. Notice of Award (NOA) _____
☐ Design-Build	. Start of Construction _____
☐ Permission Only	. Construction Completion _____

Description of Project (Scope of work):	Preliminary Assessment Review (PAR) Date:

Type of Action ☐ 1391 ☐ 4283

Project Phase ☐ Planning Charrette ☐ Clearance (OMA only) ☐ Prelim (35%) ☐ Actual (60)%
☐ Actual (90)% ☐ Un-corrected Final (100%) ☐ Corrected Final (100%)

Location of Proposed Activity (Provide address or nearest intersection and attach map)

Type of Action/Activity *(Check all that apply)* ☐ *Renovation* ☐ *Modification or expansion* ☐ *New construction* ☐ *Replacement* ☐ *Repair*	What is the exact size (acres, square feet, linear feet) of the project clearing limits including roads, utilities, laydown area?	What are project coordinates? [4 project corners, boundaries] NAD 1983 UTM Zone 17N

What is the intended purpose of construction/activity and time of use (Temporary/Permanent/Modular)?

CHECKLIST REQUIREMENTS
Environmental Requirements & SME Response
Provide list of changes to the Environmental Project Coordinator (EPC).
Identify alternative locations by nearest intersections and maps showing the full site to be considered.
Cultural Resources should be contacted to assess the effect the project and determine if SHPO consultation is necessary.
An erosion control / stormwater management plan must be submitted and approved by the Ft. Bragg Water Management Branch prior to construction. An erosion and sediment control permit from NC DENR is required; however the plan must be approved by the WMB before being submitted to NC DENR. 1. Removal of native ground cover will require a plant survey 2. Suitable T/E plants can be surveyed year round 3. If suitable plant habitat is present, the need for an individual survey can only be conducted April thru mid-October. Contact Natural Resources
1. Provide # of trees to be removed, species and diameter breast height (dbh) in spreadsheet form with the plan submittal 2. Mark all trees for removal on a tree demolition sheet in the plans 3. If tree occurs in forage partition and/or in vicinity of cavity trees, cavity trees should be denoted on plans and estimated distance from nearest cavity tree to proposed project should be indicated on the plans.
Identify the location of the project limits adjacent to those items and identify any potential conflicts with those features.
All landscape plans must adhere to guidance specified in the Ft. Bragg Installation Design Guide (IDG).
Please contact the Water Quality Program Manager for additional regulatory requirements.
Removal of an Oil Water Separator (OWS) and/or washrack requires sampling IAW IRP #0001. Contact AST/UST/IRP-SME at 910.432.8470.
Project is located near or adjacent to a Solid Waste Management Unit (SWMU) with monitoring wells. Contact the IRP-SME at 910.432.8470.
Removal of an Oil Water separator (OWS) requires a complete cleaning of the separator prior to removal. Please contact OWS-SME at (910) 396-2823.
1. Any boiler in this category must be reported to the Air Program Manager (size, location, fuel, date of installation/removal). 2. New or modified boilers larger than 10 mmBtu/hr require permitting prior to construction, a process that may take 6-9 months. The contractor must complete all pertinent application forms, plus provide the permit modification fee. Depending on size, fuel and grouping (project scope), there may be additional requirements as part of the permitting process. If compliance testing is required, the contractor will fund and coordinate testing, then forward to the Air Program manager who will be the sole point of contact with the NC Division of Air Quality.
1. Any generator in this category must be reported to the Air Program Manager (size in kW, location, fuel, date of installation/removal). 2. New generators may require permitting prior to installation, a process that may take 6-9 months. The permitting thresholds are 590 kW for diesel, 680 kW for NG and 1800 kW for LPG. To initiate the permit process, the contractor must complete all pertinent application forms, plus provide the permit modification fee, then forward to the Air Program manager who will be the sole point of contact with the NC Division of Air Quality.
1. Processes that emit fine particulate or evaporative losses into the atmosphere may require permitting or may have other regulatory requirements. Provide the Air Program Manager with the type of operation, the estimated throughput and any chemical compounds involved. 2. The Air Program Manager must also be notified if any sources currently listed on the air permit are to be removed or modified.
All Above Ground Storage Tank (AST) installation/renovation/removal associated with project, please contact the AST/UST/IRP Program Manager at 910.432.8470.
All FY06 MCA projects on Ft. Bragg are required to meet the Gold SPiRiT requirement. A SPiRiT summary table with narratives is required at each submittal. Contact SPiRiT/LEED-SME for additional requirements.
All FY08 MCA projects are required to meet the LEED NC 2.2 “silver” requirement. Contact the SPiRiT/LEED-SME at 910.432.8903 for additional requirements.
Please contact the Asbestos/Lead Based Paint (LBP) LBP-SME at (910) 907-3645 for further regulatory guidance.

CHECKLIST REQUIREMENTS
Environmental Requirements & SME Response
If sustained heavy smoke, odor or dust is anticipated d as a consequence of the demolition, the contractor must take measures to mitigate. Additionally, no sustained emissions may exhibit greater than 20% opacity. Contact the Air Program Manager for details or questions.
Contact Hazardous Waste-SME at 910.396.2295 for additional requirements.
AST installation/renovation/removal is associated with project; please contact the AST/UST/IRP-SME at 910.432.8470.
Contact Hazardous Materials-SME at 910.396.7432 for additional requirements.
All new facilities will require some termiticide to prevent infestation of termites Please contact Pesticide Management-SME at 910.396.2301
A Record of Environmental Consideration (REC) is required for this project. Contact the NEPA team for additional requirements and information regarding this project.
An Environmental Analysis (EA) is required for this project. Contact the NEPA team for additional requirements and information regarding this project.

Remarks/Additional Information
Printed Name of Person Accepting/Receiving This Checklist
Signature of Person Accepting/Receiving This Checklist
Date:

Environmental/Natural Resources Program Managers

The following is Fort Bragg Directorate of Public Works Environmental/Natural Resources Program Managers, Subject Matter Experts (SMEs) contact information. DPW-PMs are encouraged to contact SMEs to properly complete this questionnaire as well as continue coordination between project managers and individual Environmental/Natural Resources Program managers. Continuous coordination between the two will increase sustainably designed and constructed facilities on Fort Bragg.

Environmental/Natural Resources Program Managers, SMEs	Contact Information
ENVIRONMENTAL ATTORNEY (SJA)	
CPT Wayne Williams	910.396.3134
NEPA	
Steven Harris	910.396.8586
Emile Gillin	910.907.3213
David Corzilius	910.396.9888
Shana Marchetti	910.432.8865
Jennifer Whittinham (NEPA EE & Env Project Coordinator)	910.432.8903
NATURAL RESOURCES	
Erich Hoffman (Biologist, Endangered Species)	910.396.2867
Ginny Carswell (Biologist, Endangered Species)	910.907.3578
Joe Stancar (Forestry)	910.396.1438
Lynette Simko (Urban Forrester &Landscaping)	910.907.3578
CULTURAL RESOURCES	
Michelle Michael	910.396.6680
WATER MANAGEMENT	
Lee Ward	910.396.2301
WATER QUALITY	
Lynn Vaughan	910.907.2419
AIR QUALITY	
Robert Hayden	910.432.8467
ASBESTOS/Lead Based Paint (LBP)	
Gary Cullen	910.907.3645
SOLID WASTE	
Sid Williamson	910.396.3372
HAZARDOUS WASTE	
Wilfredo Rivera	910.396.2295
HAZARDOUS MATERIALS	
Danny Terry	910.396.7432
Underground Storage Tank/Above Ground Storage Tank & Installation Restoration Program	
Ed Schwacke	910.432.8470
Sustainable Project Rating Tool (SPiRiT)/Leadership in Energy and Environmental Design (LEED)	
Jennifer Whittinham	910.432.8903
OIL WATER SEPARATORS	
Herman Crawford	910.396.2301
PESTICIDE MANAGEMENT	
Tommie Campbell	910.907.2160

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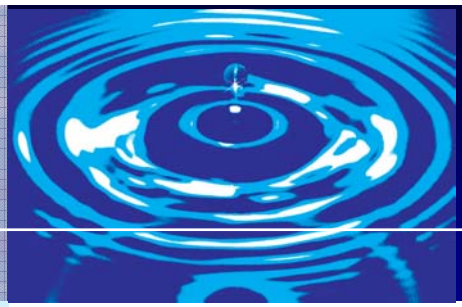

Tab 3: Morning Session Handouts

This Section Contains:

- Introductions
- Project Management / Checklists
- Environmental Compliance (ECB)
- Natural Resources (NRD)
- Cultural Resources (CRMP)

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Fort Bragg
AIRBORNE
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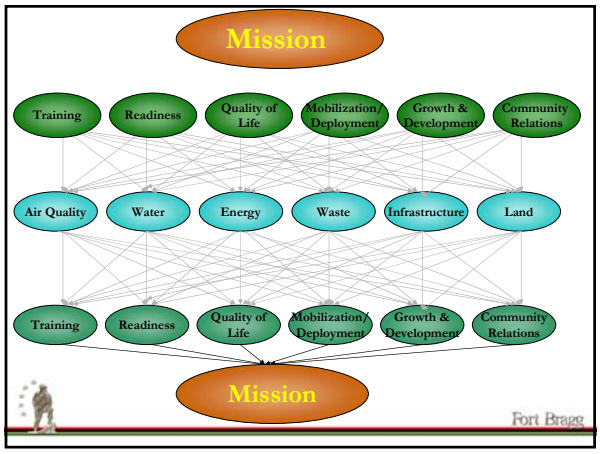
Home of the Airborne & Special Operations


Mission
Training
Readiness
Quality of Life
Mobilization/ Deployment
Growth & Development
Community Relations
Air Quality
Water
Energy
Waste
Infrastructure
Land
Training
Readiness
Quality of Life
Mobilization/ Deployment
Growth & Development
Community Relations
Mission
Fort Bragg

Fort Bragg
NEPA /Project Management Training
Fort Bragg

Class Objectives

Primary Goals:

- To foster a better understanding of the revised Fort Bragg environmental analysis and project review/management processes;
- To build a more cooperative relationship for these processes between the Army Corps of Engineers, the Fort Bragg Directorate of Public Works project managers, and Fort Bragg's environmental subject matter experts; and
- To use these processes and cooperation to meet Fort Bragg's modernization and smart growth needs and initiatives while conserving and sustaining Fort Bragg's natural and cultural resources

Specific Objectives to be met

- Define and discuss the federal, state, local, and Fort Bragg regulations governing the environmental review and analysis processes
- Introduce and implement the NEPA/Project Management Standard Operating Procedures as the processes to be followed for effective and efficient project management and review
- Identify and implement the process to integrate NEPA analysis earlier into the project decision-making, design, and construction process
- Identify and implement the process by which all environmental permitting and NEPA documentation requirements are identified early in the project planning process and completed prior to the construction contract award date

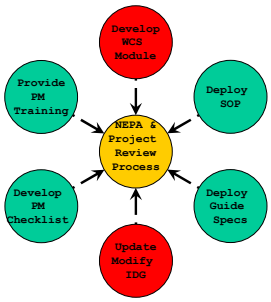
NEPA/Project Management Training

- 0800 – 0830 Introduction
- 0830 - 0900 PM (Checklist)
- 0910 – 1010 Environmental Compliance
- 1020 – 1100 Natural Resources
- 1100 – 1130 Cultural Resources
- 1130 – 1230 Lunch
- 1300 – 1330 SJA
- 1300 – 1400 Water Management and Erosion Control
- 1410 – 1510 NEPA Process
- 1520 – 1550 Env. PM/SPiRiT/LEED/Green Procurement
- 1600 – 1630 Project Development Team (PDT)

10 minute break after each hour of training

Fort Bragg

Sustainable NEPA/Project Review System



Fort Bragg

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ENVIRONMENTAL PROJECT REVIEW

ENVIRONMENTAL QUESTIONNAIRE & CHECKLIST

Jennifer Whittinham
NEPA EE/EPC

BLUF
Environmental Questionnaire & Checklist

- **ALL** Ft. Bragg projects will have an ENV checklist This means (MCA,UMMCA, and certain OMA)
- An Environmental Questionnaire must be completed NLT Planning Charrette (MILCON) or Pre-Design Conference (OMA) and submitted to Environmental Project Coordinator (EPC)
- Each submittal for environmental review will be given a minimum 10-working day review period
- No project is cleared for construction until the ENV checklist is completed and all permits/requirements have been met and/or obtained

Questionnaire

Purpose: The questionnaire provides Ft. Bragg Directorate of Public Works Design, Construction, Renovation, Demolition and Real Estate Project Managers (DPW-PM) a guidance document to prevent costly delays and/or violations of Environmental Laws and Regulations. The questionnaire is designed to improve coordination between project managers both DPW and USACE, as well as individual Environmental/Natural Resources Program managers and A/E firms.

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CHECKLIST

Purpose: The checklist provides Ft. Bragg Directorate of Public Works Design, Construction, Renovation, Demolition and Real Estate Project Managers (DPW-PM) with a guidance document to prevent costly delays and/or violations of Environmental Laws and Regulations. **The checklist is based on questionnaire responses, provided by the DPW-PM and provides a complete list of regulatory requirements associated with the project as well as a list of SME contact information for additional information that may be needed.**

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A B C's of the ENV Questionnaire & Checklist

- Which comes first, the chicken or the egg?
  - QUESTIONNAIRE ALWAYS COMES BEFORE THE CHECKLIST
  - CHECKLIST IS FORMED BASED ON QUESTIONNAIRE RESPONSES
- Where does this questionnaire come from?
  - QUESTIONNAIRE CAN BE ACCESSED AT:
    http://www.bragg.army.mil/sustainability/pm.htm
- Who is responsible for it?
  - DPW-PM will be responsible for completing the questionnaire
  - DPW-EPC will be responsible for giving the ENV checklist to DPW-PM
  - Questionnaire can be e-mailed, hand carried to ECP
  - DPW-EPC will review questionnaire at each design review/on-board review or as needed

Fort Bragg

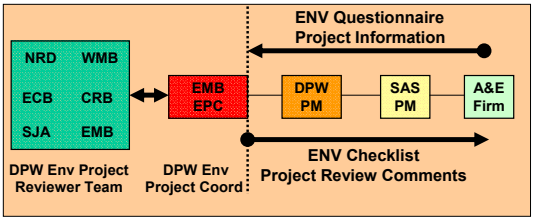
Facts About the Questionnaire & Checklist

- Questionnaire is comprised of multi media inquiries
- Checklist contains answers based on "yes" ,"no", & "maybe" trigger responses from the questionnaire
- The responses in checklist are ENV requirements that must be met prior to the start of any construction/ renovation/ demolition/repair or replacement
- Each ENV checklist that is issued to a DPW-PM will be project-specific and will be based on questionnaire responses
- Plan for future web-based Environmental Questionnaire/Checklist with hyperlinks through Work Coordination System

Fort Bragg

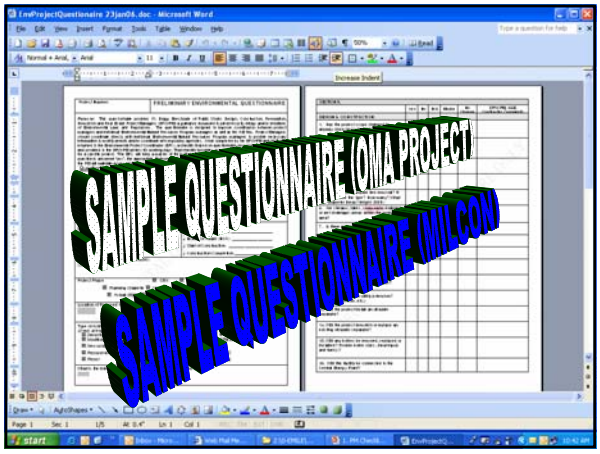
Key Environmental Project Reviewers & Route of Communication

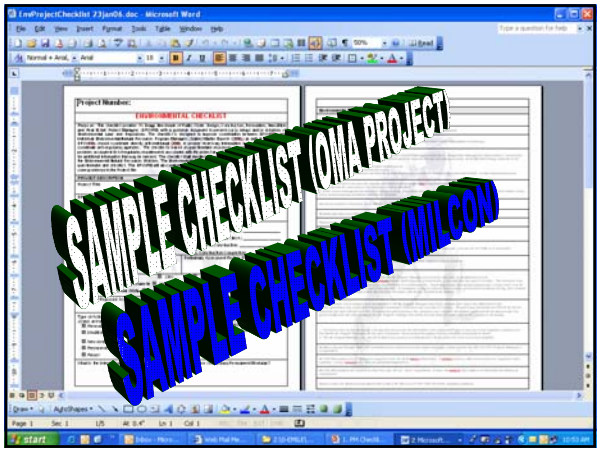
(Questionnaire & Checklist)



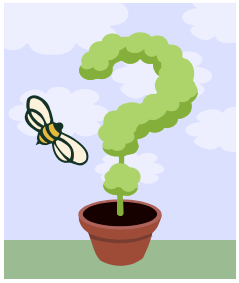
Project Development Team (PDT)

Fort Bragg





Questions? Questions? Questions?



Fort Bragg

NEPA /Project Management Training

Compliance

Hazardous Waste Management

PERSONNEL

- - **WILFREDO RIVERA**, ECB HW/SPILL PROGRAM MANGER–396-2295 ext 347
- - **DREW HAMMONDS**, 90 DAY SITE MANAGER, SPILLS – 396-2141
- - HW TECHNICIANS (5)
- - SW/RECYLCING TECHNICIAN (1)

MISSION

- -PROVIDE HW/UW/SPILL MANAGEMENT EXPERTISE AND OVERSIGHT
- - MANAGE THE DPW, HWRO AND 90 DAY STORAGE (HW TURN IN)
- - PROVIDE OVERSIGHT AND TECHNICAL ADVISE ON SPILL CLEANUP

Wastes of Concern:

- Hazardous Wastes (HW)
  - Paint, Paint Thinner, Lead-waste, Solvent, Adhesives
- Universal Wastes (UW)
  - Fluorescent bulbs, mercury items, batteries
- POL
  - Fuel stored on site, oils, lubricants, cleaners

What Are the Requirements?

Fort Bragg

Hazardous Waste Requirements

- Fort Bragg is a Large Quantity Generator with a Part B Permit that is owned by NCDENR and the Garrison Commander.
- All hazardous waste generated on this "property" falls under this permit and MUST use Fort Bragg's EPA ID number: NC8210020121
- All hazardous waste generated at construction sites must be managed in Satellite Accumulation Sites and must be properly manifested and disposed within 3 days of reaching 55 gallons.
- Environmental Compliance Branch staff are the ONLY ones authorized to sign Hazardous Waste Manifests on behalf of the GC

Fort Bragg

Hazardous Waste Requirements

- Fort Bragg operates a Construction and Demolition Debris Landfill on Lamont Road.
- ONLY inert and C&D waste can be disposed in this landfill.
- Prohibited items include:
  - Municipal Solid Waste (food wrappers from McDonalds)
  - Paint
  - Adhesives
  - Fluorescent Light Bulbs
- It is the contractor's responsibility to secure and manage his roll-off containers at the construction site and to ensure that no prohibited items are placed in the containers.

Fort Bragg

Hazardous Waste Requirements

- COE Project Managers are responsible for ensuring that the contract specification regarding hazardous waste management and disposal are fully met.
  - Who pays? Does it get turned in to DPW or is the contractor responsible for proper disposal with DPW signing manifests?
  - Is the waste in proper DOT containers prior to turn in at DPW or prior to off-post shipment?
  - Is the waste properly profiled? (chemical analysis, MSDS's or generator knowledge)
  - Is the waste stored and labeled properly while on-site?

Hazardous Waste Requirements

- **COE Project Managers are responsible for ensuring that the contract specification regarding hazardous waste management and disposal are fully met.**
  - **Does the contractor minimize the amount of hazardous waste generated from construction activities and keep excess hazardous materials for later use?**
  - **Is the hazardous waste generated from our facilities (i.e. shoot house or fluorescent bulbs) or is it generated by the construction process (excess paint, paint thinner)?**
- **COE Project Managers are responsible for ensuring that all property used by the contractor is returned in clean condition to Fort Bragg (lay down areas etc.)**

What Are the Reoccurring Issues?

COE AND CONTRACTOR ISSUES & CHALLENGES

1. Improper storage and labeling of contractor-generated hazardous waste
2. Mismanagement of UW and HW at the point of generation
3. Poor housekeeping in hazardous material storage areas and around on-site contractor-owned fuel storage
4. Lack of good communication between US and YOU! ☺

Issues

- **5.– Contractors are given NTP before all HW/HM/UW have been cleared from the building or the contract does not address what hazardous materials to expect and what the contractor is required to do with them.**
  - Who does the HW/HM belong to and if it has been left out of the contract, who is responsible for going in and removing it?
  - Buildings should be thoroughly checked before turning them over or giving notice to proceed and any HW/HM found during the walk thru must be disposed of by the last occupant.

Issues

- **6. - HW Is often generated from HM brought on to the installation by the COE contractor to complete their project:**
  - The Contractor should only bring onto the site what they need or intend to use for the project (or as close to it as possible).
  - The excess HM that is not used often becomes HW once the project is complete if not used up by the contractor.
  - The unused/serviceable materials should be taken back by the contractor and used for its intended purpose. (Turning in good or serviceable items as HW increases the poundage of HW for the installation and does not work toward the waste minimization efforts of the installation and the army).
  - Inability to determine "whose responsible" for the waste disposal costs

Issues

- **7. HW/HM/UW – Contaminated roll-off containers going to Lamont Landfill from construction sites**
- **Contractors are responsible for securing their dumpsters.**
- **At minimum, they need to inspect the dumpster prior to the hauler removing it from site. Waste haulers need to know what they are transporting.**
- **These incidents result in lost time for the project and impacts other projects by closing down operations at the landfill.**
- **The cost will be passed on to the responsible party when they are identified per DPW if the responsible party refuses to take action.**

Fort Bragg

Issues

- **8. Fuel/Oil (POL) Releases and Spills at Construction Sites**
- - POL releases or spills must be reported to the COE, Fort Bragg Fire Department and DPW-ECB
- - The responsible party will remediate the area to the satisfaction to the ECB Spill Manager
- - Impacted/Contaminated Soils will be transported to an approved off-post disposal site by the contractor and at the contractor's cost and the contractor will provide the ECB Spill Manager a copy of the manifest/bill of lading showing the amount of soil removed and the facility to which it was shipped.
- - The contractor will backfill, grade and replace any damaged or lost vegetation in the impacted area as well
- - The longer a release or spill goes unreported, the larger the impacted area will likely become, resulting in a larger than necessary remediation.
- Failure to respond immediately may result in the installation contracting separately for clean up and billing the construction contractor.

Fort Bragg

Contractor Believed Sub May Have Drained Lines on Equipment into Bucket, Then Dumped Into Dumpster – Contaminating Contents of Dumpster and Soil

Fort Bragg

Contractor Equipment – Spill Not Immediately Reported Fire Department Reported Two Days Later – Cleanup took even longer.

Fort Bragg

Contractor Lay Down Area – Material Left Behind

Fort Bragg

Waste From a Contractor Dumpster

Fort Bragg

Waste From a Contractor Dumpster

Fort Bragg

FT BRAGG AIR QUALITY

CONTRACTOR BRIEFING

Fort Bragg

Ft Bragg Air Quality Program General

- ALL stationary air emission sources are regulated somehow.
- Ft Bragg has only one air quality permit.
- The Air Program Manager reviews all potential sources.
- "Significant" sources require permitting, which takes 4-8 months.
- "Insignificant" sources require notification.

Fort Bragg

Ft Bragg Air Quality Program "Significant Sources"

- Potential to emit 5 tons per year of a regulated pollutant (NOx, SO2, CO, particulate, VOC)
- Natural gas boilers over 11 mmBtu/hr; oil-fired boilers over 2 mmBtu/hr
- Any paint booth or incinerator; emergency generators over 590 KW output
- ASK Air Program Manager if in doubt.

Fort Bragg

FT Bragg Air Quality Program Common "Insignificant Sources"

- Small (less than 590 KW) emergency generators
- Hot water heaters
- Wood working operations
- Shot blast machines and parts washers/degreasers
- ASK Air Program Manager if in doubt.

Fort Bragg

Ft Bragg Air Quality Program Exempt From Permitting

- Mobile sources (vehicles) (Smoking vehicles on highway can be cited)
- Maintenance machinery (lawn mowers, lawn mowers, compressors, weed eaters, leaf blowers)
- Brush or spray can maintenance painting operations
- Maintenance cleaning; laboratories
- ASK Air Program Manager if in doubt.

Fort Bragg

Ft Bragg Air Quality Program
Other Air-regulated Operations

- **Building demolitions need asbestos inspection.**
- **Ozone Depleting Compounds (freon, halon fire extinguishers) require certified handler.**
- **Cumberland County requires annual on-board diagnostic (auto emissions) testing.**
- **ASK Air Program Manager if in doubt.**

Ft Bragg Air Quality Program
Miscellaneous No-No's

- **Burning of debris**
- **Thick smoke from any source**
- **Offensive odor from any source**
- **Changing fuels of a permitted source**
- **ASK Air Program Manager if in doubt.**

Ft Bragg Air Quality Program

Permit Activity	Impact Threshold Criteria	Permit Required ?	Considerations (I.e., permit type, cost. Time constraints, other)
Title V(air quality)	a.New boilers (greater than 1 million btu), b.new incinerators, c.new emergency electrical power generators (need size in kw, and fuel type to be used), d.new printing machinery, e.new parts washers, f.new sand blasting and paint booths, g.new large ASTs (greater than 10,000 gal), h.installation of any emission control technologies to existing sources, i.replacement of existing Class I ODC (Halon) fire suppression systems, j.new facility to store dusty bulk materials (example, lime storage at water plants), k.Open burning of construction debris is prohibited.		To remain in compliance with, and make any necessary modifications to the Fort Bragg Title V Air Permit issued by the Division of Air Quality, if the project involves the installation of any of the items or activities listed in the Impact Threshold section.

Solid Waste Management

PERSONNEL

- Sid Williamson, Solid Waste Program Manager–396-3372 ext 393
- Tim Nance, Solid Waste/Recycling Coordinator– 396-5323 ext 348
- Solid Waste/Recycling Technicians (3)

MISSION

- Provide solid waste management expertise and oversight.
- Maintain compliance with North Carolina Department of Environmental and Natural Resources (NCDENR)
- Provide information and services for recycling.
- Reduce and manage waste entering Lamont Road Construction and Demolition Landfill.
- Solid Waste Training

Fort Bragg

The Construction & Demolition (C&D) and Land Clearing Inert Debris (LCID) Landfills are merging into one landfill.

Unacceptable waste to C&D/LCID Landfill

- **Tires**
- **Medical Waste**
- **PCB's**
- **Radioactive Wastes**
- **Septage**
- **Used Oil**
- **Sanitary Waste**
- **Yard Waste**
- **White Goods**
- **Lead Acid Batteries**
- **Furniture**
- **Hazardous Wastes**
- **Military Equipment**
- **Industrial Solid Waste**
- **Special Waste (spoiled food, animal carcasses, abattoir waste, hatchery waste, or animal waste.**
- **Ammunition Residue**
- **Barrels and drums**
- **Pallets**
- **Municipal Waste**

Fort Bragg

Construction & Demolition Debris

- Land clearing/wood/pallets will be stockpiled in the recycling area (closed LCID) to be mulched.
  - No plywood – no treated wood – no painted wood.
  - Pallets are now prohibited from the C&D Landfill and can be taken to the recycling area.
  - All plywood, treated wood, and painted wood may go into the C&D Landfill.
  - If trees are not harvested than they must be cut to a maximum length of six feet to be accepted at the landfill.

Fort Bragg

- Concrete will be stockpiled in the recycling area (closed LCID) to be crushed
  - Clean concrete - free of asbestos and lead based paint - needs to be reused on-site or taken to the concrete crushing area at the landfill.
  - If reused on-site, weights need to be tracked and provided to Environmental Sustainment Division and Solid Waste Manager for entry into the Solid Waste Annual Reporting System (SWARS)
  - All other concrete can go into the C&D Landfill.

Fort Bragg

Construction & Demolition Debris

- **Furniture is now prohibited from the landfill**
  - **All usable furniture can be taken to Furniture Management Office (FMO) located in the Knox Street Warehouse area or be transported to DRMO.**
  - **All unusable (broken) furniture can be disposed of in the furniture dumpsters provided at the landfill.**
- **Metal items should be recycled as much as possible.**
  - **Contractors should segregate all metals as much as possible and turn in to DRMO as scrap.**
  - **Large metal items (air handlers, boilers, furnaces) should also be salvaged and turned into DRMO as scrap.**

Fort Bragg

On-site Dumpsters/Trucks

- **Municipal Solid Waste (household trash) is forbidden from dumpsters dedicated to Construction and Demolition debris.**
  - **Remember, the contractor is responsible for the clean up and removal of items placed in dumpsters or dumped at the landfill.**
- **Make sure loads are covered when transporting materials**
- **If load produces airborne contaminants (including dust) it needs to be wet down before leaving the site.**
- **Cardboard, white paper, magazines, newspaper, electronics, and plastics can be brought to the Recycling Facility located at 3-1137 Reilly Rd.**

"Bragg About Recycling"

Fort Bragg

New Lamont Landfill Scale Operations

- *New Permitting* software is being installed at the Lamont Road Landfill Scales.
- Contractors will be issued a project specific code by the ECB to be entered at the landfill scales.
  - If contractor is hauling for multiple projects they need to make sure they enter the correct code for that project.
- In accordance with State SW Regulations, contractors will be required to uncover their loads before entering scales for examination by overhead camera.

Fort Bragg

Fort Bragg Drinking Water and Wastewater

Construction/Extension Requirements

Fort Bragg

Fort Bragg Drinking Water Program

- Law/Regulative Drivers:
  - Safe Drinking Water Act 40 CFR 141, 142
  - NC Administrative Code 15A Subchapter 18C

Fort Bragg

Water Main Construction and/or Extensions

- **North Carolina Department of Environment and Natural Resources (NCDENR) regulates public water and sewer main extensions.**
- **Water and sewer line extensions require approval from NCDENR's Division of Environmental Health (DEH) and Division of Water Quality (DWQ), respectively.**
- **Under N.C. General Statute 130A -317 approval of water system plans are required whenever you:**
  - **Build a new water line**
  - **Tap on to an existing water main**

Fort Bragg

Water Main Construction/Extensions

- All persons intending to construct, alter, or expand a community or non-transient, non-community water system shall give written notice thereof, including submission of applicable Water System Management Plan, engineering reports, and engineering plans and specifications to the Department.
- Any construction, alteration, or expansion which affects capacity, hydraulic conditions, operating units, the functioning of water treatment processes or the quality of water to be delivered shall require submission of the documents described in this Paragraph.
- Water System Management Plan and Engineer's Report shall be submitted to the Department at least **60 days prior** to the date upon which action by the Department is desired.

Fort Bragg

Water Main Construction/Extensions

- All plans, specifications, reports or other data shall be submitted in triplicate for review by the Public Water Supply Section, Division of Environmental Health, P.O. Box 29536, Raleigh, North Carolina 27626-0536 *[NOTE: The new mailing address is 1634 Mail Service Center, Raleigh, NC 27699-1634].*
- Engineering plans shall consist of legible prints having black, blue, or brown lines on a white background suitable for microfilming. The engineering plans shall not be more than 36 inches wide and 48 inches long and not be less than 11 inches wide and 17 inches long.
- An applicant subject to G.S. 143-355(l) shall submit three copies of the adopted Local Water Supply Plan. If information required in the Engineer's Report or the Water System Management Plan is included in an adopted Local Water Supply Plan, a submittal to the Department may incorporate this information by referencing the location in the adopted Local Water Supply Plan.

Fort Bragg

General Plan Requirements

- **Detailed plans shall be prepared by a professional engineer licensed to practice in the State of North Carolina . All plan sheets shall bear the registration seal of the engineer, signature, and date. The plans shall be clear and legible and drawn to a scale that permits all information to be clearly depicted and reviewed. Plans that are not legible or information that is unclear or incomplete shall be returned without review.**
- **The Project Engineer must certify to Ft. Bragg that the water mains were installed in accordance with the approved plans. The certification containing the permit number, the Project Engineer's original seal and signature, and the date must be submitted to Division of Water Quality. Public water mains shall not be place in service until certified by the Project Engineer.**

Fort Bragg

Fort Bragg Water Conservation Plan

- This Water Conservation Plan applies to all users and customers of water treated by the Fort Bragg Water Treatment Plant to include housing, units, directorates, contractors, golf courses, and Pope AFB.

Fort Bragg

Fort Bragg Water Conservation Plan

- Normal – water every other day based on house/building number
- Enhanced Normal – water every other day, Construction contractors are prohibited using potable drinking water for dust control measures, restrictions on POV washing and units prohibited from using wash racks except when mission essential
- Restricted – Water 2X per week based on housing area
- Critical – Lawn watering is prohibited. No new sod/landscaping projects are to be initiated under the Critical condition. POV washing is prohibited.

Sewer Construction and Extension Permits

Law, Regulatory Drivers:

Clean Water Act, 40 CFR 121-143

Administrative Code Section 15A NCAC 2H .0200 - Waste Not Discharged to Surface Waters . These regulations not only give the Division of Water Quality the authority to issue these permits but also provide the details on the permitting process, and the information required to be submitted for a complete permit application. As part of the non-discharge program, the Non- Discharge Permitting Unit (NDPU) reviews and approves these types of systems

Sewer Permitting Process

- **All projects involving gravity sewers, pump stations, and force mains covered under either of the minimum design criteria documents must be submitted on the permit application form entitled "Fast-Track Application for Gravity Sewers, Pump Stations, and Force Mains" (FORM: FTA 02/03 Rev 1.) , effective April 1, 2003.**
- **After April 1, 2003, The permit application form "Gravity Sewer Systems" (FORM: GSPA 02/00) should not be used, even if the project to be submitted for permitting approval only involves a gravity sewer component.**
- **The permit application form entitled "Pump Stations, Force Mains, and Gravity Sewers" (FORM: PSFMGSA 10/99) should only be used in preparing permit application packages for submission under the full review process.**
- **A full review process may be requested by the NDPU or required because the project is specifically excluded from coverage under either of the minimum design criteria documents.**

SEWER PERMITTING PR0CESS

- The Non-Discharge Permitting Unit (NDPU) offers a fast-track (expedited) permitting process for all projects involving gravity sewers, pump stations, and force mains.
- A fast-track permitting process has been available for gravity sewer projects since the adoption of the "Gravity Sewer Minimum Design Criteria" document on February 12, 1996 by the Environmental Management Commission.
- Similarly, the NDPU has developed a document entitled "Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains," which was adopted and made immediately effective by the Division of Water Quality on June 1, 2000.
- http://h2o.enr.state.nc.us/ndpu/ndpuapps.html#Sewer

Fort Bragg

FAST TRACK PERMITTING

- This permitting strategy relies heavily on the Professional Engineer certifying that the design conforms with the State's minimum design criteria.
- No drawings, specifications, and/or calculations are reviewed by the NDPU prior to permit issuance or construction.
- Following construction, the Permittee is responsible for submitting the final certification and "as-built" drawings of the project, so that these may be reviewed by the NDPU.
- Design/construction deficiencies, which the Permittee may be required to correct, are noted at this time.

Fort Bragg

Goal Of Fast Track

- **The goal of this program is to improve water quality protection by refocusing time and human resources on compliance of as-built facilities, improve customer service by reducing permitting timelines, as well as to place responsibility for the quality and compliance of the design and construction on the North Carolina licensed Professional Engineers completing the certifications.**
- **Erroneous or false certifications by North Carolina licensed Professional Engineers are subject to referral to the North Carolina Board of Examiners for Engineers and Surveyors for disciplinary action and may lead to a withdrawal of submission privileges under the fast-track permitting process.**

Fort Bragg

Septic Tank Permitting

- Regulatory Driver
  - NCGA General Statutes –GS 130A-336, Improvement permit and authorization…
- The County Health Department is the issuant of the permit.
  - For Cumberland County the contact number is (910) 433-3660.
  - Permit must be obtained before construction begins.

Fort Bragg

Pest Management

Fort Bragg

Pest Management

- **PURPOSE: This pest management plan is the framework through which pest management is defined and accomplished on the installation.**
- **The plan identifies elements of the program to include, health and environmental safety, pest identification, and pest management, as well as pesticide storage, transportation, use and disposal. The plan is to be used as a tool to reduce reliance on pesticides, to enhance environmental protection, and to maximize the use of integrated pest management techniques.**

Fort Bragg

Authority

- DoD Dir 4150.7, Pest Management Program, 24 October 1983.
- AR 200-5, Pest Management, 29 November 1999
- Program Objectives. This plan provides guidance for operating and maintaining an effective pest management program. Integrated pest management (IPM) consists of the judicious use of both chemical and non chemical control techniques to achieve effective pest management with minimal environmental contamination.

Fort Bragg

Pesticide Application

- All pesticides including herbicides must be reviewed by the Installation Pest Management Coordinator.
- Any new construction or additional is also included.
- Installation Pest management Coordinator should be notified prior to placement of any termiticide on the installation regardless the size of the project.
- A standard form is available to be completed by all users coming on the installation to perform work.
- I can be reached at (910) 907-2160 0r (910) 308-6054).

Fort Bragg

Environmental Compliance Officer Training Requirements for Contractors

Fort Bragg

Requirements For Environmental Compliance Officer ECO) For Contractors

- Fort Bragg Regulation 200-2 states that any civilian contractor that handles hazardous materials/waste will:
  - (a) Will appoint a ECO and send them to the Fort Bragg Environmental Compliance Training Course which is held once a month. If the contract is still on-going after 12 months, the ECO will need to attend the 8 hour refresher course.
  - (b) The contractor will keep on site; the ECO appointment orders, job description, and training records.

Fort Bragg

Requirements for contractor staging and lay down areas

- No contractor will be given a staging or lay down area unless it is written into the contract prior to being awarded.
- If a staging or lay down area is authorized, it is subject to the following requirements:

(a) The area must have an ECO assigned to the area.

(b) Must maintain the area prevent any spills or leaks onto the ground.

(c) Must have a site specific spill plan approved by DPW, Environmental Branch.

Fort Bragg

Installation Restoration Program

Fort Bragg

Installation Restoration Program

Need to see:

- All sighting issues related to any project regardless of cost.
- Projects built on or near closed landfills, motor pools, industrial wastewater treatment plant, sewage treatment plant, new central wash rack, or other installation restoration projects (Solid Waste Management Units)
- Projects near groundwater monitoring wells (usually near SWMUs)
- Construction on site that involved excavating or digging into soil
- Earth moving or disposal of dirt

Fort Bragg

Installation Restoration Program

Need to see:

- All sighting issues related to any project regardless of cost.
- Projects in motor pools, especially involving hazardous waste, material or POL disposal or storage (i.e. work on POL storage area)
- Projects involving the installation or removal of emergency generators on Fort Bragg or PCMS
- Projects involving the replacement of heating fuel with natural gas, hot water, or steam
- Projects involving the upgrading of fuel facilities on Fort Bragg of PCMS.
- Removal, repair or maintenance of UST/ASTs
- Moving ASTs
- Projects involving grease racks/oil water separators.
- Projects taking place in the vicinity of UST or former UST sites (usually motorpools)
- **Note:** No new USTs, will be installed on Fort Bragg

Fort Bragg

AST's/IRP's Permit or Consultation Requirements

Permit Activity	Impact Threshold Criteria	Permit Required	Considerations (i.e., permit type, cost. Time constraints, other)
ASTs	If the total capacity of oil stored within the facility exceeds 16K gallons	AST permit	The Tank Program Manager will accumulate all required paperwork and submit permit to NCDENR. Approximately six weeks timeframe for permit.
IRP	Any construction or intrusive activities within a Solid Waste Management Unit, includes OWS and wash racks	Letter to NCDENR	NCDENR must provide a letter through the IRP program approving work. Ed Schwacke will draft and send the letter through Mr. Bean requesting permission.

Fort Bragg

FT BRAGG ASBESTOS MANAGEMENT

CONTRACTOR BRIEFING

Ft Bragg Asbestos Program General

- Building demolition or renovation projects may disturb asbestos-containing building materials (ACBM). Such disturbances can result in the production of asbestos-containing dust which may contaminate a structure.
- An asbestos building survey must be performed prior to any demolition or renovation activity that may disturb ACBM.
- If the amount of ACBM to be removed exceeds regulatory thresholds, an asbestos removal permit needs to be acquired from the state of North Carolina. A copy of all completed permit applications should be sent to the Fort Bragg Asbestos Program Manager.

Ft Bragg Asbestos Program General

Examples of Project Types With Suspect ACBM

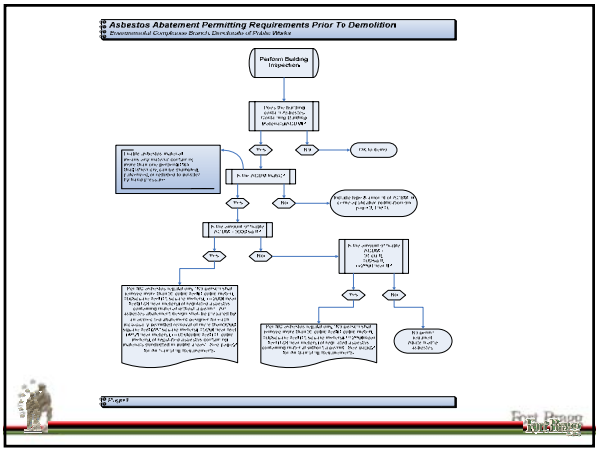
- Projects involving demolition, renovation, removal or repair of building materials (wall systems, floor tile, ceiling tile, roofing materials, boiler and/or HVAC replacement, exterior water lines) in any man-made structure. (See the following list of suspect materials)
- Buildings constructed before 1980 have a higher probability of containing ACBM than newer construction.
- A building survey and representative sampling needs to be performed by a NC accredited inspector to accurately assess the type and amount of asbestos present. This information will be used to determine the need of any permitting requirements for the task.

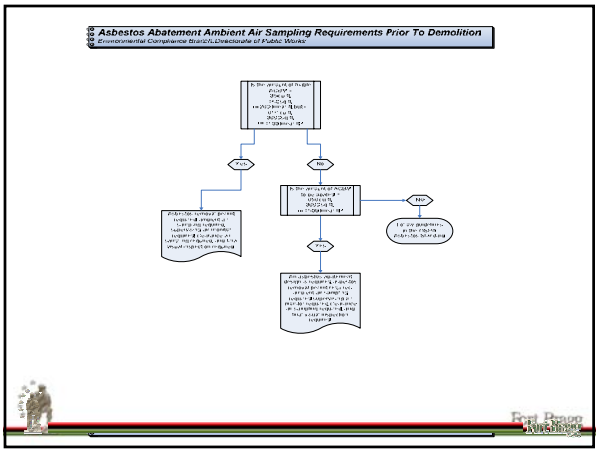
Examples of Projects With Low or No Regulatory Oversight

- Projects where only nailing, drilling small holes, etc is involved
- Small-scale projects that involve only replacement of doors (exterior, interior or overhead), windows, or light fixtures
- New construction (no demolition involved)

Asbestos Removal Permits

- A removal permit is required if the amount of ACBM to be removed is >35 ft^3, 160 ft^2, or 260 linear ft. for either renovation or demolition projects. Ambient and final clearance air sampling is also required.
- If the amount of ACBM is >656 ft^3, 3000 ft^2, or 1500 linear ft, an asbestos abatement design is required. (See the following flow diagrams for specific details)





Friable Asbestos-Containing Materials

- If friable asbestos-containing materials (for example, pipe insulation) are present, they must be removed prior to being disturbed during renovation or demolition activities. Removal (abatement) must be performed by trained, licensed persons using procedures detailed in State and Federal regulations.
- A project design shall be prepared for each asbestos abatement project involving the abatement of greater than 3000 square feet, 1500 linear feet and/or 656 cubic feet of Regulated Asbestos Containing Materials (RACM) performed in a facility. Such designs must be prepared by a person licensed by the State of NC as an asbestos project designer.

Non-Friable Asbestos-containing Materials

- During renovations, removal of nonfriable materials may be regulated. Applicability is dependent upon the removal method to be used.
- Prior to any demolition, non-friable asbestos cement products must be removed before demolition. Asbestos-containing sheet flooring and floor tiles, as well as, asphaltic roofing products, need not be removed if they are in good condition and have not become brittle and are not peeling, cracking, or crumbling. Otherwise, they must also be removed before demolition. If it can be anticipated that non-friable materials will be ground, crumbled, or pulverized, the removal is subject to the same rules as removal of friable materials. The amount of any non-friable asbestos that will *remain in place during demolition* must also be indicated on the written notification form.
- ***All asbestos-containing materials must be removed if the facility will be demolished by non-standard demolition techniques such as implosion, explosion, or intentional burning.***

Handling & Disposal Of Non-friable Asbestos

- Please note that when it can reasonably be expected that non-friable materials will become friable during removal, that these materials must be considered friable from the beginning. If non-friable ACM becomes friable during an abatement project, the removal becomes subject to the same requirements as friable materials, including training, licensing, notification, and work practices.
- Material should always be lowered to the ground carefully. Throwing or dropping non-friable ACM to the ground or into a truck will cause the material to become friable.
- Materials should be kept wet or misted with water during removal to minimize potential fiber release. **NOTE: The use of water is only a control measure and by no means prevents a material from becoming friable.**
- Once removed, materials may be placed in 6-mil polyethylene bags or drums or wrapped with 6-mil polyethylene sheeting. Additional water may be added to ensure thorough wetting, but do not add so much that the bag or wrapping breaks when lifted.

Transportation & Disposal

- Materials should be taken to a landfill as soon as possible.
- Transport the materials so as to prevent them from leaking, spilling, or blowing off the vehicle.
- You should contact the landfill directly to make sure it will accept the material.
- The FORT BRAGG ASBESTOS REMOVAL, TRANSPORTATION, AND DISPOSAL DOCUMENTATION FORM must be filled out for each project generating asbestos waste to be landfilled.

Examples of Suspect Asbestos Materials

STEAM PIPES, BOILERS, and FURNACE DUCTS insulated with an asbestos blanket or asbestos paper tape. These materials may release asbestos fibers if damaged, repaired, or removed improperly.

RESILIENT FLOOR TILES (vinyl asbestos, asphalt, and rubber), the backing on VINYL SHEET FLOORING, and ADHESIVES used for installing floor tile. Sanding tiles can release fibers. So may scraping or sanding the backing of sheet flooring during removal.

CEMENT SHEET, MILLBOARD, and PAPER used as insulation around furnaces and woodburning stoves. Repairing or removing appliances may release asbestos fibers. So may cutting, tearing, sanding, drilling, or sawing insulation.

DOOR GASKETS in furnaces, wood stoves, and coal stoves. Worn seals can release asbestos fibers during use.

SOUNDPROOFING, FIREPROOFING, OR DECORATIVE MATERIAL sprayed on walls and ceilings. Loose, crumbly, or water-damaged material may release fibers. So will sanding, drilling, or scraping the material.

PATCHING AND JOINT COMPOUNDS for walls and ceilings, and TEXTURED PAINTS. Sanding, scraping, or drilling these surfaces may release asbestos.

ASBESTOS CEMENT ROOFING, SHINGLES, and SIDING. These products are not likely to release asbestos fibers unless sawed, dilled, or cut.

AUTOMOBILE BRAKE PADS AND LININGS, CLUTCH FACINGS, and GASKETS.

Lead Based Paint:

Need to see:

- Projects involving demolition, repair, renovation or maintenance of painted building materials in structures.

Does not need to see:

- Projects where only nailing, drilling small holes, etc is involved
- Small-scale projects that involve only replacement of doors (exterior, interior or overhead), windows, or light fixtures
- Installation of swamp coolers or window air conditioners
- New construction (no demolition involved)

Lead-Base Paint

Permit Activity	Impact Threshold Criteria	Permit Required?	Considerations (I.e., permit type, cost. Time constraints, other)
Lead-based paint (LBP)	Buildings constructed before 1980 must have a LBP survey. Buildings constructed after 1980 should not contain any LBP.		**Lead-Based Paint (LBP):** Any LBP sampling, or risk assessments, must be performed by NC accredited personnel. Any renovation involving disturbance to surfaces coated with LBP should be assessed. Final demolition of buildings does not require LBP survey, and the debris can be put into the C&D landfill.

Fort Bragg

Fort Bragg

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Natural Resources Division (NRD)

Natural Resource Division (NRD):

- Division Chief: Terry Myers, 6-2510
- Biologists, Erich Hoffman, 6-2867, and Ginny Carswell, 7-3578
- Urban Forester, Lynette Simko, 6-2510

Endangered Species Branch (ESB):

- Branch Chief: Jackie Britcher 9-2544
- Botanist, Janet Gray, 6-2544 ext 105

Forestry Branch (FB):

- Branch Chief: Joe Stancar, 6-2510

Wildlife Branch (WB):

- Branch Chief: Alan Schultz, 6-7506

Acronyms

- **CWA**-Clean Water Act
- **ESA**-Endangered Species Act NRD-Natural Resource Division
- **ESMP**-Endangered Species Management Plan
- **INRMP**-Integrated Natural Resource Management Branch
- **RCW**-Red-cockaded Woodpecker
- **SFS**-Saint Francis' Satyr
- **USACE**-United States Army Corps of Engineers
- **USFWS**-United States Fish & Wildlife Service

Natural Resources

Pertain to our "Biological Resources:"

- Flora (plants)
- Fauna (animals)
- Streams
- Wetlands
- Forests (trees or plant communities)

References (Project Review Process):

- NEPA and Environmental Project Management SOP, pages 17-19
- Environmental Checklist, rows 4,6,7&8
- Preliminary Environmental Questionnaire, Section II, under Design: Questions 2 through 7

5 Federal Endangered Species on Fort Bragg

Animals:

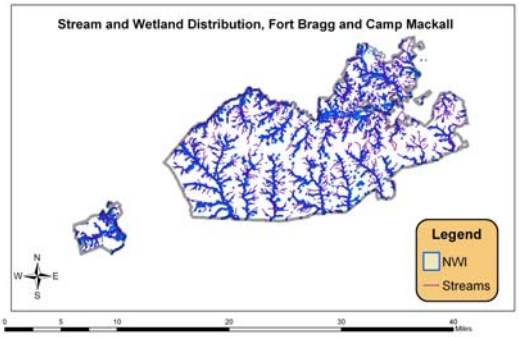
- **Red-Cockaded Woodpecker** (*Picoides borealis*)
- **Saint Francis' Satyr** (*Neonympha mitchellii francisci*)

Plants:

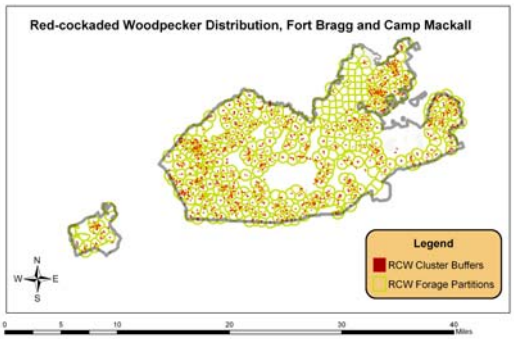
- **Rough Leaved Loosestrife** (*Lysimachia asperulifolia*)
- **Michaux's Sumac** (*Rhus Michauxii*)
- **American Chaffseed** (*Schwalbea americana*)

Streams and Wetlands

- ? miles of streams on Fort Bragg and Camp Mackall
  - 60% of streams are Class C waters
  - 31% are Class WS-III waters
- 10,882.5 Acres of wetlands on Fort Bragg (9,568.4) and Camp Mackall (1,314.1), based on NWI (Lacustrine, Riverine and Palustrine)
  - Jurisdictional delineations are ongoing



Red-Cockaded Woodpecker



RCW Xeric Sandhill Scrub Habitat

Fort Bragg

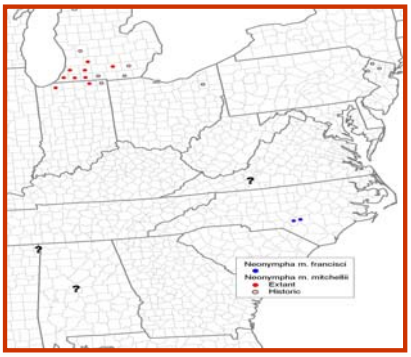
RCW Pine Scrub Oak Sandhill Habitat

Fort Bragg

Saint Francis' Satyr

Fort Bragg

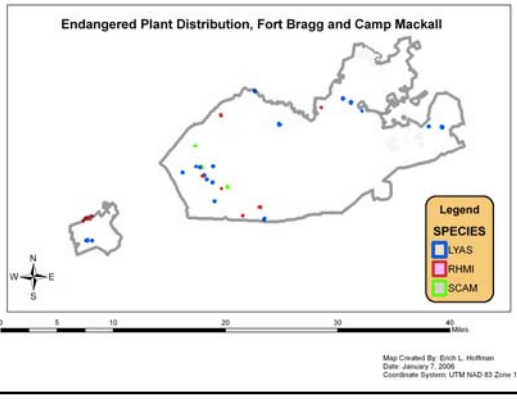
Neonympha m. Range Distribution



Fort Bragg

Satyr Habitats

Fort Bragg



Rough-leaved Loosestrife

Loosestrife Habitat

Fort Bragg

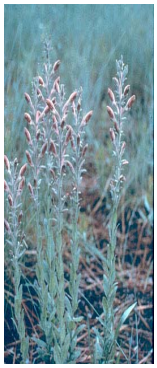
Michaux's Sumac

Fort Bragg

Sumac Habitat

Fort Bragg

American Chaffseed



Fort Bragg

Chaffseed Habitat

Fort Bragg

Natural Resource Laws and Regulations

Federal:

- **Sikes Act, as amended**
- **Endangered Species Act of 1973, as amended**
- **Clean Water Act, as amended**

Army:

- **AR-200-3, National Resources, Land, Forest, and Wildlife Management**

Fort Bragg:

- **Fort Bragg Regulation 350-6, Installation Range Regulation**

Natural Resource Management

- Integrated Natural Resource Management Plan
  - Developed in 2000
- Endangered Species Management Plan
  - Developed in 1997

Sikes Act, (16 USC 670a-670o, 74 Stat. 1052), as amended

- **Authorizes the Secretary of Defense to develop cooperative plans for conservation and rehabilitation programs on military reservations and to establish outdoor recreation facilities**
- **Promotes effective planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation on military installations**
- **Led to the development of the Fort Bragg Integrated Natural Resource Management Plan (INRMP)**

Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 *et seq.*, as amended

- Section 7 Outlines procedures for interagency cooperation to conserve Federally listed species and designated critical habitats
- Section 7(a)(1) requires Federal agencies to use their authorities to further the conservation of listed species
- Section 7(a)(2) requires Federal agencies to consult with the Services to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat (50 CFR Part 402)

Section 7 Consultation Process

In General:

- **A "major" Federal action requires consultation**
- **Section 7 consultation is a cooperative process**
- **The biology comes first**
- **A BA determines whether the action is a "No Effect," "Not Likely to Adversely Affect," or a "May Affect" determination.**

Informal Consultation:

- **30 calendar days to complete**
- **Involves a letter to the Service**
- **Informal Consultations result from a "No Effect" and "Not Likely to Adversely Affect" determination.**
- **If the letter is incomplete consultation clock starts when Service has all the necessary information**
- **KEY POINT: If project scope changes and the information changes the impacts the clock starts over**

Section 7 Consultation Process (Cont.)

Formal Consultation:

- **Formal Consultations result from a "May Affect" determination.**
- **135 calendar days to complete**
- **Involves writing a Biological Assessment**
- **Consultation clocks starts from date of BA receipt to Service**
- **If BA is incomplete the clock doesn't start until the Service has all the information required to formulate a Biological Opinion**
- **Service has 90 days to complete a Draft BO**
- **The Action Agency review of Draft BO and Delivery of Service final BO takes 45 days**

Project types that require "Service" Consultation:

- **Military Construction Army (MCA)**
- **Operation & Maintenance Army (OMA)**
- **Military training activities**
- **NEPA reviews (i.e., PAR, REC, EA, and EIS)**
- **Natural resource management actions**
- **Soil erosion projects**

Section 404 Clean Water Act, 33 USC 1344

- Federal Water Pollution Control Act Amendments of 1972. As amended in 1977, this law became commonly known as the Clean Water Act.
- Act establishes basic structure for regulating discharges of pollutants into waters of the United States.
- CWA continued requirements to set water quality standards for all contaminants in surface waters.
- Act becomes unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions.
- The goal of the CWA is to restore and maintain the chemical, physical, and biological integrity (function) of the Nation's waters.

Section 404 Clean Water Act, 33 USC 1344 (Cont.)

- **Section 404 is the Regulatory Program of the CWA.**
- **Section 404 of the CWA delegates the USACE to issue permits for the authorized fill material into navigable waters.**
- **Under this Program, the Nation Wide Permit (NWP) process allows for fill materials resulting in the loss of >0.1 acre of wetlands.**
- **Under 0.1 acre (4,356 sf) of wetland impacts will not require official notification to the Corps but requires coordination. Example: Smaller are than a standard residential lot in a high density subdivision.**
- **The objective of the wetland permitting process is to "avoid and minimize" wetland and stream impacts.**
- **NWP can be used to legally impact wetlands up to 0.5 acres.**
- **The NWP permit process takes 45 calendar days to complete**
- **Impacts >0.5 acres (21,780 sf) will require an Individual Permit (IP) issued by the USACE.**
- **IP's require an EA and a Public comment period, which take on average several months to complete.**

CWA Project Examples

Avoidance and Minimization through planning:

- Reduced compensatory mitigation cost (24,552K an acre for riparian, 12,276 non-riparian) and 205.00 a linear foot
- Wetland permit processing time reduced
- PN 57314, Urban Assault Course Range 60
- PN 41631, 16th MP Brigade Complex
- BCT Modular Village Complex

DPW- Environmental Project Review Process

Civil Projects:

- **OMA projects submitted as 4283's, distributed by (DPW) Customer Service Section, reviewed at DPW clearance and assignment meetings**
- **OMA projects tracked through the DPW Work Coordination System (WCS) database**
- **MCA projects submitted as a 1391's and assigned a DPW-CMD PM**
- **Project "cleared" in WCS then goes to assignment and given a PM**
- **Service orders involving tree removal are handled on a case-by-case basis**
- **All MCA projects and "major" OMA projects are tracked and discussed at a monthly environmental coordination meeting, NEPA coordinator updates NEPA database for all "major" MILCON and OMA projects.**

DPW-Environmental Project Review Process (Cont.)

- **Projects reviewed at predesign, design charrettes, followed by the parametric 35%, 60%, 90% 100%(final)**
- **A project folder is created, Section 7 reviewer completes NRD form, updates WCS, submits NRD form to PMs and NEPA coordinator and updates NRD Project database.**
- **Natural Resource activities are reviewed on a case-by-case basis; For example HMA prescriptions, beetle outbreaks, prescribe burn plan etc.**

NRD Project Review/Evaluation Form

Date: March 03, 2004			Page 1 of 1
CMD RPPB	NRD-ESB		Reviewer Erich L. Hoffman
Project: Range 74 Convoy Ambush Route			Project/Service Order Number OA-00023-4P
Type of Action : ☒ Work Order Concept (10%) Misc. Prelim (60%) Actual (90%) Designed Final	Erosion/Soils Endangered Species Wetlands Cultural Resources		Environmental Natural Resources Wildlife

Item No.	Document or Par. No.	COMMENTS	REVIEW ACTION
1	Wetlands	No wetlands occur in project area where the proposed targets are proposed.	Target Location Not Approved-ELH
2	Project Scope	The proposed 8 pop-up targets are located in Stand 6098, which belongs to cluster 157. Stand 6098 is a 32-year old longleaf stand. The engagement of pop-up targets in this area will cause significant forage impacts.	
3	Environmental Baseline	Currently, cluster 157 has 115 acres of poor quality forage. This total is below the minimum requirement of 129 acres under the 2003 RCW Recovery Plan's required forage guidelines. The stand data depicts a shortfall with many forage parameters that define good quality forage habitat (See Form 3).	
4	Preliminary Assessment	Furthermore impacts to the forage would lead to a "take" as defined by the ESA under the biological assessment process. Impacts to forage below the recovery forage standard would jeopardize cluster 157's viability by impacting forage below the recovery threshold, which creates a non-viable scenario for cluster 157. The assessment would conclude a "may affect" for cluster 157.	
5	ESA Section 7	A BA is required to determine if project is likely to adversely affect cluster 157, through informal consultation with USFWS.	
6	Mitigation	Recommend locating pop-up targets in a different area, outside of cluster 157's forage partition.	

DPW Activities or Actions That Require ESA or CWA Project Review:

- **Clearing activities that affect Threatened or Endangered Species or their habitat/s.**
- **Any fill or grading activity within or in close proximity to wetlands, lakes or navigable waters of the US.**
- **Sediment removal from navigable waters**
- **Dredging activities in navigable waters**
- **Project development in previously undisturbed areas**
- **Projects that involve removal of pine trees**
- **Activities that may affect forest management and timber harvesting**
- **Projects in undisturbed areas within the Green Belt Area**

DPW Activities or Actions That Do Not Require ESA or CWA Project Review:

- Interior Renovation projects
- Project development in previously disturbed "man dominated" areas
- Projects that involve no tree removal in previously disturbed areas outside of any T/E species habitats
- Project fill (clearing and grubbing) actions outside of wetlands and navigable waters

Project Mitigation (Minimization)

- **The FB Installation Design Guide (IDG) emphasizes planting longleaf pine as the primary "theme" tree in landscape plans**
- **Landscape plantings must have >50% overstory tree composition in longleaf pine.**
- **Restore & maintain ecosystem integrity by planting native on site tree and shrub species in the FB IDG**
  Plan and design Army projects to meet sustainability SPIRIT ratings and LEED goals
- **Sustainable design should attempt to the maximum extent practicable to retain existing natural trees within project area**
- **Replace non native off-site species and exotic species with native tree and shrub species**
- **Effective sustainability practices must include the natural resource environment in the Cantonment Area**
- **Impact avoidance and minimization strategies must conserve natural resources**
  - **Proper project site planning location**
  - **Sustainable design**
  - **Sustainable site development**

Borrow Pit Reclamation Plantings

Fort Bragg

MCA Project Landscape Plantings

Fort Bragg

Green Belt Area Project Landscaping

Fort Bragg

Sustainable Development

Fort Bragg

Site Restoration Plantings

Fort Bragg

Sustainable Fort Bragg

Fort Bragg Environmental Policy:

The Right Way…An environmental ethic.
The Green Way…Preserving Trees.
All The Way…A comprehensive thought process.
Every Day…Where we live, work and play.

Fort Bragg

BLUF

FT. BRAGG CULTURAL RESOURCES MANAGEMENT PROGRAM (CRMP)

- All Federal Undertakings must be reviewed by the CRMP for the potential to effect Cultural Resources according to Federal Law.
- PM's provide project location, boundary, scope, building numbers, and specifications to CRMP for review.
- The CRMP will review the project to determine if:
  1) The project is clear.
  2) The project will result in an adverse effect.
  3) SHPO consultation will be required.
- No project is cleared for construction until the CRMP has issued a clearance and/or consultation and mitigation have been completed.

Cultural Resources Program

Environmental Sustainment Office

DEPARTMENT OF THE ARMY
PUBLIC WORKS BUSINESS CENTER (AFZA-PW-E)
HQ, FORT BRAGG GARRISON COMMAND (ABN)
INSTALLATION MANAGEMENT AGENCY
FORT BRAGG, NC 28310

Telephone: 910 396-6680
Fax: 910 396-5830
Web Address: http://www.bragg.army.mil/culturalresources/

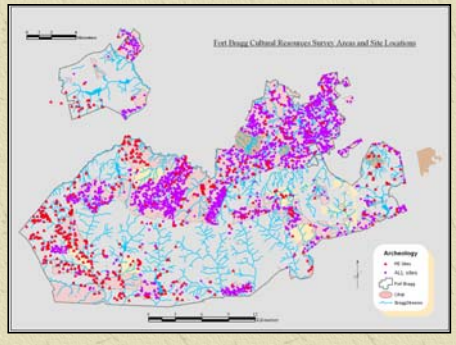
Fort Bragg's Cultural Resources

- Prehistoric Native American Archaeological Sites.
- Historic Buildings, Structures, and Landscapes.
- Historic Farmsteads & Cemeteries.
- Civil War Battlefield Site
- Historic Documents and Records

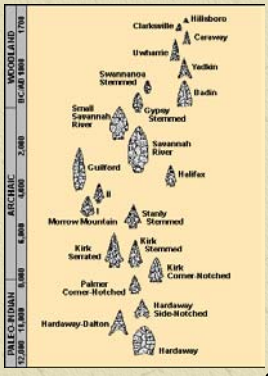
Fort Bragg's Cultural Resources

- 4,000 archaeological sites
- 372 Historic Buildings
  - 366 buildings in historic districts
  - 6 Stand-alone buildings
- 3 Historic Districts
  - Old Post (298 buildings)
  - Simmons Army Airfield (15 buildings)
  - Overhills (53 buildings)
- 27 Cemeteries
- 1 Civil War Battlefield

Archaeological Surveys and Site Locations



Prehistoric Projectile Points



Woodland Triangular
A.D. 1000-1600

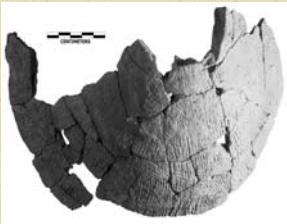
Guilford 6000-4000 B.C.

Clovis 12,000 –10,000 B.C.

Savannah River
4000-2000 B.C.

Kirk-Palmer
9000-6000 B.C.

Prehistoric Pottery



Cape Fear Cord Marked
Ca. 400 B.C.-A.D. 400

Hanover
Fabric Impressed
Ca. A.D. 400-1000

Historic Archaeological Sites

Root Cellar

Dog Wallow

Bottle Dump

Log Mold

Historic Archaeological Artifacts

Household Ceramics and Glass

Locally-made Stoneware Crock and Jug

Spirits Bottles

Iron Artifacts from House and Field

Monroe's Crossroads Civil War Battlefield

Confederate Cavalry Charge

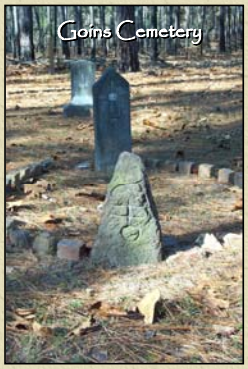
Minie Balls

Belt Buckles

Federals Regain the Field

Historic Cemeteries

Head Stones


Goins Cemetery

Old Post Historic District

Old Post Hospital

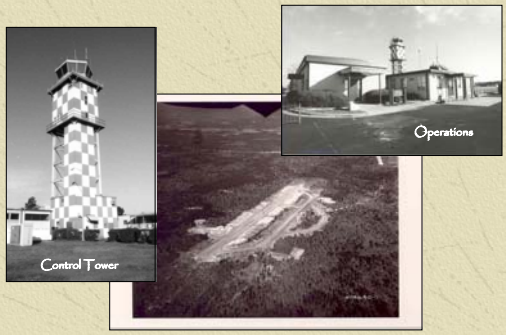
Old Post Chapel

Bastogne Gables

Normandy Ranch Style

Overhills Historic District

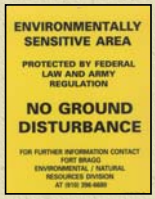
Simmons Army Airfield Historic District



Individually Eligible Historic Buildings

Cultural Resources Legislation

- ✓ **Federal:**
  - National Historic Preservation Act (NHPA) 1966
  - National Environmental Policy Act (NEPA) 1969
  - Archaeological Resource Protection Act (ARPA) 1979
  - Native American Graves Protection and Repatriation Act (NAGPRA) 1990
- ✓ **Army:** AR 200-4, Cultural Resources Management
- ✓ **Fort Bragg:** Fort Bragg Regulation 350-6, Installation Range Regulation



National Historic Preservation Act

- **Section 106**: All Federal Undertakings must be reviewed to determine the impact to historic resources in consultation with the State Historic Preservation Office (SHPO).
- What we do: Review every project that has the potential to impact a prehistoric or historic resource. Prepare consultation materials and participate in consultation with the SHPO. Coordinate mitigation as specified by the SHPO. Monitor project to ensure compliance.
- **Section 110**: States that Federal Agencies must continue to identify, evaluate and protect historic resources by integrating historic preservation into federal agency programs.
- What we do: Maintain an inventory of historic resources, continually evaluate potentially eligible buildings and sites for significance, monitor archaeological sites, update the architectural inventory every five years, and update the Integrated Cultural Resources Management Plan every five years.

Archaeological Resource Protection Act (ARPA)

Federal Law:

- Established in 1979.
- Prohibits the removal, sale, receipt, and interstate transportation of archaeological resources obtained illegally from public or Indian lands. Authorizes agency permit procedures for investigations of archaeological resources on public lands under the agency's control.
- ARPA cases are tried in the civil court or criminal justice system and are punishable by fines and/or prison.

Native American Graves Protection and Repatriation Act (NAGPRA)

Federal Law:

- Established in 1990.
- Ensures the protection and rightful disposition of Native American Cultural items, human remains, and grave goods located on Federal or Native American lands and in the Federal Governments possession or control.
- Mandates consultation with Native American Tribes upon discovery. Project must stop until consultation is complete.

Army Regulation: AR 200-4 Cultural Resources Management

✓ **Army Policy for Cultural Resources Management provides guidance for implementation of policy requirements in respect to applicable Federal Laws.**

Fort Bragg Regulation: 350-6 Installation Range Regulation

✓ **Fort Bragg Policy for Cultural Resources Management provides guidance for implementation of policy requirements in respect to applicable Federal Laws.**

Types of Projects Evaluated:

Projects impacting structures 45 years or older that have not been evaluated for the National Register of Historic Places. Structures include buildings, bridges, landscapes or other man-made objects.

Need to see:

Projects visible from the Old Post Historic District (in the viewshed)

Projects within a historic district, including the Old Post Historic District, Overhills Historic District, and Simmons Army Airfield Historic District.

Projects impacting buildings individually eligible for the National Register of Historic Places (including, but not limited to, Water Treatment Plant (V-3308, V-3912, V-3610, V-3911), Longstreet Presbyterian Church & Cemetery (O-9023), Sandy Grove Presbyterian Church & Cemetery (O-9008), Barber Steamship Company Hunting Lodge No . 2, Camp MacKall, (former) Bus Station (1-3151), CMTC Mess Hall Building (2-7502).(see also Building Status (Excel file.

Types of Projects Evaluated:

Projects, such as tree removal, landscaping, exercise areas, parking lots, gazebos, etc., located near buildings or within districts that are eligible for inclusion in the National Register of Historic Places.

Projects that involve the adaptive reuse, renovation, or rehabilitation of a historic building either individual or within a historic district

Does not need to see:

Ground altering projects in areas previously cleared for archaeology

Changes to structures/buildings less than 45 years old, unless in the Old Post Historic District

SHPO CONSULTATION

- ✓ If the undertaking has the potential to adversely affect the archaeological site, historic district, or building, consultation is required.
- ✓ Must send a formal letter containing the project scope and any supporting material (i.e. photographs, drawings) to the SHPO.
- ✓ SHPO has thirty days to review and return comments on project.
- ✓ If no adverse effect project may proceed as planned.
- ✓ If adverse effect Fort Bragg must mitigate the adverse effect. Consultation and mitigation is a minimum 6 month period depending on scope of project.

Table C-1 Cultural Resources Permit Requirements

Permit Activity	Impact Threshold Criteria	Permit \ Consultation Required?	Considerations (I.e., permit type, cost. Time constraints, other)
SHPO Consultation	Undertaking (project) has the potential to impact a historic building, historic district, or eligible archaeological site.	Formal Letter to SHPO	Will need to include project description or scope of work, drawings, and photographs with formal letter. Minimum 30 day consultation period.
MOA with SHPO	Undertaking (project) will adversely impact a historic building, historic district, or eligible archaeological site.	Signature s Required	Will need to include all of the above in addition to a plan to mitigate the adverse effect. The MOA must be signed and mitigation complete and approved before proceeding with project. Minimum 6 month waiting period.

How can Project Managers help Fort Bragg remain compliant with Cultural Resources Laws and Regulations?

Provide the CRMP with:

- ✓ **Project Location & Boundaries –Please provide map coordinates with or in a geospatial file format, i.e. GIS.**
- ✓ **Project Scope & Estimated Start Dates**
- ✓ **Keep us informed of any changes in scope throughout the project**
- ✓ **Plans & Specifications**

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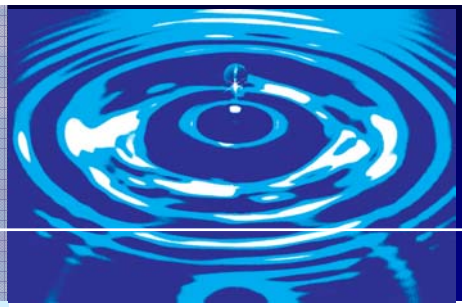

Tab 4: Afternoon Session Handouts

Tab 4

This Section Contains:

- Legal Considerations (SJA)
- Stormwater Management (WMB)
- NEPA Processes (NEPA/EMB)
- Environmental Mgmt / SPiRiT / LEED
- Green Building Materials (EMB)
- Project Development Teams (CMD) (not currently available)

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Fort Bragg

NEPA /Project Management Training

Army Environmental Law

Criminal & Civil Liability for Environmental Violations

MAJ Jeannine Hamby
Chief, Civil Law Division
CPT Wayne Williams
Environmental Law Specialist

Army Environmental Law

Criminal & Civil Liability for Environmental Violations

- Major Environmental Laws
- How Environmental Laws Apply
- Actions for Liability
- Who can be Held Liable
- Criminal & Civil Liability
- Penalties for Environmental Law Violations
- Strategies to Correct & Prevent Violations

Major Environmental Laws

- Resource Conservation & Recovery Act (RCRA)
- Comprehensive Environmental Response Compensation and Liability Act (CERCLA)
- Clean Water Act (CWA)
- Clean Air Act (CAA)
- Safe Drinking Water Act (SDWA)
- National Environmental Policy Act (NEPA)
- Endangered Species Act (ESA)
- National Historic Preservation Act (NHPA)
- Federal Facilities Compliance Act (FFCA)

Origin of Federal Environmental Laws

- Congress & President enact laws
- Laws are implemented through regulations developed by agencies
- Environmental laws are implemented by regulations promulgated by EPA, OSHA, etc

Typical Path of Environmental Laws (From Congress to Installations)

PROPONENT	LAWS & REGULATIONS
Congress	Federal Environmental Laws
Federal Agencies (EPA, FWS, DOT)	Federal Regulations
Dept. of Defense	DoD Directives / Instructions
Dept. of the Army	Army Regulations

Origin of State Environmental Laws

- Legislature & Governor enact laws
- Laws are implemented through regulations developed by departments
- North Carolina has the Department of Environment and Natural Resources

Application of Environmental Laws

- EPA delegates federal enforcement responsibility to the states
- States follow with their own laws and implementing regulations
- States have delegated federal authority to enforce its law as federal law
- Federal facility compliance through FFCA and expanded waivers of sovereign immunity

Environmental Law Application

Civil Lawsuits
= Fines
Criminal Prosecutions
= Fines and Imprisonment

Civil and criminal penalties
provide incentive to comply

Civil Actions

Judicial (litigation, lawsuits)
OR
Administrative actions

- **Initiated by EPA, State or Citizens**
- **Injunctions and enforcement orders**

Injunctions

- **Violations of NEPA**
- **Failure to obtain necessary permits:**
  -Wetland
  -Soil Erosion
  -etc.
- **Violation of any duly issued permit.**

Criminal Actions

Personal prosecution
Fines
Imprisonment

- In all environmental laws
- Complemented by States
- Enforceable in State, Federal and Military courts
- Increased emphasis by EPA and Justice Dept.

Who Can Be Held Liable?

- Federal Facility
  - For civil and administrative penalties only, no criminal liability
  - Fines are paid from Installation O&M account, units pay their share
- Any person
  - Commanders, supervisors, soldiers, and contractors
  - civil *and* criminal liability possible

The Criminal Players

- Investigators:
  - FBI
  - Military Police / CID
  - State/Local Police forces
  - EPA Agents
- Prosecutors:
  - Department of Justice (Federal)
  - District Attorney (State)
  - UCMJ (Military)

Criminal Provisions

- Do not require specific intent; knowing violations punishable
- Reaches negligent conduct too
- Supervisory responsibility liability
- '94 internal guidance: select cases involving *significant environmental harm* and *culpable conduct*

What is a "knowing" violation?

"Where, as here, dangerous or deleterious devices or products or obnoxious waste materials are involved, the probability of regulation is so great that anyone . . . dealing with them must be presumed to be aware of the regulations."

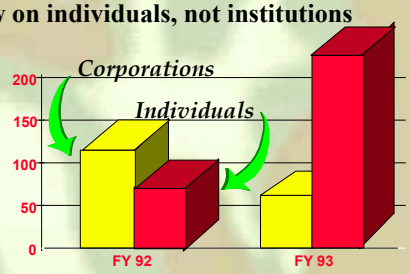
United States v. Dee, Lentz, and Gepp

Illustrations -

- RCRA: $50,000 & 5 years for knowing unpermitted treatment, transport, storage, disposal *or* omitting material information or making false statement
- Clean Air: $100,000 & 1 year for negligent release placing another in imminent danger of death or serious injury
- Clean Water: $2,500-$25,000 & 1 year for negligently violating permit *or* introducing hazardous substances into treatment works

EPA Investigative Focus

- Agents increased from 51 in '90 to 200 in '96
- Focus now on individuals, not institutions



Application to DoD

- 16 DOD employees indicted
  - 13 in Federal Court
  - 3 in State Court
- 12 DOD employees convicted
  - 10 Federal
  - 2 State
- *Criminal liability - just a nagging possibility that keeps you focused*

Who Represents You and Pays For Your Defense?

Q: I'm a Federal Employee, won't DOJ represent me and pay the legal costs if I am prosecuted for an environmental crime?

NO

Criminal Prosecutions

- U.S. v. Dee *("Aberdeen Three")*
  - Three senior civilian managers
  - 4 counts of storing and disposing of hazardous waste in violation of RCRA
  - Prosecutors only had to prove were aware that had stored and disposed of harmful substances
  - 3 years probation, 1000hrs community service and over $100,000 each in attorney fees

Criminal Prosecutions

- U.S. v. Carr (Fort Drum)
  - Civilian Range Maintenance Foreman
  - Directed subordinates to toss paint cans into a pond and later cover it with dirt
  - Violations of CERCLA for failure to report release of hazardous substances
  - Requirement to report extends to persons "in charge" including those low in rank
  - 1 year , suspended, 1 year probation

Civil Liability
Typical Scenario

Civil Liability
Typical Scenario
Litigation Track

Motions and Prehearing Conference → Hearing by Presiding Officer → Proposed Finding and Order → Presiding Officer Decision → Appeals: EAB then EPA Adm'r

Army Environmental Law

Civil Liability
Typical Scenario
Settlement Track

Immediate corrective measures → ELS and reg'or begin negotiations → Regulator drafts CACO; ELS reviews → ELD reviews → IC and State/EPA signs

Army Environmental Law

Civil Liability
Army-Wide Snapshot
(FY93 through FY 03)

- 265 fines assessed totaling $38,822,733
- 253 resolved cases, $21,856,582 (fines, fees, SEPs)
- RCRA, 55% of violations (147)

Fort Bragg Fines and Penalties

- RCRA violations resolved for $141,137
- SDWA violations resolved for $1,268,000 (assessed $3.3 million)
- CAA - 3 violations, $ 30,021

Army Environmental Law

Fort Bragg's Strike Force

- Environmental Law Specialist
- Environmental Compliance Assessment Team
- PWBC
- ECO's and ECA's
- Commanders

Army Environmental Law

Ft. Bragg Water Management Branch

- A branch of the Directorate of Public Works, Environmental Sustainment Division
- Founded in 1993 as the Erosion Control Office
- Name changed to Water Management Branch in 2001 to reflect new goals
- Chief Craig Lantz
- Located at Building 0-9125, McKellars Rd
- 910-396-2823, 2301, 2897

Fort Bragg WMB Requirements

- Sustainability Goal: All water discharged from Ft. Bragg will meet or exceed North Carolina state high quality water (HQW) standard by 2025
- IDG: Chapter 3, Special Considerations
  - An Erosion Control Plan (ECP) is required for **ALL** land-disturbing projects at Fort Bragg. The installation Soil Conservationist reviews all plans for compliance.
- Ft. Bragg Water Management Branch BMP's

WMB Projects Requiring Review

- ***WMB Needs to see the following types of projects:***
- All construction/demolition projects that involve ground disturbing activities
- Projects that involve the replacement of existing infrastructure or utilities
- Projects that involve discharge into a drain, drainage, or sewage system or other body of water
- Projects involving paving of parking areas
- Construction taking place in a flood plain
- Projects in motor pools where oil/water separators exist
- All new projects that involve the installation of an oil/water separator
- ***WMB Does not need to see:***
- Projects involving interior construction

Ft. Bragg's StormwaterBest Management Practices

- Protect Natural Features of Ft. Bragg
- Construction Phasing
- Vegetative Buffers
- Silt Fencing
- Site Stabilization
- Construction Entrances
- Slopes
- Dirt Stockpiles
- Storm Drain Inlet Protection
- www.epa.gov/npdes/menuofbmps

Clean Water Act

- 1972: Federal Water Pollution Control Act; amended in 1977
- **The Act established the basic structure for regulating discharges of pollutants into the waters of the United States**
- EPA has the authority to implement pollution control programs and set standards
- Enforced previous requirements to set water quality standards for all contaminants in surface waters

Epa.gov/r5water/cwa.htm

NC Sedimentation Pollution Control Act

- Passed in 1973
- Purpose: To prevent sediment from reaching streams by requiring the **installation and maintenance** of adequate sediment control measures during site-disturbing activities
- Includes timeline for seeding/groundcover to be in place after the cease of any phase of the project

ces.ncsu.edu

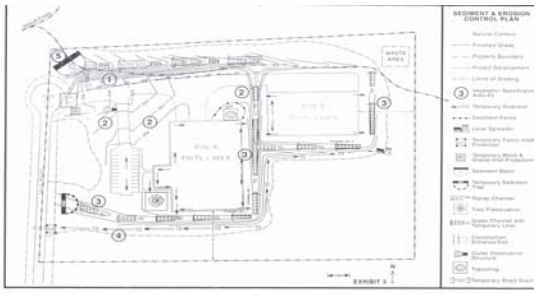
Fort Bragg

NPDES Phase II

- National Pollutant Discharge Elimination System
- All areas of Phase II must be Implemented by 2007 in order to maintain compliance
- Calls for the elimination of pollutant discharge to the "maximum extent practical"
- Requirements include identifying Best Management Practices setting measurable goals and meeting a series of six requirements
- Req 1: General Stormwater Information
- Req 2: Public Education and Outreach
- Req 3: Illicit Discharge Detection and Elimination
- Req 4: Pollution Prevention & Good Housekeeping
- Req 5: Construction Site Storm Water Runoff Control
- Req 6: Post-Construction Storm Water Management

Fort Bragg

Erosion Control Plan



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Temporary Drop Inlet Protection

Fort Bragg

Fort Bragg

Block & Gravel Inlet Protection

Fort Bragg

Fort Bragg

Temporary Sediment Trap

Fort Bragg

Fort Bragg

Fort Bragg

Sediment Basin

Fort Bragg

Fort Bragg

Check Dams

Fort Bragg

Fort Bragg

Fort Bragg

Fort Bragg

Installation of Silt Fence

Fort Bragg

Rip Rap Channels

Fort Bragg

No Rock is to be Installed Without Filter Fabric !

Fort Bragg

Fort Bragg

Temporary Seeding

NO RYE GRASS !!

Fort Bragg

Temporary Seeding

- To temporarily stabilize areas that will not be brought to final Grade for a Period of more than 30 days.
- On any cleared, unvegetated, or sparsely vegetated soil surface where vegetation cover is needed for less than 1 year. Applications for this practice include diversions, dams, temporary sediment basins, road banks, top soil stock piles.

Permanent Seeding

NO RYE GRASS !!

Permanent Seeding

- To reduce erosion and decrease sediment yield from disturbed areas, and to permanently stabilize such areas in a manner that is economical, adapts to site conditions, and allows selection of the most appropriate plant materials.
- Areas to be stabilized with permanent vegetation must be seeded or planted within 30 working days or 120 calendar days after final grade is reached, unless temporary stabilization is applied.

Fort Bragg

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Ft. Bragg Inspection Sheet

SEDIMENTATION INSPECTION REPORT

Public Works Business Center Environmental Sustainment Office
Water Management Branch, M^Kellars Road, Bldg. O-9125, Fort Bragg, NC 28310

County: BRAGG **Project:** _____ **Project Number:** _____
Project Manager: _____ **Watershed:** Cape Fear
Location: _____

1. **Pictures: Digital:** ____ **Prints:** ____ **Slides:** ____ **Video:** ____
2. **Weather and soil conditions:** _____
3. **Is site currently under Notice of Violation?** Yes/No____
4. **Is site in compliance with S.P.C.A. and rules?** Yes/No__ __ **If no, check violations below:**
5. **Violations:**
   - ___a. No approved plan.
   - ___b. Failure to follow approved plan.
   - ___c. Failure to submit a revised plan.
   - ___d. Failure to provide adequate groundcover.
   - ___e. Insufficient measures to retain sediment on site.
   - ___f. Failure to take all reasonable measures.
   - ___g. Inadequate buffer zone.
   - ___h. Graded slopes and fills to steep.
   - ___i. Unprotected exposed slopes.
   - ___j. Failure to maintain erosion control measures.
   - ___k. Other (describe)
6. **NPDES Permit Violation? Yes:** ____ **No:** ____
7. **Has sedimentation damage occurred since last inspection? Yes/No** ____ **If "Yes," where? (check all that apply)**
   Lake/natural watercourse on the tract: ☐ **Lake/natural watercourse on the tract:** ☐ **Other property:** ☐
   Description: _____
   Degree of Damage: Slight: ☐ **Moderate:** ☐ **Severe:** ☐
8. **Contact made with (name):**_____ **Title:** _____
   Inspection report given: ☐ **or sent:** ☐ **to person financially responsible. Date given/sent:**_____
9. **Corrective actions needed:** _____
10. **Comments:** _____

Report by: _____ **Others present:** _____
Date of Inspection:_____ **Time arriving on site:** _____ **Time leaving site:** _____

Fort Bragg

No approved plan, G.S. 113A-57(4) and 15A N.C.A.C. 4 B.0107(c)

G.S. 113A-57. (4) Mandatory standards for land-disturbing activity.

No person shall initiate any land-disturbing activity on a tract if more than one acre is to be uncovered unless, 30 or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with the agency having jurisdiction.

15A N.C.A.C. 4 B.0107(c) Mandatory standards for land-disturbing activity.

Pursuant to G.S. 113A-57 (4) and 113A-54(d)(4), an erosion control plan must be both filed and approved the agency having jurisdiction.

113A-54. (d)(4) Powers and duties of the commission.

Require submission of erosion control plans by those responsible for initiating land-disturbing activities for approval prior to commencement of the activities.

Fort Bragg

Failure to follow approved plan, G.S. 113a-61.1

Fort Bragg

Fort Bragg

Failure to submit a revised plan, G.S. 113A-54.1(b) and 15A N.C.A.C 4B 0118(a)

G.S. 113A-54.1 (b) APPROVAL OF EROSION CONTROL PLANS

If, following commencement of a land-disturbing activity pursuant to an approved erosion control plan, the Commission determines that the plan is inadequate to meet the requirements of this Article, the Commission may require any revision of the plan that is necessary to comply with this Article. Failure to approve, approve with modifications, or disapprove a revised erosion control plan within 15 days of receipt shall be deemed approval of the plan.

15A N.C.A.C. 4B 0118 APPROVAL OF PLANS

Persons conduction land-disturbing activity on a tract which covers one or more acres shall file three copies of the erosion and sedimentation control plan with local government having jurisdiction or with the Commission if no local government has jurisdiction, at least 30 prior to beginning such activity and shall keep another copy of the plan on file at the job site, that a significant risk of accelerated erosion or off-site sedimentation exists, the Commission or local government shall require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

Erosion Control, Grit Chamber, and Oil Water Separator Permit or Consultation Requirements

Permit Activity	Impact Threshold Criteria	Permit Required?	Considerations (i.e., permit type, cost. Time constraints, other)
Land disturbing activity	Land disturbing activities one acre and above	North Carolina Erosion & Sediment Control Plan	- Review fee = $50/acre - 30 day review period - Expires after 3 years
Land disturbing activity	Land disturbing activities one acre and above	National Pollution Discharge Elimination System	- Receipt upon approval of erosion control plan - 30 day review period

Failure to provide adequate ground cover, G.S. 113A-57(3) & 15A N.C.A.C 4B.0124(e)

Fort Bragg

Unprotected exposed slopes, G.S. 113A-57 (2)

Fort Bragg

Insufficient measures to retain sediment on site, G.S. 113A-57(3)

Fort Bragg

Fort Bragg

Fort Bragg

Failure to take all reasonable measures, 15A N.C.A.C. 4B.0105

Fort Bragg

Inadequate buffer zone, G.S. 113A-57 (1)

Fort Bragg

Graded slopes and fill too steep, G.S. 113A-57 (2) or 15A N.C.A.C. 4B.0124

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Failure to maintain erosion control measures, 15A N.C.A.C. 4B.0113

Fort Bragg

Questions?

Fort Bragg

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Fort Bragg

NEPA /Project Management Training

NEPA Process

Environmental Management Branch (EMB)

- Branch Chief: Paul Wirt, 396-6518

NEPA Team:

- Environmental Project Manager/SPiRiT/LEED, Jennifer Whittinham, 432-8903
- NEPA Coordinator, Emile Gillin, 907-3213
- NEPA Coordinator, Steven Harris, 396-8586
- NEPA Analyst, David Corzilius, 396-9888
- NEPA Analyst, Shana Marchetti, 432-8865

B.L.U.F

- No project will be constructed until the NEPA analysis and all necessary permits, letters, consultations and mitigation activities are completed
- Put NEPA upfront early in all project planning
- DPW PM's will provide NEPA team with a complete scope of work and alternative locations for proposed projects
- DPW PM's will notify NEPA team of any project scope change during the process and after it is completed
- DPW PM's will ensure all mitigation discussed in NEPA document (EIS, EA, REC) is funded and completed

Introduction

What is the purpose of this program?

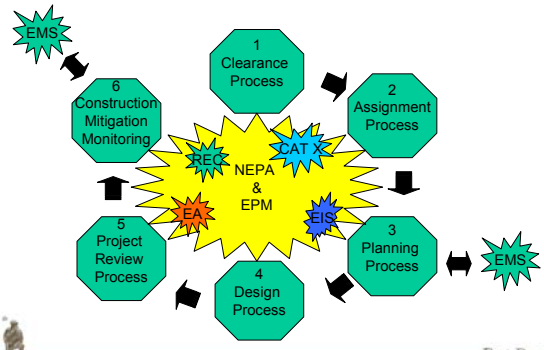
- NEPA is an information and planning statute, NOT a regulatory or substantive statute
- Requires the federal government to follow an environmental analysis process to reach a decision on which course of action to take, it does NOT mandate that the most environmentally preferred course of action be taken
- It CANNOT be an "after the fact" justification for implementation of decisions already made
- Failure to comply with NEPA can result in a court enjoining, restraining, or delaying the Army from proceeding with its selected action

APPLICATION OF NEPA

Applies to actions encompassing a broad spectrum of mission-related and installation support activities including, but NOT limited to, the following:

- Military construction, demolition, operations, and maintenance
- Military training
- Morale, welfare, and recreation programs
- Real property master planning
- Real property acquisition, granting of rights for specific use, and disposal
- Environmental/Wildlife management plans/projects
- Force Structure management, protection and stationing
- Real Estate

NEPA Overview

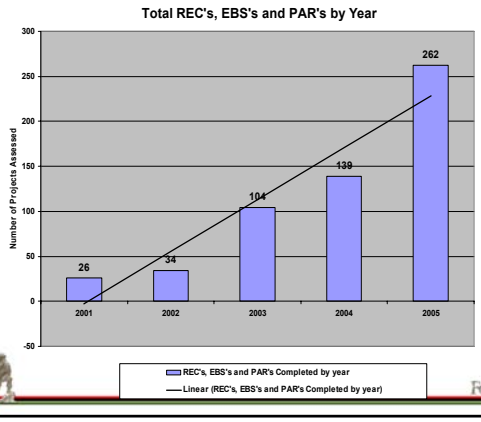


Legal Requirements/Regulations/Policies

New Regulation

- Army published revision of policy and procedures implementing NEPA on 29 March 2002. (Codified at 32 CFR part 651).
- Major changes to way the Army will implement NEPA
  - New responsibilities and obligations placed on proponent
  - Greater guidance on applying the different levels or analysis
  - New list of categorical exclusions
  - Greater record keeping and reporting requirements
  - New publishing requirements

Fort Bragg



Fort Bragg

Project Screening Actions

This screening process is used to evaluate the NEPA requirements of either MCA/MILCON projects (as identified by Form DD 1391) or OMA projects (as identified by Form DD 4283). This evaluation process involves three steps

1. The NEPA Team receives either a DD 1391 from one of DPW Project Managers or DD 4283 from the work order section.

2. The NEPA Team reviews the proposed project using the criteria listed in Table 2-1 of the SOP

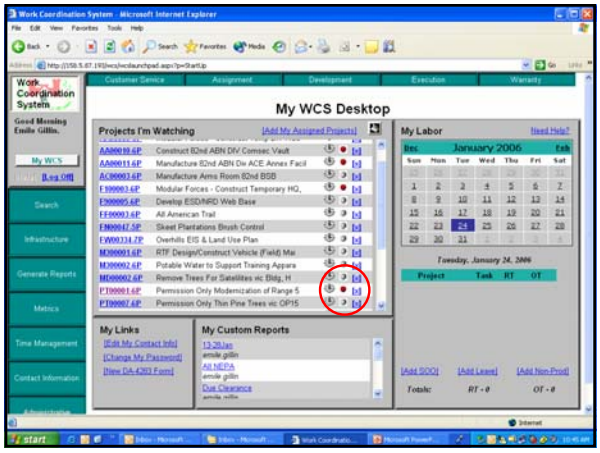
3. Once the NEPA Analyst determines the appropriate NEPA documentation her or she is responsible for preparing the documentation

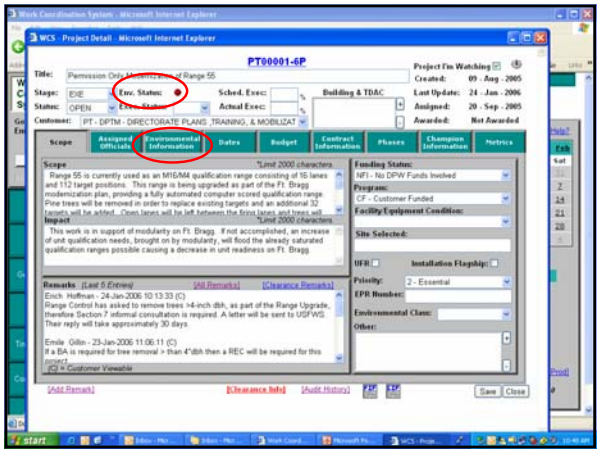
Fort Bragg

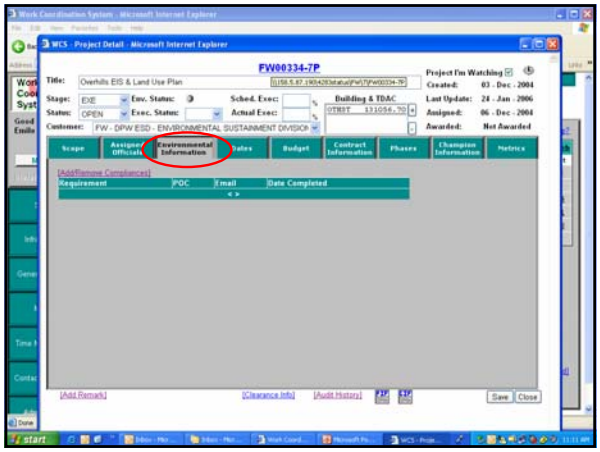
DPW Work Coordination System (WCS)

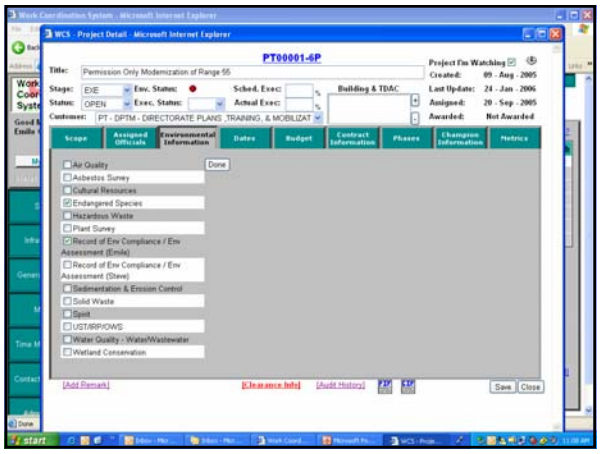
- Database for OMA projects only
- Used to notify SME to clear new projects (via email)
- Identifies specific environmental requirements (REC, permits, etc…)
- Provides DPW PMs with visual on Environmental status of project (red/green light)
- Environmental folks only ones that can clear go-no-go light

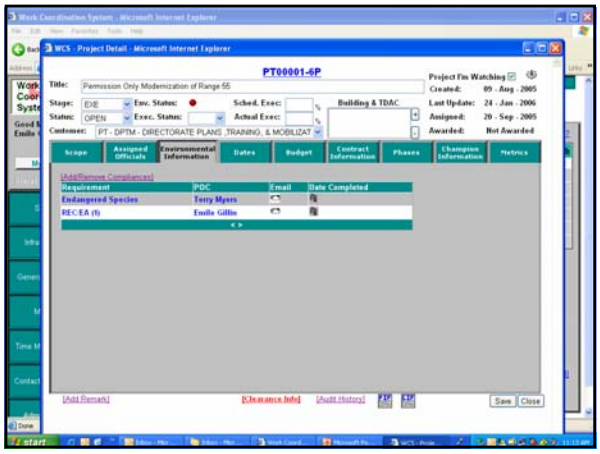
Fort Bragg






Work Coordination System - Microsoft Internet Explorer
WCS - Project Detail - Microsoft Internet Explorer
FW00334-7P
Title: Overhills EIS & Land Use Plan
Stage: EXE
Status: OPEN
Customer: FW - DPW ESD - ENVIRONMENTAL SUSTAINMENT DIVISION
Project I'm Watching
Created: 03 - Dec - 2004
Last Update: 24 - Jan - 2006
Assigned: 06 - Dec - 2004
Awarded: Not Awarded
Scope
Assigned Officials
Environmental Information
Dates
Budget
Contract Information
Phases
Champion Information
Metrics
[Add/Remove Compliances]
Requirement
POC
Email
Date Completed
[Add Remark]
[Clearance Info]
[Audit History]
Save
Close


Work Coordination System - Microsoft Internet Explorer
WCS - Project Detail - Microsoft Internet Explorer
PT00001-6P
Title: Permission Only Modernization of Range 55
Stage: EXE
Status: OPEN
Customer: PT - DPTM - DIRECTORATE PLANS, TRAINING, & MOBILIZAT
Project I'm Watching
Created: 09 - Aug - 2005
Last Update: 24 - Jan - 2006
Assigned: 20 - Sep - 2005
Awarded: Not Awarded
Scope
Assigned Officials
Environmental Information
Dates
Budget
Contract Information
Phases
Champion Information
Metrics
Done
Air Quality
Asbestos Survey
Cultural Resources
Endangered Species
Hazardous Waste
Plant Survey
Record of Env Compliance / Env Assessment (Emile)
Record of Env Compliance / Env Assessment (Steve)
Sedimentation & Erosion Control
Solid Waste
Spill
UST/ARPIOWS
Water Quality - Water/Wastewater
Wetland Conservation
[Add Remark]
[Clearance Info]
[Audit History]
Save
Close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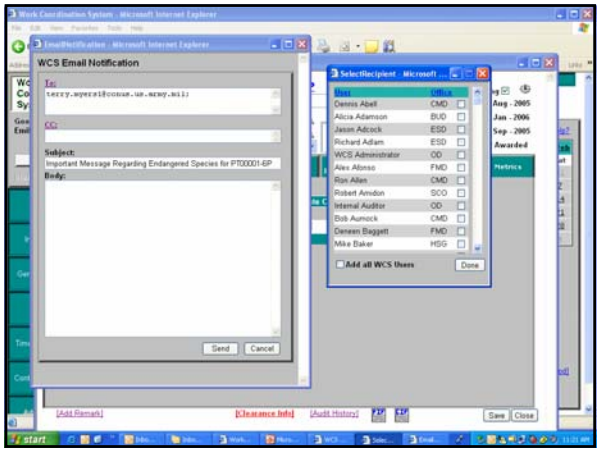
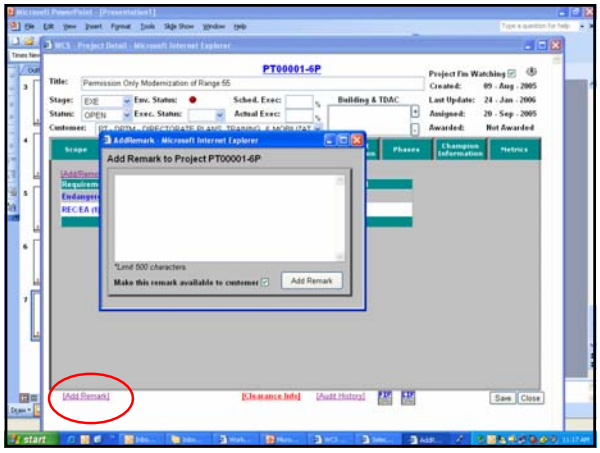
Status: OPEN
Customer: PT - DPTM - DIRECTORATE PLANS, TRAINING, & MOBILIZAT
Project I'm Watching
Created: 09 - Aug - 2005
Last Update: 24 - Jan - 2006
Assigned: 20 - Sep - 2005
Awarded: Not Awarded
Scope
Assigned Officials
Environmental Information
Dates
Budget
Contract Information
Phases
Champion Information
Metrics
[Add/Remove Compliances]
Requirement
POC
Email
Date Completed
Endangered Species
Terry Myers
REC/EA (5)
Emile Gillin
[Add Remark]
[Clearance Info]
[Audit History]
Save
Close


WCS Email Notification
Subject:
Important Message Regarding Endangered Species for PT00001-6P
Body:
Send
Cancel
Add all WCS Users
Done
[Add Remark]
[Clearance Info]
[Audit History]
Save
Close


PT00001-6P
Add Remark to Project PT00001-6P
Add Remark
[Add Remark]
[Clearance Info]
[Audit History]
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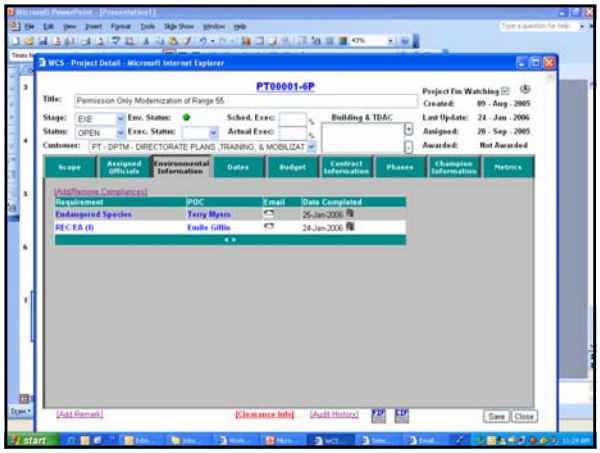
Close


PT00001-6P
Scope
Assigned Officials
Environmental Information
Dates
Budget
Contract Information
Phases
Champion Information
Metrics
Endangered Species
Terry Myers
REC EA (I)
Emile Gillis
[Add Remark]
[Clearance Info]
[Audit History]
Save
Close

NEPA Coordinator Responsibilities

- Review and Screen all DPW work orders for NEPA
- Attend Planning and Design Charettes/Meetings
- Attend Weekly assignment meetings
- Work directly with all the project managers
- Attend Monthly Environmental Coordination meeting
- Conduct site visits
- Provide alternatives when necessary
- Conduct/Write NEPA Assessments (EAs, RECs…)
- Coordinate review of NEPA documents with State Intergovernmental Clearing House
- Maintain a centralized Administrative Record of final environmental documents (section 1.3, page 7 of SOP)

DPW Project Managers

- **DPW Project Managers are key to the NEPA review process**
- They must provide NEPA Coordinators with project scope and up-to-date information on any changes to the scope
- Provide the Environmental Engineer with four copies of the design sketches and drawings
- The PM takes action as necessary following receipt of consolidated review comments from Environmental Engineer
- Ensure all required permits are obtained before construction begins
- Ensure agreed upon mitigation and monitoring measures are implemented (section 1.6, pages 8 of SOP)

LEVELS OF NEPA ANALYSIS

- Type of Army action proposed, the environmental issues involved, and other considerations determine the level of analysis and documentation

- Three Basic Levels of NEPA Analysis:
  1. Categorical Exclusion (CX) documented with Record of Environmental Consideration (REC)
  2. Environmental Assessments (EA)
  3. Environmental Impact Statement (EIS)

  (Early coordination with CMD, ESD, NRD and SJA is highly recommended to ensure appropriate level of analysis)

CONDUCT NEPA ANALYSIS

Good project description (scope of works) to include;

- Type of action /activity (modification or expansion, new construction, replacement, demolition or repair
- Location of proposed activity (Project coordinates, boundaries)
- Exact size of project (acres, square feet, linear feet) of the project construction limits including (roads, utilities lines and laydown area
- Diagram of project (GIS layer, map, sketch or photo)
- The purpose/need of construction/activity
- Proposed construction date

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What are Categorical Exclusions?

- Categorical Exclusions (CX) are categories of actions with no substantial individual or cumulative effect on the human or the natural environment, and for which neither an EA nor an EIS is required
- The use of a CX is intended to reduce paperwork and eliminate delays in the initiation and completion of proposed actions that have no significant impact
- RECs prepared by the NEPA team will be no more than four (4) pages including a GIS map of spatial data

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DETERMING WHEN TO USE A CATEGORICAL EXCLUSION

- (1) The action has not been segmented. Determine that the action has not been segmented to meet the definition of a CX
- (2) No exceptional circumstances exist. Determine if the action involves extraordinary circumstances that would preclude the use of a CX (see paragraphs (b) (1) through (14) of this section)
- (3) One (or more) CX encompasses the proposed action. Identify a CX (or multiple CXs) that potentially encompasses the proposed action

(32 CFR 651.29 (a)(1-3)) p 15309)

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CATEGORICAL EXCLUSIONS

The Army's list of CXs are grouped under common types of activities:

- Administration/operation activities
- Construction and demolition
- Cultural and natural resource management activities
- Procurement and contract activities
- Real estate activities
- Repair and maintenance activities
- Hazardous material / waste management and operations
- Training and Testing
- Aircraft and airfield activities

(32 CFR appendix B to Part 651, p 15324)

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RECORD OF ENVIRONMENTAL CONSIDERATION

- Signed statement submitted with project documentation that briefly documents that the environment has been considered in the planning for a particular action
- REC must include the following:
  - Description of the Proposed Action
  - Time frame of the action
  - Explanation of how the action qualifies for use of the CX
  - Explanation of the use of the screening criteria to ensure no extraordinary circumstances exist
  - Maps and other attachments to describe action and assist reviewers in understanding action and lack of environmental effects
- Signed by the ESO Approving Official and the Proponent

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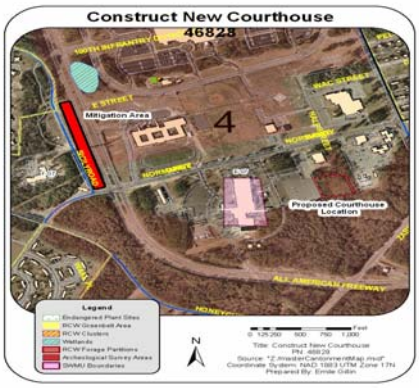

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TIME LINE FOR WRITING REC's

- REC's with no environmental issues takes and average of two weeks to write
- REC's that take longer depend on the environmental threshold criteria of the project
- Threshold criteria could trigger a permit, letter or consultation to FWS (Wetland or endangered species), asbestos abatement permit, SHPO consultation or MOA, erosion permit, modification to the Title V permit

(Pages 16-29 of SOP)

EA Process – Overview of Topics

1. Purpose of an EA
2. Key Issue: Assessing Significance of Impacts
3. What triggers an EA
4. Minimum info/design materials needed to start an EA
5. Primary Contents
6. EA Process & Timeline: Time needed to complete EA? Where does it fall in the overall project mgmt process?
7. EA review/comment processes
   a. Project scoping mtgs
   b. Draft document reviews
   c. Public review/comment period
   d. What to review/how to make comments/time to review
8. Legal Limits to an EA
   a. EAs written on less than 100% design information
   b. Programmatic EAs
9. EA Decision Documents

1. EA Purpose

1. To fulfill regulatory requirements of NEPA (40 CFR 1500 et seq.) and 32 CFR 651 ("Environmental Analysis of Army Actions")
   a. Fully describe the proposed actions and alternatives
   b. ID significance/non-significance of potential impacts of a proposed action/plan
   c. ID possible mitigation activities to reduce significance of impacts
   d. Allow for public review/comment on assessment and decision

2. 32 CFR 651.11(d):

   "The EA determines whether possible impacts are significant, thereby warranting an EIS. **This requires a "hard look" at the magnitude of potential impacts, evaluation of their significance, and documentation in the form of either an NOI to prepare an EIS or a FNSI**

2. EA: Assessing Impact Significance

- **Impacts: Significance vs. non-significance**
  - **SMEs** identify potential impacts of project on a resource
    - Based on resource impact thresholds
    - Significance of impacts determined by SMEs
  - EA assesses ONLY if impact significant / non-significant
  - If significant impact found:
    - EA IDs required mitigation or project redesign to reduce impact to level of non-significance (mitigated FNSI), OR
    - EIS is prepared if mitigation not possible (NOI published)
      - 1.5+ year process and potential significant delays to project

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3. EA Triggers

A project will require an EA if:

1. It is not an exception to NEPA (32 CFR 651.11(a))
2. It is not an Emergency Situation (32 CFR 651.11(b))
3. No Categorical Exclusion available (32 CFR 651.11(c))
4. It is not adequately covered by existing NEPA analysis or documentation (32 CFR 651.19) *
5. It is recognized as an Army action normally requiring an EA** (see 32 CFR 651.33)

   ** Most common reason: project exceeds 5 acres in size
6. It does not normally require the development of an EIS (see list, 32 CFR 651.42)

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4. EA: Minimum Info Req'd to Start

- **Responsibilities for providing this info:**
  - *Project descriptions:* Fort Bragg Master Planning and the assigned FB Project Manager
  - *Award Date:* FB Master Planning & USACE PM
- **Description of proposed action(s)**
  - COMPLETE Form DD 4283 or 1391
  - Purpose for actions (what will actions accomplish?)
  - Need for actions (why is action needed?)
  - All actions to be taken on site (construction; demolition; training/intended use of site; etc.)
- **Description of alternatives considered**
  - Project boundaries (preferred alternative), including all roads, utility routes, laydown areas, construction limits (50% site design)
  - All alternative locations (preferably GPS coordinates, GIS shape file) and reasons why considered / eliminated – Master Planning notes, if avail.
- **Contract Award Date (month, day, fiscal year)**
  - For scheduling the EA

Handout: Sample Sections 1 & 2

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5. EA: Primary Contents

- FNSI
- Executive Summary
- TOC / LOF / LOT
- 1.0 Purpose and Need
- 2.0 Description of Proposed Action & Alternatives
- 3.0 Affected Environment & Potential Impacts
- 4.0 Summary and Recommendations
  - Mitigation Monitoring Plan, if needed
- 5.0 Preparation and Consultation Info
- 6.0 Distribution List
- Appendices
  - Agency Coordination Letters
  - Technical Information
  - Other (maps, acronyms, etc)

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6. Process & Timeline

Action to be Done	Work Days	Responsibility
1. Environmental Project review determines projects needs an EA; info sent to NEPA analyst	5-10 days	NEPA Coordinators
2. EA scheduled based on **AWARD DATE**; EA file started	1 day	NEPA Analyst
3. EA started – Notice to proceed	Day 0	NEPA Analyst
4. Minimum project info rec'd and reviewed; **1st scoping meeting** with PM and client re: project	5 days	NEPA Analyst / PM
5. Write Sections 1&2 with maps, figures, etc.	5 days	NEPA Analyst
6. SME / PM review & comment on Sects. 1&2; set 2nd project scoping meeting	10 days	SMEs / PM / SJA / NEPA Analyst
7. **2nd Proj. Scoping Mtg**	1 day	SMEs / PM / SJA / NEPA Analyst
8. Write Sects. 3&4 with info from 2nd proj. scoping meeting; prepare full draft EA/FNSI	10-15 days	NEPA Analyst
9. Full draft review/comment period	10 days	SMEs / SJA / PM

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6. Process & Timeline, cont.

Action to be Done	Work Days	Responsibility
10. Revise draft EA/FNSI; prepare final drafts	5 days	NEPA Analyst
11. SJA Review/comment on final draft docs	5 days	SJA
12. Revise final draft from SJA comments; Prepare final EA/draft FNSI; send up for final SJA review and start of signature process	5 days	NEPA Analyst
13. **Signature process** for final EA; prepare press release	10 days	DPW, SJA, Garrison Command
14. Prepare Final EA/Draft FNSI copies for public distribution once signatures are back	1 day	NEPA Analyst
15. Distribute Final EA/Draft FNSI to public agencies/libraries	1 day	NEPA Analyst
16. Publish press release & FNSI / **Public Comment period**	30 days	Public / State agencies
17. Receive public/agency comments; revise EA/FNSI as needed.	5 days	NEPA Analyst

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6. Process & Timeline, cont.

Action to be Done	Work Days	Responsibility
18. Prepare final EA/final FNSI for signatures	2 days	NEPA Analyst
19. Send EA / FNSI up for **final signatures** and approval	5 days	NEPA Analyst / SJA Garrison Command
20. **Once signed, EA & FNSI are completed;** prepare final copies of documents; **deliver copies to PM and explain limits of EA & mitigation/BMP requirements on project**	2 days	NEPA Analyst / NEPA Env'l Engineer
21. End of EA process; Begin mitigation monitoring if necessary	n/a	SMEs / NEPA Env'l Engineer

Important Notes:

1. Process takes ~**120-170 days (4-6 months)**, depending on project(s) being assessed (number, size, types of actions, etc.) and other priorities that may come up.
2. Process does not include any time that may be needed for consultation with other agencies (~15-145 days).
3. Thus, knowing the AWARD DATE is important for getting the EA scheduled with time to adequately complete it.

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7. EA Review & Comment Process

1. Opportunities for Review & Comment:
   a. 1st (pre-draft) project scoping meeting (with PM & client; 5 days)
   b. 2nd Project scoping meeting (with SMEs / PM; 10 days)
   c. Draft document reviews (by SMEs / SJA; 10 days)
   d. Public review/comment period (by public / state agencies; 30 days)
2. What to review/how to make comments?

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8. EA Legal Limitations

- **Single Project EAs written with < 100% design information**
  - Written with best available data at time
  - Any changes in project scope (location, types of actions) and/or potential impacts requires NEPA review of new project info and prior EA analysis
    - **PM responsibility to bring project back to NEPA team for this review**
    - Failure to do so: Project **stopped** until review is completed
    - Results – REC vs. Supplemental EA
- **Programmatic EAs**
  - Assesses multiple projects in one EA, generally without 100% designs
  - Written with best available data at time
  - Each project assessed in EA requires secondary NEPA analysis as it reaches +90% Design
    - **PM responsibility to bring project back to NEPA team for second level NEPA review**
    - What is looked at?
    - Results – REC vs. Supplemental EA

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9. EA Decision Documents – FNSI & NOI

- **The EA Decision Document will:**
  - Briefly describe project assessed and identified impacts
  - Completely describe any required mitigation activities and refer to mitigation monitoring plan (if available)
  - Reflect legal limitations of EA
  - Clearly state decision made and when it will be implemented
- **Final Finding of No Significant Impact (FNSI)**
  - In addition to general info listed above, the FNSI notifies the public the project has no significant impacts
  - Before project may proceed/be constructed:
    - Any required mitigation actions must be designed into and funded as part of project
    - BMPs incorporated into design (as per IDG, Guide Specs, FB policies)
    - Required permits must be obtained
    - Agency consultations must be completed
- **Notice of Intent (NOI)**
  - Notifies public that proposed action has potentially significant impacts that cannot be mitigated
  - Announces that an EIS will be prepared to more fully assess the proposed action and alternatives

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Questions?

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ENVIRONMENTAL PROJECT MANAGEMENT SPiRiT/LEED

Jennifer Whittinham
NEPA EE/ EPC

BLUF
Environmental Project Management

- All submittals requiring environmental review will be submitted through DPW-EPC
- All submittals will be given a 10-working day review period
- Successful ENV review requires 4 copies of each submittal (drawings, design analysis, CDs, technical specifications, EPPs)
- No project is cleared for construction until the ENV checklist and NEPA is completed and all permits/requirements have been met and/or obtained
- Ft. Bragg Technical Guide Specification (revised 1 Jan 06) will be used from this point on
- At project close-out, new requirement: a certification of all SPiRiT/LEED points attained will be submitted to Program Manager

Environmental Project Coordinator (EPC) Roles

- Provide coordination for efforts regarding NEPA and Environmental Project Review
  - Coordinating reviews, consolidating comments, coordination of mitigation-monitoring, integration of NEPA into EMS & SMS, holding meeting for inclusive env coord
- Attend all design/construction project meetings for entire project lifecycle
  - Planning Charrette, All Design Reviews, Pre-Construction, Red-Zones, Partnering Sessions, LIRs
- Sustain all project submittals (drawings, specs, project calendars)
  - Drawings, Design Analyses, Specifications, Project calendars, EPPs,
- Maintain a complete/accurate project folder as back up to PM database
  - Review comments, scope changes, record of communication, record of transmittals

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Environmental Project Coordinator Roles

- Thoroughly communicate/disseminate info between SMEs, PMs, USACE, DPW (DPW PM is first point in communication)
  - Notify reviewers of meetings, changes in project status, request for technical review
- Conduct SPiRiT review at each phase of project
  - Address all questions pertaining to sustainable design & validate A&E's design
- Route Environmental Questionnaire for review and Supply Environmental Checklist to DPW-PM

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Environmental Project Review Process

MILCON Projects

1. 1391 development
2. NEPA Screening
3. Planning Charrette
   1. Environmental Questionnaire is completed by DPW PM, SAS PM, & A&E
   2. Environmental checklist is returned to DPW PM by Jennifer Whittinham
4. Submittals (35%,60%,90%,100%) are distributed to environmental SME's for review/comments
5. NEPA process begins with 60% submittal
6. After final review and concurrence from all environmental stakeholders, NEPA/Env clearance is issued to DPW PM
7. Env Proj Coord closes out project
8. EPP is distributed for review/approval

OMA Projects

1. 4283 development
2. NEPA Screening
3. WCS (Clearance/Assignment)
   1. Environmental Questionnaire is completed by DPW PM, SAS PM, & A&E
   2. Environmental checklist is returned to DPW PM by Jennifer Whittinham
4. Submittals (35%,60%,90%,100%) are distributed to environmental SME's for review/comments
5. NEPA process begins with 60% submittal
6. After final review and concurrence from all environmental stakeholders, NEPA/Env clearance is issued to DPW PM
7. Env Proj Coord closes out project
8. EPP is distributed for review/approval

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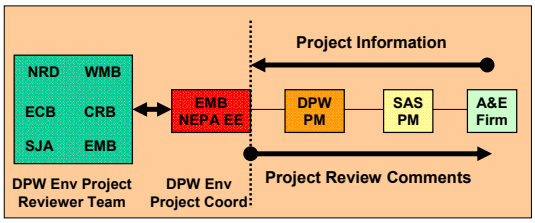
Key Environmental Project Reviewers & Route of Communication



Project Development Team (PDT)

Continual Project Review Challenges

- DPW-ENV is not involved in entire lifecycle of projects
- Miscommunication among organizations and lack of coordination
- Lack of awareness level of organizational processes and timeframe potentially put projects behind schedule
- Disregard for review process; projects being designed, constructed with no review/permission
- Causes projects to be in violation/non-compliance or worse mission failure

New Ft. Bragg Environmental Guide Specs

- Process of team creation, selection of specs to be modified (derived from UFGS) revisions/edits, continuous improvements reviews
- New Fort Bragg Environmental Guide Specifications will were finalized by USACE-Savannah District, Specification Branch on Monday, 30 January, 2006
- New specs are available at:
  - CD located in class book
  - www.fileshare.com

New Guide Spec
Temporary ENV Controls
Replaces Environmental Protection (01355A)

USACE / NAVFAC / AFCESA

Preparing Activity: USACE

UFGS-01355A (February 2005)

Superseding
UFGS-01355A (February 2002)

UNIFIED FACILITIES GUIDE SPECIFICATIONS

References are in agreement with UMRL dated 22 December 2004

Latest change indicated by CHG tags

SECTION TABLE OF CONTENTS

DIVISION 01 - GENERAL REQUIREMENTS

SECTION 01355A

ENVIRONMENTAL PROTECTION

02/05

New Guide Spec
Asbestos Hazard Control (13280FB)

USACE / NAVFAC / AFCESA

Preparing Activity: USACE

UFGS-13280A (June 2004)

Superseding
UFGS-13280A (November 2001)

UNIFIED FACILITIES GUIDE SPECIFICATIONS

References are in agreement with UMRL dated 22 December 2004

Latest change indicated by CHG tags

SECTION 13280FB

ASBESTOS HAZARD CONTROL ACTIVITIES
12/05

NOTE: This guide specification covers the requirements for removal, encapsulation, enclosure encasement, or repair of friable and non-friable asbestos-containing material (ACM) which is encountered during the demolition, alteration,

New Guide Spec
Erosion Control And Turf Seeding (02921FB)

SECTION 02921FB

EROSION CONTROL AND TURF SEEDING

02/05

PART 1 GENERAL

This work shall consist of complete ground preparation and establishment of a permanent cover of grass on all open earth areas and all disturbed areas within the limits of construction. The work shall conform to this specification and shall be carefully coordinated with the site grading operations and erosion control work shown on the drawings and/or as covered in the specifications.

1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to within the text by the basic designation only.

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)

ASTM C 602 (1995a) Agricultural Liming Materials

SPiRiT/LEED
Program & Process

- Current Program
  - All vertical MCA construction projects FY06+ to obtain "**Gold**"
  - All MCA range construction projects are required to obtain "**Bronze**" rating
  - All project submittals should include a SPiRiT summary table and notify the SPiRiT Program Manger of any significant changes to the design that impact rating
  - Savannah district self-monitors and certifies SPiRiT scores are valid with sign off at project completion
  - All projects failing to meet minimum score require PM to send letter thorough the chain of command to HQ explaining why
- At project close-out, new requirement: a certification of all SPiRiT/LEED points attained will be submitted to DPW-SPiRiT/LEED Program Manager

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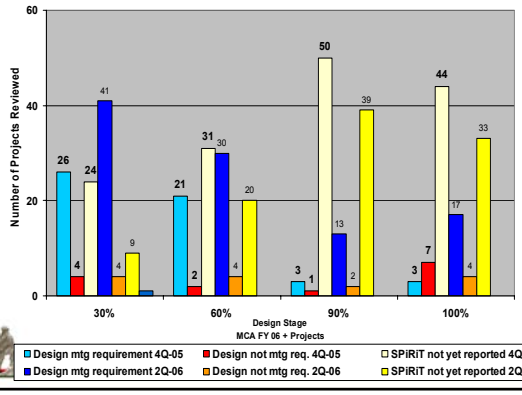
SPiRiT Requirements



SPiRiT/LEED
Program & Process

Future Program

- ARMY will transition from SPiRiT to LEED with a requirement of LEED "**Silver**" rating for all construction FY08+ (REGARDLESS OS FUNDING SOURCE)

Why change from SPiRiT to LEED?

- SPiRiT Out of Date – Requires Revision
- LEED is commercial Standard – other Services use LEED
- Costly to Maintain Army-only Standard – USGBC updates LEED

Benefits to the Army of using LEED to evaluate our projects

- Measure Progress Towards SDD, Environmental Goals/EPACT 05
- Lower Life Cycle Costs
- Contractor Familiarity with Widely Accepted Industry Standard

Key Points

- LEED®-NC is an assessment tool and is not regulatory
- Need to set required LEED score to 'Optimize Building Performance'
- Structure of submittals and review/certification will remain unchanged

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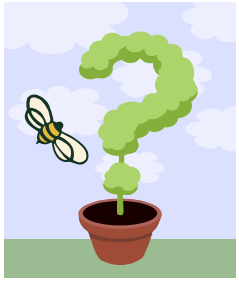
Questions? Questions? Questions?



Green Building Materials

- Per RCRA,Section 6002, the Comprehensive Procurement Guideline (CPG) program is part of EPA's continuing effort to promote the use of materials recovered from solid waste.
- Construction materials are included in the guidelines.

EPA Comprehensive Procurement Guidelines

- Once a product is designated by the EPA, federal agencies are required to purchase it with the highest recovered material content level practicable.
- Federal construction projects fall under the guidelines for construction materials.

EPA Comprehensive Procurement Guidelines

- Buying recycled helps "close the recycling loop" by putting the materials we collect through recycling programs back to good use as products in the marketplace.

EPA Guidelines for Construction Materials Include These Items:

- Building insulation products
- Carpet (polyester)
- Carpet cushion
- Cement and concrete containing:
  - -Coal fly ash
  - -Ground granulated blast furnace slag
  - -Cenospheres
  - -Silica fume
- Consolidated and reprocessed latex paint

EPA Guidelines for Construction Materials Include These Items:

- Floor tiles
- Flowable fill
- Laminated paperboard
- Modular threshold ramps
- Nonpressure pipe
- Patio blocks
- Railroad grade crossing surfaces
- Roofing materials
- Shower and restroom dividers/partitions
- Structural fiberboard

EPA's Recommended Recovered Materials Content for Nonpressure Pipe

Product	Material	Postconsumer Content (%)	Total Recovered Materials Content (%)
Nonpressure Pipe	Steel (BOF) Steel (EAF)	16 67	25-30 100
Nonpressure Pipe	HDPE	100	100
Nonpressure Pipe	PVC	5-15	25-100
Nonpressure Pipe	Cement	Refer to the cement and concrete specifications.	

EPA's Recommended Recovered Materials Content Levels for Building Insulation

Product	Material	Postconsumer Content (%)	Total Recovered Materials Content (%)
Rock Wool	Slag	-	75
Fiberglass	Glass Cullet	-	20-25
Cellulose Loose-Fill and Spray-On	Postconsumer Paper	75	75
Perlite Composite Board	Postconsumer Paper	23	23
Plastic Rigid Foam, Polyisocyanurate/Polyurethane:			
Rigid Foam	-	-	9
Foam-in-Place	-	-	5
Glass Fiber Reinforced	-	-	6
Phenolic Rigid Foam	-	-	5
Plastic, Non-Woven Batt	Recovered and/or Postconsumer Plastics	-	100

EPA's Recommended Recovered Materials Content Levels for Carpet

Product	Material	Postconsumer Content (%)	Total Recovered Materials Content (%)
Polyester Carpet Face Fiber	PET	25-100	25-100

Recovered Materials Content Recommendations for Roofing Materials

Product	Material	Postconsumer Content (%)	Total Recovered Materials Content (%)
Roofing Materials:	Steel (BOF) Steel (EAF)	16 67	25-30 100
	Aluminum	20-95	20-95
	Fiber (felt) for Fiber Composite	50-100	50-100
	Rubber	12-100	100
	Plastic or Plastic/Rubber Composite	100	100
	Wood/Plastic Composite	-	100
	Cement	Refer to the cement and concrete specifications.	

EPA's Recommended Recovered Materials Content Levels

for Structural Fiberboard and Laminated Paperboard

Product	Material	Postconsumer Content (%)	Total Recovered Materials Content (%)
Structural Fiberboard	-	-	80-100
Laminated Paperboard	Postconsumer Paper	100	100

Tab 5: Fort Bragg NEPA SOP

This Section Contains:

- NEPA / Environmental Management Standard Operating Procedures (Dec 2005)

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FORT BRAGG MILITARY RESERVATION

National Environmental Policy Act and Environmental Project Management

Standard Operating Procedures

Volume One

December 2005

The Right Way.
The Green Way.
All the Way.

Directorate of Public Works

Environmental Sustainment Division

Fort Bragg, North Carolina 28310

Document Control Information

Title:	Volume 1: Fort Bragg Military Reservation National Environmental Policy Act and Environmental Project Management Standard Operating Procedures
Effective Date:	12 December 2005
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Purpose

This SOP documents the responsibilities and actions necessary to fulfill the requirements of the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1500 *et seq.*) and Title 32 Code of Federal Regulations (CFR) Part 651 (32 CFR 651), "Environmental Analysis of Army Actions" which implements NEPA for the Department of the Army. It also addresses the environmental project management review process used by the Fort Bragg NEPA team to provide effective and timely environmental compliance review and oversight for proposed projects at the Installation.

Scope

This SOP provides concise information about the actions and responsibilities directly related to the analysis and documentation of information needed to prepare NEPA Records of Environmental Consideration (RECs), Environmental Assessments (EAs), or Environmental Impact Statements (EISs). It outlines the responsibilities of the resource management personnel at Fort Bragg to provide some of that analysis and information, but it does not detail the methods by which those personnel acquire, maintain, or track that information. The processes detailed in this document are only those directly related to fulfilling the regulatory requirements of NEPA, 32 CFR 651, and the Fort Bragg environmental project review and management process.

This document is intended to be a living document. It will be reviewed and revised by the Fort Bragg NEPA Team as regulatory or process changes require, or at least every five (5) years. The revision history of this document is recorded in detail in the Appendices. This page only notes the date of the latest revision.

At this time, information has not been provided regarding the development of Environmental Impact Statements (EISs) since they are such a rarity for the NEPA Team to develop. However, future revisions of this document will include information covering the EIS procedures and any other actions necessary to be described in this document.

This version of this document is in effect as of the latest date of approval shown above. All earlier versions of this document should be discarded and their use discontinued.

STANDARD OPERATING PROCEDURES

for implementing the

NEPA DOCUMENTATION AND ENVIRONMENTAL PROJECT MANAGEMENT PROCESSES
at
FORT BRAGG MILITARY RESERVATION, NORTH CAROLINA

DOCUMENT APPROVAL SIGNATURES

The attached document has been reviewed and accepted by the undersigned. It will serve as the Standard Operating Procedure for implementing the NEPA throughout the Fort Bragg Military Reservation, North Carolina.

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Introduction

This document describes the standard operating procedures (SOPs) for development of the various National Environmental Policy Act (NEPA) documents required for projects performed at the Fort Bragg Military Reservation, North Carolina. The Fort Bragg Directorate of Public Works NEPA Team is the primary user of this document, though this document also describes other persons and organizations having supporting responsibilities. The activities described herein are governed by the NEPA of 1969 and Title 32 Code of Federal Regulations (CFR) Part 651, "Environmental Analysis of Army Actions," which implements NEPA for the Department of the Army.

This document is divided into two volumes. **Volume One** describes the general NEPA and Project Management processes and the roles and responsibilities of each office/agency that supports those processes. **Volume Two** describes the details of the NEPA and Project Management processes that are to be used by the Environmental Management Branch NEPA and Project Management staff. The specific sections of each volume are summarized below.

Volume One: General NEPA and Project Management SOP

Section 1.0 summarizes the responsibilities of Fort Bragg organizations to carry out or provide support to the Fort Bragg NEPA process. While responsibilities are described throughout the document, this section identifies and summarizes those responsibilities for each organization mentioned in the document.

Section 2.0 describes the basic NEPA project review and management processes to review and screen projects received by the NEPA Team. This section also includes the main descriptions of the responsibilities of the Subject Matter Experts (SMEs) on which the NEPA Team relies to provide resource specific assessments of the potential impacts of proposed projects.

Section 3.0 describes the decision criteria used to develop Records of Environmental Consideration (RECs) and the manner in which RECs are used once they are completed and signed.

Section 4.0 describes the decision criteria and information used to develop Environmental Assessments (EAs). It also contains descriptions of (a) the types of EAs that may be used by the Fort Bragg NEPA Team, (b) types of meetings to gather information for the EAs, (c) contents of a general EA, (d) contents and use of the Finding of No Significant Impact (FNSI), and (e) the EA public review and comment process.

Section 5.0 describes the decision criteria and procedures used to develop Environmental Impact Statements (EISs). It also contains descriptions of (a) the types of EISs that may be used by the Fort Bragg NEPA Team, (b) types of meetings to gather information for the EISs, (c) contents of a general EA, (d) contents and use of the Record of Decision (ROD), and (e) the EIS public review and comment processes.

Section 6.0 describes the regulatory requirements for and processes used to implement the Mitigation Monitoring program at Fort Bragg. In particular, this section emphasizes the timing of documenting the required mitigation activities in both the NEPA documentation and the project RFP and contract, the monitoring process once the project is implemented, and the close-out procedures once a project is completed.

Appendix A provides a list of the commonly used acronyms and terms used in the NEPA and project management processes.

Appendix B describes the revision history of this volume.

Volume Two: Internal NEPA and Project Management SOP

Section 7.0 describes the purpose and use of the NEPA/Project Management database.

Section 8.0 details the REC development process, including its preparation and contents, how to track completed RECs, administrative record guidelines, and document formatting requirements.

Section 9.0 details the EA development process, including its preparation and contents, how to track completed EAs, administrative record guidelines, and document formatting requirements.

Section 10.0 details the EIS development process, including its preparation and contents, how to track completed EISs, administrative record guidelines, and document formatting requirements.

Section 11.0 describes the regulatory criteria and procedures used to prepare the NEPA document administrative records. It also describes the location and use of the NEPA and project management archives.

Section 12.0 describes the processes and data to be tracked to assess the effectiveness of the NEPA and project management programs and processes.

Appendix A provides sample copies of the NEPA and project management checklists used to track progress on each part of the process.

Appendix B provides sample NEPA documents such as transmittal letters, press releases, and basic outlines for RECs and FNSIs.

Appendix C provides contact information for local, state, and federal agencies directly or indirectly involved in these processes.

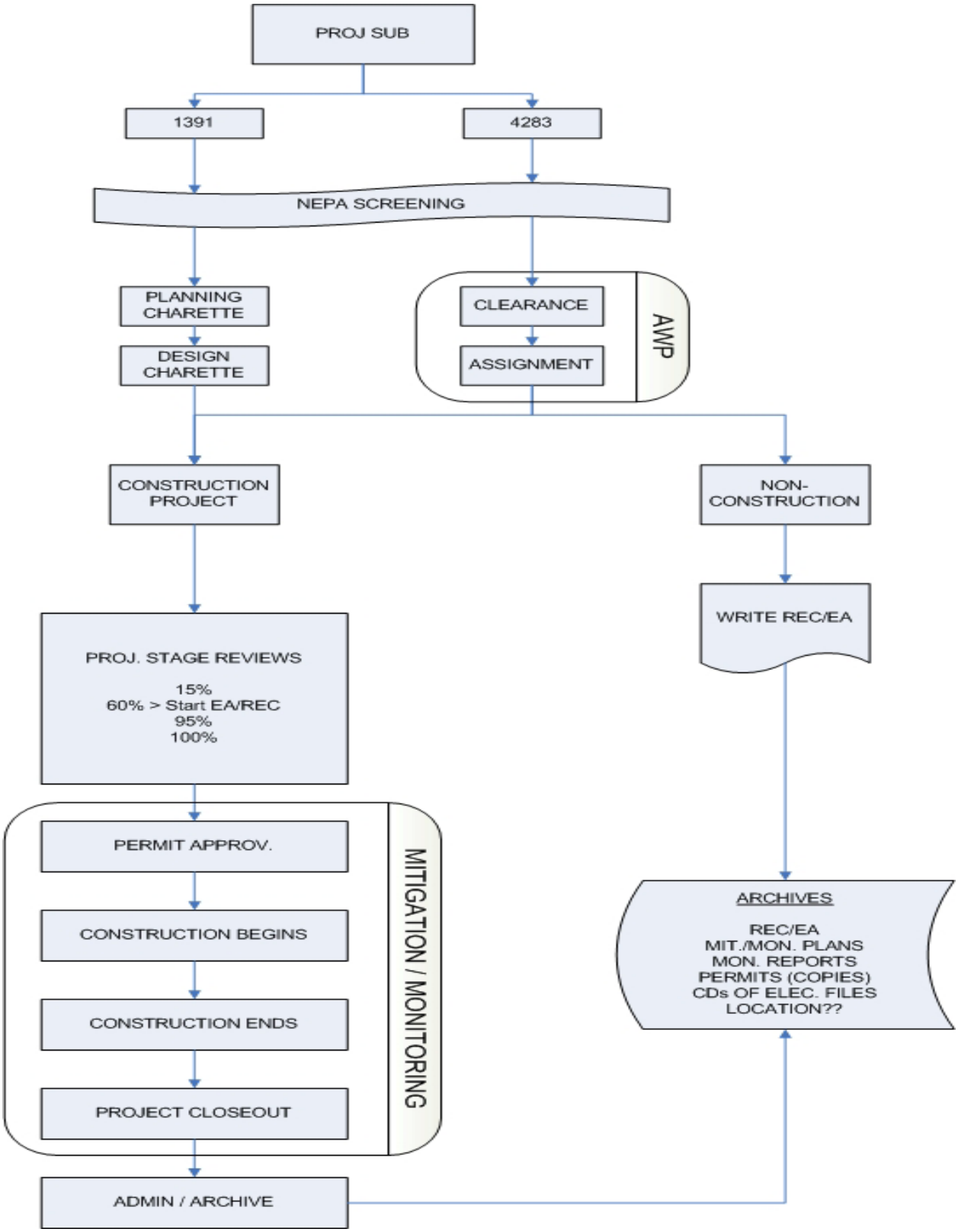
Appendix D provides a complete list of NEPA-related acronyms and a glossary of selected NEPA terms.

Appendix E provides the document formatting requirements for the NEPA documents described in these SOPs.

Appendix F provides the revision history of this volume.

Additions and revisions to this SOP will occur as the described processes are updated and/or as regulatory changes may require.

Figure 1-1 NEPA Process Flowchart



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VOLUME ONE:
NEPA / PROJECT REVIEW SOP

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1.0 Organizational Responsibilities

1.1 Project Proponent

The Proponent for all projects proposed and assessed at Fort Bragg is the Directorate of Public Works. The Proponent, through the Fort Bragg NEPA Analysis Team, is responsible for identifying the level of NEPA assessment needed for each proposed project and making sure that the NEPA analysis is performed adequately. The Proponent also is responsible for reviewing and approving the final Record of Environmental Consideration (REC). The proponent for the EAs is the Garrison Commander, the commander is responsible for approving the final Environmental Assessment (EA) or Environmental Impact Statement (EIS) by signing the Finding of No Significant Impact (FNSI) or Notice of Intent (NOI) before the proposed project is allowed to proceed.

1.2 Unit / Client

The military unit for which a project is to be done must be available to answer questions regarding the scope of that project. The scope of the project includes, but is not limited to, information about the types of materials to be used at the site and activities that will occur on the site once the project is completed, waste products to be disposed of, the proposed project construction limits, and alternatives to the proposed project. Depending on the results of the initial analysis by the subject matter experts, it may be necessary for the unit/client and project manager to sit down with the NEPA assessment team and SMEs to further refine the project scope and scale. Additionally, the unit may be required to perform short- or long-term mitigation activities as a condition of the project approval. These activities will be documented in the completed EA and become part of the ongoing mitigation monitoring program (see Section 6.0 for more information about the Mitigation Monitoring program).

1.3 NEPA Coordinators

The Fort Bragg NEPA Coordinator(s) will:

1. Review and approve all proposed actions with the potential to impact the environment.

2. Coordinate all NEPA actions to ensure accurate and timely analysis of proposed projects, and determine appropriate level of NEPA documentation

3. Coordinate review of NEPA documents with the North Carolina (NC) Department of Administration State Clearinghouse.

4. Prepare, review staff, and submit, as necessary all EBSs, RECs, Preliminary Assessment Review (PAR) to the Director of Public Works for approval.

5. Prepare, review, staff, and submit, as necessary, EA, Finding of No Significant Impact (FNSI), and EIS to the Installation Commander for approval and coordinate public notification process in accordance with NEPA requirements.

6. Provide technical assistance regarding preparation of environmental documentation including procedural requirements, format, baseline environmental conditions, data needs, potential impacts and mitigation/ monitoring alternatives.

7. Maintain a centralized file/archive of final environmental documents.

8. Conduct, coordinate or participate in public scoping meetings and hearings as a representative of the Installation Commander.

9. Prepare a Preliminary Assessment Review (PAR) for section 15, Environmental Analysis Data, (DD Form 1391) for all Major Military Construction projects.

10. Coordinate with the Staff Judge Advocate (SJA) for legal determinations and guidance relative to NEPA documentation.

11. Coordinate with cultural resources, NRD, and WMB for proposed Range projects that may affect these resource programs.

1.4 NEPA Environmental Engineer

The Fort Bragg NEPA Environmental Engineer(s) has the following responsibilities related to NEPA:

1. Coordinate NEPA review and project review milestones comments with all environmental program managers.

2. Review and forward consolidated Environmental Sustainment Division (ESD) comments to the Project Manager (PM) for any necessary action.

3. Maintain and implement the Fort Bragg NEPA mitigation monitoring program.

4. Implement and monitor the Fort Bragg Sustainable Project Rating Tool (SPiRiT)/Leadership in Energy and Environmental Design (LEED) program and work to incorporate this program into the NEPA analysis process.

5. Work to integrate Fort Bragg NEPA analysis and Environmental Management System (EMS)/Sustainability Management System (SMS) processes.

1.5 Project Manager (PM)

Project Managers are key to the NEPA review process, as they are the source of all design and construction information on the project to be assessed. They must provide the NEPA Environmental Engineer with four copies of the design sketches and drawings for review by the interdisciplinary review team made up of the Fort Bragg NEPA and environmental resource program staff (see Section 1.6). The PM takes action as necessary following receipt of consolidated review comments from Environmental Engineer.

Project Managers are responsible for projects from inception thru construction and completion of mitigation and monitoring.

1.6 Program Manager/Subject Matter Expert (SME) review and comments

Program Managers and Subject Matter Experts are responsible for reviewing all Fort Bragg major actions to ensure project compliance within their respective field of expertise and forward their comments to the NEPA Coordinator for consolidation. SMEs on the NEPA Team also facilitate any necessary coordination with federal, state and local agencies throughout the development of the NEPA documents to ensure compliance with environmental laws. The following subsections describe the primary resource programs that provide assistance and information to the NEPA process.

1.6.1 Water Management Branch

The Water Management Branch (WMB) conducts NEPA reviews concerning surface and stormwater protection. The Branch reviews and approves Sedimentation and Erosion Control plans regardless of project size to ensure they meet state and local requirements. The WMB also ensures Best Management Practices are implemented for all projects.

1.6.2 Natural Resource Division

- Conducts project plan review, NEPA document review, and interprets environmental laws and regulations with respect to Federal threatened and endangered (T&E) species protection and recovery, natural resource conservation, and wetlands protection, restoration, and mitigation in accordance with all DOD policies and regulations, as well as all applicable federal and state laws.

- Prepares and implements the Endangered Species Management Plan (ESMP), a species-specific plan that integrates landscape level, broad-based applied sustainable T&E management and recovery efforts across the installation to comply with all federal and state laws.

- Prepares and implements the Installation Natural Resources Management Plan (INRMP), a comprehensive integrated plan to implement sustainable natural resource programs on Fort Bragg and Camp Mackall in accordance with all applicable DOD policies and regulations, and federal and state laws.

- Responsible for conducting all Endangered Species Act (ESA) Section 7 consultations with the U.S. Fish and Wildlife Service (USFWS) for all major projects on the Installation that may impact T&E species. Maintains copies of all correspondence to/from USFWS related to these consultations.

- Responsible for conducting all Clean Water Act (CWA) Section 404/401 wetland consultation and permit actions with the U.S. Army Corps of Engineers (USACE), Wilmington District, and monitoring all wetland mitigation actions for projects on the Installation that may impact wetlands and streams. Maintains copies of all correspondence to/from USACE and permits related to these consultations.

- Provides NEPA coordinator with all appropriate ESA Section 7 and CWA Section 404/401 consultation documents and permits, as required for completing NEPA documentation and administrative records. These documents include copies of Biological Assessments (BA), USFWS Biological Opinions (BO), and any consultation letters sent to or received from either USFWS or the USACE, Wilmington District.

1.6.3 Cultural Resources Program

Cultural Resource Branch conducts NEPA review and interprets environmental laws and regulations, with respect to archeological sites, historical buildings, historic districts and viewshed considerations.

- Prepares the Integrated Cultural Resources Management Plan (ICRMP) to document current information and practices about the location and protection of important cultural resources on the installation. This is a comprehensive document for Cultural Resources Management on Fort Bragg which includes the standards for assessing proposed projects and their impact to cultural resources. For further information about the ICRMP please access the document via the Cultural Resources Management Program website at www.bragg.army.mil/culturalresources/.

- Is the liaison to the State Historic Preservation Office (SHPO) for compliance with Cultural Resources Laws, Federal Regulations, and Executive Orders.

- Provides NEPA Coordinator with a copy of the SHPO consultation letter in a timely manner as part of the administrative record.

1.6.4 Range Control

- Provides review of projects for consistency with Range Control Master Plan.
- Coordinates with NEPA Coordinator on training activities that may affect wildlife, forestry, wetlands, or cultural resources.
- Prepare the Range Control Master Plan to document the current information and practices about the location, appropriate uses, and management of the installation's training areas. This document also should list and describe the short- and long-term training area maintenance and development projects. This document thus would provide a consistent standard against which the proposed projects could be assessed for impacts on these training lands.

1.7 Staff Judge Advocate (SJA)

The SJA provides document review of the draft and final EAs, as well as legal interpretation of current regulations and laws governing the preparation of NEPA documents. Additionally, the SJA may provide assistance to the NEPA analysis team with determining the appropriate level of NEPA analysis necessary for a given project.

1.8 Garrison Commander

The Garrison Commander (GC) is the final signatory and approval authority for EA and EIS documents developed for Fort Bragg projects. Specifically, the commander signs the final FNSI and the draft and final EAs once each is completed.

2.0 NEPA Project Review and Management

Task:	NEPA Project Review and Management
Primary Responsibility:	NEPA Coordinator / NEPA Environmental Engineer
Secondary Responsibility:	Fort Bragg Subject Matter Experts
Time to Complete (per project):	Varies

2.1 Review of Work Orders and Other Projects by Program Managers

2.1.1 Purpose

To provide internal guidance and procedures for reviewing the environmental impacts of proposed projects and actions in compliance with the National Environmental Policy Act (NEPA); 32 CFR Part 651, Environmental Effects of Army Actions, and Regulation 200-1, Environmental Protection and Enhancement; applicable federal, state, and local environmental laws and regulations, and other laws and regulations that DPW has management responsibility for.

2.1.2 Objectives

- To establish procedures for ensuring that the environmental impacts of a proposed project or action are assessed in a comprehensive and timely manner.
- To ensure that required environmental documentation is identified, prepared, and submitted with other project documents during the decision making process.
- To ensure that any mitigation measures, required permits and other environmental concerns are identified and forwarded to the project proponent, manager or designer for action.
- To ensure that coordination and cooperation among program managers is identified and initiated
- Provide good customer support to project proponents by returning Environmental Sustainment Division and Natural Resources Division comments within 10 working days of the receipt of the project documents. Some deadlines may be longer or shorter depending on the needs of the proponent

2.1.3 Procedures

A flow chart depicting the general NEPA process is shown in Figure 1-1 (page 3).

2.1.4 Clearance Process

The Facility Management Division (FMD) work order section receives a work request from a customer (4283) the information is entered into the Integrated Facilities System (IFS) tracking system and this information is retrieved by the Work Coordination System (WCS) on a daily basis.

Prior to the NEPA coordinators receiving a work order via email, the work order section filters the work orders to only projects that require an environmental review. This is done using the ***Environmental Considerations Checklist*** developed by the NEPA coordinators (see sample checklist in Volume 2, Appendix A).

When a work order requires a NEPA review, a clearance request email (Figure 2-1) is sent directly to the NEPA coordinators, in turn, the coordinators have five days to clear the project so it may be sent to the assignment meeting.

Once the work order is received, the NEPA coordinator determines which appropriate Subject Mater Expert (SME) or Environmental Program Manager (EPM) is required to provide work order clearance comments. The NEPA coordinator selects the appropriate discipline in the WCS and forwards them an email for their action. After reviewing the work order information (i.e. linked folders of drawings, scope of work, specifications, etc…), the SME or EPM enters appropriate comments in the WCS Project Clearance Form (Figure 2-2).

Upon receipt of the of the clearance request, the SME or EPM review the proposed project for compliance with federal, state, and local environmental regulations, stewardship, and environmental impacts (including cumulative). Significant consideration should be given to sustaining the environment and identify specific ways to minimize, mitigate or avoid environmental impacts.

Project comments must be clear, concise and project specific. If a permit or survey is required, the comment should state what type permit or survey, name of the point of contact (POC) and phone number, who is responsible for obtaining or scheduling, cost (if not paid by DPW; in some cases the PM will have to build this cost into the project budget detailed on the DD 1391), lead time, and other relevant information.

Comments requiring other types of coordination (site visits, etc.) or requesting additional information should contain enough information so the project manager or proponent can coordinate with the SME or provide the appropriate information.

If the reviewer has no comments, the reviewer will enter the “no comment” into the WCS system so the NEPA coordinator knows the proposed project was reviewed by that resource program.

If the reviewer cannot make the requested suspense, notify (email) the NEPA coordinator so the project manager can be kept informed about any delays.

Once the environmental review is completed, the comments are then reviewed by the NEPA coordinator to determine what type of documentation (REC/EA), permit requirements, and regulatory compliance is required. To complete the clearance process, the NEPA coordinator updates the WCS and the NEPA Database on whether or not NEPA documentation is required.

Note: By conducting an environmental review of the proposed project early in the process, any additional coordination, mitigation, permits, or surveys that are required for the completion of the project can be identified, documented, funded, scheduled, and implemented.

Figure 2-1 WCS generated email of project requiring NEPA Clearance

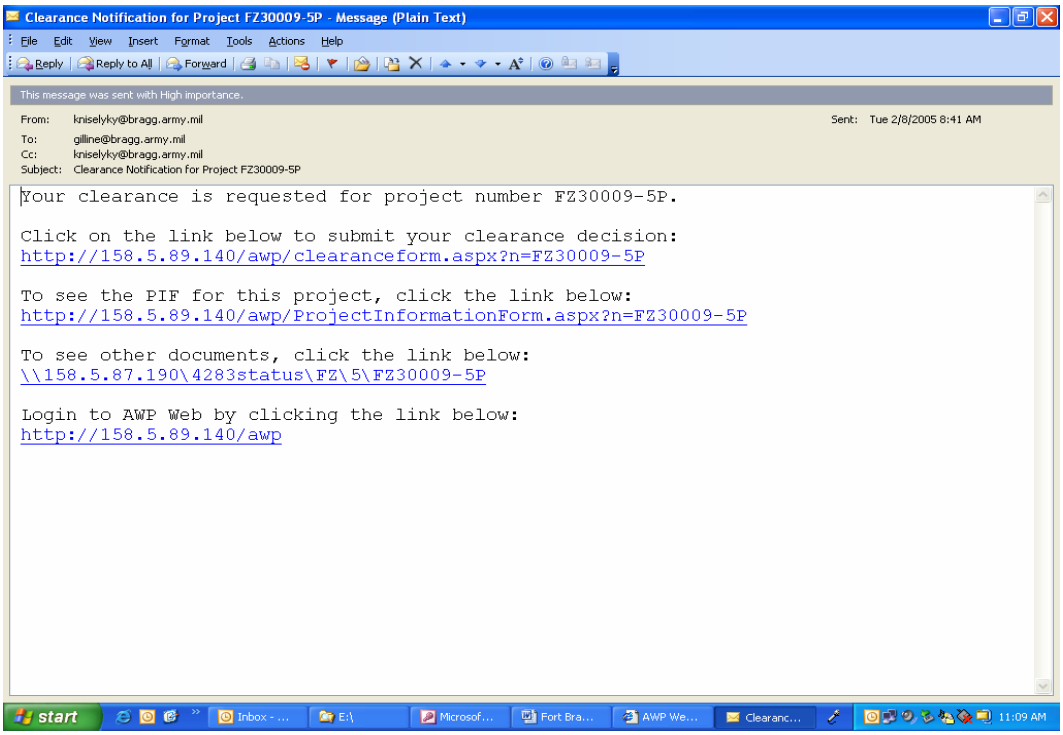
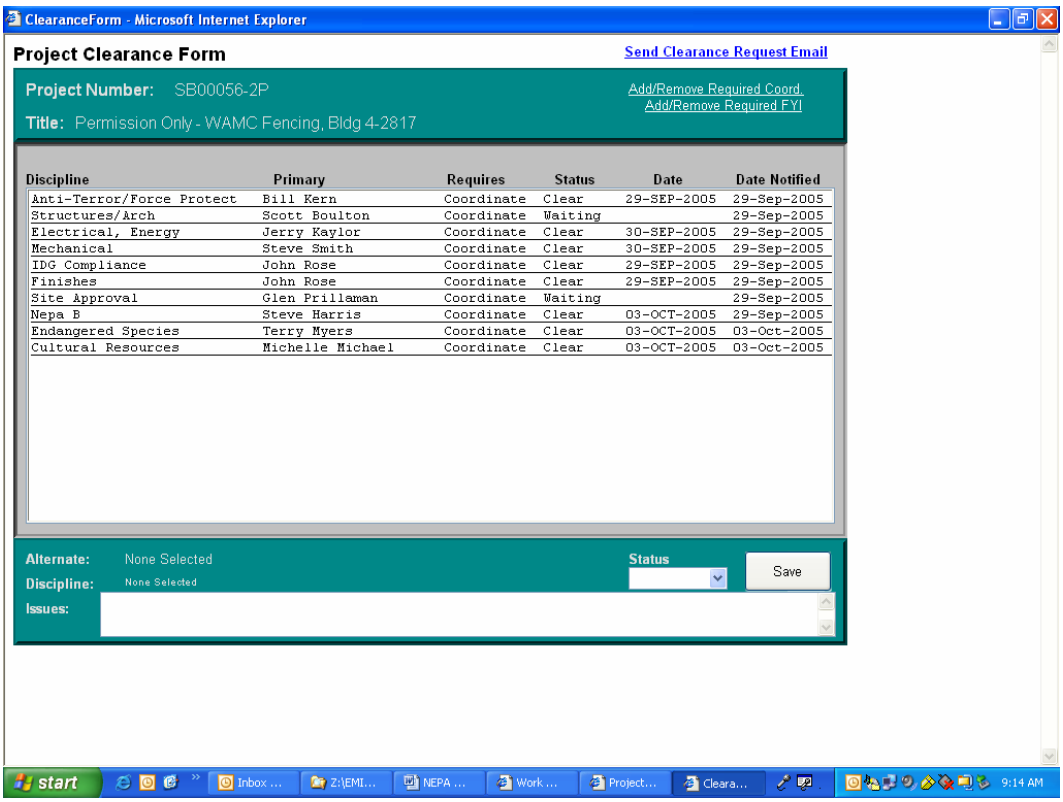


Figure 2-2 WCS Project Clearance Form



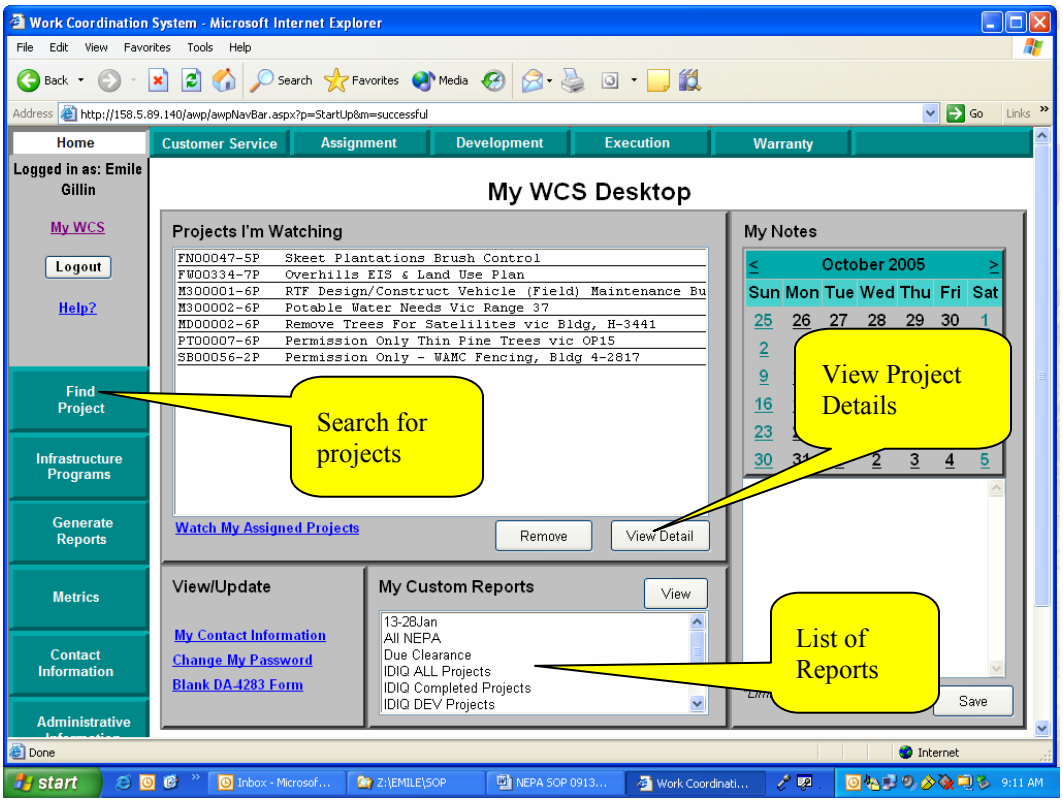
Discipline	Primary	Requires	Status	Date	Date Notified
Anti-Terror/Force Protect	Bill Kern	Coordinate	Clear	29-SEP-2005	29-Sep-2005
Structures/Arch	Scott Boulton	Coordinate	Waiting		29-Sep-2005
Electrical, Energy	Jerry Kaylor	Coordinate	Clear	30-SEP-2005	29-Sep-2005
Mechanical	Steve Smith	Coordinate	Clear	30-SEP-2005	29-Sep-2005
IDG Compliance	John Rose	Coordinate	Clear	29-SEP-2005	29-Sep-2005
Finishes	John Rose	Coordinate	Clear	29-SEP-2005	29-Sep-2005
Site Approval	Glen Prillaman	Coordinate	Waiting		29-Sep-2005
Nepa B	Steve Harris	Coordinate	Clear	03-OCT-2005	29-Sep-2005
Endangered Species	Terry Myers	Coordinate	Clear	03-OCT-2005	03-Oct-2005
Cultural Resources	Michelle Michael	Coordinate	Clear	03-OCT-2005	03-Oct-2005

2.1.5 Work Coordination System (WCS) Navigation

Upon receipt of email notification to clear a project, in order to update the WCS Clearance Form (Figure 2-2) the reviewer must be logged in to the WCS, otherwise updates will not be saved in the WCS.

After you log in to the WCS and you will be in My WCS Desktop screen (Figure 2-3, below). This screen is your homepage where you can view and follow the projects, search, design and review reports.

Figure 2-3 My WCS Desktop screen



In order to add comments to the Work Coordination System follow the procedures below. (Number corresponds to the WCS function).

(1) **CUSTOMER SERVICE—**allows viewing all the projects in the clearance stage.

(2) **VIEW DETAIL**—opens the **Project Detail Form** and allows you to view full detail of the work order.

(3) **PROJECT I'M WATCHING**—allows you to track projects on **My WCS Desktop Screen**

(4) **REQUIRES NEPA**—filled in by NEPA coordinators to determine if NEPA is required.

(5) **ADD NEW REMARKS**—opens a form to add your comments to the work order.

(6) **DATES**—allows NEPA coordinators to enter the REC/EA completed date.

(7) **CLOSE—**when finished selects this function to return to **My WCS Desktop Screen**

Figure 2-4 My WCS Desktop Form

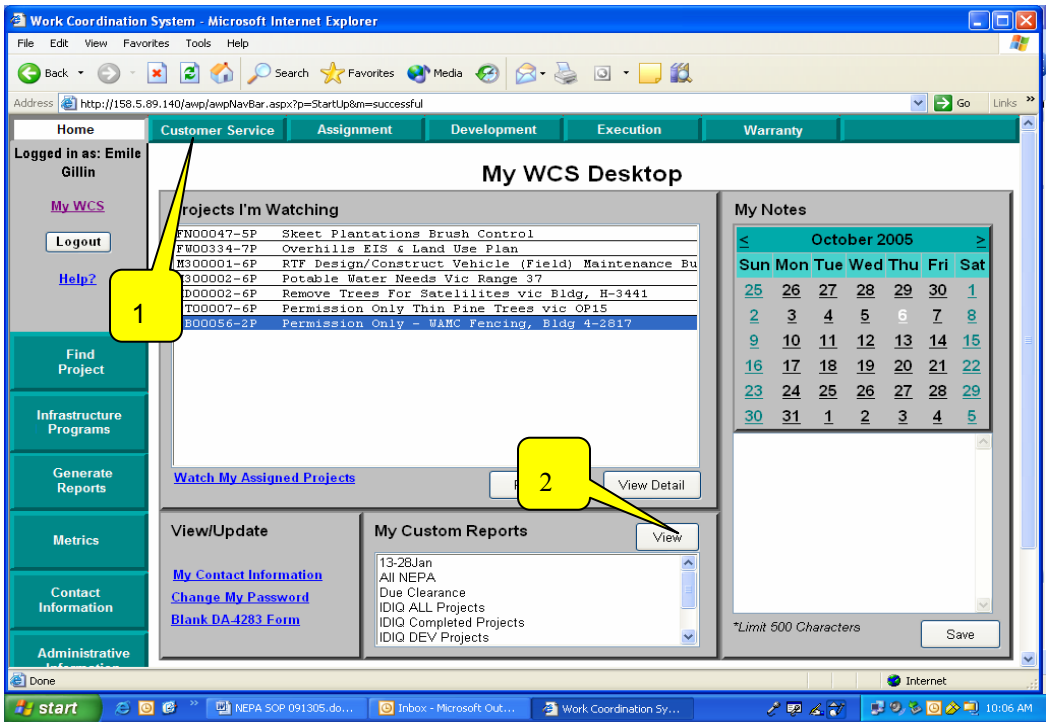
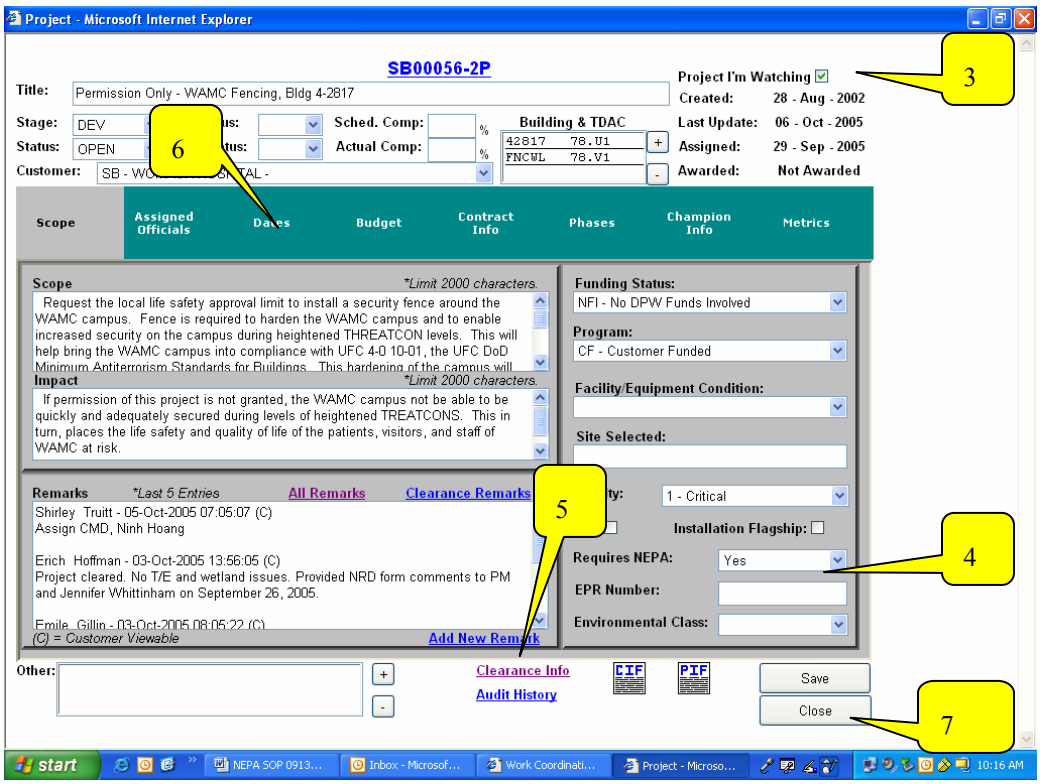


Figure 2-5 Project Detail Form



2.4 Screening Criteria for Routing Projects for Review

Note: These screening criteria is not necessarily all inclusive since regulations change or new situations arise.

2.4.1 Purpose

To aid NEPA coordinators in identifying program managers to review a project for environmental impacts. This helps the NEPA coordinator determine the level of NEPA documentation required.

2.4.2 Cultural Resources Management Program

Program Manager: Jeff Irwin, 6-6680 ext 360

- Cultural Resources: Michelle Michael or Heather McDonald, 6-6680 ext 343 / 396

Projects impacting archaeological sites or historic structures 45 years or older that have not been evaluated for the National Register of Historic Places. Structures include buildings, bridges, landscapes or other man-made objects.

Needs to see:

- Projects visible from a Historic District (in the viewshed)
- Projects within a historic district, including the Old Post Historic District, Overhills Historic District, and Simmons Army Airfield Historic District.
- Projects impacting buildings individually eligible for the National Register of Historic Places (including, but not limited to, Water Treatment Plant (V-3308, V-3912, V-3610, V-3911), Longstreet Presbyterian Church & Cemetery (O-9023), Sandy Grove Presbyterian Church & Cemetery (O-9008), Barber Steamship Company Hunting Lodge No . 2, Camp MacKall, (former) Bus Station (1-3151), CMTC Mess Hall Building (2-7502) (see also Building Status Excel file).
- Projects, such as tree removal, landscaping, exercise areas, parking lots, gazebos, etc., located near buildings or within districts that are eligible for inclusion in the National Register of Historic Places.
- Projects that involve the adaptive reuse, renovation, or rehabilitation of a historic building either individual or within a historic district
- Any ground disturbing activities in any area not currently inventoried for cultural resources under Section 110 of the National Historic Preservation Act.

Does not need to see:

- Ground altering projects in areas previously inventoried and cleared for archaeology
- Changes to structures/buildings less than 45 years old, unless in the Old Post Historic District

Table 2-1 Cultural Resources Permit Requirements

Permit Activity	Impact Threshold Criteria	Permit \ Consultation Required?	Considerations (I.e., permit type, cost. Time constraints, other)
SHPO Consultation	Undertaking (project) has the potential to impact a historic building, historic district, or eligible archaeological site.	Formal Letter to SHPO	Will need to include project description or scope of work, drawings, and photographs with formal letter. Minimum 30 day consultation period.
MOA with SHPO	Undertaking (project) will adversely impact a historic building, historic district, or eligible archaeological site.	Signatures Required	Will need to include all of the above in addition to a plan to mitigate the adverse effect. The MOA must be signed and mitigation complete and approved before proceeding with project. Minimum 6 month waiting period.

2.4.3 Natural Resources Division

Division Chief: Terry Myers, 6-2510

- Compliance Biologists, Erich Hoffman (6-2867) and Ginny Carswell, 7-3578
- Urban Forester, Lynette Simko, 7-3578

Endangered Species Branch:

- Branch Chief: Jackie Britcher 2-7781
- Botanist, Janet Gray, 2-7782, ext. 205

Needs to see any project that requires ground disturbance to include but not limited to:

- Projects that take place in or near reservoirs, creeks, drainages, or other bodies or water
- Sediment removal from an erosion control dams (for monitoring of amphibians)
- Downrange projects in previously undisturbed areas
- Projects or operations that could affect a threatened or endangered (T&E) species
- Any proposed activities within 200 feet of a Red Cockaded Woodpecker (RCW) cavity tree
- Projects affecting forest management, tree removal, timber harvesting and landscaping
- Projects taking place in the Green Belt
- Projects affecting wetland or within a 100 feet of a wetland
- Major training exercises occurring in RCW forage partitions

<u>Does not need to see:</u> Interior Renovation projects

Table 2-2 Natural Resources and Endangered Species Permit Requirements

Permit Activity	Impact Threshold Criteria	Permit Required?	Considerations (I.e., permit type, cost. Time constraints, other)
ESA Section 7 Informal USFWS Consultation Process	Project impacts not likely to adversely affect endangered species/endangered species habitat or projects affecting large patches of trees that are not in partitions.	Federal Regulator: USFWS concurrence through letter	**Minimum 30-day** USFWS review, letter sent to USFWS by Fort Bragg to document assessed impact levels to T&E species. USFWS replies with letter indicating concurrence/non-concurrence with Fort Bragg assessment and USFWS permission for project and conservation recommendations.
ESA Section 7 Formal USFWS Consultation Process	Project impacts may adversely affect endangered species/endangered species habitat (as determined by biological assessment (BA).	Federal Regulator: USFWS concurrence through Biological Opinion (BO)	30 days for USFWS to review Fort Bragg BA and prepare a BO. 45 days for action agency to review draft BO and submit comments to USFWS. USFWS then prepares final BO and submits it to Fort Bragg. **Total process time: 135 days.** USFWS BO will include Reasonable and Prudent Measures (RPMs) in addition to recommended conservation measures.
CWA Section 404/401 Permits ***No Permit needed***	Wetland impacts >0.1 acre or <150 linear feet of stream	A nationwide permit (NWP) or individual permit (IP) is not needed	Impacts to< 0.1acre require action agency (the Installation) to notify USACE explaining project scope and impact. No permit necessary, and no time requirement as no reply from USACE is required. In all cases, wetlands must be delineated by jurisdictional definition using 1987 USACE manual. The USACE will validate all Jurisdictional Determinations (JDs).

Permit Activity	Impact Threshold Criteria	Permit Required?	Considerations (I.e., permit type, cost. Time constraints, other)
CWA Section 401/404 Wetland ***Nationwide Permit Process***	Wetland impacts >0.1 but <0.5 acres, or > 150 linear feet of a stream	Nationwide Permit (NWP) required Section 401 water quality certification may be required depending on NWP conditions (i.e., permit will specify if water quality certification is needed)	The maximum acreage limit of most new and recently modified NWPs is 0.5 acres. However, any impact > 0.1 acre requires a NWP. Nation wide permits are activity specific, with terms and conditions to ensure that these activities result in minimal adverse effects on the aquatic environment. Most new NWP's require submission of a preconstruction notification (PCN), here in known as a PCN, for discharges of dredged or fill material resulting in the loss of greater than 1/10 of an acre of waters of the US. For NWP's 39, 40, 42, and 43 we have imposed a 300 linear foot limit for filing and excavating stream beds. New NWP general conditions limit activities in designated critical resource waters and fills in waters of the US within 100-year floodplains. NWP does still provide authorization process when compared to the standard permit process, because the Wilmington Corps of Engineers must reply to the applicant within 45 days of the receipt date for a complete PCN.
CWA Section 404/401 ***Individual Permit Process***	Wetland impacts >0.5 acres.	Individual Permit (IP) required Section 401 water quality certification is required by NC Dept. of Water Quality (NCDWQ)	Engineer form 4345 is required by the USACE when applying for an IP. There is a 100-day review period for IP applications, and requires a public review process. Also, the USACE must complete a separate NEPA EA for the project (may be incorporated by reference into the Installation EA on the project).

2.4.3 Environmental Compliance Branch (ECB)

Branch Chief: Christine Hull, 907-3214

2.4.3.1 Air Quality: Robert Hayden 432-8467 and Gary Cullen 907-3645

<u>Needs to see:</u>

- Spray gun painting, as a routine process.

- Sandblasting and shotblasting. Regardless of the size or duration of the project, there are air regulatory considerations.
- All boilers, new, replaced, removed or rebuilt,.
- New, replaced, removed or rebuilt incinerators.
- New, replaced, removed or rebuilt emergency electrical power generators, any size (need to know size in kilowatt (kW), location and fuel type).
- Permanent printing operations.
- The installation of any refrigeration or fire suppression systems containing greater than 50 pounds of ozone depleting substances (refrigerants). Refer all questions to the ECB Air Program Manager.
- Any proposed waste disposal involving burning. The open burning of construction debris is prohibited in North Carolina.
- For further information on permits, see 'Permit Considerations,' below.

<u>Does not need to see:</u>

- Spot-painting and occasional maintenance painting, as well as painting structures (buildings).
- Hot water heaters (less than 120 GL, and less than 160 PSIG)
- Obscurants for training
- Prescribed burning in woodlands (addressed by Natural Resources Division)
- Painting of items as part of normal maintenance, to include aerosol can touch-up painting

<u>Permit Considerations:</u>

- If a new emissions source requires inclusion on the Fort Bragg Air Permit, the process can take six to nine months. Construction of the source may not begin, or a pre-built source (such as a generator) may not be installed, until a permit is issued.
- Permitting applicability of an emissions source depends on type of emissions, size, fuel combusted, coatings used, and much more. Refer all questions to the ECB Air Program Manager. Permitting thresholds for some common sources are listed below:
- Emergency Generators: All proposed new generators must be reported. They must be applied for (permitted) if: (a) diesel and greater than 590 kW; (b) natural gas greater than 680 kW; (c) liquid propane gas (LPG) greater than 1,800 kW.
- Boilers. All boilers (not residential-scale hot water heaters) must be reported. They must be applied for (permitted) if: (a) oil-fired and greater than 2.5 mm British thermal units per hour (BTU/hr); (b) natural gas greater than 10 mm Btu/hr.
- Additionally, the construction or installation of a group of emission sources, even if individually below the permit threshold, may also require permitting. Refer all questions to the ECB Air Program Manager.

2.4.3.2 Asbestos: Gary Cullen, 907-3645

Needs to see:

Any projects involving building demolition or renovation, or any building projects that would involve structural or physical changes to the building including the removal or repair of HVAC systems. In addition, if any projects involve the disturbance of the following materials, please notify the asbestos program manager.

- Steam pipes, boilers, and furnace ducts and chiller pipe insulation
- Resilient floor tiles (vinyl asbestos, asphalt, and rubber), vinyl sheet flooring, and adhesives
- Cement sheet, millboard, and paper used as insulation around furnaces and wood burning stoves.
- Door gaskets in furnaces, wood stoves, and coal stoves.
- Soundproofing or decorative material sprayed on walls and ceilings.
- Patching and joint compounds for walls and ceilings, and textured paints, putty and caulk.
- Asbestos cement roofing, shingles, and siding.
- Artificial ashes and embers fireproof gloves,
- Automobile brake pads and linings, clutch facings, and gaskets.
- Ceiling tile, blown-in insulation, fire curtains, electrical cloth
- Replacement of exterior water lines

Does not need to see:

- Projects where only painting, landscaping, or non-structural work is involved.
- New construction (no demolition involved)

Once the asbestos program manager is notified of a project that may disturb suspect asbestos containing building materials (ACBM), an inspection of the building will be performed to include sampling and laboratory analysis of ACBM. The costs for performing the lab analysis are contingent on the availability of funds. If a life, health, safety justification is submitted by the project manager this will help support the cost justification for the sampling and analysis.

Permit Considerations:

- If the above referenced inspection results indicate the presence of ACBM and the amount of asbestos to be disturbed is **less than** 35 cubic feet, 160 square feet, or 260 linear feet, please contact the DPW asbestos abatement staff at 432-7375. The asbestos will be abated depending on the crew's availability.
- If the above referenced inspection results indicate the presence of ACBM and the amount of asbestos to be disturbed is **more than** 35 cubic feet, 160 square feet, or 260 linear feet, but less than 656 cubic feet, 1500 linear feet, or 3000 square feet, an asbestos removal permit must be

obtained from the North Carolina Division of Health Hazards Control. The turn around time for the state to process a submitted application form for a permit is up to 10 working days. In addition, ambient air sampling and clearance air sampling must be scheduled and performed by a North Carolina qualified and certified person in association with this project. The costs for the permit depend on the type and amount of ACBM to be removed and the availability of funds. Please contact the DPW asbestos abatement staff at 432-7375.The asbestos will be abated depending on the crew's availability.

- If the above referenced inspection results indicate the presence of ACBM and the amount of asbestos to be disturbed is **more than** 656 cubic feet, 3000 square feet, or 1500 linear feet, an asbestos removal permit must be obtained from the North Carolina Division of Health Hazards Control. The turn around time for the state to process a submitted application form for a permit is up to 10 working days. In addition, ambient air sampling and clearance air sampling must be performed by a North Carolina qualified and certified person in association with this project. The costs for the permit depend on the type and amount of ACBM to be removed and the availability of funds. Because of the size and potential complexity of this type of job, an abatement design must be performed by a North Carolina accredited designer. In addition, the project manager should consider whether to use in house versus contracted services based on the resources available to him/her.

- Please call the asbestos program manager if there are questions regarding permitting issues.

2.4.3.3 Lead Based Paint: Danny Terry, 396-7432

Needs to see:

- Projects involving demolition, repair, renovation or maintenance of painted building materials in structures.

Does not need to see:

- Projects where only nailing, drilling small holes, etc is involved
- Small-scale projects that involve only replacement of doors (exterior, interior or overhead), windows, or light fixtures
- Installation of swamp coolers or window air conditioners
- New construction (no demolition involved)

2.4.3.4 Hazardous Waste: Wilfredo Rivera, 6-2295

Needs to see:

Any projects involving renovation, repair and new construction of buildings and facilities. Any projects that require the managing of regulated waste during contractors operations and/or waste generation through the phases of the construction. Notify the management of hazardous waste and materials to the project manager.

- Petroleum, oils and Lubricants
- Fluorescent lamps and ballasts (possible contamination due to lamps containing mercury [LCM] or polychlorinated biphenyl [PCBs])

- Projects involving disposal of potential hazardous materials or waste, usually contracts
- Projects that cite deficiencies from environmental inspections as a justification to do the project.
- Projects that require the manifesting of hazardous waste and non-hazardous waste off post
- Projects that are designed to ultimately generate hazardous and non-hazardous waste (i.e. maintenance shops, etc.)

2.4.3.5 Installation Restoration Program: Ed Schwacke, 2-8470

Needs to see:

- All sighting issues related to any project regardless of cost.
- Projects built on or near closed landfills, motor pools, industrial wastewater treatment plant, sewage treatment plant, new central wash rack, or other installation restoration projects (Solid Waste Management Units [SWMU]). SWMU sites with Land Use Controls (LUCs) cannot be constructed upon or used for recreational uses. LUCs are recorded in the Base Master Plan.
- Projects or digging near groundwater monitoring wells (usually near SWMUs).
- Construction on site that involved excavating or digging into soil
- Earth moving or disposal of dirt

2.4.3.6 Underground Storage Tanks (USTs)/Above-ground Storage Tanks (ASTs): Ed Schwacke, 432-8470

Need to see:

- All sighting issues related to any project regardless of cost.
- Projects in motor pools, especially involving hazardous waste, material or petroleum/oil/lubricant (POL) disposal or storage (i.e. work on POL storage area)
- Projects involving the installation or removal of emergency generators on Fort Bragg or PCMS
- Projects involving the replacement of heating fuel with natural gas, hot water, or steam
- Projects involving the upgrading or installation of new fuel facilities on Fort Bragg.
- Removal, repair or maintenance of USTs/ASTs
- Moving or installing new ASTs
- Projects involving grease racks/washracks/oil water separators (OWS).
- Projects taking place in the vicinity of USTs or former UST sites.
- Demolition projects involving removal of Real Property (e.g. USTs, OWS, washracks, or ASTs).

Note: No new USTs, will be installed on Fort Bragg by order of the GC.

Table 2-3 ASTs/IRPs Permit or Consultation Requirements

Permit Activity	Impact Threshold Criteria	Permit Required	Considerations (i.e., permit type, cost. Time constraints, other)
ASTs	If the total capacity of oil stored within the facility exceeds 16K gallons	AST permit	3 to six weeks for paperwork to be processed by NCDENR, site map and tank information required for permit application. The ECB will generate the application after documentation is provided by installing activity.
IRP	Any construction or intrusive activities adjacent to a Solid Waste Management Unit, includes OWS and wash racks. SWMU sites with LUCs cannot be constructed or trespassed upon.	Letter to NCDENR	NCDENR must provide a letter through the IRP program approving work. Ed Schwacke will draft and send the letter through GC requesting permission.

2.4.3.7 Waste/Drinking Water: Lynn Vaughan, 907-2419

Needs to see:

- Projects in motor pools, especially involving hazardous waste, material or POL disposal or storage (i.e. work on POL storage area)
- Projects that involve discharge into a drain, drainage, or sewage system or other body of water
- Development of waste water or sewage disposal system
- Modification or installation of plumbing systems, upgrades -especially drinking water or sewage connections
- Projects that may add to water demand- showers, toilets, urinals, etc., or use of wells downrange that may impact water rights
- Any project that requires construction dewatering
- Any project involving a requirement for a spill plan by a contractor - use of hazardous materials

Does not need to see:

- Projects for routine drainage repair (i.e. around buildings)

Table 2-4 Water Permit Requirements

Permit Activity	Impact Threshold Criteria	Permit Required?	Considerations (i.e., permit type, cost. Time constraints, other)
Sewer Extension 15A NCAC 2H .0217(a)(3)	1. Single building with two or more building drains that join beyond 10 feet outside the building wall. 2. Two separate buildings with a single building drain that joins together. 3. Single structure separated by a 4hr. fire wall. 4. Single building with multiple drains connected into one sewer line beyond the 10 foot boundary. 5. A single building sewer that traverses over adjoining property. 6. a single building sewer that travels along any street, road or highway right of way 7. any construction of pump stations	Yes Yes Yes Yes Yes Yes Yes	Wastewater Collection System Extension permit, must be obtained BEFORE construction begins. Application may be obtained on-line through the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains. Permit application approval is based on the certification provided by the NC licensed Professional Engineer named in the application. The certification of completion must be signed and stamped by the Professional Engineer named in the permit.

Permit Activity	Impact Threshold Criteria	Permit Required?	Considerations (i.e., permit type, cost. Time constraints, other)
Water extensions	Intentions to construct, alter, or expand a community or non-transient non-community water system requires written notice via application for approval of plans and specifications for a water supply system.	yes	Water Extension application, plans, specifications, reports or other applicable data must be submitted in triplicate for review by the Public Water supply Section, Division of Environmental Health, 1634 Maul Service Center, Raleigh, NC 27699-1634 before construction begins. You may obtain this form from the web http://www.deh.enr.state.nc.us/pws/PlanReview/ApplicationForApproval.pdf Rule .0301 - .0308 and .0901 - .0908 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A..18C.0301-0308 and T15A. 18C.0901 -.0908) gives guidance as to what is needed. Fort Bragg's Water System Management Plan (WSMP) #00-01779 is on file with NCDENR and can be used in lieu of completing another.
Septic Tanks	Before construction you must contact the County Health Department in the county that the septic tank is to be installed. They will give you guidance as to whether you must submit an application for a permit	Possibly	Permits are needed for any proposed site for a residence, place of business, or place of public assembly in an area not served by an approved wastewater system and must be obtained before construction begins. Permits are valid without expiration for a plat, and are valid for five years for a site plan. Request a County Health Department Application for Improvement Permit and/or Authorization to Construct. Guidelines for in Section .1900 - .1968 of Title 15A Subchapter 18A of the North Carolina Administrative Code.

2.4.3.8 Solid Waste: Sid Williamson 396-3372/977-2502, Tim Nance 396-5323

Need to see:

- Demolition projects
- Renovation projects
- Asbestos generating projects
- Tree removal projects

Table 2-5 Solid Waste Permit Requirements

Permit Activity	Impact Threshold Criteria	Permit Required?	Considerations (i.e., permit type, cost. Time constraints, other)
Landfill Disposal Permit	Permit to enter the landfill to dispose of solid waste	Required by the Solid Waste Program, Environmental Sustainment Division, DPW	- Obtain Landfill Disposal Permit from the Solid Waste Program, Environmental Compliance Branch, Environmental Sustainment Division, DPW

2.4.4 Water Management Branch

Branch Chief, Craig Lantz 396-2301

- Erosion Control and Stormwater Management, Lee Ward 396-2301 ext 218
- Oil/Water Separators, Herman Crawford 396-2301 ext. 220

Needs to see

- All construction/demolition projects that involve ground disturbing activities
- Projects that involve the replacement of existing infrastructure or utilities
- Projects that involve discharge into a drain, drainage, or sewage system or other body of water
- Projects involving paving of parking areas
- Construction taking place in a flood plain
- Projects in motor pools where oil/water separators exist
- All new projects that involve the installation of an oil/water separator

Does not need to see

- Projects involving interior construction

Table 2-6 Erosion Control, Grit Chamber, and Oil Water Separator Permit or Consultation Requirements

Permit Activity	Impact Threshold Criteria	Permit Required?	Considerations (i.e., permit type, cost. Time constraints, other)
Land disturbing activity	Land disturbing activities one acre and above	North Carolina Erosion & Sediment Control Plan	- Review fee = 50$/acre - 30 day review period - Expires after 3 years
Land disturbing activity	Land disturbing activities one acre and above	National Pollution Discharge Elimination System	- Receipt upon approval of erosion control plan - 30 day review period

2.4.5 Range Control

All project review comments and activities for range control projects will be done by the respective resource SMEs. Range Control staff will not have an active role in the NEPA or project review processes except to provide information about the range projects being reviewed and range management issues.

2.5 Project Review and Management

Project review under NEPA is a detailed evaluation of proposed architectural/engineering designs for construction to ensure that all preventive and/or corrective measures where the total environment are concerned. NEPA project review includes federal, state and local regulatory issues and provides instruction for any mitigation identified. The following is the Fort Bragg NEPA project review process:

1. PMs deliver project submittals accompanied with a both a written request for technical review and the Environmental PM/A&E Questionnaire to the NEPA Environmental Engineer (EE), Jennifer Whittinham, Bldg. 3-1137.

2. NEPA EE logs project submittals into NEPA database and log book.

3. NEPA EE reviews submittals to determine which SMEs are appropriate reviewers as well as the applicability to the SPiRiT/LEED requirement. NEPA EE ensures Environmental Questionnaire is adequately completed by the PM/A&E for each project submittal, prior to distribution to SMEs.

4. The NEPA EE then distributes project to appropriate SMEs for their specific review and comments. The Environmental Questionnaire is addressed by each Envrionmental/Natural Resources Program Manager within five (5) working days of the submittal, regardless of stage of project completion. An Environmental Checklist is then returned to the PM within 5 days of the planning charette or design submittal. That checklist is a multi media punch list of all regulatory and Fort Bragg requirements. The master questionnaire and checklist are kept in the NEPA EE project folder. These review comments are returned to PM within ten (10) working daysand stored in the NEPA database and project folder.

5. Additionally, a decision is made by NEPA Coordinators during the clearance and assignment process to determine the level/type of NEPA analysis required.

6. NEPA EE reviews submittals for SPiRiT/LEED requirements, as needed.

7. NEPA EE receives/compiles SME review comments and logs them into the NEPA database. Compiled comments are returned to PM and added to project folder.

8. NEPA EE attends project meetings and repeats Steps 1-6 for each subsequent submittal.

9. NEPA analysis is performed by appropriate NEPA analyst

    a. Mitigation requirements are identified, if any, and added to NEPA analysis document

    b. If needed, mitigation monitoring plan is developed (see Section 6.0)

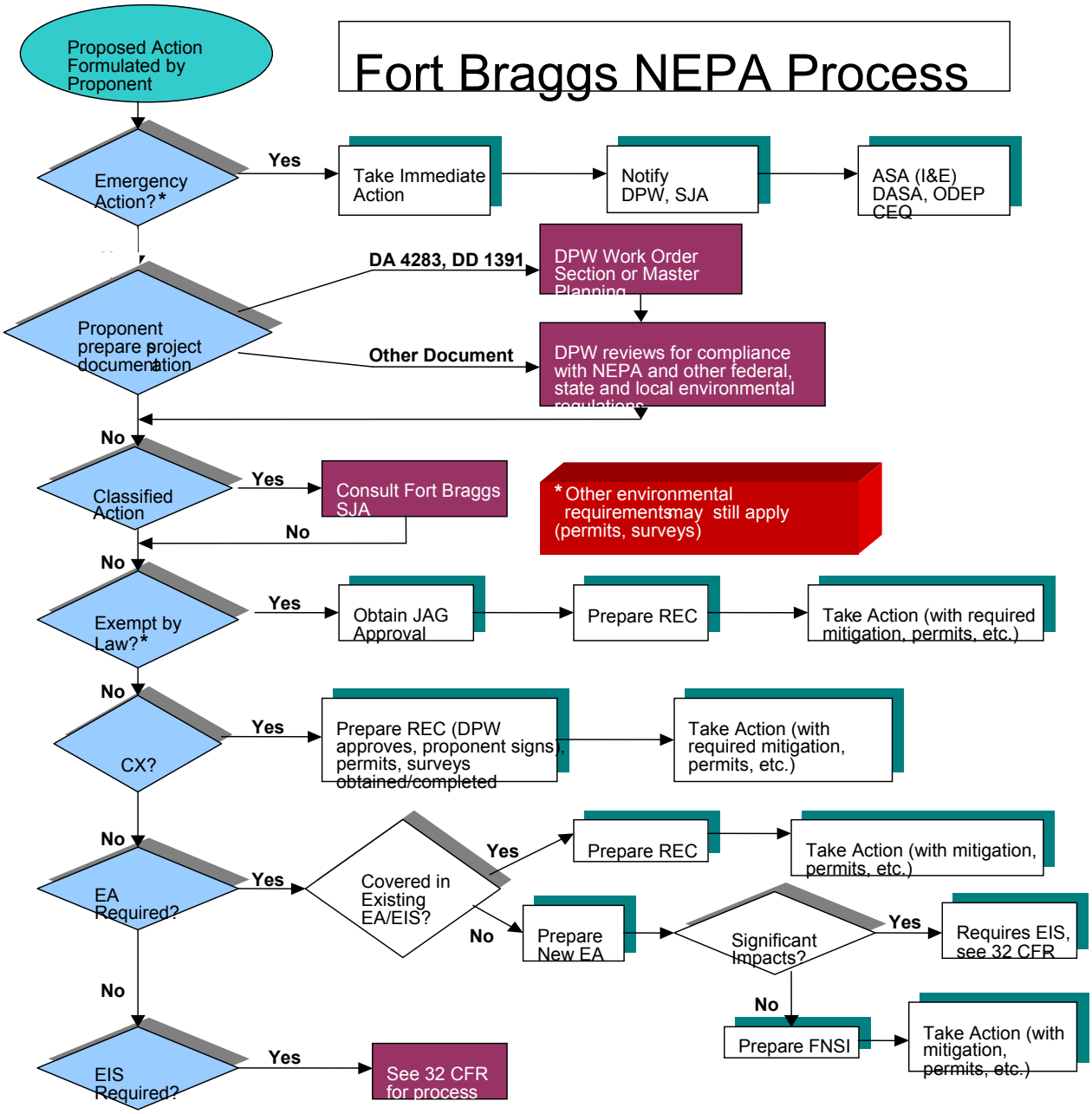
10. NEPA EE validates all project management checklist requirements have been completed.

11. NEPA EE delivers final NEPA analysis document in a signed and dated portable document format (i.e., Adobe PDF file) to PM and explains all necessary mitigation activities required for project to proceed.

12. NEPA EE prepares project administrative record and archives files.

Figure 2-6 Flowchart of NEPA Process

Flow chart summarizing the process for determining NEPA document requirements



Acronyms used:

ASA(I&E)	Assistant Secretary of the Army for Installations and Environment
DASA	Deputy Assistant Secretary of the Army
FNSI	Finding of No Significant Impact
JAG	Judge Advocate General
ODEP	Office of the Deputy of Environmental Programs (Army)
REC	Record of Environmental Consideration
SJA	Staff Judge Advocate

3.0 Record of Environmental Consideration

Task:	Preparation of NEPA Record of Environmental Consideration (REC)
Primary Responsibility:	NEPA Coordinator
Secondary Responsibility:	Fort Bragg Subject Matter Experts
Time to Complete (per project):	Varies; generally 2-4 weeks per project.

A Record of Environmental Consideration (REC) is a signed statement submitted with project documentation that briefly documents that an Army action has received environmental review. RECs are prepared for categorical exclusions (CXs) that require them, and for actions covered by existing or previous NEPA documentation. A REC briefly describes the proposed action and timeframe, identifies the proponent and approving official(s), and clearly shows how an action qualifies for a CX, or is already covered in an existing EA or EIS. When used to support a CX, the REC must address the use of screening criteria to ensure that no extraordinary circumstances or situations exist. A REC has no prescribed format, as long as the above information is included. To reduce paperwork, a REC can reference such documents as real estate Environmental Baseline Studies (EBSs) and other documents, as long as they are readily available for review. While a REC may document compliance with the requirements of NEPA, it does not fulfill the requirements of other environmental laws and regulations.

3.1 Description and Actions requiring an REC

This section covers the specific requirements for the development process and content of Records of Environmental Consideration (REC) prepared by the Director of Public Works Environmental Management Branch, Fort Bragg, NC. The Department of Army requirements for the purpose and content of the Record of Environmental Consideration provided in Army Regulation 200-2 “Environmental Analysis of Army Actions” (as documented in 32 CFR Part 651).

3.1.1 What are Categorical Exclusions?

The CXs are those actions identified by the Department of the Army (DA) as having no individual or cumulative effect on the human or the natural environment, and for which neither an EA nor an EIS is required. The use of a CX is intended to reduce paperwork and eliminate delays in the initiation and completion of proposed actions that have no significant impact. RECs prepared by the NEPA team will be no more than three (3) pages including a GIS map of spatial data.

3.1.2 CX Screening Criteria

(a) To use a CX, the project must satisfy the following three screening conditions:

(1) The action has not been segmented. Determine that the action has not been segmented to meet the definition of a CX. Segmentation can occur when an action is broken down into small parts in order to avoid the appearance of significance of the total action. An action can be too narrowly defined, minimizing potential impacts in an effort to avoid a higher level of NEPA documentation. The scope of an action must include the consideration of connected, cumulative, and similar actions (see Sec. 651.51(a)).

(2) No exceptional circumstances exist. Determine if the action involves extraordinary circumstances that would preclude the use of a CX (see paragraphs (b) (1) through (14) of this section).

(3) One (or more) CX encompasses the proposed action. Identify a CX (or multiple CXs) that potentially encompasses the proposed action. If no CX is appropriate, and the project is not exempted by statute or emergency provisions, an EA or an EIS must be written.

3.1.3 List of Current CXs

Before any CXs can be used, the NEPA team will use the Screening Criteria, referenced in 32 CFR 651.29. This section of the CFR is provided below for additional reference.

(a) For convenience only, the CXs are grouped under common types of activities (for example, administration/ operation, construction/demolition, and repair and maintenance). Certain CXs require a REC, while others do not. To answer a common question posed by PMs and the Installation SMEs, the CX list includes the notation of whether or not the CX requires a REC. RECs will be drafted with comments and information from the interdisciplinary team, completed by the NEPA team and signed by the proponent. Concurrence on the use of a CX is required from the appropriate environmental coordinator (EC), and that signature is required on the REC.

(b) Administration/operation activities:

(1) Routine law and order activities performed by military/military police and physical plant protection and security personnel. This also includes civilian natural resources and environmental law officers. (REC not required)

(2) Emergency or disaster assistance provided to federal, state, or local entities (REC required).

(3) Preparation of regulations, procedures, manuals, and other guidance documents that implement, without substantive change, the applicable Headquarters Department of the Army (HQDA) or other federal agency regulations, procedures, manuals, and other guidance documents that have been environmentally evaluated (subject to previous NEPA review). (REC not required)

(4) Proposed activities and operations to be conducted in an existing non-historic structure which are within the scope and compatibility of the present functional use of the building, will not result in a substantial increase in waste discharged to the environment, will not result in substantially different waste discharges from current or previous activities, and emissions will remain within established permit limits, if any (REC required).

(5) Normal personnel, fiscal, and administrative activities involving military and civilian personnel (recruiting, processing, paying, and records keeping) (REC not required).

(6) Routinely conducted recreation and welfare activities not involving off-road recreational vehicles (REC not required).

(7) Deployment of military units on a temporary duty (TDY) or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission (REC not required).

(8) Preparation of administrative or personnel-related studies, reports, or investigations. (REC not required)

(9) Approval of asbestos or lead-based paint management plans drafted in accordance with applicable laws and regulations (REC required).

(10)Non-construction activities in support of other agencies/organizations involving community participation projects and law enforcement activities (REC not required).

(11)Ceremonies, funerals, and concerts. This includes events such as state funerals, to include flyovers (REC not required)

(12)Reductions and realignments of civilian and/or military personnel that: fall below the thresholds for reportable actions as prescribed by statute (10 U.S.C. 2687) and do not involve related activities such as construction, renovation, or demolition activities that would otherwise require an EA or an EIS to implement (REC required). This includes reorganizations and reassignments with no changes in force structure, unit re-designations, and routine administrative reorganizations and consolidations (REC required).

(13)Actions affecting Army property that fall under another federal agency's list of categorical exclusions when the other federal agency is the lead agency (decision maker), or joint actions on another federal agency's property that fall under that agency's list of categorical exclusions (REC required).

(14)Relocation of personnel into existing federally-owned or commercially-leased space, which does not involve a substantial change in the supporting infrastructure (for example, an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase is an example of substantial change) (REC required).

(c) Construction and demolition:

(1) Construction of an addition to an existing structure or facility, and new construction on a previously developed site or on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).

(2) Demolition of non-historic buildings, structures, or other improvements and disposal of debris there from, or removal of a part thereof for disposal, in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazard items (REC required).

(3) Road or trail construction and repair on existing rights-of-ways or on previously disturbed areas (REC not required)

(d) Cultural and natural resource management activities:

(1) Land regeneration activities using only native trees and vegetation, including site preparation. This does not include forestry operations (REC required).

(2) Routine maintenance of streams and ditches or other rainwater conveyance structures (in accordance with USACEs permit authority under Section 404 of the Clean Water Act and applicable state and local permits), and erosion control and stormwater control structures (REC required).

(3) Implementation of hunting and fishing policies or regulations that is consistent with state and local regulations (REC not required).

(4) Studies, data collection, monitoring and information gathering that do not involve major surface disturbance. Examples include topographic surveys, bird counts, wetland mapping, and other resources inventories (REC required).

(5) Maintenance of archaeological, historical, and endangered/threatened species avoidance markers, fencing, and signs (REC not required).

(e) Procurement and contract activities:

(1) Routine procurement of goods and services (complying with applicable procedures for sustainable or ``green'' procurement) to support operations and infrastructure, including routine utility services and contracts (REC not required).

(2) Acquisition, installation, and operation of utility and communication systems, mobile antennas, data processing cable and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities (REC required).

(3) Conversion of commercial activities under the provisions of AR 5-20. This includes only those actions that do not change the actions or the missions of the organization or alter the existing land-use patterns (REC not required).

(4) Modification, product improvement, or configuration engineering design change to materiel, structure, or item that does not change the original impact of the materiel, structure, or item on the environment (REC required).

(5) Procurement, testing, use, and/or conversion of a commercially available product (for example, forklift, generator, chain saw, etc.) which does not meet the definition of a weapon system (part 15, DODI 5000.2), and does not result in any unusual disposal requirements (REC not required).

(6) Acquisition or contracting for spares and spare parts, consistent with the approved Technical Data Package (TDP) (REC not required).

(7) Modification and adaptation of commercially available items and products for military application (for example, sportsman's products and wear such as holsters, shotguns, side arms, protective shields, etc.), as long as modifications do not alter the normal impact to the environment (REC required).

(8) Adaptation of non-lethal munitions and restraints from law enforcement suppliers and industry (such as rubber bullets, stun grenades, smoke bombs, etc.) for military police and crowd control activities where there is no change from the original product design and there are no unusual disposal requirements. The development and use by the military of non-lethal munitions and restraints which are similar to those used by local police forces and in which there are no unusual disposal requirements (REC required).

(f) Real estate activities:

(1) Grants or acquisitions of leases, licenses, easements, and permits for use of real property or facilities in which there is no significant change in land or facility use. Examples include, but are not limited to, Army controlled property and Army leases of civilian property to include leases of training, administrative, general use, special purpose, or warehouse space (REC required).

(2) Disposal of excess easement areas to the underlying fee owner (REC required).

(3) Transfer of real property administrative control within the Army, to another military department, or to other federal agency, including the return of public domain lands to the Department of Interior, and reporting of property as excess and surplus to the General Services Agency (GSA) for disposal (REC required).

(4) Transfer of active installation utilities to a commercial or governmental utility provider, except for those systems on property that has been declared excess and proposed for disposal (REC required).

(5) Acquisition of real property (including facilities) where the land use will not change substantially or where the land acquired will not exceed 40 acres and the use will be similar to current or ongoing Army activities on adjacent land (REC required).

(6) Disposal of real property (including facilities) by the Army where the reasonably foreseeable use will not change significantly (REC required).

(7) Acquisition of land for restoration of off-post contamination, in accordance with Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) (REC required).

(g) Repair and maintenance activities:

(1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities. Examples include, but are not limited to: removal and disposal of asbestos-containing material (for example, roof material and floor tile) or lead-based paint in accordance with applicable regulations; removal of dead, diseased, or damaged trees; and repair of roofs, doors, windows, or fixtures (REC required for removal and disposal of asbestos containing material and lead-based paint or work on historic structures).

(2) Routine repairs and maintenance of roads, trails, and firebreaks. Examples include, but are not limited to: grading and clearing the roadside of brush with or without the use of herbicides; resurfacing a road to its original conditions; pruning vegetation, removal of dead, diseased, or damaged trees and cleaning culverts; and minor soil stabilization activities (REC not required).

(3) Routine repair and maintenance of equipment and vehicles (for example, autos, tractors, lawn equipment, military vehicles, etc.) except depot maintenance of military equipment, which is substantially the same as that routinely performed by private sector owners and operators of similar equipment and vehicles (REC not required).

(h) Hazardous materials/hazardous waste management and operations:

(1) Use of gauging devices, analytical instruments, and other devices containing sealed radiological sources; use of industrial radiography; use of radioactive material in medical and veterinary practices; possession of radioactive material incident to performing services such as installation, maintenance, leak tests, and calibration; use of uranium as shielding material in containers or devices; and radioactive tracers (REC required).

(2) Immediate responses in accordance with emergency response plans (for example, Spill Prevention Control and Countermeasure Plan (SPCCP)/Installation Spill Contingency Plan (ISCP), and Chemical Accident and Incident Response Plan) for release or discharge of oil or hazardous materials/substances; or emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Unit (REC not required).

(3) Sampling, surveying, well drilling and installation, analytical testing, site preparation, and intrusive testing to determine if hazardous wastes, contaminants, pollutants, or special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance) are present (REC required).

(4) Routine management, to include transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, radiological and special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance), and/or hazardous waste that complies with EPA, Army, or other regulatory agency requirements. This CX is not applicable to new construction of facilities for such management purposes (REC not required).

(5) Research, testing, and operations conducted at existing enclosed facilities consistent with previously established safety levels and in compliance with applicable federal, state, and local

standards. For facilities without existing NEPA analysis, including contractor-operated facilities, if the operation will substantially increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.

(6) Reutilization, marketing, distribution, donation, and resale of items, equipment, or materiel; normal transfer of items to the Defense Logistics Agency. Items, equipment, or materiels that have been contaminated with hazardous materials or wastes will be adequately cleaned and will conform to the applicable regulatory agency's requirements (REC not required).

(i) Training and testing:

(1) Simulated war games (classroom setting) and on-post tactical and logistical exercises involving units of battalion size or smaller, and where tracked vehicles will not be used (REC required to demonstrate coordination with installation range control and environmental office).

(2) Training entirely of an administrative or classroom nature (REC not required).

(3) Intermittent on-post training activities that involve no live fire or vehicles off established roads or trails. Uses include, but are not limited to, land navigation, physical training, Federal Aviation Administration (FAA) approved aerial overflights, and small unit level training (REC not required).

(4) Development/operational testing and demonstrations of new equipment at a government or commercial facility where the tests are conducted in conjunction with normal development or operational activities that have been previously assessed in an Army document pertaining to those operations (REC not required).

(j) Aircraft and airfield activities:

(1) Infrequent, temporary (less than 30 days) increases in air operations up to 50 percent of the typical installation aircraft operation rate (REC required).

(2) Flying activities in compliance with Federal Aviation Administration Regulations and in accordance with normal flight patterns and elevations for that facility, where the flight patterns/elevations have been addressed in an installation master plan or other planning document that has been subject to NEPA public review (REC not required).

(3) Installation, repair, or upgrade of airfield equipment (for example, runway visual range equipment, visual approach slope indicators) (REC not required).

(4) Army participation in established air shows sponsored or conducted by non-Army entities on other than Army property (REC not required).

3.2 After REC is signed

A signed copy in Adobe PDF format is emailed to the Project Manager.

The original copy is placed in NEPA binder (organized by year and project number), all binders will be labeled by the year documents were signed and kept in the NEPA office.

A copy is placed in project folder with all supporting documents (emails, hand written meeting notes, graphs, sketches, Geographic Information system (GIS) data and analysis done by inter-disciplinary group and outside agencies). All RECs and supporting documents will be kept on file for a period of six years.

Copies of all documents will be kept in electronic format in the NEPA team's database.

4.0 ENVIRONMENTAL ASSESSMENTS

Task:	Prepare NEPA Environmental Assessment documentation
Primary Responsibility:	NEPA Coordinator/Analyst or Contracted Company
Secondary Responsibilities:	Fort Bragg Subject Matter Experts, Staff Judge Advocate, Garrison Commander
Time to Complete (per project):	Varies, but generally 120 to 180 days.

4.1 General Information

This section covers the specific requirements for the development process and content of environmental assessments prepared by the Public Works Business Center-Environmental Management Branch, Fort Bragg, NC. The Department of Army requirements for the purpose and content of the Environmental Assessment (EA) are provided in Army Regulation 200-2 "Environmental Analysis of Army Actions" (as documented in 32 CFR Parts 651.32 to 651.39).

4.1.1 Regulatory Requirements for Preparation of an EA

The preparation of an environmental assessment (EA) is mandated by the NEPA of 1969 (40 CFR Parts 1500-1508) and guided by AR 200-2 (32 CFR Part 651) for proposed actions that:

1. Are not an emergency (see 32 CFR 651.11(b));
2. Are not exempt from (or an exception to) the NEPA (see 32 CFR 651.11 (a));
3. Do not qualify as a Categorical Exclusion (CX) (see 32 CFR 651.11(c));
4. Are not adequately covered by existing NEPA analysis and documentation (see 32 CFR 651.19);
5. Do not normally require the development of an EIS (see 32 CFR 651.42).

Projects that do not meet one of these five criteria must be analyzed using the EA process to determine if they could cause significant impacts to the human or natural environment. The EA process requires a hard look at the magnitude of potential impacts, evaluation of their significance, and documentation of those impacts and their magnitude in the form of either a Notice of Intent (NOI) to prepare an EIS or a Finding of No Significant Impact (FNSI).

The EA is intended to assist agency planning and decision-making. This document is used routinely as a planning document to evaluate impacts, develop alternatives and mitigation measures, and allow for agency and public participation in the project review process. As per 32 CFR 651.20, the EA:

1. Briefly provides the decision maker with sufficient evidence and analysis for determining whether a FNSI or an EIS should be prepared;
2. Assures installation compliance with the NEPA if an EIS is not required and a Categorical Exclusion is inappropriate;
3. Facilitates the preparation of an EIS, if one is required based on the EA assessment of a project's impacts;

4. Includes brief discussions of the need for the proposed action, alternatives to the proposed action, environmental impacts, and a listing of persons and agencies consulted in the preparation of the EA; and

5. Provides the proponent, the public, and the decision maker with sufficient evidence and analysis for determining whether environmental impacts of a proposed action are potentially significant. An EA is substantially less rigorous and costly than an EIS, but requires sufficient detail to identify and ascertain the significance of expected impacts associated with the proposed action and its alternatives. The EA often can provide the required "hard look" at the potential environmental effects of an action, program, or policy within 15 to 75 pages, depending on the nature of the action and project-specific conditions.

The EA process provides a central document detailing the concerns about and assessments of the potential project impacts on the installation resources. In doing so, many installation departments (such as water management or cultural resource management) can provide the information on those potential impacts to one coordinating department (in the case of Fort Bragg, to the DPW NEPA analysis team) to be addressed in the comprehensive EA instead of requiring separate assessments by each department. This simplifies and shortens the overall impact assessment process for each project requiring such an assessment. See Section 1.0 for a description of the responsibilities of each participant in this process.

4.1.2 Actions Requiring an EA

There are several types of Army actions normally require an EA. These actions are listed below (from 32 CFR 651.33):

- Special field training exercises or test activities in excess of five acres on Army land of a nature or magnitude not within the annual installation training cycle or installation master plan.

- Military construction that exceeds five contiguous acres, including contracts for off-post construction.

- Changes to established installation land use that generate impacts on the environment.

- Alteration projects affecting historically significant structures, archaeological sites, or places listed or eligible for listing on the National Register of Historic Places

- Actions that could cause significant increase in soil erosion, or affect prime or unique farmland (off Army property), wetlands, floodplains, coastal zones, wilderness areas, aquifers or other water supplies, prime or unique wildlife habitat, or wild and scenic rivers.

- Actions proposed during the life cycle of a weapon system if the action produces a new hazardous or toxic material, or results in a new hazardous or toxic waste, and the action is not adequately addressed by existing NEPA documentation. Examples of these types of actions are provided in 32CFR 651.33(f).

- Development and approval of installation master plans.

- Development and implementation of Integrated Natural Resources Management Plans (INRMPs) (land, forest, fish, and wildlife) and Integrated Cultural Resources Management Plans (ICRMPs).

- Actions that take place in, or adversely affect, important wildlife habitats, including wildlife refuges.

- Field activities on land not controlled by the military, except those activities that do not alter land use to substantially change the environment. Examples of these type of activities are provided in 32 CFR 651.33(j).

- Any action with substantial adverse local or regional effects on energy or water availability. Such impacts can only be adequately identified with input from local agencies and/or citizens.

- Production of hazardous or toxic materials.

- Changes to established airspace use that generate impacts on the environment or socioeconomic systems, or create a hazard to non-participants.

- An installation pesticide, fungicide, herbicide, insecticide, and rodenticide-use program/plan.

- Acquisition construction, or alteration of (or space for) a laboratory that will use hazardous chemicals, drugs, or biological or radioactive materials.

- An activity that affects federally listed threatened or endangered plant or animal species a federal candidate species, a species proposed for federal listing, or critical habitat.

- Substantial proposed changes in Army-wide doctrine or policy that potentially have an adverse effect on the environment (as described in 40 CFR 1508.18(b)(1)).

- An action that may threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment.

- The construction and operation of major new fixed facilities or the substantial commitment of installation natural resources supporting new materiel at the installation.

4.2 EA Development Process

In general, the development of an EA follows the steps listed below. These steps and their results are described briefly in the sections that follow.

1. It is determined by the Environmental Project Review process that a project needs an EA;

2. Project information is forwarded to the appropriate NEPA Analyst to begin the EA process;

3. Initial Project Scoping meeting is scheduled and held with the PM and unit/client to verify the project information;

4. Draft Sections 1 (Purpose and Need for the project) and 2.0 (Description of the proposed action and alternatives) are drafted and distributed to the SMEs for review and comment regarding potential impacts on their respective resource areas. Second Project Scoping meeting is scheduled.

5. Second Project Scoping meeting is held to go over the project details between the PM and SMEs. This allows both to be sure the project details are accurately understood and the estimated impacts are properly defined.

6. The first draft EA is written using information from the second scoping meeting. This draft is then sent out to the SMEs and the SJA for review and comment and to verify the accuracy of the information in their respective resource sections.

7. The draft EA is revised based on the SME / SJA comments and resubmitted to them for final accuracy check. A final EA and draft FNSI are then prepared for the EA signature process.

8. The final EA / draft FNSI are submitted to the SJA for final review and to begin the EA signature process. During this signature process, the press release is written and arrangements are made to publish the press release and FNSI.

9. Once the signatures are obtained on the EA, 2 paper and 18 disk copies of the EA and FNSI are made and distributed to the necessary public libraries and state agencies (through the Department of Administration State Clearinghouse). The press release and draft FNSI are published in regional newspapers, beginning the 30-day public review period.

10. Once the 30-day public review/comment period is over, any comments received are incorporated as necessary into the EA and FNSI and a final version of both documents is prepared. The final FNSI (and final EA, if necessary) are then sent through Garrison Command for the necessary signatures.

11. Once the final signatures are obtained, the FNSI is released to the PM to allow the project to move forward to the next stage. At this point, the NEPA review process on the project is completed unless (a) there is a significant change in project scope from what was assessed, or (b) the EA was programmatic (i.e., it assessed several projects) in which case each individual project would then need a follow-up NEPA review as the final project details were available.

This process requires 120 to 180 days to complete depending the size or number of projects being assessed, the availability of information about those projects, and the need for consultation with outside agencies (i.e., SHPO, USFWS, or USACE). The following sections generally describe the details of this process and the components of the EA and FNSI.

4.3 EA Project Scoping Meetings

There are two scoping meetings that occur in the EA development process. Both are used to gather and verify information about the proposed project and its potential impacts, but with different participants and desired outcomes.

4.3.1 Initial Project Scoping Meeting

This first meeting occurs as soon as possible after the NEPA Analyst receives the project information from the NEPA Environmental Engineer and the go-ahead to begin the EA process. This first meeting is between the NEPA Analyst, the Project Manager, and, if possible, a unit/client representative for which the project is to be done (the client). It's purpose is to gather all the basic information needed to describe and assess the proposed action and prepare the basic maps. The information to be collected at this meeting includes: (1) full description of the proposed action; (2) full agreement on the location of the preferred alternative and the other alternative locations, including hand marking on maps if possible to show the full construction limits necessary; and (3) discuss the purpose and need for the project. An attendance list and minutes for this meeting should be kept and summarized in the project folder.

Once this information is gathered, sections 1.0 and 2.0 are drafted with all necessary maps (see Section 4.4 for more information about these EA sections). These are then sent out to the SMEs and environmental lawyer for review and evaluation for potential impacts on the respective resource areas. The email sending these sections out also should set the date two weeks out for the second project scoping meeting. SMEs and the environmental lawyer should send comments on the sections and replies regarding (a) their comments on sections 1 and 2 and the maps, (b) their preliminary impacts analysis on their respective resource areas, and (c) their availability to attend the second project scoping meeting. This second scoping meeting is scheduled for two weeks after comments are received from the SMEs regarding Sections 1 and 2.

4.3.2 Second Project Scoping Meeting

This meeting is an opportunity for the SMEs to talk with the PM and project client about the project and ask any specific questions about the extent of the proposed actions. The essential attendees for this meeting are the NEPA Analyst, the PM, a representative from the client that can answer questions about the project, and the SMEs. The basic agenda for this meeting is as follows:

- Open Meeting / Introductions by NEPA Analyst
- Overview of Proposed Projects by Client or PM
- Alternative Location Discussions by Client or PM
- Questions/Comments on Resource-specific Concerns (impacts, mitigations) by SMEs
- Additional Question & Answer period for NEPA Analyst
- Summary of meeting discussions to ensure everyone has been heard correctly
- Adjourn

As with all meetings held during the development of an EA, it is vital that meeting attendance and minutes be kept, typed up, and filed in the project folder for the administrative record. If requested, provide a copy of the meeting minutes and attendance list to the attendees once they are completed. The notes taken at this meeting then become the basic analyses to be used for each resource area discussed in the draft EA (in sections 3.0 and 4.0 of that EA; see Section 4.4, below).

4.4 Contents and Preparation of the EA

The following subsections contain descriptions about the primary sections of an EA. Nearly all of the sections listed have a template available to start the EA development process. The complete set of templates may be found on the NEPA server. Please note that these files are read-only, requiring the user to rename the file before saving them. This is to ensure that the original template files are not deleted or edited by accident.

The EA template sections should be reviewed at least every five (5) years to be sure that the information contained in each section is current. For the resource descriptions in Section 3.0 of that template, the responsibility for this review should be given to the subject matter experts/program managers around Fort Bragg. The SMEs are responsible for making sure the information is accurate with each EA review anyway. If they compile an accurate summary for the template EA, it should make their project review process easier as they receive the draft EAs.

Page numbers for the Executive Summary, the Table of Contents, the List of Tables, the List of Figures, and the Acronym list should begin with “i” in the Executive Summary and run sequentially in Roman numerals through the last page of the acronym list (i.e., i, ii, iii, iv, etc.)

Page numbers in Sections 1.0 to 6.0 References Cited of the EA should run sequentially using Arabic numerals (i.e., 1, 2, 3, etc.). Appendix pages should be numbered using the Appendix letter followed by a hyphen and Arabic page number starting with “1” (e.g., A-1, B-6, etc.).

4.4.1 Legal Limitations of the EA

There are two legal caveats to be included in three sections of the EA – in the Executive Summary, the FNSI, and in Section 1.0 Purpose and Need (specifically in the description of the "Scope of the EA"; these statements already are included in Section 1.0 of the template EA). These caveats are:

> "This EA was written with the best data and information available at the time of its development. Any major changes in the information, data, or regulatory requirements following the public release of this EA that affect the assessments or decisions made in this EA prior to completion of the described projects shall require a reassessment of those decisions."
>
> "This EA was written based on information available at the [insert design stage here] design stage for this project. If, in subsequent stages of this project, there are substantive increases to the project scope (e.g., location, size) or its potential impacts (e.g., new information about archaeological or biological resources), this EA will be considered null and void and a new NEPA assessment will need to be performed. Changes to the project that result in a smaller scope or reduced impacts will not require a new NEPA assessment."

4.4.2 Cover Page and Title Page

The cover page and title page are the first and second pages of an EA, respectively. The cover page usually has one or more graphics on it related to the project being discussed. There are no page numbers on either of these pages.

The written information on both pages includes: (a) identification of the proponent for the project; (b) a complete title of the proposed actions discussed, including a project number (if available) and location of the project (i.e., "Fort Bragg Military Reservation, North Carolina"); (c) date on which that version of the document was published; (d) a "Prepared for…" statement; and (e) a statement of compliance with NEPA. The same information will be used for the Cover page, though its layout may vary depending on the size and quantity of graphics used.

4.4.3 Finding of No Significant Impact (FNSI)

This document is the final decision document of nearly all EAs prepared by Fort Bragg. It includes a summary of the proposed action and alternatives, the purpose and need for the actions, the assessed impacts and any proposed mitigations, and the final decision made regarding the selection of an alternative. Additional information about this document and its content and format may be found in Section 4.5 of this SOP. The FNSI should be numbered independently of the EA. The page number should be prefaced with the prefix, "FNSI-" to further identify these pages as unique from the EA.

4.4.4 Signature Page

The signature page of the EA is used to document the approval of the EA as written by the proponents of the project. This page includes: (a) a heading at the top ("SIGNATURES"); (b) the title of the EA; and (c) five (5) signature blocks. These signature blocks are for the NEPA Analyst that prepared the document, the project proponent (the Director of the Public Works Business Center), the environmental reviewer (the Chief of the Environmental Sustainment Division), the legal reviewer (the SJA representative), and the Garrison Commander. Each of the signature blocks also includes a space for the signature date and the respective representative's name and rank/position.

4.4.5 Executive Summary

The Executive Summary is the overview of the key issues about the proposed project and its potential impacts. This document should provide an abbreviated discussion of each of the main sections of the EA, including a summary of the purpose and need for the project, the alternatives considered in the EA,

the identified impacts, the overall conclusion and decision of the impact assessment, and a summary of the mitigation activities required for the project to proceed.

4.4.6 Table of Contents / List of Figures / List of Tables

The Table of Contents (TOC) provides the outline for the structure of the EA with the listing of the page numbers for each main section.

The List of Tables (LOT) and List of Figures (LOF) provide the page numbers for the tables and figures, respectively, throughout the document.

In both cases, using standard heading styles for the document sections and for the tables and figures allows the author to use the Index/Tables function of MS Word to quickly create and revise these tables.

4.4.7 Acronym List

The acronym list should include only those acronyms used within the document. A draft list of the most commonly used acronyms is included at the back of this SOP (Appendix A). One way of using the list is to print a copy of the list once the document is completed and check off those acronyms used in the document. The author then simply deletes from the list those acronyms that were not used, copies the revised list, and pastes it into the EA being developed.

4.4.8 Section 1.0: Purpose and Need

The seven primary topics to be addressed in this section are:

(1) A short history of the issues/regulations and any other relevant information leading to the need for the proposed action. This subsection also identifies the responsible agency(-ies) involved, including any cooperating agencies.

(2) The purpose statement should identify the objective to be accomplished by performing the proposed action. It should refer to the actions to be taken, but not to the preferred alternative or the preferred location.

(3) The need statement generally reflects the proponent's underlying mission goals and the main objectives to be achieved by performing the proposed action. This statement also serves to call attention to the benefits of the proposed action.

(4) Identification of the criteria to be used to evaluate the possible alternatives (see the description for Section 2.0, below). These criteria are based on the goals and objectives identified in the Need statement.

(5) A concise statement of the decision to be made based on the information presented in the EA, and the person/agency responsible for making that decision.

(6) A description of the project scoping and public participation process used to identify key issues and concerns regarding the proposed action. This description also should identify those resources areas that may have potential impacts due to the proposed action, and those resource areas that will not (based on SME evaluation). And,

(7) The scope of the EA, including its legal and regulatory constraints, the spatial limitations of the assessment, the time frame covered by the assessment, and, if applicable, the limitations on the conclusions of the assessment due to the programmatic nature of the EA.

4.4.9 Section 2.0: Description of Proposed Action and Alternatives (DOPAA)

The description of the Proposed Action should provide a brief overview of the actions needed to fulfill the purpose and need described in Section 1.0. This description should be a short, simple summary of the action – without reference to a specific location, if possible – answering the following questions:

- Who is proposing the action? Who has authority to carry out the action?
- What activities are needed to implement the action? Be as complete as possible to accurately describe the all the actions needed to fulfill the purpose and need, including (for construction projects) the type of utility and transportation connections that will be needed and estimated construction area including areas to be graded and landscaped.
- When will the action be implemented, and how long will it take to complete?
- How will action be implemented, including support elements and any phases necessary.

The description of the alternatives provides descriptions of all reasonable locations, alternative actions, or degrees of action possible to implement the proposed action. At a minimum, there should be two alternatives carried through the EA – the preferred alternative and the no action alternative. Additional alternative locations and actions are possible, also. If any alternatives proposed do not meet the screening criteria listed in Section 1.0, these should be noted with an explanation as to why they are not being assessed further. Lastly, a clear statement should be included as to which alternative is the preferred alternative.

Maps and figures should be included with the alternative descriptions to provide visual detail about the proposed location and the siting of the proposed action at that location. This should be balanced by including a map/figure of the alternative location without the proposed action shown, so the reader may see both the existing and the proposed conditions of that location.

Additional information about writing both Section 1.0 and 2.0 may be found in the 2004 US Army Environmental Center document, "Guide to Development of the Description of Proposed Action and Alternatives (DOPAA)." This document is available online at http://aec.army.mil/usaec/acquisition/documents00.html.

4.4.10 Section 3.0: Affected Environment and Potential Consequences

The Department of the Army recommends that a typical EA be as concise as possible (32 CFR 651). Based on the SME comments received at the Project Scoping meetings, the author should make the decision about which resource categories to fully address in the EA and which may be removed for lack of impacts by the project. The main components of each resource description include: (1) Brief description of resource with detail relevant to proposed action and locations; (2) Impact Threshold Criteria; (3) separate assessments for each alternative considered of impacts on resource from those alternative; and (4) listing/description for each alternative considered of any mitigation activities that might be necessary to reduce the defined impacts to an acceptable, non-significant level.

The resource description should contain only the most pertinent information necessary (written descriptions, figures, maps, and data tables) to make a decision about the potential impacts of the proposed action on that resource. The impact assessment for each alternative should include a clear statement of conclusion about the types and degrees of impacts the proposed actions may have on the alternative locations. When necessary, mitigation activities also should be listed, particularly if they are necessary to keep an alternative from having significant impacts. All the mitigation descriptions are provided by the resource SMEs consulted during the preparation of the EA.

In subsection *3.1 Resources Not Affected by the Proposed Action and Alternatives,* the author identifies those resource categories that will not be addressed in the EA, with a short explanation of why not. Once these have been addressed, the rest of Section 3.0 can focus on the remaining resource categories on which the proposed actions have the greatest potential for impacts.

The overall list of resource categories that should be considered includes the following major and subcategories. While the order may be decided by author preference, it is suggested that the last two categories remain as they are listed. The Land Use and Socioeconomic impacts assessments both rely on resource discussions earlier in the document to determine part of their conclusions. As a result, it makes more sense to place them at the end of Section 3.0.

The general list of resource categories to be considered in an EA (and which currently are included in the template EA) is:

(a) Resources not affected by the Proposed Project (discussed above).

(b) Biological Resources, including impacts to existing vegetation and habitats, fish and wildlife, and threatened and endangered species.

(c) Water Resources, including surface water, groundwater, wetlands, floodplains, and stormwater management.

(d) Geology and Soils, including physiography and topography, geology and seismic susceptibility, soils and soil conservation efforts.

(e) Cultural Resources, including archaeological sites, historic buildings, structures, and districts, cemeteries, and visual and aesthetic resources.

(f) Air Quality, including climate and specific air quality issues.

(g) Noise, including aircraft and blast/artillery noise, and noise mitigation.

(h) Human Health and Safety issues, including waste management areas, POLs, special hazards (including asbestos and lead-based paint), and safety and restricted zones.

(i) Infrastructure, including transportation and utilities issues.

(j) Land Use, including regional and Fort Bragg land use issues.

(k) Socioeconomic issues, including regional and Fort Bragg demographic data, Environmental Justice, and Protection of Children.

(l) Cumulative Impacts with other projects occurring in the same geographic area or time period.

As per 32 CFR 651.34, the impacts assessment conclusions will include specific and clear statements, "…regarding whether or not the described impacts are considered significant. If the EA identifies potential significant impacts associated with the proposed actions, the conclusion should clearly state that an EIS will be prepared before the proposed action is implemented. If no significant impacts are associated with the project, the conclusion should state that a FNSI will be prepared. Any mitigations that reduce adverse impacts must be clearly presented. If the EA depends upon mitigations to support a resultant FNSI, these mitigations must be clearly identified as a subsection of the Conclusions" (32 CFR 651.34(g)).

4.4.11 Section 4.0: Summary and Recommendations

There are four distinct subsections to this section: the summary of the assessment process, and a discussion of what mitigations are necessary to support those conclusions. The summary will include (1) a clear summary of the impacts and required mitigations for each alternative considered in the EA; (2) a clear statement identifying the selected alternative and why; (3) a summary of any BMPs and mitigations needed in order to implement the selected alternative; and (4) the mitigation monitoring plan describing how the BMPs and mitigations are to be implemented with the selected alternative. The mitigation monitoring plan is described in more detail in Section 6.0 of this SOP.

4.4.12 Section 5.0: Preparation and Consultation Information

There are four (4) subsections to this section, the List of Preparers, the List of Agencies Consulted, the List of Persons Consulted, and the References Cited. These are described below.

1. List of Preparers: This list provides information about the key persons that compiled and wrote the EA, including the person's name, position, and organization/company.

2. List of Agencies Consulted: This list provides information about the local, state, and federal agencies that were consulted in the preparation and review of the document. This list should contain the name of the organization/agency and the address/phone number/email address used to contact the agency.

3. List of Persons Consulted: This list provides a quick list of the persons consulted during the preparation and review of the document, including the person's name, position, and name of organization/agency.

4. References Cited: The only references that should be included in the reference list are those documents cited in the EA itself. The Reference Manager database will be used to insert the appropriate code for the reference to be cited, and then to create the reference list. In this way, the EA author ensures that the reference list only contains those references cited in the document.

In order to maintain an up-to-date reference list, the Fort Bragg NEPA team should continue to enter into the Reference Manager database all completed NEPA documentation (EAs, RECs, FNSIs, etc.), as well as any new installation master or management plans (INRMP, ICRMP, etc.) as they are completed and available. This software has a very easy tutorial that may be used in about an hour to learn the basics of managing and searching the database.

4.4.13 Section 6.0: Distribution List

This list details the agencies and organizations to whom the draft and final EA and decision document were distributed. This list should contain the name and address of the organization/agency. This list will include the state agencies, local governments, and document repositories/libraries to which copies were delivered or sent.

4.4.14 Appendices (as needed)

Appendices that should be considered for an EA include the following. Every EA should contain the first one listed.

- Signed copies of any agency coordination letters, both those sent out and the replies received (e.g., State Historic Preservation Office or U.S. Fish and Wildlife Service coordination letters).

- Some EAs place all maps and figures into one appendix. This does simplify the copying process and can reduce the size of the electronic file for the primary document. However, this also means that the electronic files for the maps and figures may be separate from the EA file with a consequent potential for losing one or all from the archive files. Additionally, placing the maps and figures into an appendix – as opposed to within the text at the relevant point of discussion – can cause confusion for the reader from having to flip back and forth between the text and the figures.

- Any detailed calculations or discussions that are necessary to further clarify an impact analysis and/or conclusion (e.g., calculations for air emissions from a large scale construction project).

- Other documentation related to the project assessment, such as a project-specific Biological Assessment/Biological Opinion. In many cases, however, such documentation may be published separately with its conclusions and discussions incorporated by reference into the EA. Even so, if the document is a key part of the final decision, it should be published with the EA so the public has a chance to review it along with the EA. Exceptions to this are documents that contain classified information or information about the location of caves, threatened or endangered species, or their habitats.

4.5 Finding of No Significant Impact (FNSI)

The FNSI is a separate document but is included as part of the EA as an insert before the Executive Summary. It briefly presents the reasons why an action will not have a significant effect on the human environment and, thus, will not require an EIS. The FNSI is a summary of the EA and must contain the following information:

- The name of the proposed action;

- A brief description of the action and any alternatives considered;

- A short discussion of the anticipated environmental impacts;

- The facts and analyses that lead to a clearly stated conclusion of no significant impact;

- A clear statement as to WHEN the decision will be implemented;

- A clear statement as to WHERE copies of the draft EA may be found for review and comment, along with a deadline by which public comments must be received and Point of Contact information to whom they may be sent; and

- A signature block for the Fort Bragg project proponent, in this case the Garrison Commander.

The FNSI should not exceed three typewritten pages. The draft FNSI must be approved by the DPW Staff Judge Advocate (SJA) representative before it is published in the legal section of the local papers and submitted to the State Clearinghouse and local libraries with the draft EA. The draft FNSI is *not* signed by the Garrison Commander (GC).

Once all public and agency comments have been received and incorporated into the draft FNSI and EA, a final FNSI is prepared. If there are no comments that require changes in the EA or FNSI, the preparation of the final FNSI generally involves only changing the public review and comment information to past tense. The final FNSI and EA receive final approval from the DPW lawyer and SJA representative. They then are sent to the GC for final signature. Copies of the signed documents then are made and distributed as indicated in Section 4.6. Scans of the signed documents are added to the electronic files for the project, and the original is filed in the project folder with a copy of the final EA.

4.6 Public Review and EA Distribution (Draft and Final)

As per AR 200-2 (as described in 32 CFR 651.36 and 651.37), "Environmental agencies and the public will be involved to the extent practicable in the preparation of an EA." There are various factors that may be considered in deciding when and how to include the public in the EA development process (see 32 CFR 651.36(b)). However, unless a project is of such a size or is anticipated to have significant impacts on the local or regional environment (especially including impacts on minority or low-income populations), Fort Bragg will include the public in the EA development process only as part of the 30-day public comment period once the final draft is approved.

4.6.1 Final Draft EA Distribution for Public Comment

Notification of the public about the availability for review of the final draft EA and decision document is done through the local newspapers. These are the *Paraglide* on Fort Bragg and the *Fayetteville Observer* in Fayetteville. The contact information for both is provided in Table 4-1, below.

A sample press release is provided in Volume 2: Appendix B. Tear sheets (copies of the ad as it was run) should be requested from the newspaper or obtained from personal copies of the paper. These tear sheets then should be placed in the EA folder to become part of the permanent record (see Volume 2: Section 11.0 for more information on the Administrative Record).

As the local advertisements and news releases are published, the draft EA and decision document will be submitted to both the State Clearinghouse and to local libraries for a 30-day state agency and public review and comment period. The contact information for the State Clearinghouse and the primary local libraries are provided in Table 4-1, below. A sample cover letter for the copies sent to the State Clearinghouse is provided in Volume 2: Appendix B. Copies of the final EA and FNSI will be submitted to the local libraries once any comments received from this review period are incorporated into the EA and FNSI and the documents are signed.

Table 4-1 Public Notification and Agency Contact Information

Locality	Agency / Libraries	Number of Copies to send:	Newspapers
Raleigh / State Agencies	***NC State Clearinghouse*** Department of Administration ATTN: Ms. Chris Baggett 116 West Jones Street, Room 5106 Raleigh, NC 27603-8003 919-807-2425 ***State Historic Preservation Office*** 507 N. Blount St. Raleigh, NC 27604-1109 ***NC Department of Environment and Natural Resources***	Draft EA: 16 Final EA: 0 (sent from Clearinghouse) (sent from Clearinghouse)	N/A
Fayetteville, Cumberland County	***Cumberland Co. Library System*** Headquarters Library Services 300 Maiden Lane Fayetteville, NC 28301 Reference and Information: 910-483-7727	Draft EA: 1 Final EA: 1	***Fayetteville Observer*** PO Box 849 458 Whitfield Street Fayetteville, NC 28306 Fax: (910) 486-3545

Locality	Agency / Libraries	Number of Copies to send:	Newspapers
	Cliffdale Regional Branch Library 6882 Cliffdale Rd. Fayetteville, NC 28314-1936 Information Desk: 910-	Draft EA: depends* Final EA: depends*	
Spring Lake	***Spring Lake Branch Library*** 101 Laketree Blvd. Spring Lake, NC 28390-3189 Information Desk: 910-	Draft EA: depends* Final EA: depends*	N/A
Fort Bragg	***John L. Throckmorton Library*** Bldg # 1-3346, Randolph St. Fort Bragg, NC 28310 Circulation/Information Desk: 910-396-3526	Draft EA: 1 Final EA: 1	***Paraglide*** Public Affairs Office c/o Editorial Office Ft. Bragg, NC 28310-5000 Ph: 910-396-6817 2nd ph: 910-396-6991
Federal agencies	***Army Environmental Center (AEC)*** 1. Hardcopies: USAEC Records Warehouse 5179 Hoadley Road Aberdeen Proving Ground, MD 21010-5401 2. Electronic copies/PDF: http://aero.apgea.army.mil/webtop ***United States Fish and Wildlife Service*** Raleigh Field Office PO Box 33726 Raleigh, NC 27636-3726	1. Final EA and FNSI only (print copy) **OR** 2. Final EA and FNSI: PDF files Draft EA: depends** Final EA: depends**	N/A

Notes: * Send a copy to this library only if the proposed action has effects in this area.
** Send a copy to this agency only if the proposed action affects resources of concern to the agency (i.e., threatened or endangered species, or their habitat)

All press releases regarding Ft. Bragg EAs and FNSIs will be routed through the Fort Bragg Public Affairs Office (PAO) before they are sent out. These documents are provided to the PAO as a courtesy to inform them of the document availability and content in case this office is contacted regarding the actions being assessed.

4.6.2 Distribution of the Final EA and FNSI

A copy of the final EA and decision document (FNSI or NOI) will be sent to the Fort Bragg library and to the Army Environmental Center (AEC) for local and federal archiving purposes. Distribution of copies of the final EA to local libraries and newspapers should be based on what areas will be affected by the

proposed action. For actions confined to the installation, provide a copy of the final documents only to the main Fayetteville library and the Fort Bragg library.

Final EAs, FNSIs, EISs, and RODs also are filed with the AEC NEPA online document repository, as per 32 CFR 651.8. Before filing a document, an account must be set up by contracting the AEC Help Desk at USAECHelpDesk@aec.apgea.army.mil or by calling 410-436-1244. You must provide your name, AKO user name, AKO email address, phone number, and mailing address. Once your account is set up, you may file documents either electronically or as a hard copy.

For electronic submittals to AEC, go to http://aero.apgea.army.mil/webtop and log in using the username and password give to you when you created your account. Click the document submittal tab, and complete the required information. The file(s) then are uploaded directly to the site. If the document files are small enough (less than 2-3 MB), you also may send the files directly to environmentalhotline@aec.apgea.army.mil. Files should be submitted as PDF files when possible. However, AEC can accept the following formats and convert them to PDF format: doc, wpd, ppt, vsd, txt, gif, jpg, xls, pdf, tif, and prj.

Hardcopy submittals (i.e., printed copies, floppy disks, or CD copies) of the final EA and FNSI (with appropriate signatures) should be mailed to two locations – the US Army Environmental Center (AEC) and the US Army Installation Management Agency (IMA) Southeast Region Office (SERO). The addresses for these agencies are provided below. The AEC houses the official Army NEPA archive, and IMA/SERO uses the documents to keep track of NEPA activities at each installation.

US Army Environmental Center
Records Warehouse
5179 Hoadley Road
Aberdeen Proving Ground, MD 21010-5401

And,

US Army Installation Management Agency, SE Region Office
IMSE-PWD-E (NEPA Team)
Bldg 171, 1593 Hardee Ave., SW
Fort McPherson, GA 30330-1057

5.0 Environmental Impact Statements

Task:	Prepare NEPA Environmental Impact Statement documentation
Primary Responsibility:	NEPA Coordinator/Analyst or Contracted Company
Secondary Responsibilities:	Fort Bragg Subject Matter Experts, Staff Judge Advocate, Garrison Commander
Time to Complete (per project):	Varies, but generally 18 to 30 months (1.5 to 2.5 years).

5.1 General Information

[The information for this sections will be added at a later date.]

The need to develop an EIS at Fort Bragg is a very rare occurrence. However, should an EIS be needed, it is very important that all the following steps be followed to ensure that the regulatory process requirements have been met.

5.2 Contents of the EIS (Generally)

[The information for this sections will be added at a later date.]

5.3 Public Notification and Participation in EIS Development

5.3.1 Notice of Intent

[The information for this sections will be added at a later date.]

5.3.2 Meeting Announcements

[The information for this sections will be added at a later date.]

5.3.3 Public Review and Comments

[The information for this sections will be added at a later date.]

5.4 Distribution of EIS and Related Decision Documents

5.4.1 Notice of Intent

[The information for this sections will be added at a later date.]

5.4.2 Preliminary Draft and Draft EIS

[The information for this sections will be added at a later date.]

5.4.3 Final EIS and Draft Record of Decision

[The information for this sections will be added at a later date.]

5.4.4 Final Record of Decision

[The information for this sections will be added at a later date.]

6.0 Mitigation Monitoring Process

Task:	Document and Verify Required Project Mitigation Activities.
Primary Responsibility:	NEPA Environmental Engineer or Relevant Installation Subject Matter Experts.
Secondary Responsibilities:	Fort Bragg Subject Matter Experts.
Time to Complete (per project):	Varies depending on the mitigation required.

6.1 Regulatory Requirements

There are three regulations that discuss the mitigation monitoring requirements that may result from a NEPA assessment. These are:

(1) National Environmental Policy Act (40 CFR 1500-1508)

(2) "Environmental Analysis of Army Actions", 32 CFR 651.15 -- *Mitigation and Monitoring*

(3) "Environmental Analysis of Army Actions", 32 CFR 651 – *Appendix C Mitigation and Monitoring*

There currently is no CEQ or Army guidance available on how to document, enact, or enforce the mitigation monitoring process.

As documented in 32 CFR 651.15, mitigation of potential impacts and mitigation monitoring are described as follows:

(a) Throughout the environmental analysis process, the proponent will consider mitigation measures to avoid or minimize environmental harm. Mitigation measures include:

(1) Avoiding the impact altogether, by eliminating the action or parts of the action.

(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(3) Rectifying the impact; by repairing, rehabilitating, or restoring the adverse effect on the environment.

(4) Reducing or eliminating the impact over time, by preservation and maintenance operations during the life of the action.

(5) Compensating for the impact, by replacing or providing substitute resources or environments.

(b) When the analysis proceeds to an EA or EIS, mitigation measures will be clearly assessed and those selected for implementation will be identified in the FNSI or the ROD. The proponent must implement those identified mitigations, because they are commitments made as part of the Army decision. The proponent is responsible for responding to inquiries from the public or other agencies regarding the status of mitigation measures adopted in the NEPA process. The mitigation shall become a line item in the proponent's budget or other funding document, if appropriate or included in the legal document implementing the action (for example, contracts, leases, or grants). Only those practical mitigation measures that can reasonably be accomplished as part of a proposed alternative will be identified. Any mitigation measures selected by the

proponent will be clearly outlined in the NEPA decision document, will be budgeted and funded (or funding arranged) by the proponent, and will be identified, with the appropriate fund code, in the EPR (AR 200-1). Mitigations will be monitored through environmental compliance reporting, such as the ISR (AR 200-1) or the Environmental Quality Report. Mitigation measures are identified and funded in accordance with applicable laws, regulations, or other media area requirements.

(c) Based upon the analysis and selection of mitigation measures that reduce environmental impacts until they are no longer significant, an EA may result in a FNSI. If a proponent uses mitigation measures in such a manner, the FNSI must identify these mitigating measures, and they become legally binding and must be accomplished as the project is implemented. If any of these identified mitigation measures do not occur, so that significant adverse environmental effects could reasonably expected to result, the proponent must publish an NOI and prepare an EIS.

(d) Potential mitigation measures that appear practical, and are unobtainable within expected Army resources, or that some other agency (including non-Army agencies) should perform, will be identified in the NEPA analysis to the maximum extent practicable. A number of factors determine what is practical, including military mission, manpower restrictions, cost, institutional barriers, technical feasibility, and public acceptance. Practicality does not necessarily ensure resolution of conflicts among these items; rather it is the degree of conflict that determines practicality. Although mission conflicts are inevitable, they are not necessarily insurmountable; and the proponent should be cautious about declaring all mitigations impractical and carefully consider any manpower requirements. The key point concerning both the manpower and cost constraints is that, unless money is actually budgeted and manpower assigned, the mitigation does not exist. Coordination by the proponent early in the process will be required to allow ample time to get the mitigation activities into the budget cycle. The project cannot be undertaken until all required mitigation efforts are fully resourced, or until the lack of funding and resultant effects, are fully addressed in the NEPA analysis.

(e) Mitigation measures that were considered but rejected, including those that can be accomplished by other agencies, must be discussed, along with the reason for the rejection, within the EA or EIS. If they occur in an EA, their rejection may lead to an EIS, if the resultant unmitigated impacts are significant.

(f) Proponents may request assistance with mitigation from cooperating non-Army agencies, when appropriate. Such assistance is appropriate when the requested agency was a cooperating agency during preparation of a NEPA document, or has the technology, expertise, time, funds, or familiarity with the project or the local ecology necessary to implement the mitigation measure more effectively than the lead agency.

(g) The proponent agency or other appropriate cooperating agency will implement mitigations and other conditions established in the EA or EIS, or commitments made in the FNSI or ROD. Legal documents implementing the action (such as contracts, permits, and grants) will specify mitigation measures to be performed. Penalties against a contractor for noncompliance may also be specified as appropriate. Specification of penalties should be fully coordinated with the appropriate legal advisor.

(h) A monitoring and enforcement program for any mitigation will be adopted and summarized in the NEPA documentation. Whether adoption of a monitoring and enforcement program is applicable (40 CFR 1505.2(c)) and whether the specific adopted action requires monitoring (40 CFR 1505.3) may depend on the following:

(1) A change in environmental conditions or project activities assumed in the EIS (such that original predictions of the extent of adverse environmental impacts may be too limited);

(2) The outcome of the mitigation measure is uncertain (for example, new technology);

(3) Major environmental controversy remains associated with the selected alternative; or

(4) Failure of a mitigation measure, or other unforeseen circumstances, could result in a failure to meet achievement of requirements (such as adverse effects on federal or state listed endangered or threatened species, important historic or archaeological sites that are either listed or eligible for nomination to the National Register of Historic Places, wilderness areas, wild and scenic rivers, or other public or private protected resources). Proponents must follow local installation environmental office procedures to coordinate with appropriate federal, tribal, state, or local agencies responsible for a particular program to determine what would constitute "adverse effects."

(i) Monitoring is an integral part of any mitigation system.

(1) Enforcement monitoring ensures that mitigation is being performed as described in the NEPA documentation, mitigation requirements and penalty clauses are written into any contracts, and required provisions are enforced. The development of an enforcement monitoring program is governed by who will actually perform the mitigation: a contractor, a cooperating agency, or an in-house (Army) lead agency. The proponent is ultimately responsible for performing any mitigation activities. All monitoring results will be sent to the installation Environmental Office; in the case of the Army Reserves, the Regional Support Commands (RSCs); and, in the case of the National Guard, the NGB.

(2) Effectiveness monitoring measures the success of the mitigation effort and/or the environmental effect. While quantitative measurements are desired, qualitative measures may be required. The objective is to obtain enough information to judge the effect of the mitigation. In establishing the monitoring system, the responsible agent should coordinate the monitoring with the Environmental Office.

(j) The monitoring program, in most cases, should be established well before the action begins, particularly when biological variables are being measured and investigated. At this stage, any necessary contracts, funding, and manpower assignments must be initiated. Technical results from the analysis should be summarized by the proponent and coordinated with the installation Environmental Office. Subsequent coordination with the concerned public and other agencies, as arranged through development of the mitigation plan, will be handled through the Environmental Office.

(k) If the mitigations are effective, the monitoring should be continued as long as the mitigations are needed to address impacts of the initial action. If the mitigations are ineffective, the proponent and the responsible group should re-examine the mitigation measures, in consultation with the Environmental Office and appropriate experts, and resolve the inadequacies of the mitigation or monitoring. Professionals with specialized and recognized expertise in the topic or issue, as well as concerned citizens, are essential to the credibility of this review. If a different program is required, then a new system must be established. If ineffective mitigations are identified which were required to reduce impact below significance levels (Sec. 651.35 (g)), the proponent may be required to publish an NOI and prepare an EIS (paragraph (c) of this section).

(l) Environmental monitoring report. An environmental monitoring report is prepared at one or more points after program or action execution. Its purpose is to determine the accuracy of impact predictions. It can serve as the basis for adjustments in mitigation programs and to adjust impact predictions in future projects.

6.2.1. Responsibilities:

(a) **Mitigation monitoring:** Will depend on what resource is affected by the action and mitigation activities.

(b) **Mitigation implementation:** This depends on the mitigation activities being implemented. This may be the contractor/construction company, the unit/client, the proponent (Fort Bragg), or some other entity.

(c) **Mitigation tracking, reporting and close-out:** Fort Bragg NEPA Environmental Engineer in coordination with other Installation environmental resource SMEs.

6.2.2. Current Issues and Efforts:

The primary issue is a lack of federal or Army guidance on developing, implementing, and tracking mitigation monitoring plans. The most detailed information is found in 32 CFR 651 Appendix C.

At present, the NEPA team will work with other Fort Bragg branches/program areas to coordinate mitigation monitoring through their existing databases. Coordination with the other environmental programs is done to:

a) Identify potential impacts and appropriate mitigation activities to address those impacts;

b) Develop appropriate mitigation monitoring plan for each project needing one;

c) Assist the NEPA Team as necessary with mitigation monitoring activities and database management; and

d) Assist with the development of useful and comprehensive mitigation monitoring database and reports.

The programs with current mitigation tracking efforts are:

(a) Forestry; contact Lynette Simko

(b) Wetlands; contact Erich Hoffman

(c) Erosion Control & Stormwater Management; contact Lee Ward

(d) Cultural Resources; contact Michelle Michael

Eventually, these other tracking efforts should be evaluated in the context of the entire mitigation monitoring system to see if there are ways to streamline the process for the best use of all offices. This will be important particularly for compliance with EPAS requirements.

6.2.3. Current Federal and Army Requirements for Mitigation Monitoring:

6.2.3.1. What is mitigation?

32 CFR 651.15 describes the five (5) types of mitigation measures that are acceptable as part of a mitigation plan under NEPA. These are:

1. **Avoiding** the impact altogether;

2. **Minimizing** impacts by limiting the degree or magnitude of the action and its implementation;

3. **Rectifying** the impact by repairing, rehabilitating, or restoring the adverse effect on the environment;

4. **Reducing** or **eliminating** the impact over time, by preservation and maintenance operations during the life of the action; and

5. **Compensating** for the impact by replacing or providing substitute resources or environments (e.g., wetlands creation and banking).

Mitigation activities may occur in one or more of three time periods in relation to an offending action: (1) pre-activity; (2) during the activity; and (3) post-activity. Pre-activity mitigation includes activities that plan to *prevent* damage to the environment (e.g. avoiding the impact). Mitigation activities that occur during the action seek to *reduce* adverse impacts during the process (e.g., minimizing, or reducing the impact). Post-activity mitigations restore or compensate for unavoidable damage to the affected environment (e.g., rectifying or compensating for the impacts).

Proposed mitigation activities should be evaluated based on several categories of feasibility. The questions that follow each feasibility type are the issues that should be addressed in the mitigation monitoring plan:

- ***Technical feasibility:*** Is the technology available to perform the mitigation and solve the problem? How will the success of the mitigation activity be determined?

- ***Economic feasibility:*** Is adequate funding available to pay for the mitigation measure? Who will provide the funding and for how long?

- ***Social feasibility:*** Is the solution to the problem acceptable to the developer, the decision makers, and the public?

- ***Political feasibility:*** Does the solution to the problem require changes in any laws, regulations, or ordinances, or the approval of regulatory agencies (e.g., NCDENR approval of soil & erosion control plans)? What is the likelihood of such changes or approval occurring?

- ***Timing:*** Can the mitigation be accomplished in time to serve the project at build-out?

- ***Responsibility:*** Who is responsible for implementing the mitigation? Who is responsible for ensuring the mitigation occurs? In what time frame will the mitigation be implemented? How will the mitigation activity and its success be tracked? Who will track that information?

6.2.3.2. How are mitigation requirements developed in a Fort Bragg NEPA document?

There are three basic steps to be followed to identify, document, and enact mitigation requirements:

(1) SME review of proposed action/alternatives and assessment of impacts of those activities.

(2) SME assessment of mitigation activities needed to lessen impacts below a level of significance (as defined by the SME program).

(3) NEPA author summarizes in conclusion all mitigation activities required for the selected alternative. This summary includes information about how the mitigation is to be carried out, by whom, over what time period, and with what effect. This summary also includes information about who will track progress on carrying out the mitigation activities. [See San Fernando mitigation monitoring plan for an example table.]

6.2.3.3. What is mitigation monitoring?

Mitigation monitoring is the active process by which the Fort Bragg NEPA Team verifies that a project's required mitigation activities have been implemented successfully. Please note that there are two key evaluations in this process: (1) that the mitigations have been implemented and (2) that they were implemented successfully.

There are several components to this activity:

1. The ***mitigation plan*** is the listing of the mitigation activities and responsibilities required for a selected alternative. This information is identified and described in the Conclusion section of the project's NEPA documentation (i.e., a REC, EA, or EIS). This plan should include all information necessary to accurately identify the mitigation that is to occur and why, where and when it is to occur, what will be considered successful implementation of the mitigation, and who is responsible for implementing the action. In addition, this plan should identify who is responsible for tracking the progress and success of implementing the mitigation activities, the consequences if the mitigation plan is not followed, and the authority of the mitigation monitor to enact those consequences.

2. The ***monitoring process*** begins as noted within the mitigation plan described in the EA soon after the project is awarded and allowed to move forward. The monitoring actions required and the length of time over which this process occurs will depend on the types of mitigation activities necessary for the project. To ensure this monitoring process is successful (i.e., the mitigation activities have been accurately and successfully implemented), regular site visits should be made (as established by the required mitigation activities), and the results of those visits should be recorded and reported on a regular basis.

3. The ***project close-out process*** provides an opportunity to walk through a newly constructed project with the project management team to identify any remaining issues to be addressed, including unresolved mitigation activities. Depending on the project, this step may be the final activity in the monitoring process. However, if there are mitigation activities that should be monitored over a longer period (e.g., making sure replacement trees or wetlands are successfully established may take many years beyond the end of the project construction) this process may continue for some time after the client has taken possession of the project.

4. Reporting on the results of this monitoring process should be done on a regular basis using a consistent method. This issue is addressed in more detail in Section 6.2.5, below.

6.2.4 Enforcing Mitigation Requirements:

6.2.4.1 Enforcement authority

- The actual monitoring portion the mitigation activities as identified in the NEPA mitigation monitoring plan will be conducted by the SME for the appropriate media.

- The monitoring SME is authorized to ensure compliance with the mitigation plan, as defined by the NEPA documentation. Any and all significant changes to the identified mitigation plan cause the NEPA document to be reviewed for applicability status.

- If at any time during the project life, the mitigation requirements are not being met, a project can be stopped based on the justification of the SME, NEPA analysts, and the NEPA EE.

6.2.4.2 Monitoring mitigation requirements <u>during</u> construction or implementation of a project

- A monitoring schedule will be identified by the SME. That schedule will be discussed with other project stakeholders, and coordinated with the DPW PM. More in depth monitoring and reporting of the mitigation will occur towards the later stages of design, during construction, and at the completion of construction, prior to Ft. Bragg Real Property assuming the facility as Ft. Bragg property, and finally prior to the mitigation closeout, to be determined by the mitigation SME.

- A detailed monitoring report will be completed by the mitigation SME and provided to the NEPA EE for the project folder/database. The report should included the following information:

    - Project Name and Number
    - DPW PM name and contact information
    - Contractor completing the mitigation and contact information
    - NEPA document indicating monitoring requirement
    - Date monitoring occurs
    - Status of project
    - Findings (summary of compliance or non compliance with identified mitigation plan)
    - Action if required
    - Next scheduled monitoring (if necessary)

Based on the monitoring schedule determined by the mitigation SME and the DPW PM, a reasonable schedule for reporting submittals can be established. The monitoring reports will indicate the success of mitigation implementation as well as provide documentation, fulfilling the NEPA requirements.

- Should the monitoring findings be in violation, lack of, or failure to implement mitigations, the monitoring SME is to notify the DPW PM, NEPA analyst, NEPA EE, and SJA. A determination will be made regarding projects' authorization to proceed. A written corrective action plan is to be prepared by the SME is distributed to the contractor, DPW PM, NEPA analysts, NEPA EE, and the SJA for record.

6.2.4.3 Monitoring mitigation requirements <u>beyond</u> the constructing/implementing a project

- If monitoring mitigation requirements beyond the construction completion and turnover of the project to Real Property are required, the scheduling of monitoring, and type of report to be submitted for record shall be determined by the appropriate SME. The frequency will be based on the type of monitoring required as well as the SMEs agreement with the DPW PM and contractor.

- The following reporting guidance is provided for all monitoring mitigation activities beyond construction or implementation phase of the project:

- A detailed monitoring report will be completed by the mitigation SME and provided to the NEPA EE for the project folder/database. The report should included the following information:

    - Project Name and Number
    - DPW PM name and contact information
    - Contractor completing the mitigation and contact information
    - NEPA document indicating monitoring requirement
    - Date monitoring occurs
    - Status of project
    - Findings (summary of compliance or non compliance with identified mitigation plan)
    - Action if required
    - Next scheduled monitoring (if necessary)

Based on the monitoring schedule determined by the mitigation SME and the DPW PM, a reasonable schedule for reporting submittals can be established. The monitoring reports will indicate the success of mitigation implementation as well as provide documentation, fulfilling the NEPA requirements.

- Should the monitoring findings be in violation, lack of, or failure to implement mitigations, the monitoring SME is to notify the DPW PM, NEPA analyst, NEPA EE, and SJA. A determination will be made regarding projects' authorization to proceed. A written corrective action plan is to be prepared by the SME is distributed to the contractor, DPW PM, NEPA analysts, NEPA EE, and the SJA for record.

6.2.5 Mitigation Monitoring Reporting Requirements

The details of this process have yet to be determined. A coordinated effort among the Fort Bragg offices that perform mitigation monitoring will be needed to make sure that all data is captured and accessible in an easily-used database and format. Among the questions that will need to be answered as these requirements are determined are the following:

1. Who is responsible for tracking and reporting mitigation implementation and progress?

2. What information/data should be captured and reported? What types of mitigation efforts need to be monitored?

3. How often are monitoring visits made?

4. How often is the database updated?

5. How often are reports generated and reported?

6. To whom are these reports made, and where are they archived once generated (administrative record processes)?

The NEPA Environmental Engineer will be responsible for coordinating the overall development of a comprehensive mitigation monitoring process for Fort Bragg. This work will be accomplished with the cooperation, input, and support of the other Divisions and Branches with a stake in these processes (i.e., Natural Resources Division, Water Management Branch, Environmental Compliance Branch, and Cultural Resources Branch).

APPENDICES

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Appendix A Acronyms and Glossary

A.1 Comprehensive List of Acronyms used in Fort Bragg NEPA Documents

Numbers

1st COSCOM	1st Corps Support Command
44th MEDCOM	44th Medical Command
7ATC	Seventh Army Training Command

A – ALPHA

AAF	Army Air Field
AAFES	Army and Air Force Exchange Services
AAP	Army Alternate Procedures
AAR	After Action Review
AAS	Analysis of Alternatives Study
Abn	Airborne
ABPO	Asbestos Ban and Phase-Out Rule
AC	Active Component
ACBM	Asbestos-containing Building Materials
ACHP	Advisory Council on Historic Preservation
ACL	Air Coordination Line
ACM	Asbestos-containing Materials
ACOE	US Army Corps of Engineers
ACP	Access Control Point
ACR	Armored Cavalry Regiment
ACS	Army Community Service
ACSIM	Assistant Chief of Staff for Installation Management
ACUB	Army Compatible Use Buffers
ADA	Air Defense Artillery
ADA	American with Disabilities Act
ADACG	Arrival/Departure Airfield Control Group
ADNL	A-weighted Decibel Noise Level
ADT	Active Duty for Training
AEA	Army Enterprise Architect
AEC	Army Environmental Center
AFAR	Army Federal Acquisition Regulation
AFB	Air Force Base
Ag	Agriculture
AG	Adjutant General
AGL	Above Ground Level
AGR	Active Guard/Reserve
AICP	American Institute of Certified Planners
AICUZ	Air Installation Compatible Use Zone
AIRFA	American Indian Religious Freedom Act
AKM	Army Knowledge Management
AMC	Air Mobility Command
AMC	Army Material Command
AMRP	Army Master Range Plan
AMS	Army Management System
AMSCO/PE	Army Management System (AMS) Codes and Program Elements (PE)
ANC	Army Nurse Corp
AOC	Area of Concern
AOA	Analysis of Alternatives
APA	American Planning Association
APE	Area of Potential Effect
APG	Aberdeen Proving Ground
APOD	Aerial Port of Departure
APOE	Aerial Port of Embarkation
APZ	Accident Potential Zone
AQCR	Air Quality Control Region
AR	Army Regulation
ARDEC	U.S. Army Armaments Research, Development, and Engineering Center
ARDP	Automated Range Development Plan
ARHOC	Army Housing Committee
ARID	Army Range Inventory Database
ARL	Army Research Lab
ARNG	Army National Guard
ARPA	Archeological Resources Protection Act
ARSIC	Army Range Sustainment Integration Council
ARSTAF	Army Staff
ASA (ALT)	Assistant Secretary of the Army for Acquisitions, Logistics, and Technology
ASA(I&E)	Assistant Secretary of the Army for Installations and Environment
ASA(M&RA)	Assistant Secretary of the Army for Manpower and Reserve Affairs
ASG	Area Support Group
ASO	Army Safety Office
ASP	Ammunition Supply Point
AST	Above-ground Storage Tank
AT	Active Training

ATEC	Army Test and Evaluation Command
ATFP	Anti-Terrorism Force Protection
ATP	Ammunition Transfer Point
ATSC	Army Training Support Center
ATTACC	Army Training & Testing Area Carrying Capacity
AV	Aviation
AWS	American Water Services, Inc.

B-BRAVO

BA	Biological Assessment
BASH	Bird/Wildlife Aircraft Strike Hazard
BASOPS	Base Operations
BCT	Basic Combat Training
BCT	Brigade Combat Team
Bde	Brigade
BES	Budget Estimate Submission
Bldg	Building
BLM	Bureau of Land Management
BMM	Borrowed Military Manpower
BMP	Best Management Practice
BN	Battalion
BO	Biological Opinion
BOD	Board of Directors
BOD5	Five-day Biological Oxygen Demand
BOS	Battlefield Operating System
BP	Before Present
BRAC	Base Realignment and Closure
BSA	Brigade Support Area
BSB	Base Support Battalion
BTU	British Thermal Unit

C-CHARLIE

C&D	Construction and Demolition
C3	Command, Control, Communications
C4	Command, Control, Communications, and Computers
C4I	Command, Control, Communications, Computers, and Intelligence
C&D	Construction and Demolition
CA	Commercial Activities
CA	Combat Arms
CAA	Clean Air Act
CAAA	Clean Air Act Amendments
CADD	Computer Aided Drafting and Design
CALFLEX	Combined Arms Live Fire Exercise
CALS	Committee for Ammunition Logistics Support
CAMTF	Combined Army Military Operations on Urbanized Terrain Task Force
CAR	Chief, Army Reserve
CASBC	Community Activities and Services Business Center
CATS	Combined Arms Training Strategy
CAV	Cavalry
CBE	Command Budget Estimate
CDNL	C-weighted Decibel Noise Level
CEHNDM	U.S. Army Engineering and Support Center, Huntsville Manual
CENDOC	Centralized Documentation
CENTCOM	Central Command
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation & Liability Act
CERL	Construction Engineering Research Lab (USACE lab)
CFR	Code of Federal Regulations
CG	Commanding General
CHEM	Chemical
CHPPM	Center for Health Promotion & Preventive Medicine
CIF	Central Issue Facility
CINC	Commander in Chief (The President of the US)
CIO	Chief Information Officer
CIS	Capital Investment Strategy
CMI	Corrective Measures Implementation
CMO	Civil Military Operations
CMS	Corrective Measures Study
CMTC	Combat Maneuver Training Center
CO	Carbon Monoxide
CO	Company
COC	Council of Colonels
COE	Corps of Engineers
COF	Company Operations Facility
COFT	Conduct of Fire Trainer
CONOPS	Contingency Operations
CONUS	Continental United States
COSCOM	Corps Support Command
CP&L	Carolina Power and Light
CPA	Chief of Public Affairs
CPAC	Civilian Personnel Advisory Center
CPOC	Civilian Personnel Operations Center
CQB	Close Quarters Battle
CRA	Continuing Resolution Authority

CRB	Cultural Resources Branch
CRM	Cultural Resource Manager
CRP	Cultural Resources Program
CS	Combat Support
CSA	Chief of Staff of the Army
CSB	Combat Support Battalion
CSS	Combat Service Support
CTC	Combat Training Center
CWA	Clean Water Act
CX	Categorical Exclusion

D-DELTA

DA	Department of the Army
DA Form	Department of the Army Form
DA PAM	Department of the Army Pamphlet
DAQ	Department of Air Quality (North Carolina)
DASA	Deputy Assistant Secretary of the Army
DASAF	Director of Army Safety
dB	Decibel
dBA	A-weighted Decibels
dBC	C-weighted Decibels
dbh	Diameter at Breast Height
dBP	Linear Peak Decibel Level
DCS	Deputy Chief of Staff
DCSOPS	Deputy Chief of Staff for Operations
DCU	Desert Camouflage Uniform
DD Form	Department of Defense Form
DEIS	Draft Environmental Impact Statement
DEP	Director of Environmental Programs
DES	Duke Energy Services
DFAS	Defense Finance and Accounting Service
DLE	Directorate of Law Enforcement
DMM	Discarded Military Munitions
DMPRC	Digital Multi-Purpose Range Complex
DNL	Day-night noise level
DOC	Directorate of Contracting
DOD	Department of Defense
DODD	Department of Defense Directive
DODEA	Department of Defense Education Activity
DODI	Department of Defense Instruction
DOE	Department of Energy
DOI	Department of the Interior
DOIM	Directorate of Information Management
DOL	Directorate of Logistics
DOPAA	Description of Proposed Action & Alternatives
DOT	Director of Training
DOTLMS	Doctrine, Organization, Training, Leadership, Materials, and Soldiers
DOTMLPF	Doctrine, Organizations, Training, Material, Leadership and Education, Personnel, and Facilities
DMS	Directorate of Emergency Services
DPCA	Directorate of Personnel & Community Activities
DPTMS	Directorate of Plans, Training, Mobilization and Security
DPW	Directorate of Public Works
DRB	Division Ready Brigade
DRCS	Directorate of Recreation & Community Services
DRID	Defense Reform Initiative Directive
DRM	Directorate of Resource Management
DRMO	Defense Reutilization and Marketing Office
DS	Direct Support
DSEC	Directorate of Security
DU	Depleted Uranium
DUSD(I&E)	Deputy Under Secretary of Defense for Installations and Environment
DZ	Drop Zone

E-ECHO

EA	Environmental Assessment
EAC	Early Action Compact
EAC	Echelon Above Corps
EBS	Environmental Baseline Study/Survey
ECAS	Environmental Compliance Assessment System
ECB	Environmental Compliance Branch
ECM	Electronic Countermeasures
ECO	Environmental Compliance Officer
ECP	Engineering Change Proposals
EDATE	Effective Date
EIS	Environmental Impact Statement
EMB	Environmental Management Branch
EMC	Executive Management Council
EMS	Environmental Management System

EN	Engineer
ENMP	Environmental Noise Management Program
EO	Executive Order
EOC	Emergency Operations Center
EOD	Explosive Ordnance Disposal
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
EPAS	Environmental Performance Assessment System
EPP	Emergency Preparedness Plan
EPR	Environmental Program Requirements
EQCC	Environmental Quality Control Council
EQR	Environmental Quality Reporting
EQT	Environmental Quality Technology
ERCM	Environmental Regulatory Climate Model
ERDC	Engineer Research and Development Center
ESA	Endangered Species Act
ESB	Enhanced Separate Brigade
ESC	Executive Steering Committee
ESMP	Endangered Species Management Plan
ESOH	Environmental Safety and Occupational Health
ESQD	Explosive Safety-Quantity Distance
EUSA	Eighth United States Army

F-FOXTROT

FA	Field Artillery
FAA	Federal Aviation Administration
FAC	Facility Analysis Category
FARRP	Forward Area Rearm and Refuel Point
FB REG	Fort Bragg Regulation
FCC	Facility Category Code
FEBA	Forward Edge of the Battlefield
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FF	Future Force
FI	Finance
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FIST	Fire Support Team
FMP	Forest Management Plan
FMTV	Family of Medium Tactical Vehicles
FNSI	Finding of No Significant Impact
FOA	Field Operating Agency
FORSCOM	Forces Command
FOUO	For Official Use Only
FPO	Federal Preservation Officer
FPO	Federal Protection Officer
FR	Federal Register
FRP	Facility Reduction Program
FSB	Forward Support Battalion
FSC	Federal Species of Concern
FSC	Forward Support Company
FSM	Facility Sustainment Model
FTX	Field Training Exercise
FUDS	Formerly Used Defense Sites
FY	Fiscal Year

G-GULF

GBA	Greenbelt Area
GC	Garrison Commander
GIS	Geographic Information System
GO	General Officer
GOSC	General Officer Steering Committee
GPCD	Gallons per capita per day
gpm	Gallons per minute
GPS	Global Positioning System
GSF	Gross Square Feet

H-HOTEL

HABS	Historic American Building Survey
HAP	Hazardous Air Pollutant
HE	High Explosive
HEPA	High-Efficiency Particulate Air
HM/HW	Hazardous Material/Hazardous Waste
HMA	Habitat Management Area
HMCC	Hazardous Material Control Center
HMCG	Hazardous Material Control Group
HMMWV	High-Mobility Multipurpose Wheeled Vehicle
HMP	Habitat Management Plan
HMSC	Headquarters Main Support Company
HPP	Historic Preservation Plan
HQ	Headquarters
HQDA	Headquarters Department of the Army
HQUSACE	Headquarters US Army Corps of Engineers
HQW	High Quality Waters
hr	hour
HW	Hazardous Waste
HWSF	Hazardous Waste Storage Facility

HWY	Highway

I-INDIA

IAP	Installation Action Plan
IAV	Interim Armored Vehicle
IAW	In Accordance With
ICAP	Installation Corrective Action Plan
ICM	Improved Conventional Munitions
ICRMP	Integrated Cultural Resource Management Plan
ICUZ	Installation Compatible Use Zone
IDG	Installation Design Guide
IDS	Intrusion Detection System
IET	Initial Entry Training
IFR	Instrument Flight Rules
IFS	Integrated Facility System
IG	Inspector General
IISC	ITAM Installation Steering Committee
ILO	Installation Law Office
IMA	Installation Management Agency
IN	Infantry
INRMP	Integrated Natural Resource Management Plan
IP	Individual Permit
IPAT	Integrated Process Action Team
IPB	Intelligence Preparation of the Battlefield
IPMP	Installation Pest Management Plan
IRP	Installation Restoration Program
ISCP	Installation Spill Contingency Plan
ISO	International Standards Organization
ISR	Installation Status Report
IT	Information Technology
ITAM	Integrated Training Area Management
ITC	Installation Training Capacity
IWAM	Installation Work Plan Analysis Module

J-JULIET

JBO	Jeopardy Biological Opinion
JD	Jurisdictional Determination
JFCOM	Joint Forces Command
JLUS	Joint Land Use Study
JP-8	Diesel Fuel
JRTC	Joint Readiness Training Center
JS	Joint Staff
JSOC	Joint Special Operations Command

K-KILO

KBC	Key Business Drivers
km	Kilometer
kV	Kilovolt
kVA	Kilovolt-Ampere
kW	Kilowatt
kWh	Kilowatt Hour

L-LIMA

LATN	Low Altitude Tactical Navigation
LBP	Lead-Based Paint
lb/yr	Pounds per year
LCID	Land Clearing and Inert Debris
LCM	Lamps containing mercury
LCTA	Land Condition Trend Analysis
LEA	Layaway Economic Analysis
LEA	Law Enforcement Agency
LEED	Leadership in Energy and Environmental Design
lf	Linear Feet
LID	Low Impact Development
LIMT	Low Impact Military Training
LOF	List of Figures
LOS	Level of Service
LOT	List of Tables
LPG	Liquid propane gas
LQG	Large Quantity Generator
LRAM	Land Rehabilitation Maintenance
LRC	Long-range Component
LTA	Local Training Area
LTM	Long-term Monitoring
LUC	Land Use Controls
LURS	Land Use Requirements Study
LZ	Landing Zone

M-MIKE

$\mu g/m^3$	micrograms per cubic meter
MACOM	Major Army Command
MDW	Military District of Washington
MCA	Military Construction Army
MCAR	Military Construction Army Reserve
MCNG	Military Construction National Guard
MCOFT	Mobile Conduct of Fire Trainer
MDEP	Management Decision Package
MDW	Military District of Washington
MEDCOM	Medical Command
METL	Mission Essential Task List
METT-T	Mission, Enemy, Troops, Terrain and Weather, Time Available

mgd	Million gallons per day
mg/m^3	milligrams per cubic meter
MI	Military Intelligence
MILCON	Military Construction
MILES	Multiple Integrated Laser Engagement System
MIPR	Military Interdepartmental Purchase Request
MLRS	Multi-Launch Rocket System
mm	millimeter
MOA	Memorandum of Agreement
MOOTW	Military Operations Other Than War
MOS	Military Occupational Specialty
MOU	Memorandum of Understanding
MOUT	Military Operations in Urban Terrain
MP	Military Police
MPRC	Multi Purpose Range Complex
MRE	Meal Ready to Eat
MSC	Major Subordinate Command
MSC	Medical Service Corps
MSC	Mobile Subscriber Equipment
MSDS	Material Safety Data Sheets
msl	Mean Sea Level
MSW	Municipal Solid Waste
MTA	Major Training Area
MTOE	Modified Table of Organization and Equipment
MTV	Medium Tactical Vehicles
MTW	Major Theater of War
MVA	Megavolt-amperes
MWR	Morale Welfare Recreation

N-NOVEMBER

NAAQS	National Ambient Air Quality Standards
NAEP	National Association of Environmental Professionals
NAF	Nonappropriated Funds
NAGPRA	Native American Graves Protection and Repatriation Act
NBC	Nuclear, Biological, Chemical
NC	North Carolina
NCA	National Command Authority (the President)
NCAC	North Carolina Administrative Code
NCDENR	North Carolina Department of Environment and Natural Resources
NCDOC	North Carolina Department of Commerce
NCDOT	North Carolina Department of Transportation
NCNG	North Carolina Natural Gas
NCO	Non-Commissioned Officer
NCSHPO	National Conference of State Historic Preservation Officers
NCSCP	North Carolina Sandhills Conservation Partnership
NCWRC	North Carolina Wildlife Resources Commission
NEPA	National Environmental Policy Act
NFWS	National Fish and Wildlife Service
NGB	National Guard Bureau
NGO	Non Governmental Organization
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NHO	Native Hawaiian Organization
NO_2	Nitrous Oxide
NOI	Notice of Intent
NORTHCOM	Northern Command
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resource Conservation Service
NRD	Natural Resources Division
NRHP	National Register of Historic Places
NSA	National Security Agency
NTA	Northern Training Area
NTC	National Training Center
NTHP	National Trust for Historic Preservation
NWI	National Wetland Inventory
NWP	Nationwide Permit

O-OSCAR

O_3	Ozone
O&M	Operations and Maintenance
OACSIM	Office of the Assistant Chief of Staff for Installation Management
OB/OD	Open Burning/Open Detonation
OCLL	Office of Congressional Legislative Liaison
OCONUS	Outside the Continental U.S.
ODEP	Office of the Director of Environmental Programs
OMA	Operations and Maintenance, Army
OOTW	Operations Other Than War
OPA	Other Procurement Army
OPFOR	Opposing Forces
OPTEMPO	Operations Tempo

ORAU	Oak Ridge Associated Universities
ORD	Ordnance
ORISE	Oak Ridge Institute for Science and Education
OSD	Office of the Secretary of Defense
OSHA	Occupational Safety and Health Act
OSHA	Occupational Safety and Health Administration
OSUT	One Station Unit Training
OTC	Operational Test Command
OWS	Oil/Water Separator

P-PAPA

P2	Pollution Prevention
PA	Programmatic Agreement
PAO	Public Affairs Office
PAT	Process Action Team
Pb	Lead
PBAC	Program Budget Advisory Committee
PBD	Presidential Budget Decision
PBG	Program Budget Guidance
PCB	Polychlorinated Biphenyl
PDF	Portable document format
PE	Program Element
PEL	Permissible Exposure Limit
PEO	Program Executive Officer
PFP	Partnership for Peace
PL	Phase Line
PL	Public Law
PM	Particulate Matter
$PM_{2.5}$	Particulate Matter with diameter of 2.5 microns or less
PM_{10}	Particulate Matter with diameter of 10 microns or less
PMR	Process Management Review
PN	Project Number
POC	Point of Contact
POI	Program of Instruction
POL	Petroleum, Oil, and Lubricants
POM	Program Objective Memorandum
POV	Privately-Owned Vehicle
PP	Power Projection Platform (Installations of Importance to Mobilization)
PPBES	Planning, Programming, Budgeting and Execution System
ppm	parts per million
PPRFA	Past, Present and Reasonably Foreseeable Future Actions
PPV	Public-Private Venture
psi	pounds per square inch
PSP	Power Support Platform (Installation which support mobilization)
PSYOPS	Psychological Operations
PT	Physical Training
PVC	Polyvinyl Chloride
PWC	Public Works Commission
PX	Post Exchange

Q- QUEBEC

QA	Quality Assurance Program
QM	Quartermaster
QMB	Quality Management Board
QRP	Qualified Recycling Program

R-ROMEO

RAB	Restoration Advisory board
RBC	Readiness Business Center
RBCA	Risk-based Corrective Action
RC	Reserve Component
RCI	Residential Community Initiative
RCRA	Resource Conservation & Recovery Act
RCW	Red-cockaded Woodpecker
R&D	Research and Development
RDP	Range Development Plan
RDT&E	Research, Development, Test and Evaluation
RDX	Royal Demolition Explosives
REC	Record of Environmental Consideration
RFA	RCRA Facility Assessment
RFI	RCRA Facility Investigation
RFMSS	Range Facility Management Support System
RFP	Request for Proposals
RLUAC	Regional Land Use Advisory Commission
RMW	Regulated Medical Waste
ROD	Record of Decision
ROE	Rules of Engagement
ROI	Region of Influence
RONA	Record of Non-applicability
ROTC	Reserve Officer Training Corps
ROW	Right-of-Way
ROWPU	Reverse Osmosis Water Purification Unit
RPEO	Real Property Environmental Overlay
RPLANS	Real Property Planning and Analysis System
RPM	Reasonable and Prudent Measure
RPMP	Real Property Master Plan

RSO&I	Reception, Staging, Onward Movement and Initiative
RTLP	Range and Training Land Program
RTSC	Regional Training Support Center

S-SIERRA

S&S	Supply and Service
SAC	Special Areas of Conservation
SAP	Satellite Accumulation Point
SBCT	Stryker Brigade Combat Team
SC	Signal Corps
SCMP	Soil Conservation Master Plan
SCP	Soil Conservation Plan
SCUBA	Self-contained Underwater Breathing Apparatus
SDZ	Surface Danger Zone
SEAD	Suppression of Enemy Air Defense
SEDRE	Sealift Emergency Deployment Readiness Exercise
SEI	Sustainable Ecosystem Institute
sf	Square feet
SF	Special Forces
SFG	Special Forces Group
SFP	Special Force Package
SHPO	State Historic Preservation Officer
SINCGARS	Single Channel Ground and Airborne Radio System
SIP	State Implementation Plan
SISWMP	Sustainable Integrated Solid Waste Management Plan
SJA	Staff Judge Advocate
SME	Subject Matter Expert
SMSA	Standard Metropolitan Statistical Area
SO_2	Sulfur Dioxide
SOC	Special Operations Command
SOF	Special Operations Forces
SOFLOG	Special Operations Forces Logistics
SOG	Standard Operating Guidelines
SOP	Standard Operating Procedures
SOPC	Special Operations Preparation and Conditioning Course
SOSB	Special Operations Support Battalion
Spp.	Species (various)
SPCCP	Spill Prevention Control and Countermeasures Plan
SPiRiT	Sustainable Project Rating Tool
SRA	Sustainable Range Awareness
SRC	Short-range Component
SRM	Sustainment, Restoration, and Maintenance
SRP	Sustainable Range Program
STARC	State Area Commands, (ARNG Organizations)
STRAC	Standards and Training Commission
STRACNET	Strategic Rail Corridor Network
STRAHNET	Strategic Highway Network
SUS	Sandhills Utility Service
SVOC	Semi-volatile Organic Compounds
SWCS	Special Warfare Center and School
SWMU	Solid Waste Management Unit

T-TANGO

T&E	Threatened and Endangered (Species)
T2	Training Transformation
TACR	Tactical Air Control Party
TADSS	Training Aids, Devices, Simulators, and Simulations
TAP	The Army Plan
TAG	The Adjutant General
TBUD	Training Budget
TC	Training Circular
TC	Transportation Corps
TDA	Table of Distribution & Allowances
TDP	Technical Data Package
TEWT	Tactical Exercise Without Troops
THPO	Tribal Historic Preservation Officer
TI	Technical Instruction
TISA	Troops Issue Subsistence Activity
TM	Technical Manual
TNC	The Nature Conservancy
TOC	Table of Contents
TOC	Tactical Operations Center
TOE	Table of Organization & Equipment
TPFDL	Time Phased Force Deployment List
TPU	Troop Program Unit
TRADOC	Training and Doctrine Command
TRI	Training Requirement Integration
TRM	Training Resource Model
TRP	Target Reference Point
TSCA	Toxic Substances Control Act
TSD	Treatment, Storage, and Disposal

TSP	Training Support Package
TSQMB	Training Support Quality Management Board
TSS	Total Suspended Solids
TT	Technology Team
TTP	Tactics, Techniques and Procedures

U-UNIFORM

UAV	Unmanned Aerial Vehicle
UBL	Unit Basic Load of Ammunition
UFC	Unified Facility Criteria
UFR	Unfinanced Requirement
US	United States
USAAA	United States Army Agency
USACE	United States Army Corps of Engineers
USAEC	United States Army Environmental Center
USAES	United States Army Engineer School
USAESCH	United States Army Engineering and Support Center, Huntsville
USAR	United States Army Reserve
USARC	United States Army Reserve Command
USAREUR	United States Army Europe
USARPAC	United States Army Pacific
USARSO	U.S. Army South (Panama)
USASOC	United States Army Special Operations Command
USATC	United States Army Training Center
USC	United States Code
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
USMA	United States Military Academy
USSOCOM	United States Special Operations Command
USR	Unit Status Report
UST	Underground Storage Tank
UXO	Unexploded Ordnance

V-VICTOR

VFR	Visual Flight Rules
VOC	Volatile Organic Compounds

W-WHISKEY

WAMC	Womack Army Medical Center
WES	Waterways Experiment Station (Corps of Engineers lab)
WO	Warrant Officer
WTP	Water Treatment Plant
WTS	Waste Transfer Station
WWII	World War II
WWTP	Wastewater Treatment Plant

X-XRAY

Y-YANKEE

Z-ZULU

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A.2 Glossary of NEPA Planning Terms

The following definitions provide a basic overview of the meaning and intent of terms used throughout this SOP. These definitions come from official NEPA sources including 40 CFR 1500-1508, 32 CFR 651, and CEQ guidance. However, this list is neither exhaustive nor officially audited for accuracy. Thus, any question as to the accuracy of a definition provided below must always defer to regulatory guidance and definitions provided in the three sources just cited.

Administrative Record

A record of all documents (hard copies, electronic files, briefing charts, files, photographs, or other documents and records) relied upon in preparing a NEPA document. The administrative record documents the proponent's consideration of all relevant and reasonable factors and should include evidence of diverging opinions and criticisms of the proposed action or its reasonable alternatives. Overall, the administrative record should demonstrate and document that the Army took a "hard look" at the proposed action and its reasonable alternatives as required by law.

Alternative / Alternative Courses of Action

This describes an alternate location or method of accomplishing a ***Proposed Action***. The section of an EA describing the proposed alternatives is the heart of the environmental assessment or environmental impact statement. It should present the alternatives in comparative form, thus sharply defining the alternatives, assessing their suitability using alternative selection criteria, and providing a clear basis for choice among options by the decision maker and the public. In this section, agencies shall:

a. Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

b. Devote substantial treatment to each alternative considered in detail so that reviewers may evaluate their comparative merits.

c. Include reasonable alternatives not within the jurisdiction of the lead agency.

d. Include the alternative of no action.

e. Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

f. Identify appropriate mitigation measures not already included in the proposed action or alternatives descriptions.

Baseline

The initial environmental conditions of a site against which the environmental consequences of various alternative actions are evaluated.

Best Management Practice (BMP)

Any accepted practice, action, or guideline identified by installation policy, specification, or Installation Design Guide that prevents or reduces the impact of an action on a resource. A BMP used to reduce an impact below a level of significance is considered mitigation under NEPA and 32 CFR 651. For example, a BMP may be used to control nonpoint-source pollution or protect the productivity of a resource. They are flexible, workable guidelines that are adaptable to a very wide range of practices and site conditions. At Fort Bragg, some BMPs have been given the force of required action once an installation policy is issued mandating the use of those BMPs (e.g., requirement of all installation construction projects to have a Fort Bragg-reviewed and approved sedimentation and erosion control plan). See also ***Mitigation***.

Categorical Exclusion (CX)

A category of actions that do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a federal agency in implementation of these regulations and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. The Army may decide in its procedures, or otherwise, to prepare environmental assessments for the reasons stated in 32 CFR 651 Appendix B even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

Council on Environmental Quality (CEQ)

Established within the Executive Office of the President under the National Environmental Policy Act of 1969 (NEPA).

Cumulative Impact

The impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Description of Proposed Action and Alternatives (DOPAA)

This is the basic information necessary for assessing the environmental impact of a proposal. It describes the proposed action, the alternatives to be considered, and the rationale used to arrive at the proposed action.

Direct Effects

See ***Impacts***.

Effects

See ***Impacts***.

Endangered Species

A plant or animal that is threatened with extinction or serious depletion in its range and formally listed as such by the USFWS.

Environmental Assessment (EA)

A concise public document for which a federal agency is responsible that serves to:

a. Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

b. Aid an agency's compliance with the Act when no environmental impact statement is necessary.

c. Facilitate preparation of a statement when one is necessary.

d. Include brief discussions of the need for the proposal, of alternatives, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

Environmental Impact Statement (EIS)

An EIS is prepared for any major federal action in which there is a potential for significant impacts that cannot be mitigated. This document is a detailed statement by the responsible official on:

a. The environmental impacts of the proposed action

b. Any adverse environmental effects that cannot be avoided should the proposal be implemented

c. Alternatives to the proposed action

d. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity

e. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented

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

Finding of No Significant Impact (FNSI or FONSI)

The FNSI is a document that briefly states why an action will not significantly affect the environment, thus voiding the requirement for an EIS. The FNSI will include a summary of the conclusions of the environmental assessment and will note any environmental documents related to it. If the EA is attached, the FNSI need not repeat any of the EA's discussion, but may incorporate it by reference. A FNSI is always signed by the decision maker.

Historic District

A geographically defined area designated as possessing a concentration, linkage, or continuity of sites, buildings, structures, or objects of historic, archeological, architectural, or aesthetic value.

Historic Property

Any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Human Environment

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

Impacts (also known as ***Effects***)

Any change – positive/beneficial or negative/adverse – in the current or future condition of a resource. Effects and impacts, as used in NEPA regulations and 32 CFR 651, are synonymous.

For the purpose of NEPA, there are three categories of impacts:

a. ***Direct impacts*** are caused by the action and occur at the same time and place.

b. ***Indirect impacts*** are caused by the action that occur later in time or farther removed in distance but are still reasonably foreseeable. Indirect impacts may include growth-inducing impacts and other effects related to induced changes in the pattern of land use, population density or growth rate, and related impacts on air and water and other natural systems, including ecosystems.

c. ***Cumulative impacts*** result from the incremental effect of separate past, present, and reasonably foreseeable future actions on a resource, regardless of what agency or person undertakes each of the actions. A cumulative impact may accrue from individually minor but collectively significant actions taking place over an extended period of time.

For the purposes of an EA, the severity of an impact is measured regulatorially simply as significant or non-significant. An impact in an EA that breaches the significant severity typically triggers the development of an EIS unless that impact can be mitigated below significance. An EIS is written as a result of some significant impact. As a result, it is more important in an EIS to measure relative differences between impacts of alternatives in order to make a better decision. In these cases, the EIS likely will provide a broader measure of the severity of impact each action has on a resource (e.g., none, low, moderate, high, significant).

Types of impacts include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. An action may have both beneficial and detrimental impacts, even if on balance the agency believes that the impact will be beneficial.

Indirect Effects

See ***Impacts***.

Lead Agency

The agency or agencies preparing or taking primary responsibility for a NEPA document.

Major Federal Action

Includes actions with effects that may be major and that are potentially subject to federal control and responsibility. This term reinforces but does not have a meaning independent of "significantly affecting the environment," and will be interpreted in that context. A federal proposal with "significant effects" requires an EIS, whether it is "major" or not. Conversely, a "major federal action" without "significant effects" does not necessarily require an EIS.

Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action.

a. Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals. Actions do not include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., with no federal agency control over the subsequent use of such funds. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

b. Federal actions tend to fall within one of the following categories:

    1. Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreements; formal documents establishing an agency's policies that will result in or substantially alter agency programs.

    2. Adoption of formal plans, such as official documents prepared or approved by federal agencies that guide or prescribe alternative uses of federal resources, upon which future agency actions will be based.

    3. Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.

    4. Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as federal and federally assisted activities.

Mitigation

A mitigation is any action performed to prevent an impact from becoming significant. There are five primary types of mitigation, including:

a. Avoiding the impact altogether by not taking a certain action or parts of an action

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action

e. Compensating for the impact by replacing or providing substitute resources or environments

See also ***Best Management Practices***

NEPA document

A document that fulfills the requirement of the National Environmental Policy Act. Depending on the magnitude and scope of the proposed action, it could be a categorical exclusion, an environmental assessment, or environmental impact statement.

NEPA process

All measures necessary for compliance with the requirements of Section 2 and Title I of NEPA of 1969 and with 32 CFR 651, "Environmental Analysis of Army Actions."

Notice of Intent (NOI)

The NOI is the formal public notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

a. Describe the proposed action and possible alternatives.

b. Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.

c. State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement.

It must be published in the Federal Register and in newspapers with appropriate or general circulation in the areas potentially affected by the proposed action. The specific details of preparing and distributing an NOI are presented in 32 CFR 651.45(a).

Proponent

Identification of the proponent depends on the nature and scope of a proposed action. Any Army structure may be a proponent. In general, however, the proponent is the unit, element, or organization that is responsible for initiating or carrying out the proposed action. The proponent has the responsibility to prepare and/or secure funding for preparation of the environmental documentation.

Proposed Action

The action or actions to be performed to address a defined purpose and need. The proposed action description should not include a reference to a specific location unless that location is required by Congressional mandate in the project funding. See also ***Alternative***.

Purpose and Need

The Purpose and Need Statement will be the basis for ultimately identifying the preferred alternative (package of modal alternatives) that meets the underlying need and best achieves the purposes and environmental goals to be attained for the I-70 Programmatic Environmental Impact

Statement (PEIS) between C-470 and Glenwood Springs, Colorado. The Purpose and Need Statement will also serve as the scope of the decision factors for the selection of the preferred alternative in the Record of Decision.

Record of Decision (ROD)

The ROD is the decision document resulting from the preparation of an EIS. Like a FNSI, it provides a detailed summary of the proposed action(s) and alternatives, the potential impacts, conclusions of the EIS analysis, and the final decision of the project decision-maker. There are regulatory requirements for its content and for its publication in the Federal Register. See 32 CFR 651.26, 651.45, and 651.45 for more information.

Record of Environmental Consideration (REC)

The REC describes the proposed action and anticipated timeframe, identifies the proponent, and explains why further environmental analysis and documentation is not required. It is a signed statement to be submitted with project documentation. It is used when the proposed action is exempt from the requirements of NEPA, or has been adequately assessed in existing documents and determined not to be environmentally significant. A REC is also used to document the use of those CX that require such records. (AR 200-2)

Scope

Consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (also see tiering). To determine the scope of environmental impact statements, agencies shall consider three types of actions, three types of alternatives, and three types of impacts. They include:

a. Actions (other than unconnected single actions) that may be:

   1. Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

      i. Automatically trigger other actions that may require environmental impact statements.

      ii. Cannot or will not proceed unless other actions are taken previously or simultaneously.

      iii. Are interdependent parts of a larger action and depend on the larger action for their justification.

   2. Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

   3. Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

b. Alternatives, which include:

   1. No action alternative

   2. Other reasonable courses of actions

   3. Mitigation measures (not in the proposed action)

c. Impacts, which may be:

1. Direct
2. Indirect
3. Cumulative

Scoping

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

Significant / Significantly / Significance

As used in NEPA, the significance of an action's, program's, or project's significance requires considerations of both context and intensity, as defined in 40 CFR 1508.27 and below:

a. Context means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

b. Intensity refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.
2. The degree to which the proposed action affects public health or safety.
3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

Threatened Species

A species likely to become endangered within the foreseeable future throughout all or a significant portion of its natural range.

Tiering

Refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site-specific statements) incorporating by reference the general discussions of the broader EIS and concentrating solely on the issues specific to the statement subsequently prepared. *Tiering* is appropriate when the sequence of statements or analyses is:

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

Appendix B Document Revision History

Document Name: Volume 1: Fort Bragg Military Reservation National Environmental Policy Act and Environmental Project Management Standard Operating Procedures

Revision Date:	Revision(s) Made:	Revised By:
25 Oct 2005	Final draft version staffed to Directorate of Public Works	dbc
12 Dec 2005	Initial final version approved and published	dbc/sh

Tab 6: Army NEPA Regulations

This Section Contains:

- "Environmental Analysis of Army Actions" (32 CFR Part 651)

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Federal Register

Friday,
March 29, 2002

Part II

Department of Defense

Department of the Army

32 CFR Part 651

Environmental Analysis of Army Actions; Final Rule

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 651

[Army Regulation 200–2]

Environmental Analysis of Army Actions

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: This final rule is a revision of policy and procedures for implementing the National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality (CEQ) regulations in the Code of Federal Regulations (CFR). These guidelines replace policy and procedures found in current Army Regulation 200–2, Environmental Effects of Army Actions. The revision is necessary to clarify and update the current regulation. Since the December 1988 update of this part, initiatives such as the National Performance Review (NPR) have streamlined the federal government through decentralization, reduction and simplification of regulations, and management of risk. This revised rule strives to meet the spirit of the NPR, and Executive Order 12861, Elimination of One-Half of Executive Branch Internal Regulations, 11 September 1993.

EFFECTIVE DATE: March 29, 2002.

ADDRESSES: Army Environmental Policy Institute, 101 Marietta Street, Suite 3120, Atlanta, GA 30303–2716.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Webster, Army Environmental Policy Institute at (404) 524–9364 x298.

SUPPLEMENTARY INFORMATION:

a. Background

Proposed revisions to Army Regulation 200–2 (32 CFR part 651) were published in the **Federal Register**, Volume 65, No.174, Part II, pages 54347–54392, September 7, 2000 for public comment.

b. Comments and Responses

Two respondents submitted comments on the proposed rule. The first respondent was concerned that all Environmental Assessments (EAs) might not be made available for public participation and comment, or published in the **Federal Register**. It is Army policy that all EAs of national scope or interest be published in the **Federal Register**, and that all EAs and draft Findings of No Significant Impact (FNSIs) be made available through local publication and public notice. This part provides for such publication of a ''draft FNSI'' for public comment, after which the FNSI is either finalized, the EA is modified, or the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) is published. This same respondent was concerned over the potential effects that Army application of Commercial Activities (OMB Cir. A–76) would have on the ability of Army leaders to ''maintain sufficient capability'' to ensure compliance as required by Section 651.5(e) of the proposed revision. Army application of Commercial Activities includes identification of those employee functions that are ''government in nature'' (GIN), as defined in OMB guidelines. The correct application of those guidelines will satisfy the concerns voiced by the respondent. Similarly, the respondent was concerned over the replacement of career civil servants with military personnel in responsible NEPA oversight and approval positions. This revision clearly places the responsibility for an adequately trained NEPA staff on the Army leadership (§§ 651.4 (a)(2), (c)(1)(v), (e)(1), (f)(4), (g)(8), (o)(12), (r)(1), and (r)(2)), and subsequent oversight of the overall NEPA program performance (§§ 651.4 (a), (f)(6) and (o)(1)). With respect to the respondent's concerns over military (as opposed to civilian) control over NEPA requirements, this revision adds NEPA requirements to the Army Officer Foundation Standards (§ 651.4 (r)(1)).

The second respondent felt that the rule would not insure that impacts to a state's fish and wildlife resources are considered and addressed early in the Army NEPA planning process, and recommended that a REC require documentation of potential impacts to wildlife or wildlife habitat. This issue is addressed in §§ 651.29 (a)(2), (c)(1) and (3), and (e)(1) and (4). The respondent believed that Sections §§ 651.36 (b) and 651.39 of the proposed rule contradict § 651.36 (c) and CEQ Regulation 40 CFR § 1506.6 (a). The cited sections of this proposed rule are not contradictory. Instead, they require open public access and encourage participation, as necessary, to insure that public concerns and issues are incorporated in Army decision making. As an example, § 651.21 of this rule allows for the circulation of a ''draft'' FNSI which is only ''finalized'' after opportunities for pubic involvement have been afforded. Some discretion on the timing and nature of public involvement is afforded, in § 651.36 (b), to the proponents of an action, sufficient participation is required under this rule to insure required public cognizance and the opportunity for more extensive levels of participation, at the discretion of the affected public. The second respondent also expressed concern over the applicability and desirability of CX (c) (1) (in Appendix B), which excludes areas of less than 5 acres of disturbance, if the location of the proposed action is a wetland or habitat area. This CX remains in this final rule, as a proposed action that affects wetlands, sensitive habitat, or other special circumstances, the CX would be prohibited under § 651.29. Noted conflicts on the maximum length of an EIS, between § 651.40 and Appendix E (a) (3), has been resolved in this final rule. Finally this respondent called for a definition of ''Significantly Affecting the Environment'' which is more consistent with CEQ Regulation 40 CFR 1508.27, and this change has been made in this final rule.

c. Administrative Requirements

The Regulatory Flexibility Act

The Regulatory Flexibility Act, 5, U.S.C. 601 *et seq.*, requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organization must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an action, however, need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities.

The Department of the Army has considered the impact of this part under the Regulatory Flexibility Act. It has been certified that the final rule will not have a significant economic impact on a substantial number of small entities.

The Paperwork Reduction Act

This part does not involve the collection of information and therefore is not subject to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 13132, Federalism

Executive Order 13132 requires that Executive departments and agencies identify regulatory actions that have significant federalism implications. A regulation has federalism implications if it has substantial direct effects on the States, on the relationship or distribution of power between the Federal Government and the States, or on the distribution of power and responsibilities among various levels of Government. This organization has determined that this rule has no

federalism implications that warrant the preparation of a Federalism Assessment in accordance with Executive Order 13132.

Executive Order 12630, Government Action and Interference With Constitutionally Protected Property Rights

This rule is issued with respect to the National Environmental Policy Act of 1969 and therefore establishes the Army's responsibilities for the early integration of environmental consideration into planning and decision-making. This rule should not impact the provisions of Executive Order 12630 or the Private Property Rights Act.

Executive Order 12866, Regulatory Planning and Review

This rule is not a significant regulatory action pursuant to Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. The revision is not a ''major'' rule within the meaning of Executive Order 12866. The effect on the economy will be less than $100 million. The rule will not cause a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State, or local government agencies. The rule will not have a significant adverse impact on competition, employment, investment productivity, innovation, or on the ability of a United States-based enterprise to compete with foreign-based enterprises in domestic or export markets.

Executive Order 12875 Enhancing the Intergovernmental Partnership

The rule does not impose non-statutory unfunded mandates on small governments and is not subject to the requirements of the executive order.

Executive Order 12988, Civil Justice

This rule is in compliance with the provisions and requirements of Executive Order 12988.

Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

The rule is issued with respect to existing environmental guidelines and laws. Therefore, this rule should not directly impact this executive order.

Unfunded Mandates Act

This revision does not impose an enforceable duty upon the private sector nor does it impose unfunded mandates on small governments and therefore is not subject to the requirements of the Unfunded Mandates Reform Act.

National Environmental Policy Act

This part implements the National Environmental Policy Act of 1969 (NEPA), and establishes the Army's policies and responsibilities for the early integration of environmental considerations into planning and decision-making.

Submission to Congress and the Comptroller General of the General Accounting Office

Pursuant to Section 801(a)(1)(A) of the Administrative Procedures Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army will submit a report containing this rule to the U.S. Senate, House of Representatives, and the Comptroller General of the General Accounting Office. This rule is not a major rule within the meaning of Section 804(2) of the Administrative Procedures Act, as amended.

List of Subjects in 32 CFR Part 651

Ecology, Environmental impact statements, Environmental protection, Natural resources.

Dated: December 6, 2001.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), DASA (ESOH).

For the reasons as set forth in the preamble, 32 CFR Part 651 is revised to read as follows:

PART 651—ENVIRONMENTAL ANALYSIS OF ARMY ACTIONS (AR 200–2)

Subpart A—Introduction

Sec.
651.1 Purpose.
651.2 References.
651.3 Explanation of abbreviations and terms.
651.4 Responsibilities.
651.5 Army policies.
651.6 NEPA analysis staffing.
651.7 Delegation of authority for non-acquisition systems.
651.8 Disposition of final documents.

Subpart B—National Environmental Policy Act and the Decision Process

6511.9 Introduction.
651.10 Actions requiring environmental analysis.
651.11 Environmental review categories.
651.12 Determining appropriate level of NEPA analysis.
651.13 Classified actions.
651.14 Integration with Army planning.
651.15 Mitigation and monitoring.
651.16 Cumulative impacts.
651.17 Environmental justice.

Subpart C—Records and Documents

651.18 Introduction.
651.19 Record of Environmental Consideration.
651.20 Environmental Assessment.
651.21 Finding of No Significant Impact.
651.22 Notice of Intent.
651.23 Environmental Impact Statement.
651.24 Supplemental EAs and Supplemental EISs.
651.25 Notice of Availability.
651.26 Record of Decision.
651.27 Programmatic NEPA Analyses.

Subpart D—Categorical Exclusions

651.28 Introduction.
651.29 Determining when to use a CX (screening criteria).
651.30 CX actions.
651.31 Modification of the CX list.

Subpart E—Environmental Assessment

651.32 Introduction.
651.33 Actions normally requiring an EA.
651.34 EA components.
651.35 Decision process.
651.36 Public involvement.
651.37 Public availability.
651.38 Existing environmental assessments.
651.39 Significance.

Subpart F—Environmental Impact Statement

651.40 Introduction.
651.41 Conditions requiring an EIS.
651.42 Actions normally requiring an EIS.
651.43 Format of the EIS.
651.44 Incomplete information.
651.45 Steps in preparing and processing an EIS.
651.46 Existing EISs.

Figures 4 Through 8 to Subpart F of Part 651

Subpart G—Public Involvement and the Scoping Process

651.47 Public involvement.
651.48 Scoping process.
651.49 Preliminary phase.
651.50 Public interaction phase.
651.51 The final phase.
651.52 Aids to information gathering.
651.53 Modifications of the scoping process.

Subpart H—Environmental Effects of Major Army Action Abroad

651.54 Introduction.
651.55 Categorical exclusions.
651.56 Responsibilities.
Appendix A to Part 651—References
Appendix B to Part 651—Categorical Exclusions
Appendix C to Part 651—Mitigation and Monitoring
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Appendix F to Part 651—Glossary

Authority: 42 U.S.C. 4321 *et seq.*; 40 CFR Parts 1500–1508; E.O. 12114, 44 FR 1957, 3 CFR, 1979 Comp., p. 356.

Subpart A—Introduction

§ 651.1 Purpose.

(a) This part implements the National Environmental Policy Act of 1969 (NEPA), setting forth the Army's policies and responsibilities for the early integration of environmental considerations into planning and decision-making.

(b) This part requires environmental analysis of Army actions affecting human health and the environment; providing criteria and guidance on actions normally requiring Environmental Assessments (EAs) or Environmental Impact Statements (EISs), and listing Army actions that are categorically excluded from such requirements, provided specific criteria are met.

(c) This part supplements the regulations of the Council on Environmental Quality (CEQ) in the Code of Federal Regulations (CFR) (40 CFR parts 1500–1508) for Army actions, and must be read in conjunction with them.

(d) All Army acquisition programs must use this part in conjunction with Department of Defense (DOD) 5000.2–R (Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems).

(e) This part applies to actions of the Active Army and Army Reserve, to functions of the Army National Guard (ARNG) involving federal funding, and to functions for which the Army is the DOD executive agent. It does not apply to Civil Works functions of the US Army Corps of Engineers (USACE) or to combat or combat-related activities in a combat or hostile fire zone. Operations Other Than War (OOTW) or Stability and Support Operations (SASO) are subject to the provisions of this part as specified in Subpart H of this part. This part applies to relevant actions within the United States, which is defined as all States; the District of Columbia; territories and possessions of the United States; and all waters and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include the Virgin Islands, American Samoa, Wake Island, Midway Island, Guam, Palmyra Island, Johnston Atoll, Navassa Island, and Kingman Reef. This regulation also applies to actions in the Commonwealths of Puerto Rico and the Northern Marianas, the Republic of the Marshall Islands, and the Federated States of Micronesia and Palau (Republic of Belau). In addition, this part addresses the responsibility of the Army for the assessment and consideration of environmental effects for peacetime SASO operations worldwide. Throughout this part, emphasis is placed upon quality analysis of environmental effects, not the production of documents. Documentation is necessary to present and staff results of the analyses, but the objective of NEPA and Army NEPA policy is quality analysis in support of the Army decision maker. The term ''analysis'' also includes any required documentation to support the analysis, coordinate NEPA requirements, and inform the public and the decision maker.

§ 651.2 References.

Required and related publications and referenced forms are listed in Appendix A of this part.

§ 651.3 Explanation of abbreviations and terms.

Abbreviations and special terms used in this part are explained in the glossary in Appendix F of this part.

§ 651.4 Responsibilities.

(a) *The Assistant Secretary of the Army (Installations and Environment) (ASA(I&E)).* ASA(I&E) is designated by the Secretary of the Army (SA) as the Army's responsible official for NEPA policy, guidance, and oversight. In meeting these responsibilities, ASA(I&E) will:

(1) Maintain liaison with the Office of the Secretary of Defense (OSD), Office of Management and Budget (OMB), Council on Environmental Quality (CEQ), Environmental Protection Agency (EPA), Congressional oversight committees, and other federal, state, and local agencies on Army environmental policies.

(2) Review NEPA training at all levels of the Army, including curricula at Army, DOD, other service, other agency, and private institutions; and ensure adequacy of NEPA training of Army personnel at all levels.

(3) Establish an Army library for EAs and EISs, which will serve as:

(i) A means to ascertain adherence to the policies set forth in this part, as well as potential process improvements; and

(ii) A technical resource for proponents and preparers of NEPA documentation.

(b) The *Assistant Secretary of the Army (Acquisition, Logistics, and Technology) (ASA(AL&T)).* ASA(AL&T) will:

(1) Under oversight of the ASA(I&E), execute those NEPA policy provisions contained herein that pertain to the ASA(AL&T) responsibilities in the Army materiel development process, as described in Army Regulation (AR) 70–1, Army Acquisition Policy.

(2) Prepare policy for the Army Acquisition Executive (AAE) to develop and administer a process of review and approval of environmental analyses during the Army materiel development process.

(3) Prepare research, development, test, and evaluation (RDT&E) and procurement budget justifications to support Materiel Developer (MATDEV) implementation of NEPA provisions.

(c) *The Army Acquisition Executive (AEE).* The AAE will, under the Army oversight responsibilities assigned to ASA(I&E):

(1) Administer a process to:

(i) Execute all those NEPA policy provisions contained herein that pertain to all acquisition category (ACAT) programs, projects, and products;

(ii) Ensure that Milestone Decision Authorities (MDAs), at all levels, assess the effectiveness of environmental analysis in all phases of the system acquisition process, including legal review of these requirements;

(iii) Establish resource requirements and program, plan, and budget exhibits for inclusion in annual budget decisions;

(iv) Review and approve NEPA documentation at appropriate times during materiel development, in conjunction with acquisition phases and milestone reviews as established in the Acquisition Strategy; and

(v) Establish NEPA responsibility and awareness training requirements for Army Acquisition Corps personnel.

(2) Ensure Program Executive Officers (PEOs), Deputies for Systems Acquisition (DSAs), and direct-reporting Program Managers (PMs) will:

(i) Supervise assigned programs, projects, and products to ensure that each environmental analysis addresses all applicable environmental laws, executive orders, and regulations.

(ii) Ensure that environmental considerations are integrated into system acquisition plans/strategies, Test and Evaluation Master Plans (TEMPs) and Materiel Fielding Plans, Demilitarization/Disposal Plans, system engineering reviews/Integrated Process Team (IPT) processes, and Overarching Integrated Process Team (OIPT) milestone review processes.

(iii) Coordinate environmental analysis with appropriate organizations to include environmental offices such as Army Acquisition Pollution Prevention Support Office (AAPPSO) and U.S. Army Environmental Center (USAEC) and operational offices and organizations such as testers (developmental/operational), producers, users, and disposal offices.

(3) Ensure Program, Project, Product Managers, and other MATDEVs will:

(i) Initiate the environmental analysis process prescribed herein upon receiving the project office charter to commence the materiel development process, and designate a NEPA point of contact (POC) to the Director of Environmental Programs (DEP).

(ii) Integrate the system's environmental analysis (including NEPA) into the system acquisition strategy, milestone review planning, system engineering, and preliminary design, critical design, and production readiness reviews.

(iii) Apply policies and procedures set forth in this part to programs and actions within their organizational and staff responsibility.

(iv) Coordinate with installation managers and incorporate comments and positions of others (such as the Assistant Chief of Staff for Installation Management (ACSIM) and environmental offices of the development or operational testers, producers, users, and disposers) into the decision-making process.

(v) Initiate the analysis of environmental considerations, assess the environmental consequences of proposed programs and projects, and undergo environmental analysis, as appropriate.

(vi) Maintain the administrative record of the program's environmental analysis in accordance with this part.

(vii) Coordinate with local citizens and other affected parties, and incorporate appropriate comments into NEPA analyses.

(viii) Coordinate with ASA(I&E) when NEPA analyses for actions under AAE purview require publication in the **Federal Register** (FR).

(d) *The Deputy Chief of Staff for Operations and Plans (DCSOPS).* DCSOPS is the proponent for Training and Operations activities. DCSOPS will ensure that Major Army Commands (MACOMs) support and/or perform, as appropriate, NEPA analysis of fielding issues related to specific local or regional concerns when reviewing Materiel Fielding Plans prepared by Combat Developers (CBTDEVs) or MATDEVs. This duty will include the coordination of CBTDEV and MATDEV information with appropriate MACOMs and Deputy Chief of Staff for Logistics (DCSLOG).

(e) *The Assistant Chief of Staff for Installation Management (ACSIM).* ACSIM is responsible for coordinating, monitoring, and evaluating NEPA activities within the Army. The Environmental Programs Directorate is the Army Staff (ARSTAF) POC for environmental matters and serves as the Army staff advocate for the Army NEPA requirements contained in this part. The ACSIM will:

(1) Encourage environmental responsibility and awareness among Army personnel to most effectively implement the spirit of NEPA.

(2) Establish and maintain the capability (personnel and other resources) to comply with the requirements of this part. This responsibility includes the provision of an adequately trained and educated staff to ensure adherence to the policies and procedures specified by this part.

(f) *The Director of Environmental Programs.* The director, with support of the U.S. Army Environmental Center, and under the ACSIM, will:

(1) Advise Army agencies in the preparation of NEPA analyses, upon request.

(2) Review, as requested, NEPA analyses submitted by the Army, other DOD components, and other federal agencies.

(3) Monitor proposed Army policy and program documents that have environmental implications to determine compliance with NEPA requirements and ensure integration of environmental considerations into decision-making and adaptive management processes.

(4) Propose and develop Army NEPA guidance pursuant to policies formulated by ASA(I&E).

(5) Advise project proponents regarding support and defense of Army NEPA requirements through the budgeting process.

(6) Provide NEPA process oversight, in support of ASA(I&E), and, as appropriate, technical review of NEPA documentation.

(7) Oversee proponent implementation and execution of NEPA requirements, and develop and execute programs and initiatives to address problem areas.

(8) Assist the ASA(I&E) in the evaluation of formal requests for the delegation of NEPA responsibilities on a case-by-case basis. This assistance will include:

(i) Determination of technical sufficiency of the description of proposed action and alternatives (DOPAA) when submitted as part of the formal delegation request (§ 651.7).

(ii) Coordination of the action with the MACOM requesting the delegation.

(9) Periodically provide ASA(I&E) with a summary analysis and recommendations on needed improvements in policy and guidance to Army activities concerning NEPA implementation, in support of ASA(I&E) oversight responsibilities.

(10) Advise headquarters proponents on how to secure funding and develop programmatic NEPA analyses to address actions that are Army-wide, where a programmatic approach would be appropriate to address the action.

(11) Designate a NEPA PM to coordinate the Army NEPA program and notify ASA(I&E) of the designation.

(12) Maintain manuals and guidance for NEPA analyses for major Army programs in hard copy and make this guidance available on the World Wide Web (WWW) and other electronic means.

(13) Maintain a record of NEPA POCs in the Army, as provided by the MACOMs and other Army agencies.

(14) Forward electronic copies of all EAs, and EISs to AEC to ensure inclusion in the Army NEPA library; and ensure those same documents are forwarded to the Defense Technical Information Center (DTIC).

(g) *Heads of Headquarters, Army agencies.* The heads of headquarters, Army agencies will:

(1) Apply policies and procedures herein to programs and actions within their staff responsibility except for state-funded operations of the Army National Guard (ARNG).

(2) Task the appropriate component with preparation of NEPA analyses and documentation.

(3) Initiate the preparation of necessary NEPA analyses, assess proposed programs and projects to determine their environmental consequences, and initiate NEPA documentation for circulation and review along with other planning or decision-making documents. These other documents include, as appropriate, completed DD Form 1391 (Military Construction Project Data), Case Study and Justification Folders, Acquisition Strategies, and other documents proposing or supporting proposed programs or projects.

(4) Coordinate appropriate NEPA analyses with ARSTAF agencies.

(5) Designate, record, and report to the DEP the identity of the agency's single POC for NEPA considerations.

(6) Assist in the review of NEPA documentation prepared by DOD and other Army or federal agencies, as requested.

(7) Coordinate proposed directives, instructions, regulations, and major policy publications that have environmental implications with the DEP.

(8) Maintain the capability (personnel and other resources) to comply with the requirements of this part and include

provisions for NEPA requirements through the Program Planning and Budget Execution System (PPBES) process.

(h) *The Assistant Secretary of the Army for Financial Management (ASA(FM)).* ASA(FM) will establish procedures to ensure that NEPA requirements are supported in annual authorization requests.

(i) *The Judge Advocate General (TJAG).* TJAG will provide legal advice to the Army Staff and assistance in NEPA interpretation, federal implementing regulations, and other applicable legal authority; determine the legal sufficiency for Army NEPA documentation; and interface with the Army General Counsel (GC) and the Department of Justice on NEPA-related litigation.

(j) *The Army General Counsel.* The Army General Counsel will provide legal advice to the Secretary of the Army on all environmental matters, to include interpretation and compliance with NEPA and federal implementing regulations and other applicable legal authority.

(k) *The Surgeon General.* The Surgeon General will provide technical expertise and guidance to NEPA proponents in the Army, as requested, in order to assess public health, industrial hygiene, and other health aspects of proposed programs and projects.

(l) *The Chief, Public Affairs.* The Chief, Public Affairs will:

(1) Provide guidance on issuing public announcements such as Findings of No Significant Impact (FNSIs), Notices of Intent (NOIs), scoping procedures, Notices of Availability (NOAs), and other public involvement activities; and establish Army procedures for issuing/announcing releases in the FR.

(2) Review and coordinate planned announcements on actions of national interest with appropriate ARSTAF elements and the Office of the Assistant Secretary of Defense for Public Affairs (OASD(PA)).

(3) Assist in the issuance of appropriate press releases to coincide with the publication of notices in the FR.

(4) Provide assistance to MACOM and installation Public Affairs Officers (PAOs) regarding the development and release of public involvement materials.

(m) *The Chief of Legislative Liaison.* The Chief of Legislative Liaison will notify Members of Congress of impending proposed actions of national concern or interest. The Chief will:

(1) Provide guidance to proponents at all levels on issuing Congressional notifications on actions of national concern or interest.

(2) Review planned congressional notifications on actions of national concern or interest.

(3) Prior to (and in concert with) the issuance of press releases and publications in the FR, assist in the issuance of congressional notifications on actions of national concern or interest.

(n) *Commanders of MACOMs, the Director of the Army National Guard, and the U.S. Army Reserve Commander.* Commanders of MACOMs, the Director of the Army National Guard, and the U.S. Army Reserve Commander will:

(1) Monitor proposed actions and programs within their commands to ensure compliance with this part, including mitigation monitoring, utilizing Environmental Compliance Assessment System (ECAS), Installation Status Report (ISR), or other mechanisms.

(2) Task the proponent of the proposed action with funding and preparation of NEPA documentation and involvement of the public.

(3) Ensure that any proponent at the MACOM level initiates the required environmental analysis early in the planning process, plans the preparation of necessary NEPA documentation, and uses the analysis to aid in the final decision.

(4) Assist in the review of NEPA documentation prepared by DOD and other Army or federal agencies, as requested.

(5) Maintain official record copies of all NEPA documentation for which they are the proponent, and file electronic copies of those EAs, and final EISs with AEC.

(6) Provide coordination with Headquarters, Department of the Army (HQDA) for proposed actions that have either significant impacts requiring an EIS or are of national interest. This process will require defining the purpose and need for the action, alternatives to be considered, and other information, as requested by HQDA. It also must occur early in the process and prior to an irretrievable commitment of resources that will prejudice the ultimate decision or selection of alternatives (40 CFR 1506.1). When delegated signature authority by HQDA, this process also includes the responsibility for complying with this part and associated Army environmental policy.

(7) Approve and forward NEPA documentation, as appropriate, for actions under their purview.

(8) In the case of the Director, ARNG, or his designee, approve all federal NEPA documentation prepared by all ARNG activities.

(9) Ensure environmental information received from MATDEVs is provided to appropriate field sites to support site-specific environmental analysis and NEPA requirements.

(10) Designate a NEPA PM to coordinate the MACOM NEPA program and maintain quality control of NEPA analyses and documentation that are processed through the command.

(11) Budget for resources to maintain oversight of NEPA and this part.

(o) *Installation Commanders; Commanders of U.S. Army Reserve Support Commands; and The Adjutant Generals of the Army National Guard.* Installation Commanders; Commanders of U.S. Army Reserve Support Commands; and The Adjutant Generals of the Army National Guard will:

(1) Establish an installation (command organization) NEPA program and evaluate its performance through the Environmental Quality Control Committee (EQCC) as required by AR 200–1, Environmental Protection and Enhancement.

(2) Designate a NEPA POC to coordinate and manage the installation's (command organization's) NEPA program, integrating it into all activities and programs at the installation. The installation commander will notify the MACOM of the designation.

(3) Establish a process that ensures coordination with the MACOM, other installation staff elements (to include PAOs and tenants) and others to incorporate NEPA requirements early in the planning of projects and activities.

(4) Ensure that actions subject to NEPA are coordinated with appropriate installation organizations responsible for such activities as master planning, natural and cultural resources management, or other installation activities and programs.

(5) Ensure that funding for environmental analysis is prioritized and planned, or otherwise arranged by the proponent, and that preparation of NEPA analyses, including the involvement of the public, is consistent with the requirements of this part.

(6) Approve NEPA analyses for actions under their purview. The Adjutant General will review and endorse documents and forward to the NGB for final approval.

(7) Ensure the proponent initiates the NEPA analysis of environmental consequences and assesses the environmental consequences of proposed programs and projects early in the planning process.

(8) Assist in the review of NEPA analyses affecting the installation or

activity, and those prepared by DOD and other Army or federal agencies, as requested.

(9) Provide information through the chain of command on proposed actions of national interest to higher headquarters prior to initiation of NEPA documentation.

(10) Maintain official record copies of all NEPA documentation for which they are the proponent and forward electronic copies of those final EISs and EAs through the MACOM to AEC.

(11) Ensure that the installation proponents initiate required environmental analyses early in the planning process and plan the preparation of necessary NEPA documentation.

(12) Ensure NEPA awareness and/or training is provided for professional staff, installation-level proponents, and document reviewers (for example, master planning, range control, etc.).

(13) Solicit support from MACOMs, CBTDEVs, and MATDEVs, as appropriate, in preparing site-specific environmental analysis.

(14) Ensure that local citizens are aware of and, where appropriate, involved in NEPA analyses, and that public comments are obtained and considered in decisions regarding proposals.

(15) Use environmental impact analyses to determine the best alternatives from an environmental perspective, and to ensure that these determinations are part of the Army decision process.

(p) *Environmental Officers.* Environmental officers (at the Installation, MACOM, and Army activity level) shall, under the authority of the Installation Commander; Commanders of U.S. Army Reserves Regional Support Commands; and Director NGB–ARE (Installation Commanders):

(1) Represent the Installation, MACOM, or activity Commander on NEPA matters.

(2) Advise the proponent on the selection, preparation, and completion of NEPA analyses and documentation. This approach will include oversight on behalf of the proponent to ensure adequacy and support for the proposed action, including mitigation monitoring.

(3) Develop and publish local guidance and procedures for use by NEPA proponents to ensure that NEPA documentation is procedurally and technically correct. (This includes approval of Records of Environmental Consideration (RECs).)

(4) Identify any additional environmental information needed to support informed Army decision-making.

(5) Budget for resources to maintain oversight with NEPA and this part.

(6) Assist proponents, as necessary, to identify issues, impacts, and possible alternatives and/or mitigations relevant to specific proposed actions.

(7) Assist, as required, in monitoring to ensure that specified mitigation measures in NEPA analyses are accomplished. This monitoring includes assessing the effectiveness of the mitigations.

(8) Ensure completion of agency and community coordination.

(q) *Proponents.* Proponents at all levels will:

(1) Identify the proposed action, the purpose and need, and reasonable alternatives for accomplishing the action.

(2) Fund and prepare NEPA analyses and documentation for their proposed actions. This responsibility will include negotiation for matrix support and services outside the chain of command when additional expertise is needed to prepare, review, or otherwise support the development and approval of NEPA analyses and documentation. These NEPA costs may be borne by successful contract offerors.

(3) Ensure accuracy and adequacy of NEPA analyses, regardless of the author. This work includes incorporation of comments from appropriate servicing Army environmental and legal staffs.

(4) Ensure adequate opportunities for public review and comment on proposed NEPA actions, in accordance with applicable laws and EOs as discussed in § 651.14 (e). This step includes the incorporation of public and agency input into the decision-making process.

(5) Ensure that NEPA analysis is prepared and staffed sufficiently to comply with the intent and requirements of federal laws and Army policy. These documents will provide enough information to ensure that Army decision makers (at all levels) are informed in the performance of their duties (40 CFR 1501.2, 1505.1). This result requires coordination and resolution of important issues developed during the environmental analysis process, especially when the proposed action may involve significant environmental impacts, and includes the incorporation of comments from an affected installation's environmental office in recommendations made to decision makers.

(6) Adequately fund and implement the decision including all mitigation actions and effectiveness monitoring.

(7) Prepare and maintain the official record copy of all NEPA analyses and documentation for which they are the proponent. This step will include the provision of electronic copies of all EAs, final EISs, and Records of Decision (RODs), through their chain of command, to AEC, and forwarding of those same documents to the Defense Technical Information Center (DTIC) as part of their public distribution procedures. In addition, copies of all EAs and FNSIs (in electronic copy) will be provided to ODEP. A copy of the documentation should be maintained for six years after signature of the FNSI/ROD.

(8) Maintain the administrative record for the environmental analysis performed. The administrative record shall be retained by the proponent for a period of six years after completion of the action, unless the action is controversial or of a nature that warrants keeping it longer. The administrative record includes all documents and information used to make the decision. This administrative record should contain, but is not limited to, the following types of records:

(i) Technical information used to develop the description of the proposed action, purpose and need, and the range of alternatives.

(ii) Studies and inventories of affected environmental baselines.

(iii) Correspondence with regulatory agencies.

(iv) Correspondence with, and comments from, private citizens, Native American tribes, Alaskan Natives, local governments, and other individuals and agencies contacted during public involvement.

(v) Maps used in baseline studies.

(vi) Maps and graphics prepared for use in the analysis.

(vii) Affidavits of publications and transcripts of any public participation.

(viii) Other written records that document the preparation of the NEPA analysis.

(ix) An index or table of contents for the administrative record.

(9) Identify other requirements that can be integrated and coordinated within the NEPA process. After doing so, the proponent should establish a strategy for concurrent, not sequential, compliance; sharing similar data, studies, and analyses; and consolidating opportunities for public participation. Examples of relevant statutory and regulatory processes are given in § 651.14 (e).

(10) Identify and coordinate with public agencies, private organizations, and individuals that may have an interest in or jurisdiction over a

resource that might be impacted. Coordination should be accomplished in cooperation with the Installation Environmental Offices in order to maintain contact and continuity with the regulatory and environmental communities. Applicable agencies include, but are not limited to:

(i) State Historic Preservation Officer.

(ii) Tribal Historic Preservation Officer.

(iii) U.S. Fish and Wildlife Service.

(iv) Regional offices of the EPA.

(v) State agencies charged with protection of the environment, natural resources, and fish and wildlife.

(vi) USACE Civil Works regulatory functions, including Clean Water Act, Section 404, permitting and wetland protection.

(vii) National Marine Fisheries Service.

(viii) Local agencies and/or governing bodies.

(ix) Environmental interest groups.

(x) Minority, low-income, and disabled populations.

(xi) Tribal governments.

(xii) Existing advisory groups (for example, Restoration Advisory Boards, Citizens Advisory Commissions, etc.).

(11) Identify and coordinate, in concert with environmental offices, proposed actions and supporting environmental analyses with local and/or regional ecosystem management initiatives such as the Mojave Desert Ecosystem Management Initiative or the Chesapeake Bay Initiative.

(12) Review Army policies, including AR 200–1 (Environmental Protection and Enhancement), AR 200–3 (Natural Resources—Land, Forest, and Wildlife Management), and AR 200–4 (Cultural Resources Management) to ensure that the proposed action is coordinated with appropriate resource managers, operators, and planners, and is consistent with existing Army plans and their supporting NEPA analyses.

(13) Identify potential impacts to (and consult with as appropriate) American Indian, Alaskan Native, or Native Hawaiian lands, resources, or cultures (for example, sacred sites, traditional cultural properties, treaty rights, subsistence hunting or fishing rights, or cultural items subject to the Native American Graves Protection and Repatriation Act (NAGPRA)). All consultation shall be conducted on a Government-to-Government basis in accordance with the Presidential Memorandum on Government-to-Government Relations with Tribal Governments (April 29, 1994) (3 CFR, 1994 Comp., p. 1007) and AR 200–4 (Cultural Resources Management). Proponents shall consider, as appropriate, executing Memoranda of Agreements (MOAs) with interested Native American groups and tribes to facilitate timely and effective participation in the NEPA process. These agreements should be accomplished in cooperation with Installation Environmental Offices in order to maintain contact and continuity with the regulatory and environmental communities.

(14) Review NEPA documentation that relies upon mitigations that were not accomplished to determine if the NEPA analysis needs to be rewritten or updated. Such an update is required if the unaccomplished mitigation was used to support a FNSI. Additional public notice/involvement must accompany any rewrites.

(r) *The Commander, U.S. Army Training and Doctrine Command (TRADOC).* The Commander, TRADOC will:

(1) Ensure that NEPA requirements are understood and options incorporated in the Officer Foundation Standards (OFS).

(2) Integrate environmental considerations into doctrine, training, leader development, organization, materiel, and soldier (DTLOMS) processes.

(3) Include environmental expert representation on all Integrated Concept Teams (ICTs) involved in requirements determinations.

(4) Ensure that TRADOC CBTDEVs retain and transfer any environmental analysis or related data (such as alternatives analysis) to the MATDEV upon approval of a materiel need. This information and data will serve as the basis for the MATDEV's Acquisition Strategy and subsequent NEPA analyses.

(5) Ensure that environmental considerations are incorporated into the Mission Needs Statements (MNSs) and Operational Requirements Documents (ORDs).

§ 651.5 Army policies.

(a) NEPA establishes broad federal policies and goals for the protection of the environment and provides a flexible framework for balancing the need for environmental quality with other essential societal functions, including national defense. The Army is expected to manage those aspects of the environment affected by Army activities; comprehensively integrating environmental policy objectives into planning and decision-making. Meaningful integration of environmental considerations is accomplished by efficiently and effectively informing Army planners and decision makers. The Army will use the flexibility of NEPA to ensure implementation in the most cost-efficient and effective manner. The depth of analyses and length of documents will be proportionate to the nature and scope of the action, the complexity and level of anticipated effects on important environmental resources, and the capacity of Army decisions to influence those effects in a productive, meaningful way from the standpoint of environmental quality.

(b) The Army will actively incorporate environmental considerations into informed decision-making, in a manner consistent with NEPA. Communication, cooperation, and, as appropriate, collaboration between government and extra-government entities is an integral part of the NEPA process. Army proponents, participants, reviewers, and approvers will balance environmental concerns with mission requirements, technical requirements, economic feasibility, and long-term sustainability of Army operations. While carrying out its mission, the Army will also encourage the wise stewardship of natural and cultural resources for future generations. Decision makers will be cognizant of the impacts of their decisions on cultural resources, soils, forests, rangelands, water and air quality, fish and wildlife, and other natural resources under their stewardship, and, as appropriate, in the context of regional ecosystems.

(c) Environmental analyses will reflect appropriate consideration of non-statutory environmental issues identified by federal and DOD orders, directives, and policy guidance. Some examples are in § 651.14 (e). Potential issues will be discussed and critically evaluated during scoping and other public involvement processes.

(d) The Army will continually take steps to ensure that the NEPA program is effective and efficient. Effectiveness of the program will be determined by the degree to which environmental considerations are included on a par with the military mission in project planning and decision-making. Efficiency will be promoted through the following:

(1) Awareness and involvement of the proponent in the NEPA process.

(2) NEPA technical and awareness training, as appropriate, at all decision levels of the Army.

(3) Where appropriate, the use of programmatic analyses and tiering to ensure consideration at the appropriate decision levels, elimination of repetitive discussion, consideration of cumulative effects, and focus on issues that are important and appropriate for discussion at each level.

(4) Use of the scoping and public involvement processes to limit the analysis of issues to those which are of interest to the public and/or important to the decision-making at hand.

(5) Elimination of needless paperwork by focusing documents on the major environmental issues affecting those decisions.

(6) Early integration of the NEPA process into all aspects of Army planning, so as to prevent disruption in the decision-making process; ensuring that NEPA personnel function as team members, supporting the Army planning process and sound Army decision-making. All NEPA analyses will be prepared by an interdisciplinary team.

(7) Partnering or coordinating with agencies, organizations, and individuals whose specialized expertise will improve the NEPA process.

(8) Oversight of the NEPA program to ensure continuous process improvement. NEPA requirements will be integrated into other environmental reporting requirements, such as the ISR.

(9) Clear and concise communication of data, documentation, and information relevant to NEPA analysis and documentation.

(10) Environmental analysis of strategic plans based on:

(i) Scoping thoroughly with agencies, organizations, and the public;

(ii) Setting specific goals for important environmental resources;

(iii) Monitoring of impacts to these resources;

(iv) Reporting of monitoring results to the public; and

(v) Adaptive management of Army operations to stay on course with the strategic plan's specific resource goals.

(11) Responsive staffing through HQDA and the Secretariat. To the extent possible, documents and transmittal packages will be acted upon within 30 calendar days of receipt by each office through which they are staffed. These actions will be approved and transmitted, if the subject material is adequate; or returned with comment in those cases where additional work is required. Cases where these policies are violated should be identified to ASA (I&E) for resolution.

(e) Army leadership and commanders at all levels are required to:

(1) Establish and maintain the capability (personnel and other resources) to ensure adherence to the policies and procedures specified by this part. This should include the use of the PPBES, EPR, and other established resourcing processes. This capability can be provided through the use of a given mechanism or mix of mechanisms (contracts, matrix support, and full-time permanent (FTP) staff), but sufficient FTP staff involvement is required to ensure:

(i) Army cognizance of the analyses and decisions being made; and

(ii) Sufficient institutional knowledge of the NEPA analysis to ensure that Army NEPA responsibilities (pre- and post-decision) are met. Every person preparing, implementing, supervising, and managing projects involving NEPA analysis must be familiar with the requirements of NEPA and the provisions of this part.

(2) Ensure environmental responsibility and awareness among personnel to most effectively implement the spirit of NEPA. All personnel who are engaged in any activity or combination of activities that significantly affect the quality of the human environment will be aware of their NEPA responsibility. Only through alertness, foresight, notification through the chain of command, and training and education will NEPA goals be realized.

(f) The worldwide, transboundary, and long-range character of environmental problems will be recognized, and, where consistent with national security requirements and U.S. foreign policy, appropriate support will be given to initiatives, resolutions, and programs designed to maximize international cooperation in protecting the quality of the world human and natural environment. Consideration of the environment for Army decisions involving activities outside the United States (see § 651.1(e)) will be accomplished pursuant to Executive Order 12114 (Environmental Effects Abroad of Major Federal Actions, 4 January 1979), host country final governing standards, DOD Directive (DODD) 6050.7 (Environmental Effects Abroad of Major DOD Actions), DOD Instructions (DODIs), and the requirements of this part. An environmental planning and evaluation process will be incorporated into Army actions that may substantially affect the global commons, environments of other nations, or any protected natural or ecological resources of global importance.

(g) Army NEPA documentation must be periodically reviewed for adequacy and completeness in light of changes in project conditions.

(1) Supplemental NEPA documentation is required when:

(i) The Army makes substantial changes in the proposed action that are relevant to environmental concerns; or

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impact.

(2) This review requires that the proponent merely initiate another ''hard look'' to ascertain the adequacy of the previous analyses and documentation in light of the conditions listed in paragraph (g)(1) of this section. If this review indicates no need for new or supplemental documentation, a REC can be produced in accordance with this part. Proponents are required to periodically review relevant existing NEPA analyses to ascertain the need for supplemental documentation and document this review in a REC format.

(h) Contractors frequently prepare EISs and EAs. To obtain unbiased analyses, contractors must be selected in a manner avoiding any conflict of interest. Therefore, contractors will execute disclosure statements specifying that they have no financial or other interest in the outcome of the project. The contractor's efforts should be closely monitored throughout the contract to ensure an adequate assessment/statement and also avoid extensive, time-consuming, and costly analyses or revisions. Project proponents and NEPA program managers must be continuously informed and involved.

(i) When appropriate, NEPA analyses will reflect review for operations security principles and procedures, described in AR 530–1 (Operations Security (OPSEC)), on the cover sheet or signature page.

(j) Environmental analyses and associated investigations are advanced project planning, and will be funded from sources other than military construction (MILCON) funds. Operations and Maintenance Army (OMA), Operations and Maintenance, Army Reserve (OMAR), and Operations and Maintenance, Army National Guard (OMANG), RDT&E, or other operating funds are the proper sources of funds for such analysis and documentation. Alternative Environmental Compliance Achievement Program (non-ECAP) funds will be identified for NEPA documentation, monitoring, and other required studies as part of the MILCON approval process.

(k) Costs of design and construction mitigation measures required as a direct result of MILCON projects will be paid from MILCON funds, which will be included in the cost estimate and description of work on DD Form 1391, Military Construction Project Data.

(l) Response actions implemented in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Resource Conservation

and Recovery Act (RCRA) are not legally subject to NEPA and do not require separate NEPA analysis. As a matter of Army policy, CERCLA and RCRA analysis and documentation should incorporate the values of NEPA and:

(1) Establish the scope of the analysis through full and open public participation;

(2) Analyze all reasonable alternative remedies, evaluating the significance of impacts resulting from the alternatives examined; and

(3) Consider public comments in the selection of the remedy. The decision maker shall ensure that issues involving substantive environmental impacts are addressed by an interdisciplinary team.

(m) MATDEVs, scientists and technologists, and CBTDEVs are responsible for ensuring that their programs comply with NEPA as directed in this part.

(1) Prior to assignment of a MATDEV to plan, execute, and manage a potential acquisition program, CBTDEVs will retain environmental analyses and data from requirements determination activities, and Science and Technology (S&T) organizations will develop and retain data for their technologies. These data will transition to the MATDEV upon assignment to plan, execute, and manage an acquisition program. These data (collected and produced), as well as the decisions made by the CBTDEVs, will serve as a foundation for the environment, safety, and health (ESH) evaluation of the program and the incorporation of program-specific NEPA requirements into the Acquisition Strategy. Programmatic ESH evaluation is considered during the development of the Acquisition Strategy as required by DOD 5000.2–R for all ACAT programs. Programmatic ESH evaluation is not a NEPA document. It is a planning, programming, and budgeting strategy into which the requirements of this part are integrated. Environmental analysis must be a continuous process throughout the materiel development program. During this continuous process, NEPA analysis and documentation may be required to support decision-making prior to any decision that will prejudice the ultimate decision or selection of alternatives (40 CFR 1506.1). In accordance with DOD 5000.2.R, the MATDEV is responsible for environmental analysis of acquisition life-cycle activities (including disposal). Planning to accomplish these responsibilities will be included in the appropriate section of the Acquisition Strategy.

(2) MATDEVs are responsible for the documentation regarding general environmental effects of all aspects of the system (including operation, fielding, and disposal) and the specific effects for all activities for which he/she is the proponent.

(3) MATDEVs will include, in their Acquisition Strategy, provisions for developing and supplementing their NEPA analyses and documentation, and provide data to support supplemental analyses, as required, throughout the life cycle of the system. The MATDEV will coordinate with ASA (AL&T) or MACOM proponent office, ACSIM, and ASA(I&E), identifying NEPA analyses and documentation needed to support milestone decisions. This requirement will be identified in the Acquisition Strategy and the status will be provided to the ACSIM representative prior to milestone review. The Acquisition Strategy will outline the system-specific plans for NEPA compliance, which will be reviewed and approved by the appropriate MDA and ACSIM. Compliance with this plan will be addressed at Milestone Reviews.

(n) AR 700–142 requires that environmental requirements be met to support materiel fielding. During the development of the Materiel Fielding Plan (MFP), and Materiel Fielding Agreement (MFA), the MATDEV and the materiel receiving command will identify environmental information needed to support fielding decisions. The development of generic system environmental and NEPA analyses for the system under evaluation, including military construction requirements and new equipment training issues, will be the responsibility of the MATDEV. The development of site-specific environmental analyses and NEPA documentation (EAs/EISs), using generic system environmental analyses supplied by the MATDEV, will be the responsibility of the receiving Command.

(o) Army proponents are encouraged to draw upon the special expertise available within the Office of the Surgeon General (OSG) (including the U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM)), and USACE District Environmental Staff to identify and evaluate environmental health impacts, and other agencies, such as USAEC, can be used to assess potential environmental impacts). In addition, other special expertise is available in the Army, DOD, other federal agencies, state and local agencies, tribes, and other organizations and individuals. Their participation and assistance is also encouraged.

§ 651.6 NEPA analysis staffing.

(a) NEPA analyses will be prepared by the proponent using appropriate resources (funds and manpower). The proponent, in coordination with the appropriate NEPA program manager, shall determine what proposal requires NEPA analysis, when to initiate NEPA analysis, and what level of NEPA analysis is initially appropriate. The proponent shall remain intimately involved in determining appropriate milestones, timelines, and inputs required for the successful conduct of the NEPA process, including the use of scoping to define the breadth and depth of analysis required. In cases where the document addresses impacts to an environment whose management is not in the proponents' chain of command (for example, installation management of a range for MATDEV testing or installation management of a fielding location), the proponent shall coordinate the analysis and preparation of the document and identify the resources needed for its preparation and staffing through the command structure of that affected activity.

(b) The approving official is responsible for approving NEPA documentation and ensuring completion of the action, including any mitigation actions needed. The approving official may be an installation commander; or, in the case of combat/materiel development, the MATDEV, MDA, or AAE.

(c) Approving officials may select a lead reviewer for NEPA analysis before approving it. The lead reviewer will determine and assemble the personnel needed for the review process. Funding needed to accomplish the review shall be negotiated with the proponent, if required. Lead reviewer may be an installation EC or a NEPA POC designated by an MDA for a combat/materiel development program.

(d) The most important document is the initial NEPA document (draft EA or draft EIS) being processed. Army reviewers are accountable for ensuring thorough early review of draft NEPA analyses. Any organization that raises new concerns or comments during final staffing will explain why issues were not raised earlier. NEPA analyses requiring public release in the FR will be forwarded to ASA(I&E), through the chain of command, for review. This includes all EISs and all EAs that are of national interest or concern. The activities needed to support public release will be coordinated with ASA(I&E). Public release will not proceed without ASA(I&E) approval.

(e) Public release of NEPA analyses in the FR should be limited to EISs, or EAs

that are environmentally controversial or of national interest or concern. When analyses address actions affecting numerous sites throughout the Continental United States (CONUS), the proponent will carefully evaluate the need for publishing an NOA in the FR, as this requires an extensive review process, as well as supporting documentation alerting EPA and members of Congress of the action. At a minimum, and depending on the proponent's command structure, the following reviews must be accomplished:

(1) The NEPA analysis must be reviewed by the MACOM Legal Counsel or TJAG, ACSIM, ASA(I&E), and Office of General Counsel (OGC).

(2) The supporting documentation must be reviewed by Office of the Chief of Legislative Liaison (OCLL) and Office of the Chief of Public Affairs (OCPA).

(3) Proponents must allow a minimum of 30 days to review the documentation and must allow sufficient time to address comments from these offices prior to publishing the NOA.

(4) The proponent may consider publishing the NOA in local publication resources near each site. Proponents are strongly advised to seek the assistance of the local environmental office and command structure in addressing the need for such notification.

§ 651.7 Delegation of authority for non-acquisition systems.

(a) MACOMs can request delegation authority and responsibility for an EA of national concern or an EIS from ASA(I&E). The proponent, through the appropriate chain of command, and with the concurrence of environmental offices, forwards to HQDA (ODEP) the request to propose, prepare, and finalize an EA and FNSI or EIS through the ROD stage. The request must include, at a minimum, the following:

(1) A description of the purpose and need for the action.

(2) A description of the proposed action and a preliminary list of alternatives to that proposed action, including the ''no action'' alternative. This constitutes the DOPAA.

(3) An explanation of funding requirements, including cost estimates, and how they will be met.

(4) A brief description of potential issues of concern or controversy, including any issues of potential Army-wide impact.

(5) A plan for scoping and public participation.

(6) A timeline, with milestones for the EIS action.

(b) If granted, a formal letter will be provided by ASA(I&E) outlining extent, conditions, and requirements for the NEPA action. Only the ASA(I&E) can delegate this authority and responsibility. When delegated signature authority by HQDA, the MACOM will be responsible for complying with this part and associated Army environmental policy. This delegation, at the discretion of ASA(I&E), can include specific authority and responsibility for coordination and staffing of:

(1) EAs and FNSIs, and associated transmittal packages, as specified in § 651.35(c).

(2) NOIs, Preliminary Draft EISs (PDEISs), Draft EISs (DEISs), Final EISs (FEISs), RODs and all associated transmittal packages as specified in § 651.45. Such delegation will specify requirements for coordination with ODEP and ASA (I&E).

§ 651.8 Disposition of final documents.

All NEPA documentation and supporting administrative records shall be retained by the proponent's office for a minimum of six years after signature of the FNSI/ROD or the completion of the action, whichever is greater. Copies of EAs, and final EISs will be forwarded to AEC for cataloging and retention in the Army NEPA library. The DEIS and FEIS will be retained until the proposed action and any mitigation program is complete or the information therein is no longer valid. The ACSIM shall forward copies of all FEISs to DTIC, the National Archives, and Records Administration.

Subpart B—National Environmental Policy Act and the Decision Process

§ 651.9 Introduction.

(a) The NEPA process is the systematic examination of possible and probable environmental consequences of implementing a proposed action. Integration of the NEPA process with other Army projects and program planning must occur at the earliest possible time to ensure that:

(1) Planning and decision-making reflect Army environmental values, such as compliance with environmental policy, laws, and regulations; and that these values are evident in Army decisions. In addition, Army decisions must reflect consideration of other requirements such as Executive Orders and other non-statutory requirements, examples of which are enumerated in § 651.14(e).

(2) Army and DOD environmental policies and directives are implemented.

(3) Delays and potential conflicts in the process are minimized. The public should be involved as early as possible to avoid potential delays.

(b) All Army decision-making that may impact the human environment will use a systematic, interdisciplinary approach that ensures the integrated use of the natural and social sciences, planning, and the environmental design arts (section 102(2)(a), Public Law 91–190, 83 Stat. 852, National Environmental Policy Act of 1969 (NEPA)). This approach allows timely identification of environmental effects and values in sufficient detail for concurrent evaluation with economic, technical, and mission-related analyses, early in the decision process.

(c) The proponent of an action or project must identify and describe the range of reasonable alternatives to accomplish the purpose and need for the proposed action or project, taking a ''hard look'' at the magnitude of potential impacts of implementing the reasonable alternatives, and evaluating their significance. To assist in identifying reasonable alternatives, the proponent should consult with the installation environmental office and appropriate federal, tribal, state, and local agencies, and the general public.

§ 651.10 Actions requiring environmental analysis.

The general types of proposed actions requiring environmental impact analysis under NEPA, unless categorically excluded or otherwise included in existing NEPA documentation, include:

(a) Policies, regulations, and procedures (for example, Army and installation regulations).

(b) New management and operational concepts and programs, including logistics; RDT&E; procurement; personnel assignment; real property and facility management (such as master plans); and environmental programs such as Integrated Natural Resource Management Plan (INRMP), Integrated Cultural Resources Management Plan (ICRMP), and Integrated Pest Management Plan. NEPA requirements may be incorporated into other Army plans in accordance with 40 CFR 1506.4.

(c) Projects involving facilities construction.

(d) Operations and activities including individual and unit training, flight operations, overall operation of installations, or facility test and evaluation programs.

(e) Actions that require licenses for operations or special material use, including a Nuclear Regulatory Commission (NRC) license, an Army radiation authorization, or Federal Aviation Administration air space

request (new, renewal, or amendment), in accordance with AR 95–50.

(f) Materiel development, operation and support, disposal, and/or modification as required by DOD 5000.2–R.

(g) Transfer of significant equipment or property to the ARNG or Army Reserve.

(h) Research and development including areas such as genetic engineering, laser testing, and electromagnetic pulse generation.

(i) Leases, easements, permits, licenses, or other entitlement for use, to include donation, exchange, barter, or Memorandum of Understanding (MOU). Examples include grazing leases, grants of easement for highway right-of-way, and requests by the public to use land for special events such as air shows or carnivals.

(j) Federal contracts, grants, subsidies, loans, or other forms of funding such as Government-Owned, Contractor-Operated (GOCO) industrial plants or housing and construction via third-party contracting.

(k) Request for approval to use or store materials, radiation sources, hazardous and toxic material, or wastes on Army land. If the requester is non-Army, the responsibility to prepare proper environmental documentation may rest with the non-Army requester, who will provide needed information for Army review. The Army must review and adopt all NEPA documentation before approving such requests.

(l) Projects involving chemical weapons/munitions.

§ 651.11 Environmental review categories.

The following are the five broad categories into which a proposed action may fall for environmental review:

(a) *Exemption by law.* The law must apply to DOD and/or the Army and must prohibit, exempt, or make impossible full compliance with the procedures of NEPA (40 CFR 1506.11). While some aspects of Army decision-making may be exempted from NEPA, other aspects of an action are still subject to NEPA analysis and documentation. The fact that Congress has directed the Army to take an action does not constitute an exemption.

(b) *Emergencies.* In the event of an emergency, the Army will, as necessary, take immediate actions that have environmental impacts, such as those to promote national defense or security or to protect life or property, without the specific documentation and procedural requirements of other sections of this part. In such cases, at the earliest practicable time, the HQDA proponent will notify the ODEP, which in turn will notify the ASA(I&E). ASA(I&E) will coordinate with the Deputy Under Secretary of Defense for Installations and Environment (DUSD(IE)) and the CEQ regarding the emergency and subsequent NEPA compliance after the emergency action has been completed. These notifications apply only to actions necessary to control the immediate effects of the emergency. Other actions remain subject to NEPA review (40 CFR 1506.11). A public affairs plan should be developed to ensure open communication among the media, the public, and the installation. The Army will not delay an emergency action necessary for national defense, security, or preservation of human life or property in order to comply with this part or the CEQ regulations. However, the Army's on-site commander dealing with the emergency will consider the probable environmental consequences of proposed actions, and will minimize environmental damage to the maximum degree practicable, consistent with protecting human life, property, and national security. State call-ups of ARNG during a natural disaster or other state emergency are excluded from this notification requirement. After action reports may be required at the discretion of the ASA(I&E).

(c) *Categorical Exclusions (CXs).* These are categories of actions that normally do not require an EA or an EIS. The Army has determined that they do not individually or cumulatively have a substantial effect on the human environment. Qualification for a CX is further described in Subpart D and Appendix B of this part. In accordance with § 651.29, actions that degrade the existing environment or are environmentally controversial or adversely affect environmentally sensitive resources will require an EA.

(d) *Environmental Assessment.* Proposed Army actions not covered in the first three categories (paragraphs (a) through (c) of this section) must be analyzed to determine if they could cause significant impacts to the human or natural environment (see § 651.39). The EA determines whether possible impacts are significant, thereby warranting an EIS. This requires a ''hard look'' at the magnitude of potential impacts, evaluation of their significance, and documentation in the form of either an NOI to prepare an EIS or a FNSI. The format (§ 651.34) and requirements for this analysis are addressed in Subpart E of this part (see § 651.33 for actions normally requiring an EA). The EA is a valuable planning tool to discuss and document environmental impacts, alternatives, and controversial actions, providing public and agency participation, and identifying mitigation measures.

(e) *EIS.* When an action clearly has significant impacts or when an EA cannot be concluded by a FNSI, an EIS must be prepared. An EIS is initiated by the NOI (§ 651.22), and will examine the significant environmental effects of the proposed action as well as accompanying measures to mitigate those impacts. This process requires formal interaction with the public, a formal ''scoping'' process, and specified timelines for public review of the documentation and the incorporation of public comments. The format and requirements for the EIS are addressed in Subpart F of this part (see § 651.42 for actions normally requiring an EIS).

§ 651.12 Determining appropriate level of NEPA analysis.

(a) The flow chart shown in Figure 1 summarizes the process for determining documentation requirements, as follows:

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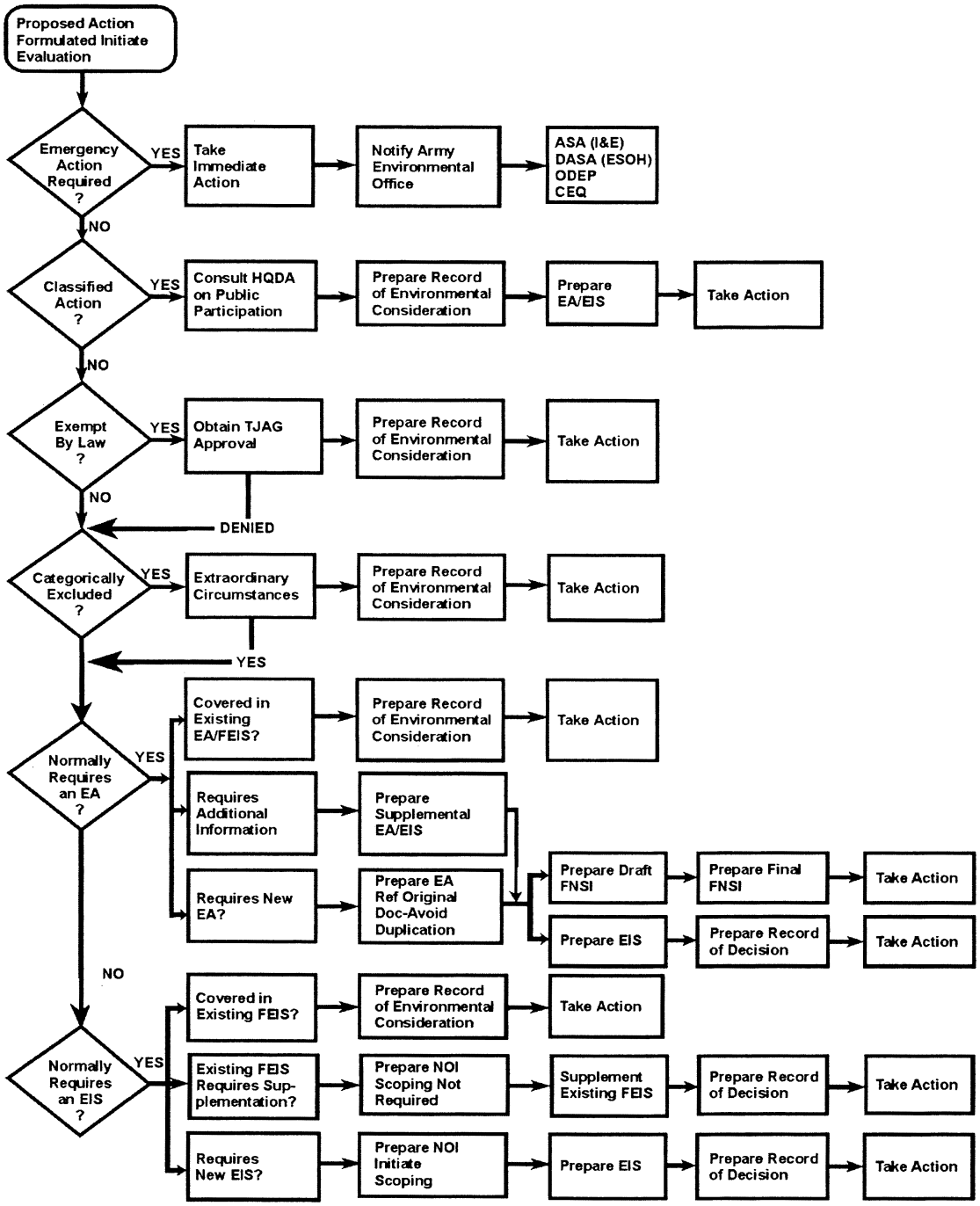

Figure 1. Flow chart summarizing process for determination of document requirements.

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(1) If the proposed action qualifies as a CX (Subpart D of this part), and the screening criteria are met (§ 651.29), the action can proceed. Some CXs require a REC.

(2) If the proposed action is adequately covered within an existing EA or EIS, a REC is prepared to that effect. The REC should state the applicable EA or EIS title and date, and identify where it may be reviewed (§ 651.19, Figure 3). The REC is then attached to the proponent's record copy of that EA or EIS.

(3) If the proposed action is within the general scope of an existing EA or EIS, but requires additional information, a supplement is prepared, considering the new, modified, or missing information. Existing documents are incorporated by reference and conclusions are published as either a FNSI or NOI to supplement the EIS.

(4) If the proposed action is not covered adequately in any existing EA or EIS, or is of a significantly larger scope than that described in the existing document, an EA is prepared, followed by either a FNSI or NOI to prepare an EIS. Initiation of an EIS may proceed without first preparing an EA, if deemed appropriate by the proponent.

(5) If the proposed action is not within the scope of any existing EA or EIS, then the proponent must begin the preparation of a new EA or EIS, as appropriate.

(b) The proponent of a proposed action may adopt appropriate environmental documents (EAs or EISs) prepared by another agency (40 CFR 1500.4(n) and 1506.3). In such cases, the proponent will document their use in a REC FNSI, or ROD.

§ 651.13 Classified actions.

(a) For proposed actions and NEPA analyses involving classified information, AR 380–5 (Department of the Army Information Security Program) will be followed.

(b) Classification does not relieve a proponent of the requirement to assess and document the environmental effects of a proposed action.

(c) When classified information can be reasonably separated from other information and a meaningful environmental analysis produced, unclassified documents will be prepared and processed in accordance with this part. Classified portions will be kept separate and provided to reviewers and decision makers in accordance with AR 380–5.

(d) When classified information is such an integral part of the analysis of a proposal that a meaningful unclassified NEPA analysis cannot be produced, the proponent, in consultation with the appropriate security and environmental offices, will form a team to review classified NEPA analysis. This interdisciplinary team will include environmental professionals to ensure that the consideration of environmental effects will be consistent with the letter and intent of NEPA, including public participation requirements for those aspects which are not classified.

§ 651.14 Integration with Army planning.

(a) *Early integration.* The Army goal is to concurrently integrate environmental reviews with other Army planning and decision-making actions, thereby avoiding delays in mission accomplishment. To achieve this goal, proponents shall complete NEPA analysis as part of any recommendation or report to decision makers prior to the decision (subject to 40 CFR 1506.1). Early planning (inclusion in Installation Master Plans, INRMPs, ICRMPs, Acquisition Strategies, strategic plans, etc.) will allow efficient program or project execution later in the process.

(1) The planning process will identify issues that are likely to have an effect on the environment, or to be controversial. In most cases, local citizens and/or existing advisory groups should assist in identifying potentially controversial issues during the planning process. The planning process also identifies minor issues that have little or no measurable environmental effect, and it is sound NEPA practice to reduce or eliminate discussion of minor issues to help focus analyses. Such an approach will minimize unnecessary analysis and discussion in the NEPA process and documents.

(2) Decision makers will be informed of and consider the environmental consequences at the same time as other factors such as mission requirements, schedule, and cost. If permits or coordination are required (for example, Section 404 of the Clean Water Act, Endangered Species Act consultation, Section 106 of the National Historic Preservation Act (NHPA), etc.), they should be initiated no later than the scoping phase of the process and should run parallel to the NEPA process, not sequential to it. This practice is in accordance with the recommendations presented in the CEQ publication entitled ''The National Environmental Policy Act: A Study of Its Effectiveness After Twenty-five Years.''

(3) NEPA documentation will accompany the proposal through the Army review and decision-making processes. These documents will be forwarded to the planners, designers, and/or implementers, ensuring that the recommendations and mitigations upon which the decision was based are being carried out. The implementation process will provide necessary feedback for adaptive environmental management; responding to inaccuracies or uncertainties in the Army's ability to accurately predict impacts, changing field conditions, or unexpected results from monitoring. The integration of NEPA into the ongoing planning activities of the Army can produce considerable savings to the Army.[1]

(b) *Time limits.* The timing of the preparation, circulation, submission, and public availability of NEPA documentation is important to ensure that environmental values are integrated into Army planning and decisions.

(1) *Categorical exclusions.* When a proposed action is categorically excluded from further environmental review (Subpart D and Appendix B of this part), the proponent may proceed immediately with that action upon receipt of all necessary approvals, (including local environmental office confirmation that the CX applies to the proposal) and the preparation of a REC, if required.

(2) *Findings of no significant impact.* (i) A proponent will make an EA and draft FNSI available to the public for review and comment for a minimum of 30 days prior to making a final decision and proceeding with an action. If the proposed action is one of national concern, is unprecedented, or normally requires an EIS (§ 651.42), the FNSI must be published in the FR. Otherwise, the FNSI must be published in local newspapers and be made widely available. The FNSI must articulate the deadline for receipt of comments, availability of the EA for review, and steps required to obtain the EA. This can include a POC, address, and phone number; a location; a reference to a website; or some equivalent mechanism. (In no cases will the only coordination mechanism be a website.) At the conclusion of the appropriate comment

[1] For example, a well-executed EA or EIS on an Installation Master Plan can eliminate the need for many case-by-case analyses and documentation for construction projects. After the approval of an adequate comprehensive plan (which adequately addresses the potential for environmental effects), subsequent projects can tier off of the Master Plan NEPA analysis (AR 210–20). Other integration of the NEPA process and broad-level planning can lead to the ''tiering'' of NEPA, allowing the proponent to minimize the effort spent on individual projects, and ''incorporating by reference'' the broader level environmental considerations. This tiering allows the development of program level (programmatic) EAs and EISs, which can introduce greater economies of scale. These assessments are addressed in more detail in paragraph (c) of this section.

period, as specified in Figure 2, the decision maker may sign the FNSI and take immediate action, unless sufficient public comments are received to warrant more time for their resolution. Figure 2 follows:

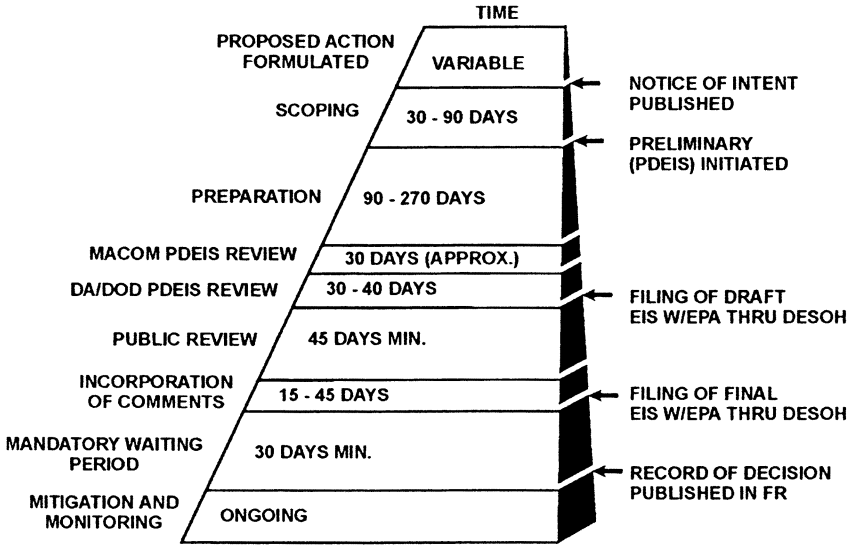

Figure 2. Time involved for preparing and processing an environmental impact statement.

(ii) A news release is required to publicize the availability of the EA and draft FNSI, and a simultaneous announcement that includes publication in the FR must be made by HQDA, if warranted (see § 651.35 (e)). The 30-day waiting period begins at the time that the draft FNSI is publicized (40 CFR 1506.6(b)).

(iii) In cases where the 30-day comment period jeopardizes the project and the full comment period would provide no public benefit, the period may be shortened with appropriate approval by a higher decision authority (such as a MACOM). In no circumstances should the public comment period for an EA/draft FNSI be less than 15 days. A deadline and POC for receipt of comments must be included in the draft FNSI and the news release.

(3) *EIS.* The EPA publishes a weekly notice in the FR of the EISs filed during the preceding week. This notice usually occurs each Friday. An NOA reaching EPA on a Friday will be published in the following Friday issue of the FR. Failure to deliver an NOA to EPA by close of business on Friday will result in an additional one-week delay. A news release publicizing the action will be made in conjunction with the notice in the FR. The following time periods, calculated from the publication date of the EPA notice, will be observed:

(i) Not less than 45 days for public comment on DEISs (40 CFR 1506.10(c)).

(ii) Not less than 15 days for public availability of DEISs prior to any public hearing on the DEIS (40 CFR 1506(c)(2)).

(iii) Not less than 90 days from filing the DEIS prior to any decision on the proposed action. These periods may run concurrently (40 CFR 1506.10(b) and (c)).

(iv) The time periods prescribed here may be extended or reduced in accordance with 40 CFR 1506.10(b)(2) and (d).

(v) When variations to these time limits are set, the Army agency should consider the factors in 40 CFR 1501.8(b)(1).

(vi) The proponent may also set time limits for other procedures or decisions related to DEISs and FEISs as listed in 40 CFR 1501.8(b)(2).

(vii) Because the entire EIS process could require more than one year (Figure 2 in paragraph (b)(2)(i) of this section), the process must begin as soon as the project is sufficiently mature to allow analysis of alternatives and the proponent must coordinate with all staff elements with a role to play in the NEPA process. DEIS preparation and response to comments constitute the largest portion of time to prepare an FEIS.

(viii) A public affairs plan should be developed that provides for periodic interaction with the community. There is a minimum public review time of 90 days between the publication of the DEIS and the announcement of the ROD. After the availability of the ROD is announced, the action may proceed. This announcement must be made through the FR for those EISs for which HQDA signs the ROD. For other EISs, announcements in the local press are adequate. Figure 2 in paragraph (b)(2)(i) of this section indicates typical and required time periods for EISs.

(c) *Programmatic environmental review (tiering).* (1) Army agencies are encouraged to analyze actions at a programmatic level for those programs that are similar in nature or broad in scope (40 CFR 1502.4(c), 1502.20, and 1508.23). This level of analysis will eliminate repetitive discussions of the same issues and focus on the key issues at each appropriate level of project review. When a broad programmatic EA or EIS has been prepared, any subsequent EIS or EA on an action included within the entire program or policy (particularly a site-specific action) need only summarize issues discussed in the broader statement and concentrate on the issues specific to the subsequent action.[2] This subsequent

[2] As an example, an appropriate way to address diverse weapon system deployments would be to produce site-specific EAs or EISs for each major deployment installation, using the generic environmental effects of the weapon system

Continued

document will state where the earlier document is available.

(2) Army proponents are normally required to prepare many types of management plans that must include or be accompanied by appropriate NEPA analysis. NEPA analysis for these types of plans can often be accomplished with a programmatic approach, creating an analysis that covers a number of smaller projects or activities. In cases where such activities are adequately assessed as part of these normal planning activities, a REC can be prepared for smaller actions that cite the document in which the activities were previously assessed. Care must be taken to ensure that site-specific or case-specific conditions are adequately addressed in the existing programmatic document before a REC can be used, and the REC must reflect this consideration. If additional analyses are required, they can ''tier'' off the original analyses, eliminating duplication. Tiering, in this manner, is often applicable to Army actions that are long-term, multi-faceted, or multi-site.

(d) *Scoping.* (1) When the planning for an Army project or action indicates a need for an EIS, the proponent initiates the scoping process (see Subpart G of this part for procedures and actions). This process determines the scope of issues to address in the EIS and identifies the significant issues related to the proposed action. During the scoping, process participants identify the range of actions, alternatives, and impacts to consider in the EIS (40 CFR 1508.25). For an individual action, the scope may depend on the relationship of the proposed action to other NEPA documents. The scoping phase of the NEPA process, as part of project planning, will identify aspects of the proposal that are likely to have an effect or be controversial; and will ensure that the NEPA analyses are useful for a decision maker. For example, the early identification and initiation of permit or coordination actions can facilitate problem resolution, and, similarly, cumulative effects can be addressed early in the process and at the appropriate spatial and temporal scales.

(2) The extent of the scoping process, including public involvement, will depend on several factors. These factors include:

(i) The size and type of the proposed action.

(ii) Whether the proposed action is of regional or national interest.

(iii) Degree of any associated environmental controversy.

(iv) Size of the affected environmental parameters.

(v) Significance of any effects on them.

(vi) Extent of prior environmental review.

(vii) Involvement of any substantive time limits.

(viii) Requirements by other laws for environmental review.

(ix) Cumulative impacts.

(3) Through scoping, many future controversies can be eliminated, and public involvement can be used to narrow the scope of the study, concentrating on those aspects of the analysis that are truly important.

(4) The proponent may incorporate scoping as part of the EA process, as well. If the proponent chooses a public involvement strategy, the extent of scoping incorporated is at the proponent's discretion.

(e) *Analyses and documentation.* Several statutes, regulations, and Executive Orders require analyses, consultation, documentation, and coordination, which duplicate various elements and/or analyses required by NEPA and the CEQ regulations; often leading to confusion, duplication of effort, omission, and, ultimately, unnecessary cost and delay. Therefore, Army proponents are encouraged to identify, early in the NEPA process, opportunities for integrating those requirements into proposed Army programs, policies, and projects. Environmental analyses required by this part will be integrated as much as practicable with other environmental reviews, laws, and Executive Orders (40 CFR 1502.25). Incorporation of these processes must ensure that the individual requirements are met, in addition to those required by NEPA. The NEPA process does not replace the procedural or substantive requirements of other environmental statutes and regulations. Rather, it addresses them in one place so the decision maker has a concise and comprehensive view of the major environmental issues and understands the interrelationships and potential conflicts among the environmental components. NEPA is the ''umbrella'' that facilitates such coordination by integrating processes that might otherwise proceed independently. Prime candidates for such integration include, but are not limited to, the following:

(1) Clean Air Act, as amended (General Conformity Rule, 40 CFR parts 51 and 93).

(2) Endangered Species Act.

(3) NHPA, sections 106 and 110.

(4) NAGPRA (Public Law 101–601, 104 Stat. 3048).

(5) Clean Water Act, including Section 404(b)(1).

(6) American Indian Religious Freedom Act.

(7) Fish and Wildlife Coordination Act.

(8) Comprehensive Environmental Response, Compensation, and Liability Act.

(9) Resource Conservation and Recovery Act.

(10) Pollution Prevention Act.

(11) The Sikes Act, Public Law 86–797, 74 Stat. 1052.

(12) Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements (Executive Order 12856, 3 CFR, 1993 Comp., p. 616).

(13) Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898, 3 CFR, 1994 Comp., p. 859).

(14) Indian Sacred Sites (Executive Order 13007, 3 CFR, 1996 Comp., p. 196).

(15) Protection of Children From Environmental Health Risks and Safety Risks (Executive Order 13045, 3 CFR, 1997 Comp., p. 198).

(16) Federal Support of Community Efforts Along American Heritage Rivers (Executive Order 13061, 3 CFR, 1997 Comp., p. 221).

(17) Floodplain Management (Executive Order 11988, 3 CFR, 1977 Comp., p. 117).

(18) Protection of Wetlands (Executive Order 11990, 3 CFR, 1977 Comp., p. 121).

(19) Environmental Effects Abroad of Major Federal Actions (Executive Order 12114, 3 CFR, 1979 Comp., p. 356).

(20) Invasive Species (Executive Order 13112, 3 CFR, 1999 Comp., p. 159).

(21) AR 200–3, Natural Resources—Land, Forest, and Wildlife Management.

(22) Environmental analysis and documentation required by various state laws.

(23) Any cost-benefit analyses prepared in relation to a proposed action (40 CFR 1502.23).

(24) Any permitting and licensing procedures required by federal and state law.

(25) Any installation and Army master planning functions and plans.

(26) Any installation management plans, particularly those that deal directly with the environment.

(27) Any stationing and installation planning, force development planning, and materiel acquisition planning.

(28) Environmental Noise Management Program.

(29) Hazardous waste management plans.

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identified in a programmatic EA or EIS prepared by the MATDEV.

(30) Integrated Cultural Resource Management Plan as required by AR 200–4 and DODD 4700.4, Natural Resources Management Program.

(31) Asbestos Management Plans.

(32) Integrated Natural Resource Management Plans, AR 200–3, Natural Resources—Land, Forest, and Wildlife Management, and DODD 4700.4, Natural Resources Management Program.

(33) Environmental Baseline Surveys.

(34) Programmatic Environment, Safety, and Health Evaluation (PESHE) as required by DOD 5000.2-R and DA Pamphlet 70–3, Army Acquisition Procedures, supporting AR 70–1, Acquisition Policy.

(35) The DOD MOU to Foster the Ecosystem Approach signed by CEQ, and DOD, on 15 December 1995; establishing the importance of ''non-listed,'' ''non-game,'' and ''non-protected'' species.

(36) Other requirements (such as health risk assessments), when efficiencies in the overall Army environmental program will result.

(f) *Integration into Army acquisition.* The Army acquisition community will integrate environmental analyses into decision-making, as required in this part ensuring that environmental considerations become an integral part of total program planning and budgeting, PEOs, and Program, Product, and Project Managers integrate the NEPA process early, and acquisition planning and decisions reflect national and Army environmental values and considerations. By integrating pollution prevention and other aspects of any environmental analysis early into the materiel acquisition process, the PEO and PM facilitate the identification of environmental cost drivers at a time when they can be most effectively controlled. NEPA program coordinators should refer to DA Pamphlet 70–3, Army Acquisition Procedures, and the Defense Acquisition Deskbook (DAD) for current specific implementation guidance, procedures, and POCs.

(g) *Relations with local, state, regional, and tribal agencies.* (1) Army installation, agency, or activity environmental officers or planners should establish a continuing relationship with other agencies, including the staffs of adjacent local, state, regional, and tribal governments and agencies. This relationship will promote cooperation and resolution of mutual land use and environment-related problems, and promote the concept of regional ecosystem management as well as general cooperative problem solving. Many of these ''partners'' will have specialized expertise and access to environmental baseline data, which will assist the Army in day-to-day planning as well as NEPA-related issues. MOUs are encouraged to identify areas of mutual interest, establish POCs, identify lines of communication between agencies, and specify procedures to follow in conflict resolution. Additional coordination is available from state and area-wide planning and development agencies. Through this process, the proponent may gain insights on other agencies' approaches to EAs, surveys, and studies applicable to the current proposal. These other agencies would also be able to assist in identifying possible participants in scoping procedures for projects requiring an EIS.

(2) In some cases, local, state, regional, or tribal governments or agencies will have sufficient jurisdiction by law or special expertise with respect to reasonable alternatives or significant environmental, social, or economic impacts associated with a proposed action. When appropriate, proponents of an action should determine whether these entities have an interest in becoming a cooperating agency (§ 651.45 (b) and 40 CFR 1501.6). If cooperating agency status is established, a memorandum of agreement is required to document specific expectations, roles, and responsibilities, including analyses to be performed, time schedules, availability of pre-decisional information, and other issues. Cooperating agencies may use their own funds, and the designation of cooperating agency status neither enlarges nor diminishes the decision-making status of any federal or non-federal entities (see CEQ Memorandum for Heads of Federal Agencies entitled ''Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act'' dated 28 July 1999, available from the President's Council on Environmental Quality (CEQ), Executive Office of the President of the U.S.). In determining sufficient jurisdiction or expertise, CEQ regulations can be used as guidance.

(h) *The Army as a cooperating agency.* Often, other agencies take actions that can negatively impact the Army mission. In such cases, the Army may have some special or unique expertise or jurisdiction.

(1) The Army may be a cooperating agency (40 CFR 1501.6) in order to:

(i) Provide information or technical expertise to a lead agency.

(ii) Approve portions of a proposed action.

(iii) Ensure the Army has an opportunity to be involved in an action of another federal agency that will affect the Army.

(iv) Provide review and approval of the portions of EISs and RODs that affect the Army.

(2) Adequacy of an EIS is primarily the responsibility of the lead agency. However, as a cooperating agency with approval authority over portions of a proposal, the Army may adopt an EIS if review concludes the EIS adequately satisfies the Army's comments and suggestions.

(3) If the Army is a major approval authority for the proposed action, the appropriate Army official may sign the ROD prepared by the lead agency, or prepare a separate, more focused ROD. If the Army's approval authority is only a minor aspect of the overall proposal, such as issuing a temporary use permit, the Army need not sign the lead agency's ROD or prepare a separate ROD.

(4) The magnitude of the Army's involvement in the proposal will determine the appropriate level and scope of Army review of NEPA documents. If the Army is a major approval authority or may be severely impacted by the proposal or an alternative, the Army should undertake the same level of review as if it were the lead agency. If the involvement is limited, the review may be substantially less. The lead agency is responsible for overall supervision of the EIS, and the Army will attempt to meet all reasonable time frames imposed by the lead agency.

(5) If an installation (or other Army organization) should become aware of an EIS being prepared by another federal agency in which they may be involved within the discussion of the document, they should notify ASA(I&E) through the chain of command. ASA(I&E) will advise regarding appropriate Army participation as a cooperating agency, which may simply involve local coordination.

§ 651.15 Mitigation and monitoring.

(a) Throughout the environmental analysis process, the proponent will consider mitigation measures to avoid or minimize environmental harm. Mitigation measures include:

(1) Avoiding the impact altogether, by eliminating the action or parts of the action.

(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(3) Rectifying the impact; by repairing, rehabilitating, or restoring the adverse effect on the environment.

(4) Reducing or eliminating the impact over time, by preservation and maintenance operations during the life of the action.

(5) Compensating for the impact, by replacing or providing substitute resources or environments. (Examples and further clarification are presented in Appendix C of this part.)

(b) When the analysis proceeds to an EA or EIS, mitigation measures will be clearly assessed and those selected for implementation will be identified in the FNSI or the ROD. The proponent must implement those identified mitigations, because they are commitments made as part of the Army decision. The proponent is responsible for responding to inquiries from the public or other agencies regarding the status of mitigation measures adopted in the NEPA process. The mitigation shall become a line item in the proponent's budget or other funding document, if appropriate, or included in the legal document implementing the action (for example, contracts, leases, or grants). Only those practical mitigation measures that can reasonably be accomplished as part of a proposed alternative will be identified. Any mitigation measures selected by the proponent will be clearly outlined in the NEPA decision document, will be budgeted and funded (or funding arranged) by the proponent, and will be identified, with the appropriate fund code, in the EPR (AR 200–1). Mitigations will be monitored through environmental compliance reporting, such as the ISR (AR 200–1) or the Environmental Quality Report. Mitigation measures are identified and funded in accordance with applicable laws, regulations, or other media area requirements.

(c) Based upon the analysis and selection of mitigation measures that reduce environmental impacts until they are no longer significant, an EA may result in a FNSI. If a proponent uses mitigation measures in such a manner, the FNSI must identify these mitigating measures, and they become legally binding and must be accomplished as the project is implemented. If any of these identified mitigation measures do not occur, so that significant adverse environmental effects could reasonably expected to result, the proponent must publish an NOI and prepare an EIS.

(d) Potential mitigation measures that appear practical, and are unobtainable within expected Army resources, or that some other agency (including non-Army agencies) should perform, will be identified in the NEPA analysis to the maximum extent practicable. A number of factors determine what is practical, including military mission, manpower restrictions, cost, institutional barriers, technical feasibility, and public acceptance. Practicality does not necessarily ensure resolution of conflicts among these items, rather it is the degree of conflict that determines practicality. Although mission conflicts are inevitable, they are not necessarily insurmountable; and the proponent should be cautious about declaring all mitigations impractical and carefully consider any manpower requirements. The key point concerning both the manpower and cost constraints is that, unless money is actually budgeted and manpower assigned, the mitigation does not exist. Coordination by the proponent early in the process will be required to allow ample time to get the mitigation activities into the budget cycle. The project cannot be undertaken until all required mitigation efforts are fully resourced, or until the lack of funding and resultant effects, are fully addressed in the NEPA analysis.

(e) Mitigation measures that were considered but rejected, including those that can be accomplished by other agencies, must be discussed, along with the reason for the rejection, within the EA or EIS. If they occur in an EA, their rejection may lead to an EIS, if the resultant unmitigated impacts are significant.

(f) Proponents may request assistance with mitigation from cooperating non-Army agencies, when appropriate. Such assistance is appropriate when the requested agency was a cooperating agency during preparation of a NEPA document, or has the technology, expertise, time, funds, or familiarity with the project or the local ecology necessary to implement the mitigation measure more effectively than the lead agency.

(g) The proponent agency or other appropriate cooperating agency will implement mitigations and other conditions established in the EA or EIS, or commitments made in the FNSI or ROD. Legal documents implementing the action (such as contracts, permits, grants) will specify mitigation measures to be performed. Penalties against a contractor for noncompliance may also be specified as appropriate. Specification of penalties should be fully coordinated with the appropriate legal advisor.

(h) A monitoring and enforcement program for any mitigation will be adopted and summarized in the NEPA documentation (see Appendix C of this part for guidelines on implementing such a program). Whether adoption of a monitoring and enforcement program is applicable (40 CFR 1505.2(c)) and whether the specific adopted action requires monitoring (40 CFR 1505.3) may depend on the following:

(1) A change in environmental conditions or project activities assumed in the EIS (such that original predictions of the extent of adverse environmental impacts may be too limited);

(2) The outcome of the mitigation measure is uncertain (for example, new technology);

(3) Major environmental controversy remains associated with the selected alternative; or

(4) Failure of a mitigation measure, or other unforeseen circumstances, could result in a failure to meet achievement of requirements (such as adverse effects on federal or state listed endangered or threatened species, important historic or archaeological sites that are either listed or eligible for nomination to the National Register of Historic Places, wilderness areas, wild and scenic rivers, or other public or private protected resources). Proponents must follow local installation environmental office procedures to coordinate with appropriate federal, tribal, state, or local agencies responsible for a particular program to determine what would constitute ''adverse effects.''

(i) Monitoring is an integral part of any mitigation system.

(1) Enforcement monitoring ensures that mitigation is being performed as described in the NEPA documentation, mitigation requirements and penalty clauses are written into any contracts, and required provisions are enforced. The development of an enforcement monitoring program is governed by who will actually perform the mitigation: a contractor, a cooperating agency, or an in-house (Army) lead agency. Detailed guidance is contained in Appendix C of this part. The proponent is ultimately responsible for performing any mitigation activities. All monitoring results will be sent to the installation Environmental Office; in the case of the Army Reserves, the Regional Support Commands (RSCs); and, in the case of the National Guard, the NGB.

(2) Effectiveness monitoring measures the success of the mitigation effort and/or the environmental effect. While quantitative measurements are desired, qualitative measures may be required. The objective is to obtain enough information to judge the effect of the mitigation. In establishing the monitoring system, the responsible agent should coordinate the monitoring with the Environmental Office. Specific steps and guidelines are included in Appendix C of this part.

(j) The monitoring program, in most cases, should be established well before the action begins, particularly when biological variables are being measured and investigated. At this stage, any necessary contracts, funding, and manpower assignments must be initiated. Technical results from the analysis should be summarized by the proponent and coordinated with the installation Environmental Office. Subsequent coordination with the concerned public and other agencies, as arranged through development of the mitigation plan, will be handled through the Environmental Office.

(k) If the mitigations are effective, the monitoring should be continued as long as the mitigations are needed to address impacts of the initial action. If the mitigations are ineffective, the proponent and the responsible group should re-examine the mitigation measures, in consultation with the Environmental Office and appropriate experts, and resolve the inadequacies of the mitigation or monitoring. Professionals with specialized and recognized expertise in the topic or issue, as well as concerned citizens, are essential to the credibility of this review. If a different program is required, then a new system must be established. If ineffective mitigations are identified which were required to reduce impact below significance levels (§ 651.35 (g)), the proponent may be required to publish an NOI and prepare an EIS (paragraph (c) of this section).

(l) Environmental monitoring report. An environmental monitoring report is prepared at one or more points after program or action execution. Its purpose is to determine the accuracy of impact predictions. It can serve as the basis for adjustments in mitigation programs and to adjust impact predictions in future projects. Further guidance and clarification are included in Appendix C of this part.

§ 651.16 Cumulative impacts.

(a) NEPA analyses must assess cumulative effects, which are the impact on the environment resulting from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Actions by federal, non-federal agencies, and private parties must be considered (40 CFR 1508.7).

(b) The scoping process should be used to identify possible cumulative impacts. The proponent should also contact appropriate off-post officials, such as tribal, state, county, or local planning officials, to identify other actions that should be considered in the cumulative effects analysis.

(c) A suggested cumulative effects approach is as follows:

(1) Identify the boundary of each resource category. Boundaries may be geographic or temporal. For example, the Air Quality Control Region (AQCR) might be the appropriate boundary for the air quality analysis, while a watershed could be the boundary for the water quality analysis. Depending upon the circumstances, these boundaries could be different and could extend off the installation.

(2) Describe the threshold level of significance for that resource category. For example, a violation of air quality standards within the AQCR would be an appropriate threshold level.

(3) Determine the environmental consequence of the action. The analysis should identify the cause and effect relationships, determine the magnitude and significance of cumulative effects, and identify possible mitigation measures.

§ 651.17 Environmental justice.

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, 11 February 1994, 3 CFR, 1994 Comp., p. 859) requires the proponent to determine whether the proposed action will have a disproportionate impact on minority or low-income communities, both off-post and on-post.

Subpart C–Records and Documents

§ 651.18 Introduction.

NEPA documentation will be prepared and published double-sided on recycled paper. The recycled paper symbol should be presented on the inside of document covers.

§ 651.19 Record of environmental consideration.

A Record of Environmental Consideration (REC) is a signed statement submitted with project documentation that briefly documents that an Army action has received environmental review. RECs are prepared for CXs that require them, and for actions covered by existing or previous NEPA documentation. A REC briefly describes the proposed action and timeframe, identifies the proponent and approving official(s), and clearly shows how an action qualifies for a CX, or is already covered in an existing EA or EIS. When used to support a CX, the REC must address the use of screening criteria to ensure that no extraordinary circumstances or situations exist. A REC has no prescribed format, as long as the above information is included. To reduce paperwork, a REC can reference such documents as real estate Environmental Baseline Studies (EBSs) and other documents, as long as they are readily available for review. While a REC may document compliance with the requirements of NEPA, it does not fulfill the requirements of other environmental laws and regulations. Figure 3 illustrates a possible format for the REC as follows:

Record of Environmental Consideration (REC)

To: (Environmental Officer)
From: (Proponent)
Project title:
Breif description:

Anticipated date and/or duration of proposed action: (Month/year)

Reason for using record of environmental consideration (choose one):

a. Adequantely covered in an (EA, EIS) entitled _____, dated _____,

The EA/EIS may be reviewed at _____, (location)

OR,

b. Is categorically excluded under the provisions of CX _____, AR 200-2, appendix A, (and no extraordinary circumstances exist as defined in paragraph 4-3), because

_____

_____

_____

Date Project Proponent

_____

Date Installation Environmental Coordinator

Variation from this format is acceptable provided basic information and approvals are included in any modified document.

Figure 3. Suggested format for Record of Environmental Consideration.

§ 651.20 Environmental assessment.

An EA is intended to assist agency planning and decision-making. While required to assess environmental impacts and evaluate their significance, it is routinely used as a planning document to evaluate environmental impacts, develop alternatives and mitigation measures, and allow for agency and public participation. It:

(a) Briefly provides the decision maker with sufficient evidence and analysis for determining whether a FNSI or an EIS should be prepared.

(b) Assures compliance with NEPA, if an EIS is not required and a CX is inappropriate.

(c) Facilitates preparation of an EIS, if required.

(d) Includes brief discussions of the need for the proposed action, alternatives to the proposed action (NEPA, section 102(2)(e)), environmental impacts, and a listing of persons and agencies consulted (see Subpart E of this part for requirements).

(e) The EA provides the proponent, the public, and the decision maker with sufficient evidence and analysis for determining whether environmental impacts of a proposed action are potentially significant. An EA is substantially less rigorous and costly than an EIS, but requires sufficient detail to identify and ascertain the significance of expected impacts associated with the proposed action and its alternatives. The EA can often provide the required ''hard look'' at the potential environmental effects of an action, program, or policy within 1 to 25 pages, depending upon the nature of the action and project-specific conditions.

§ 651.21 Finding of no significant impact.

A Finding of No Significant Impact (FNSI) is a document that briefly states why an action (not otherwise excluded) will not significantly affect the environment, and, therefore, that an EIS will not be prepared. The FNSI includes a summary of the EA and notes any related NEPA documentation. If the EA is attached, the FNSI need not repeat any of the EA discussion, but may incorporate it by reference. The draft FNSI will be made available to the public for review and comment for 30 days prior to the initiation of an action, except in special circumstances when the public comment period is reduced to 15 days, as discussed in § 651.14(b)(2)(iii). Following the comment period and review of public comments, the proponent forwards a decision package that includes a comparison of environmental impacts associated with reasonable alternatives, summary of public concerns, revised FNSI (if necessary), and recommendations for the decision maker. The decision maker reviews the package, makes a decision, and signs the FNSI or the NOI (if the FNSI no longer applies). If a FNSI is signed by the decision maker, the action can proceed immediately.

§ 651.22 Notice of intent.

A Notice of Intent (NOI) is a public notice that an EIS will be prepared. The NOI will briefly:

(a) Describe the proposed and alternative actions.

(b) Describe the proposed scoping process, including when and where any public meetings will be held.

(c) State the name and address of the POC who can answer questions on the proposed action and the EIS (see § 651.45(a) and § 651.49 for application).

§ 651.23 Environmental impact statement.

An Environmental Impact statement (EIS) is a detailed written statement required by NEPA for major federal actions significantly affecting the quality of the human environment (42 U.S.C. 4321). A more complete discussion of EIS requirements is presented in Subpart F of this part.

§ 651.24 Supplemental EAs and supplemental EISs.

As detailed in § 651.5(g) and in 40 CFR 1502.9(c), proposed actions may

require review of existing NEPA documentation. If conditions warrant a supplemental document, these documents are processed in the same way as an original EA or EIS. No new scoping is required for a supplemental EIS filed within one year of the filing of the original ROD. If the review indicates no need for a supplement, that determination will be documented in a REC.

§ 651.25 Notice of availability.

The Notice of Availability (NOA) is published by the Army to inform the public and others that a NEPA document is available for review. A NOA will be published in the FR, coordinating with EPA for draft and final EISs (including supplements), for RODs, and for EAs and FNSIs which are of national concern, are unprecedented, or normally require an EIS. EAs and FNSIs of local concern will be made available in accordance with § 651.36. This agency NOA should not be confused with the EPA's notice of availability of weekly receipts (NWR)[3] of EISs.

§ 651.26 Record of decision.

The Record of Decision (ROD) is a concise public document summarizing the findings in the EIS and the basis for the decision. A public ROD is required under the provisions of 40 CFR 1505.2 after completion of an EIS (see § 651.45 (j) for application). The ROD must identify mitigations which were important in supporting decisions, such as those mitigations which reduce otherwise significant impacts, and ensure that appropriate monitoring procedures are implemented (see § 651.15 for application).

§ 651.27 Programmatic NEPA analyses.

These analyses, in the form of an EA or EIS, are useful to examine impacts of actions that are similar in nature or broad in scope. These documents allow the ''tiering'' of future NEPA documentation in cases where future decisions or unknown future conditions preclude complete NEPA analyses in one step. These documents are discussed further in § 651.14(c).

Subpart D—Categorical Exclusions

§ 651.28 Introduction.

Categorical Exclusions (CXs) are categories of actions with no individual or cumulative effect on the human or natural environment, and for which neither an EA nor an EIS is required. The use of a CX is intended to reduce paperwork and eliminate delays in the initiation and completion of proposed actions that have no significant impact.

§ 651.29 Determining when to use a CX (screening criteria).

(a) To use a CX, the proponent must satisfy the following three screening conditions:

(1) The action has not been segmented. Determine that the action has not been segmented to meet the definition of a CX. Segmentation can occur when an action is broken down into small parts in order to avoid the appearance of significance of the total action. An action can be too narrowly defined, minimizing potential impacts in an effort to avoid a higher level of NEPA documentation. The scope of an action must include the consideration of connected, cumulative, and similar actions (see § 651.51(a)).

(2) No exceptional circumstances exist. Determine if the action involves extraordinary circumstances that would preclude the use of a CX (see paragraphs (b) (1) through (14) of this section).

(3) One (or more) CX encompasses the proposed action. Identify a CX (or multiple CXs) that potentially encompasses the proposed action (Appendix B of this part). If no CX is appropriate, and the project is not exempted by statute or emergency provisions, an EA or an EIS must be prepared, before a proposed action may proceed.

(b) Extraordinary circumstances that preclude the use of a CX are:

(1) Reasonable likelihood of significant effects on public health, safety, or the environment.

(2) Reasonable likelihood of significant environmental effects (direct, indirect, and cumulative).

(3) Imposition of uncertain or unique environmental risks.

(4) Greater scope or size than is normal for this category of action.

(5) Reportable releases of hazardous or toxic substances as specified in 40 CFR part 302, Designation, Reportable Quantities, and Notification.

(6) Releases of petroleum, oils, and lubricants (POL) except from a properly functioning engine or vehicle, application of pesticides and herbicides, or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan.

(7) When a review of an action that might otherwise qualify for a Record of Non-applicability (RONA) reveals that air emissions exceed de minimis levels or otherwise that a formal Clean Air Act conformity determination is required.

(8) Reasonable likelihood of violating any federal, state, or local law or requirements imposed for the protection of the environment.

(9) Unresolved effect on environmentally sensitive resources, as defined in paragraph (c) of this section.

(10) Involving effects on the quality of the environment that are likely to be highly controversial.

(11) Involving effects on the environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial.

(12) Establishes a precedent (or makes decisions in principle) for future or subsequent actions that are reasonably likely to have a future significant effect.

(13) Potential for degradation of already existing poor environmental conditions. Also, initiation of a degrading influence, activity, or effect in areas not already significantly modified from their natural condition.

(14) Introduction/employment of unproven technology.

(c) If a proposed action would adversely affect ''environmentally sensitive'' resources, unless the impact has been resolved through another environmental process (e.g., CZMA, NHPA, CWA, etc.) a CX cannot be used (see paragraph (e) of this section). Environmentally sensitive resources include:

(1) Proposed federally listed, threatened, or endangered species or their designated critical habitats.

(2) Properties listed or eligible for listing on the National Register of Historic Places (AR 200–4).

(3) Areas having special designation or recognition such as prime or unique agricultural lands; coastal zones; designated wilderness or wilderness study areas; wild and scenic rivers; National Historic Landmarks (designated by the Secretary of the Interior); 100-year floodplains; wetlands; sole source aquifers (potential sources of drinking water); National Wildlife Refuges; National Parks; areas of critical environmental concern; or other areas of high environmental sensitivity.

(4) Cultural Resources as defined in AR 200–4.

(d) The use of a CX does not relieve the proponent from compliance with other statutes, such as RCRA, or consultations under the Endangered Species Act or the NHPA. Such consultations may be required to determine the applicability of the CX screening criteria.

(e) For those CXs that require a REC, a brief (one to two sentence) presentation of conclusions reached during screening is required in the REC.

[3] This notice is published by the EPA and officially begins the public review period. The NWR is published each Friday, and lists the EISs that were filed the previous week.

This determination can be made using current information and expertise, if available and adequate, or can be derived through conversation, as long as the basis for the determination is included in the REC. Copies of appropriate interagency correspondence can be attached to the REC. Example conclusions regarding screening criteria are as follows:

(1) ''USFWS concurred in informal coordination that E/T species will not be affected''.

(2) ''Corps of Engineers determined action is covered by nationwide general permit''.

(3) ''SHPO concurred with action''.

(4) ''State Department of Natural Resources concurred that no effect to state sensitive species is expected''.

§ 651.30 CX actions.

Types of actions that normally qualify for CX are listed in Appendix B of this part.

§ 651.31 Modification of the CX list.

The Army list of CXs is subject to continual review and modification, in consultation with CEQ. Additional modifications can be implemented through submission, through channels, to ASA (I&E) for consideration and consultation. Subordinate Army headquarters may not modify the CX list through supplements to this part. Upon approval, proposed modifications to the list of CXs will be published in the **Federal Register**, providing an opportunity for public review and comment.

Subpart E—Environmental Assessment

§ 651.32 Introduction.

(a) An EA is intended to facilitate agency planning and informed decision-making, helping proponents and other decision makers understand the potential extent of environmental impacts of a proposed action and its alternatives, and whether those impacts (or cumulative impacts) are significant. The EA can aid in Army compliance with NEPA when no EIS is necessary. An EA will be prepared if a proposed action:

(1) Is not an emergency (§ 651.11(b)).

(2) Is not exempt from (or an exception to) NEPA (§ 651.11(a)).

(3) Does not qualify as a CX (§ 651.11(c)).

(4) Is not adequately covered by existing NEPA analysis and documentation (§ 651.19).

(5) Does not normally require an EIS (§ 651.42).

(b) An EA can be 1 to 25 pages in length and be adequate to meet the requirements of this part, depending upon site-specific circumstances and conditions. Any analysis that exceeds 25 pages in length should be evaluated to consider whether the action and its effects are significant and thus warrant an EIS.

§ 651.33 Actions normally requiring an EA.

The following Army actions normally require an EA, unless they qualify for the use of a CX:

(a) Special field training exercises or test activities in excess of five acres on Army land of a nature or magnitude not within the annual installation training cycle or installation master plan.

(b) Military construction that exceeds five contiguous acres, including contracts for off-post construction.

(c) Changes to established installation land use that generate impacts on the environment.

(d) Alteration projects affecting historically significant structures, archaeological sites, or places listed or eligible for listing on the National Register of Historic Places.

(e) Actions that could cause significant increase in soil erosion, or affect prime or unique farmland (off Army property), wetlands, floodplains, coastal zones, wilderness areas, aquifers or other water supplies, prime or unique wildlife habitat, or wild and scenic rivers.

(f) Actions proposed during the life cycle of a weapon system if the action produces a new hazardous or toxic material or results in a new hazardous or toxic waste, and the action is not adequately addressed by existing NEPA documentation. Examples of actions normally requiring an EA during the life cycle include, but are not limited to, testing, production, fielding, and training involving natural resources, and disposal/demilitarization. System design, development, and production actions may require an EA, if such decisions establish precedent (or make decisions, in principle) for future actions with potential environmental effects. Such actions should be carefully considered in cooperation with the development or production contractor or government agency, and NEPA analysis may be required.

(g) Development and approval of installation master plans.

(h) Development and implementation of Integrated Natural Resources Management Plans (INRMPs) (land, forest, fish, and wildlife) and Integrated Cultural Resources Management Plans (ICRMPs).

(i) Actions that take place in, or adversely affect, important wildlife habitats, including wildlife refuges.

(j) Field activities on land not controlled by the military, except those that do not alter land use to substantially change the environment (for example, patrolling activities in a forest). This includes firing of weapons, missiles, or lasers over navigable waters of the United States, or extending 45 meters or more above ground level into the national airspace. It also includes joint air attack training that may require participating aircraft to exceed 250 knots at altitudes below 3000 feet above ground level, and helicopters, at any speed, below 500 feet above ground level.

(k) An action with substantial adverse local or regional effects on energy or water availability. Such impacts can only be adequately identified with input from local agencies and/or citizens.

(l) Production of hazardous or toxic materials.

(m) Changes to established airspace use that generate impacts on the environment or socioeconomic systems, or create a hazard to non-participants.

(n) An installation pesticide, fungicide, herbicide, insecticide, and rodenticide-use program/plan.

(o) Acquisition, construction, or alteration of (or space for) a laboratory that will use hazardous chemicals, drugs, or biological or radioactive materials.

(p) An activity that affects a federally listed threatened or endangered plant or animal species, a federal candidate species, a species proposed for federal listing, or critical habitat.

(q) Substantial proposed changes in Army-wide doctrine or policy that potentially have an adverse effect on the environment (40 CFR 1508.18 (b)(1)).

(r) An action that may threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment.

(s) The construction and operation of major new fixed facilities or the substantial commitment of installation natural resources supporting new materiel at the installation.

§ 651.34 EA components.

EAs should be 1 to 25 pages in length, and will include:

(a) Signature (Review and Approval) page.

(b) Purpose and need for the action.

(c) Description of the proposed action.

(d) Alternatives considered. The alternatives considered, including appropriate consideration of the ''No Action'' alternative, the ''Proposed Action,'' and all other appropriate and reasonable alternatives that can be realistically accomplished. In the discussion of alternatives, any criteria

for screening alternatives from full consideration should be presented, and the final disposition of any alternatives that were initially identified should be discussed.

(e) Affected environment. This section must address the general conditions and nature of the affected environment and establish the environmental setting against which environmental effects are evaluated. This should include any relevant general baseline conditions focusing on specific aspects of the environment that may be impacted by the alternatives. EBSs and similar real estate or construction environmental baseline documents, or their equivalent, may be incorporated and/or referenced.

(f) Environmental consequences. Environmental consequences of the proposed action and the alternatives. The document must state and assess the effects (direct, indirect, and cumulative) of the proposed action and its alternatives on the environment, and what practical mitigation is available to minimize these impacts. Discussion and comparison of impacts should provide sufficient analysis to reach a conclusion regarding the significance of the impacts, and is not merely a quantification of facts.

(g) Conclusions regarding the impacts of the proposed action. A clear statement will be provided regarding whether or not the described impacts are significant. If the EA identifies potential significant impacts associated with the proposed action, the conclusion should clearly state that an EIS will be prepared before the proposed action is implemented. If no significant impacts are associated with the project, the conclusion should state that a FNSI will be prepared. Any mitigations that reduce adverse impacts must be clearly presented. If the EA depends upon mitigations to support a resultant FNSI, these mitigations must be clearly identified as a subsection of the Conclusions.

(h) Listing of preparers, and agencies and persons consulted. Copies of correspondence to and from agencies and persons contacted during the preparation of the EA will be available in the administrative record and may be included in the EA as appendices. In addition, the list of analysts/preparers will be presented.

(i) References. These provide bibliographic information for cited sources. Draft documents should not be cited as references without the expressed permission of the proponent of the draft material.

§ 651.35 Decision process.

(a) An EA results in either a FNSI or an NOI to prepare an EIS. Initiation of an NOI to prepare an EIS should occur at any time in the decision process when it is determined that significant effects may occur as a result of the proposed action. The proponent should notify the decision maker of any such determination as soon as possible.

(b) The FNSI is a document (40 CFR 1508.13) that briefly states why an action (not otherwise excluded) will not significantly affect the environment, and, therefore, an EIS will not be prepared. It summarizes the EA, noting any NEPA documents that are related to, but are not part of, the scope of the EA under consideration. If the EA is attached, the FNSI may incorporate the EA's discussion by reference. The draft FNSI will be made available to the public for review and comment for 30 days prior to the initiation of an action (see § 651.14(b)(2)(iii) for an exception). Following the comment period, the decision maker signs the FNSI, and the action can proceed. It is important that the final FNSI reflect the decision made, the response to public comments, and the basis for the final decision.

(c) The FNSI must contain the following:

(1) The name of the action.

(2) A brief description of the action (including any alternatives considered).

(3) A short discussion of the anticipated environmental effects.

(4) The facts and conclusions that have led to the FNSI.

(5) A deadline and POC for further information or receipt of public comments (see § 651.47).

(d) The FNSI is normally no more than two typewritten pages in length.

(e) The draft FNSI will be made available to the public prior to initiation of the proposed action, unless it is a classified action (see § 651.13 for security exclusions). Draft FNSIs that have national interest should be submitted with the proposed press release, along with a Questions and Answers (Q&A) package, through command channels to ASA(I&E) for approval and subsequent publication in the FR. Draft FNSIs having national interest will be coordinated with OCPA. Local publication of the FNSI will not precede the FR publication. The text of the publication should be identical to the FR publication.

(f) For actions of only regional or local interest, the draft FNSI will be publicized in accordance with § 651.14(b)(2). Distribution of the draft FNSI should include any agencies, organizations, and individuals that have expressed interest in the project, those who may be affected, and others deemed appropriate.

(g) Some FNSIs will require the implementation of mitigation measures to reduce potential impacts below significance levels, thereby eliminating the requirement for an EIS. In such instances, the following steps must be taken:

(1) The EA must be made readily available to the public for review through traditional publication and distribution, and through the World Wide Web (WWW) or similar technology. This distribution must be planned to ensure that all appropriate entities and stakeholders have easy access to the material. Ensuring this availability may necessitate the distribution of printed information at locations that are readily accessible and frequented by those who are affected or interested.

(2) Any identified mitigations must be tracked to ensure implementation, similar to those specified in an EIS and ROD.

(3) The EA analysis procedures must be sufficiently rigorous to identify and analyze impacts that are individually or cumulatively significant.

(h) The proponent is responsible for funding the preparation, staffing, and distribution of the draft FNSI and EA package, and the incorporation of public/agency review and comment. The proponent shall also ensure appropriate public and agency meetings, which may be required to facilitate the NEPA process in completing the EA. The decision maker will approve and sign the EA and FNSI documents. Proponents will ensure that the EA and FNSI, to include drafts, are provided in electronic format to allow for maximum information flow throughout the process.

(i) The proponent should ensure that the decision maker is continuously informed of key findings during the EA process, particularly with respect to potential impacts and controversy related to the proposed action.

§ 651.36 Public involvement.

(a) The involvement of other agencies, organizations, and individuals in the development of EAs and EISs enhances collaborative issue identification and problem solving. Such involvement demonstrates that the Army is committed to open decision-making and builds the necessary community trust that sustains the Army in the long term. Public involvement is mandatory for EISs (see § 651.47 and Appendix D of this part for information on public involvement requirements).

(b) Environmental agencies and the public will be involved to the extent practicable in the preparation of an EA. If the proponent elects to involve the public in the development of an EA, § 651.47 and Appendix D of this part may be used as guidance. When considering the extent practicable of public interaction (40 CFR 1501.4(b)), factors to be weighed include:

(1) Magnitude of the proposed project/action.

(2) Extent of anticipated public interest, based on experience with similar proposals.

(3) Urgency of the proposal.

(4) National security classification.

(5) The presence of minority or economically-disadvantaged populations.

(c) Public involvement must begin early in the proposal development stage, and during preparation of an EA. The direct involvement of agencies with jurisdiction or special expertise is an integral part of impact analysis, and provides information and conclusions for incorporation into EAs. Unclassified documents incorporated by reference into the EA or FNSI are public documents.

(d) Copies of public notices, ''scoping'' letters, EAs, draft FNSIs, FNSIs, and other documents routinely sent to the public will be sent directly to appropriate congressional, state, and district offices.

(e) To ensure early incorporation of the public into the process, a plan to include all interested or affected parties should be developed at the beginning of the analysis and documentation process. Open communication with the public is encouraged as a matter of Army policy, and the degree of public involvement varies. Appropriate public notice of the availability of the completed EA/draft FNSI shall be made (see § 651.35) (see also AR 360–5 (Public Information)). The plan will include the following:

(1) Dissemination of information to local and installation communities.

(2) Invitation and incorporation of public comments on Army actions.

(3) Consultation with appropriate persons and agencies.

(f) Further guidance on public participation requirements (to potentially be used for EAs and EISs, depending on circumstances) is presented in Appendix D of this part.

§ 651.37 Public availability.

Documents incorporated into the EA or FNSI by reference will be available for public review. Where possible, use of public libraries and a list of POCs for supportive documents is encouraged. A depository should be chosen which is open beyond normal business hours. To the extent possible, the WWW should also be used to increase public availability of documents.

§ 651.38 Existing environmental assessments.

EAs are dynamic documents. To ensure that the described setting, actions, and effects remain substantially accurate, the proponent or installation Environmental Officer is encouraged to periodically review existing documentation that is still relevant or supporting current action. If an action is not yet completed, substantial changes in the proposed action may require supplementation, as specified in § 651.5 (g).

§ 651.39 Significance.

(a) If the proposed action may or will result in significant impacts to the environment, an EIS is prepared to provide more comprehensive analyses and conclusions about the impacts. Significant impacts of socioeconomic consequence alone do not merit an EIS.

(b) Significance of impacts is determined by examining both the context and intensity of the proposed action (40 CFR 1508.27). The analysis should establish, by resource category, the threshold at which significance is reached. For example, an action that would violate existing pollution standards; cause water, air, noise, soil, or underground pollution; impair visibility for substantial periods; or cause irreparable harm to animal or plant life could be determined significant. Significant beneficial effects also occur and must be addressed, if applicable.

(c) The proponent should use appropriate methods to identify and ascertain the ''significance'' of impacts. The use of simple analytical tools, which are subject to independent peer review, fully documented, and available to the public, is encouraged.[4] In particular, where impacts are unknown or are suspected to be of public interest, public involvement should be initiated early in the EA (scoping) process.

Subpart F—Environmental Impact Statement

§ 651.40 Introduction.

(a) An EIS is a public document designed to ensure that NEPA policies and goals are incorporated early into the programs and actions of federal agencies. An EIS is intended to provide a full, open, and balanced discussion of significant environmental impacts that may result from a proposed action and alternatives, allowing public review and comment on the proposal and providing a basis for informed decision-making.

(b) The NEPA process should support sound, informed, and timely (early) decision-making; not produce encyclopedic documents. CEQ guidance (40 CFR 1502.7) should be followed, establishing a page limit of 150 pages (300 pages for complex projects). To the extent practicable, EISs will ''incorporate by reference'' any material that is reasonably available for inspection by potentially interested persons within the time allowed for comment. The incorporated material shall be cited in the EIS and its content will be briefly described. Material based on proprietary data, that is itself not available for review and comment, shall not be incorporated by reference.

§ 651.41 Conditions requiring an EIS.

An EIS is required when a proponent, preparer, or approving authority determines that the proposed action has the potential to:

(a) Significantly affect environmental quality, or public health or safety.

(b) Significantly affect historic (listed or eligible for listing in the National Register of Historic Places, maintained by the National Park Service, Department of Interior), or cultural, archaeological, or scientific resources, public parks and recreation areas, wildlife refuge or wilderness areas, wild and scenic rivers, or aquifers.

(c) Significantly impact prime and unique farmlands located off-post, wetlands, floodplains, coastal zones, or ecologically important areas, or other areas of unique or critical environmental sensitivity.

(d) Result in significant or uncertain environmental effects, or unique or unknown environmental risks.

(e) 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.

(f) Either establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.

(g) Adversely interact with other actions with individually insignificant effects so that cumulatively significant environmental effects result.

(h) Involve the production, storage, transportation, use, treatment, and disposal of hazardous or toxic materials

[4] EIFS is one such Army system for evaluating regional economic impacts under NEPA. This system is mandated, as Army policy, for use in NEPA analyses. Other similar tools may be mandated for use in the Army, and will be documented in guidance published pursuant to this part.

that may have significant environmental impact.

(i) Be highly controversial from an environmental standpoint.

(j) Cause loss or destruction of significant scientific, cultural, or historical resources.

§ 651.42 Actions normally requiring an EIS.

The following actions normally require an EIS:

(a) Significant expansion of a military facility or installation.

(b) Construction of facilities that have a significant effect on wetlands, coastal zones, or other areas of critical environmental concern.

(c) The disposal of nuclear materials, munitions, explosives, industrial and military chemicals, and other hazardous or toxic substances that have the potential to cause significant environmental impact.

(d) Land acquisition, leasing, or other actions that may lead to significant changes in land use.

(e) Realignment or stationing of a brigade or larger table of organization equipment (TOE) unit during peacetime (except where the only significant impacts are socioeconomic, with no significant biophysical environmental impact).

(f) Training exercises conducted outside the boundaries of an existing military reservation where significant environmental damage might occur.

(g) Major changes in the mission or facilities either affecting environmentally sensitive resources (see § 651.29(c)) or causing significant environmental impact (see § 651.39).

§ 651.43 Format of the EIS.

The EIS should not exceed 150 pages in length (300 pages for very complex proposals), and must contain the following (detailed content is discussed in Appendix E of this part):

(a) Cover sheet.

(b) Summary.

(c) Table of contents.

(d) Purpose of and need for the action.

(e) Alternatives considered, including proposed action and no-action alternative.

(f) Affected environment (baseline conditions) that may be impacted.

(g) Environmental and socioeconomic consequences.

(h) List of preparers.

(i) Distribution list.

(j) Index.

(k) Appendices (as appropriate).

§ 651.44 Incomplete information.

When the proposed action will have significant adverse effects on the human environment, and there is incomplete or unavailable information, the proponent will ensure that the EIS addresses the issue as follows:

(a) 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, the Army will include the information in the EIS.

(b) 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 (for example, the means for obtaining it are beyond the state of the art), the proponent will include in the EIS:

(1) A statement that such information is incomplete or unavailable.

(2) A statement of the relevance of the incomplete or unavailable information to evaluating the reasonably foreseeable significant adverse impacts on the human environment.

(3) A summary of existing credible scientific evidence that is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment.

(4) An evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community.

§ 651.45 Steps in preparing and processing an EIS.

(a) *NOI.* The NOI initiates the formal scoping process and is prepared by the proponent.

(1) Prior to preparing an EIS, an NOI will be published in the FR and in newspapers with appropriate or general circulation in the areas potentially affected by the proposed action. The OCLL will be notified by the ARSTAF proponent of pending EISs so that congressional coordination may be effected. After the NOI is published in the FR, copies of the notice may also be distributed to agencies, organizations, and individuals, as the responsible official deems appropriate.

(2) The NOI transmittal package includes the NOI, the press release, information for Members of Congress, memorandum for correspondents, and a ''questions and answers'' (Q&A) package. The NOI shall clearly state the proposed action and alternatives, and state why the action may have unknown and/or significant environmental impacts.

(3) The proponent forwards the NOI and the transmittal package to the appropriate HQDA (ARSTAF) proponent for coordination and staffing prior to publication. The ARSTAF proponent will coordinate the NOI with HQDA (ODEP), OCLL, TJAG, OGC, OCPA, relevant MACOMs, and others). Only the Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health (DASA(ESOH)) can authorize release of an NOI to the FR for publication, unless that authority has been delegated. A cover letter (similar to Figure 5 in § 651.46) will accompany the NOI. An example NOI is shown in Figure 6 in § 651.46.

(b) *Lead and cooperating agency determination.* As soon as possible after the decision is made to prepare an EIS, the proponent will contact appropriate federal, tribal, state, and local agencies to identify lead or cooperating agency responsibilities concerning EIS preparation. At this point, a public affairs plan must be developed. In the case of State ARNG actions that have federal funding, the NGB will be the lead agency for the purpose of federal compliance with NEPA. The State may be either a joint lead or a cooperating agency, as determined by NGB.

(c) *Scoping.* The proponent will begin the scoping process described in § 651.48. Portions of the scoping process may take place prior to publication of the NOI.

(d) *DEIS preparation and processing.* Prior to publication of a DEIS, the proponent can prepare a PDEIS, allowing for internal organization and the resolution of internal Army consideration, prior to a formal request for comments.

(1) *PDEIS.* Based on information obtained and decisions made during the scoping process, the proponent may prepare the PDEIS. To expedite headquarters review, a summary document is also required to present the purpose and need for the action, DOPAA, major issues, unresolved issues, major potential controversies, and required mitigations or monitoring. This summary will be forwarded, through the chain of command, to ODEP, the DASA(ESOH), and other interested offices for review and comment. If requested by these offices, a draft PDEIS can be provided following review of the summary. The PDEIS is not normally made available to the public and should be stamped ''For Internal Use Only-Deliberative Process.''

(2) *DEIS.* The Army proponent will advise the DEIS preparer of the number of copies to be forwarded for final HQDA review and those for filing with the EPA. Distribution may include interested congressional delegations and committees, governors, national environmental organizations, the DOD and federal agency headquarters, and

other selected entities. The Army proponent will finalize the FR NOA, the proposed news release, and the EPA filing letter for signature of the DASA(ESOH). A revised process summary of the contents (purpose and need for the action, DOPAA, major issues, unresolved issues, major potential controversies, and required mitigations or monitoring) will accompany the DEIS to HQDA for review and comment. If the action has been delegated by the ASA(I&E), only the process summary is required, unless the DEIS is requested by HQDA.

(i) When the DEIS has been formally approved, the preparer can distribute the DEIS to the remainder of the distribution list. The DEIS must be distributed prior to, or simultaneously with, filing with EPA. The list includes federal, state, regional, and local agencies, private citizens, and local organizations. The EPA will publish the NOA in the FR. The 45-day comment period begins on the date of the EPA notice in the FR.

(ii) Following approval, the proponent will forward five copies of the DEIS to EPA for filing and notice in the FR; publication of EPA's NWR commences the public comment period. The proponent will distribute the DEIS prior to, or simultaneously with, filing with EPA. Distribution will include appropriate federal, state, regional, and local agencies; Native American tribes; and organizations and private citizens who have expressed interest in the proposed action.

(iii) For proposed actions that are environmentally controversial, or of national interest, the OCLL shall be notified of the pending action so that appropriate congressional coordination may be effected. The OCPA will coordinate public announcements through its chain of command. Proponents will ensure that the DEIS and subsequent NEPA documents are provided in electronic format to allow for maximum information flow throughout the process.

(e) *Public review of DEIS.* The DEIS public comment period will be no less than 45 days. If the statement is unusually long, a summary of the DEIS may be circulated, with an attached list of locations where the entire DEIS may be reviewed (for example, local public libraries). Distribution of the complete DEIS should be accompanied by the announcement of availability in established newspapers of major circulation, and must include the following:

(1) Any federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate federal, state, or local agency authorized to develop and enforce environmental standards.

(2) The applicant, if the proposed action involves any application of proposal for the use of Army resources.

(3) Any person, organization, or agency requesting the entire DEIS.

(4) Any Indian tribes, Native Alaskan organizations, or Native Hawaiian organizations potentially impacted by the proposed action.

(5) Chairs/co-chairs of any existing citizen advisory groups (for example, Restoration Advisory Boards).

(f) *Public meetings or hearings.* Public meetings or hearings on the DEIS will be held in accordance with the criteria established in 40 CFR 1506.6(c) and (d) or for any other reason the proponent deems appropriate. News releases should be prepared and issued to publicize the meetings or hearings at least 15 days prior to the meeting.

(g) *Response to comments.* Comments will be incorporated in the DEIS by modification of the text and/or written explanation. Where possible, similar comments will be grouped for a common response. The preparer or a higher authority may make individual response, if considered desirable.

(h) *The FEIS.* If the changes to the DEIS are exclusively clarifications or minor factual corrections, a document consisting of only the DEIS comments, responses to the comments, and errata sheets may be prepared and circulated. If such an abbreviated FEIS is anticipated, the DEIS should contain a statement advising reviewers to keep the document so they will have a complete set of ''final'' documents. The final EIS to be filed with EPA will consist of a complete document containing a new cover sheet, the errata sheets, comments and responses, and the text of the draft EIS. Coordination, approval, filing, and public notice of an abbreviated FEIS are the same as for a draft DEIS. If extensive modifications are warranted, the proponent will prepare a new, complete FEIS. Preparation, coordination, approval, filing, and public notice of the FEIS are the same as the process outlined for the DEIS. The FEIS distribution must include any person, organization, or agency that submitted substantive comments on the DEIS. One copy (electronic) of the FEIS will be forwarded to ODEP. The FEIS will clearly identify the Army's preferred alternative unless prohibited by law.

(i) *Decision.* No decision will be made on a proposed action until 30 days after EPA has published the NWR of the FEIS in the FR, or 90 days after the NWR of the DEIS, whichever is later. EPA publishes NWRs weekly. Those NWRs ready for EPA by close of business Friday are published in the next Friday's issue of the FR.

(j) *ROD.* The ROD documents the decision made and the basis for that decision.

(1) The proponent will prepare a ROD for the decision maker's signature, which will:

(i) Clearly state the decision by describing it in sufficient detail to address the significant issues and ensure necessary long-term monitoring and execution.

(ii) Identify all alternatives considered by the Army in reaching its decision, specifying the environmentally preferred alternative(s). The Army will discuss preferences among alternatives based on relevant factors including environmental, economic, and technical considerations and agency statutory missions.

(iii) Identify and discuss all such factors, including any essential considerations of national policy that were balanced by the Army in making its decision. Because economic and technical analyses are balanced with environmental analysis, the agency preferred alternative will not necessarily be the environmentally preferred alternative.

(iv) Discuss how those considerations entered into the final decision.

(v) State whether all practicable means to avoid or minimize environmental harm from the selected alternative have been adopted, and if not, why they were not.

(vi) Identify or incorporate by reference the mitigation measures that were incorporated into the decision.

(2) Implementation of the decision may begin immediately after approval of the ROD.

(3) The proponent will prepare an NOA to be published in the FR by the HQDA proponent, following congressional notification. Processing and approval of the NOA is the same as for an NOI.

(4) RODs will be distributed to agencies with authority or oversight over aspects of the proposal, cooperating agencies, appropriate congressional, state, and district offices, all parties that are directly affected, and others upon request.

(5) One electronic copy of the ROD will be forwarded to ODEP.

(6) A monitoring and enforcement program will be adopted and summarized for any mitigation (see Appendix C of this part).

(k) *Pre-decision referrals.* 40 CFR part 1504 specifies procedures to resolve federal agency disagreements on the

environmental effects of a proposed action. Pre-decision referrals apply to interagency disagreement on a proposed action's potential unsatisfactory effects.

(l) *Changes during preparation.* If there are substantial changes in the proposed action, or significant new information relevant to environmental concerns during the proposed action's planning process, the proponent will prepare revisions or a supplement to any environmental document or prepare new documentation as necessary.

(m) *Mitigation.* All measures planned to minimize or mitigate expected significant environmental impacts will be identified in the EIS and the ROD. Implementation of the mitigation plan is the responsibility of the proponent (see Appendix C of this part). The proponent will make available to the public, upon request, the status and results of mitigation measures associated with the proposed action. For weapon system acquisition programs, the proponent will coordinate with the appropriate responsible parties before identifying potential mitigations in the EIS/ROD.

(n) *Implementing the decision.* The proponent will provide for monitoring to assure that decisions are carried out, particularly in controversial cases or environmentally sensitive areas (Appendix C of this part). Mitigation and other conditions that have been identified in the EIS, or during its review and comment period, and made part of the decision (and ROD), will be implemented by the lead agency or other appropriate consenting agency. The proponent will:

(1) Include appropriate conditions in grants, permits, or other approvals.

(2) Ensure that the proponent's project budget includes provisions for mitigations.

(3) Upon request, inform cooperating or commenting agencies on the progress in carrying out adopted mitigation measures that they have proposed and that were adopted by the agency making the decision.

(4) Upon request, make the results of relevant monitoring available to the public and Congress.

(5) Make results of relevant monitoring available to citizens advisory groups, and others that expressed such interest during the EIS process.

§ 651.46 Existing EISs.

A newly proposed action must be the subject of a separate EIS. The proponent may extract and revise the existing environmental documents in such a way as to bring them completely up to date, in light of the new proposals. Such a revised EIS will be prepared and processed entirely under the provisions of this part. If an EIS of another agency is adopted, it must be processed in accordance with 40 CFR 1506.3. Figures 4 through 8 to Subpart F of part 651 follow:

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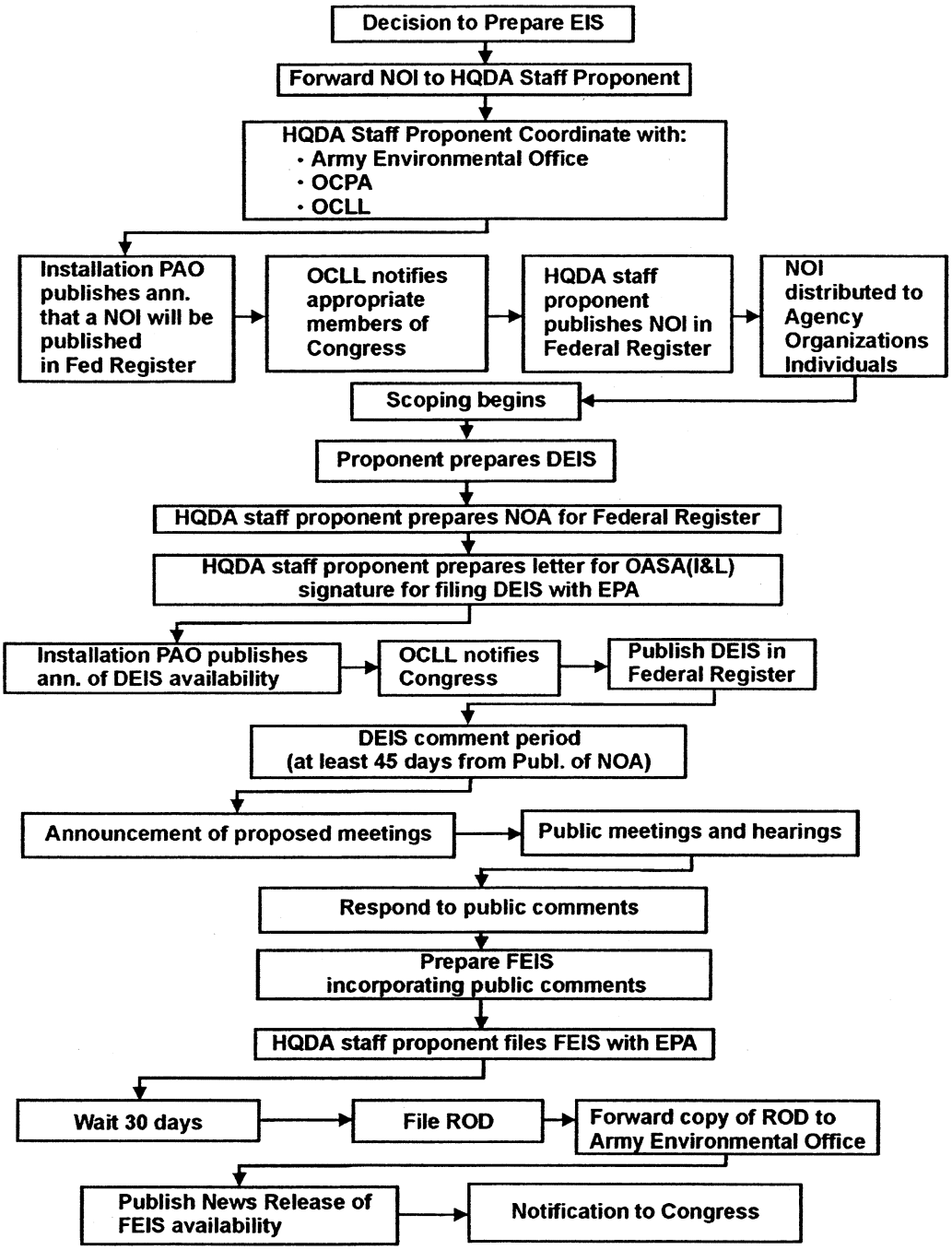

Figure 4. Steps in preparing and processing an environmental impact statement.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
INSTALLATIONS LOGISTICS AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

January 14, 1999

Director
Office of the Federal Register
National Archives and Records
Administration
Washington, D. C. 20408

Dear Sir:

The enclosed notice of intent (NOI) to prepare an Environmental Impact Statement for the Fort Sill Real Property Master Plan is submitted for publication in the Notice section of the Federal Register.

Please publish this NOI in the earliest possible edition of the Federal Register. This notice is required for the Department of the Army to perform its military mission and to comply with the National Environmental Policy Act and the President's Council on Environmental Quality regulations.

To confirm publication date of this notice or for further information, please contact Mr. Greg Brewer at (703) 692-9220.

Please bill this to charge code 3710-08-M.

Sincerely,

Raymond J. Fatz
Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)
OASA(I,L&E)

Enclosure

Figure 5. Sample Notice of Intent Transmittal Letter.

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent to Prepare a Programmatic Environmental Impact Statement for the Real Property Master Plan, Fort Sill, Okla.

AGENCY: Department of the Army, DOD

ACTION: Notice of Intent

SUMMARY: This announced the intention of the U.S. Army Field Artillery Center and Fort Sill, Fort Sill, Okla., to prepare an Environmental Impact Statement (EIS) in support of revisions to the installations' Real Property Master Plan (RPMP). The purpose is to evaluate the environmental impacts associated with the RPMP's implementation.

ADDRESSES: Written comments may be forwarded to the U.S. Army Corps of Engineers, ATTN: CESWT-PE-E (J. Randolph), P.O. Box 61, Tulsa, Okla. 74121-0061.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Kerr, Directorate of Environmental Quality, U.S. Army Field Artillery Center and Fort Sill, at (580) 442-3409.

SUPPLEMENTARY INFORMATION: The Fort Sill RPMP has the potential to significantly impact certain natural, economic, social, and cultural resources of the Fort Sill community. The study area for environmental analysis will be the entire Fort Sill installation. The objective is to provide a comprehensive and programmatic EIS that will serve as a planning tool, a public information source, and a reference for mitigation tracking.

Alternatives may consist of alternative locations for specific projects, partial implementation of the specific project, or other modifications of the specific project. The alternatives will be developed during preparation of the Draft EIS (DEIS) as a result of pubic input and of environmental analysis of the proposals within the plan.

SIGNIFICANT ISSUES: The Fort Sill reservation contains approximately 94,221 acres of land. Some of this land serves as potential habitat for protected species of wildlife. Of the areas within the installation that have been surveyed to date for cultural resources, 832 properties have been identified and recorded. Nearly all of the current and proposed RPMP projects are sited with the 6,015 acre cantonment area, where the majority of the installation's historic buildings are located.

The significant issues the EIS will analyze will include the following:

1. Development of a large deployment marshaling area near an existing railhead facility; Whereby, new railroad tracks, loading docks, switching facilities, hardstand areas, and fencing would be developed.

2. Redesignation of land use: Whereby, land use zoning would be redesignated to provide for the construction of new and expansion of existing motor pool areas.

3. Probably construction projects: Whereby, the following projects would be complete: (1) new multiple launch rocket system (MLRS) range firing points in the training areas; (2) a liquid fuel facility; (3) a unit movements facility; and (4) a contingency warehouse.

Public scoping meetings will be held in the vicinity of Fort Sill to facilitate input to the EIS process by citizens and organizations. The date and time of these meetings will be announced in general media and will be at times and locations convenient to the public. To be considered in the Draft EIS, comments and suggestions should be received no later than 15 days following the public scoping meeting.

DATED: January 14, 1999

Raymond J. Fatz
Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)
OASA(I&E)

Figure 6. Sample of Notice of Intent.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
INSTALLATIONS LOGISTICS AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

March 25, 1999

Director
Office of Federal Activities
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D. C. 20044

Dear Sir:

Enclosed are five copies of the Draft Environmental Impact Statement for the Disposal and Reuse of the Military Ocean Terminal, Bayonne, New Jersey.

These copies are forwarded for filing in accordance with the President's Council on Environmental Quality regulations for implementing the provisions of the national Environmental Policy Act (40 CFR, Parts 1500-1508).

The point of contact for this action is Ms. Theresa Persick-Arnold at (703) 697-0216.

Sincerely,

Raymond J. Fatz
Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)
OASA(I&E)

Enclosures

Figure 7. Sample Letter of Transmittal of Draft Environmental Impact Statement to the Environmental Protection Agency.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
INSTALLATIONS LOGISTICS AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

March 25, 1999

MEMORANDUM FOR DEPUTY UNDER SECRETARY OF DEFENSE (ENVIRONMENTAL SECURITY)

SUBJECT: Notice of Availability (NOA) of the Draft Environmental Impact Statement (DEIS) for the Disposal and Reuse of the Military Ocean Terminal, Bayonne (MOTBY), New Jersey

In accordance with Department of Defense Instruction 4715.9, Environmental Planning and Analysis, enclosed is a copy of the NOA of the DEIS on the disposal and reuse of MOTBY.

Point of contact for this action is Ms. Theresa Persick-Arnold at 697-0216.

Raymond J. Fatz
Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)
OASA(I&E)

Enclosure

Figure 8. Sample Letter of Transmittal of Draft Environmental Impact Statement to the Office of the Secretary of Defense

BILLING CODE 3710–01–C

Subpart G—Public Involvement and the Scoping Process

§ 651.47 Public involvement.

(a) As a matter of Army policy, public involvement is required for all EISs, and is strongly encouraged for all Army actions, including EAs. The requirement (40 CFR 1506.6) for public involvement recognizes that all potentially interested or affected parties will be involved, when practicable, whenever analyzing environmental considerations. This requirement can be met at the very beginning of the process by developing a plan to include all affected parties and implementing the plan with appropriate adjustments as it proceeds (AR 360–5). The plan will include the following:

(1) Information dissemination to local and installation communities through such means as news releases to local media, announcements to local citizens groups, and Commander's letters at each phase or milestone (more frequently if needed) of the project. The dissemination of this information will be based on the needs and desires of the local communities.

(2) Each phase or milestone (more frequently if needed) of the project will be coordinated with representatives of local, state, tribal, and federal government agencies.

(3) Public comments will be invited and two-way communication channels will be kept open through various means as stated above. These two-way channels will be dynamic in nature, and should be updated regularly to reflect the needs of the local community.

(4) Public affairs officers at all levels will be kept informed.

(b) When an EIS is being prepared, public involvement is a requisite element of the scoping process (40 CFR 1501.7(a)(1)).

(c) Proponents will invite public involvement in the review and comment of EAs and draft FNSIs (40 CFR 1506.6).

(d) Persons and agencies to be consulted include the following:

(1) Municipal, township, and county elected and appointed officials.

(2) Tribal, state, county, and local government officials and administrative personnel whose official duties include responsibility for activities or components of the affected environment related to the proposed Army action.

(3) Local and regional administrators of other federal agencies or commissions that may either control resources potentially affected by the proposed action (for example, the U.S. Fish and Wildlife Service); or who may be aware of other actions by different federal agencies whose effects must be considered with the proposed Army action (for example, the GSA).

(4) Members of existing citizen advisory groups, such as Restoration Advisory Boards and Citizen Advisory Commissions.

(5) Members of identifiable population segments within the potentially affected environments, whether or not they have clearly identifiable leaders or an established organization, such as farmers and ranchers, homeowners, small business owners, minority communities and disadvantaged communities, and tribal governments in accordance with White House Memorandum on Government to Government Relations with Native American Tribal Governments (April 29, 1994).

(6) Members and officials of those identifiable interest groups of local or national scope that may have interest in the environmental effects of the proposed action or activity (for example, hunters and fishermen, Izaak Walton League, Sierra Club, and the Audubon Society).

(7) Any person or group that has specifically requested involvement in the specific action or similar actions.

(e) The public involvement processes and procedures through which participation may be solicited include the following:

(1) Direct individual contact. Such interaction can identify persons and their opinions and initial positions, affecting the scope of issues that the EIS must address. Such limited contact may satisfy public involvement requirements when the expected significance and controversy of environmental effects is very limited.

(2) Small workshops or discussion groups.

(3) Larger public gatherings that are held after some formulation of the potential issues. The public is invited to express its views on the proposed courses of action. Public suggestions or alternative courses of action not already identified may be expressed at these gatherings that need not be formal public hearings.

(4) Identifying and applying other processes and procedures to accomplish the appropriate level of public involvement.

(f) The meetings described in paragraph (e) of this section should not be public hearings in the early stages of evaluating a proposed action. Public hearings do not substitute for the full range of public involvement procedures under the purposes and intent, as described in paragraph (e) of this section.

(g) Public surveys or polls may be performed to identify public opinion of a proposed action, as appropriate (AR 335–15).

§ 651.48 Scoping process.

(a) The scoping process (40 CFR 1501.7) is intended to aid in determining the scope of the analyses and significant issues related to the proposed action. The process requires appropriate public participation immediately following publication of the NOI in the FR. It is important to note that scoping is not synonymous with a public meeting. The Army policy is that EISs for legislative proposals significantly affecting the environment will go through scoping unless extenuating circumstances make it impractical. In some cases, the scoping process may be useful in the preparation of EAs and should be employed when it is useful.

(b) The scoping process identifies relevant issues related to a proposed action through the involvement of all potentially interested or affected parties (affected federal, state, and local agencies; recognized Indian tribes; interest groups, and other interested persons) in the environmental analysis and documentation. This process should:

(1) Eliminate issues from detailed consideration which are not significant, or which have been covered by prior environmental review; and

(2) Make the analysis and documentation more efficient by providing focus to the effort. Proper scoping identifies reasonable alternatives and the information needed for their evaluation, thereby increasing public confidence in the Army decisionmaking process.

(c) Proper scoping will reduce both costs and time required for an EA or EIS. This is done through the documentation of all potential impacts and the focus of detailed consideration on those aspects of the action which are potentially significant or controversial. To assist in this process the Army will use the Environmental Impact Computer System (EICS) starting in Fiscal Year (FY) 04, as appropriate. This system will serve to structure all three stages of the scoping process (§ 651.49, 651.50, and 651.51) and provide focus on those actions that are important and of interest to the public. While these discussions focus on EIS preparation and documents to support that process, the three phases also apply if scoping is used for an EA. If used in the preparation of an EA, scoping, and documents to support that process, can be modified and adopted to ensure efficient public iteration and input to the decision-making process.

(d) When the planning for a project or action indicates the need for an EIS, the proponent initiates the scoping process to identify the range of actions, alternatives, and impacts for consideration in the EIS (40 CFR 1508.25). The extent of the scoping process (including public involvement) will depend upon:

(1) The size and type of the proposed action.

(2) Whether the proposed action is of regional or national interest.

(3) Degree of any associated environmental controversy.

(4) Importance of the affected environmental parameters.

(5) Significance of any effects on them.

(6) Extent of prior environmental review.

(7) Involvement of any substantive time limits.

(8) Requirements by other laws for environmental review.

(e) The proponent may incorporate scoping in the public involvement (or environmental review) process of other requirements, such as an EA. In such cases, the extent of incorporation is at the discretion of the proponent, working with the affected Army organization or installation. Such integration is encouraged.

(f) Scoping procedures fall into preliminary, public interaction, and final phases. These phases are discussed in § 651.49, § 651.50, and § 651.51, respectively.

§ 651.49 Preliminary phase.

In the preliminary phase, the proponent agency or office identifies, as early as possible, how it will accomplish scoping and with whose involvement. Key points will be identified or briefly summarized by the proponent, as appropriate, in the NOI, which will:

(a) Identify the significant issues to be analyzed in the EIS.

(b) Identify the office or person responsible for matters related to the

scoping process. If they are not the same as the proponent of the action, that distinction will be made.

(c) Identify the lead and cooperating agency, if already determined (40 CFR 1501.5 and 1501.6).

(d) Identify the method by which the agency will invite participation of affected parties, and identify a tentative list of the affected parties to be notified. A key part of this preliminary identification is to solicit input regarding other parties who would be interested in the proposed project or affected by it.

(e) Identify the proposed method for accomplishing the scoping procedure.

(f) Indicate the relationship between the timing of the preparation of environmental analyses and the tentative planning and decisionmaking schedule including:

(1) The scoping process itself.

(2) Collection or analysis of environmental data, including required studies.

(3) Preparation of draft and final EISs (DEISs and FEISs), and associated review periods.

(4) Filing of the ROD.

(5) Taking the action.

(6) For a programmatic EIS, preparation of a general expected schedule for future specific implementing (tiered) actions that will involve separate environmental analysis.

(g) If applicable, identify the extent to which the EIS preparation process is exempt from any of the normal procedural requirements of this part, including scoping.

§ 651.50 Public interaction phase.

(a) During this portion of the process, the proponent will invite comments from all affected parties and respondents to the NOI to assist in developing issues for detailed discussion in the EIS. Assistance in identifying possible participants is available from the ODEP.

(b) In addition to the affected parties identified in paragraph (a) of this section, participants should include the following:

(1) Technical representatives of the proponent. Such persons must be able to describe the technical aspects of the proposed action and alternatives to other participants.

(2) One or more representatives of any Army-contracted consulting firm, if one has been retained to participate in writing the EIS or providing reports that the Army will use to create substantial portions of the EIS.

(3) Experts in various environmental disciplines, in any technical area where foreseen impacts are not already represented among the other scoping participants.

(c) In all cases, the participants will be provided with information developed during the preliminary phase and with as much of the following information that may be available:

(1) A brief description of the environment at the affected location. When descriptions for a specific location are not available, general descriptions of the probable environmental effects will be provided. This will also address the extent to which the environment has been modified or affected in the past.

(2) A description of the proposed alternatives. The description will be sufficiently detailed to enable evaluation of the range of impacts that may be caused by the proposed action and alternatives. The amount of detail that is sufficient will depend on the stage of the development of the proposal, its magnitude, and its similarity to other actions with which participants may be familiar.

(3) A tentative identification of ''any public environmental assessments and other environmental impact statements that are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration'' (40 CFR 1501.7(a)(5)).

(4) Any additional scoping issues or limitations on the EIS, if not already described during the preliminary phase.

(d) The public involvement should begin with the NOI to publish an EIS. The NOI may indicate when and where a scoping meeting will take place and who to contact to receive preliminary information. The scoping meeting is an informal public meeting, and initiates a continuous scoping process, allowing the Army to scope the action and the impacts of alternatives. It is a working session where the gathering and evaluation of information relating to potential environmental impacts can be initiated.

(e) Starting with this information (paragraph (d) of this section), the person conducting the scoping process will use input from any of the involved or affected parties. This will aid in developing the conclusions. The proponent determines the final scope of the EIS. If the proponent chooses not to require detailed treatment of significant issues or factors in the EIS, in spite of relevant technical or scientific objections by any participant, the proponent will clearly identify (in the environmental consequences section of the EIS) the criteria that were used to eliminate such factors.

§ 651.51 The final phase.

(a) The initial scope of the DEIS is determined by the proponent during and after the public interaction phase of the process. Detailed analysis should focus on significant issues (40 CFR 1501.7(a)(2)). To determine the appropriate scope, the proponent must consider three categories of actions, alternatives, and impacts.

(1) The three categories of actions (other than unconnected single actions) are as follows:

(i) Connected actions are those that are closely related and should be discussed in the same impact statement. Actions are connected if they automatically trigger other actions that may require EISs, cannot or will not proceed unless other actions are previously or simultaneously taken, are interdependent parts of a larger action, and depend on the larger action for their justification.

(ii) Cumulative actions are those that, when viewed with other past and proposed actions, have cumulatively significant impacts and should be discussed in the same impact statement.

(iii) Similar actions are those that have similarities which provide a basis for evaluating their environmental consequences together, such as common timing or geography, and may be analyzed in the EIS. Agencies should do so when the best way to assess such actions is to treat them in a single EIS.

(2) The three categories of alternatives are as follows:

(i) No action.

(ii) Other reasonable courses of action.

(iii) Mitigation measures (not in the proposed action).

(3) The three categories of impacts are as follows:

(i) Direct.

(ii) Indirect.

(iii) Cumulative.

(4) The proponent can also identify any public EAs and EISs, prepared by the Army or another federal agency, related to, but not part of, the EIS under consideration (40 CFR 1501.7(a)(5)). Assignments for the preparation of the EIS among the lead and any cooperating agencies can be identified, with the lead agency retaining responsibility for the statement (40 CFR 1501.7(a)(4)); along with the identification of any other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with the EIS (40 CFR 1501.7(a)(6)).

(b) The identification and elimination of issues that are insignificant, non-controversial, or covered by prior environmental review can narrow the

analysis to remaining issues and their significance through reference to their coverage elsewhere (40 CFR 1501.7(a)(3)).

(c) As part of the scoping process, the lead agency may:

(1) Set time limits, as provided in § 651.14(b), if they were not already indicated in the preliminary phase.

(2) Prescribe overall page limits for the EIS in accordance with the CEQ regulations that emphasize conciseness.

(d) All determinations reached by the proponent during the scoping process will be clearly conveyed to the preparers of the EIS in a Scope of Statement. The Scope of Statement will be made available to participants in the scoping process and to other interested parties upon request. Any scientific or technical conflicts that arise between the proponent and scoping participants, cooperating agencies, other federal agencies, or preparers will be identified during the scoping process and resolved or discussed by the proponent in the DEIS.

§ 651.52 Aids to information gathering.

The proponent may use or develop graphic or other innovative methods to aid information gathering, presentation, and transfer during the three scoping phases. These include methods for presenting preliminary information to scoping participants, obtaining and consolidating input from participants, and organizing determinations on scope for use during preparation of the DEIS. The use of the World Wide Web (WWW) for these purposes is encouraged. Suggested uses include the implementation of a continuous scoping process, facilitating ''virtual'' public participation, as well as the dissemination of analyses and information as they evolve.

§ 651.53 Modifications of the scoping process.

(a) If a lengthy period exists between a decision to prepare an EIS and the time of preparation, the proponent will initiate the NOI at a reasonable time in advance of preparation of the DEIS. The NOI will state any tentative conclusions regarding the scope of the EIS made prior to publication of the NOI. Reasonable time for public participation will be allowed before the proponent makes any final decisions or commitments on the EIS.

(b) The proponent of a proposed action may use scoping during preparation of environmental review documents other than an EIS, if desired. In such cases, the proponent may use these procedures or may develop modified procedures, as needed.

Subpart H—Environmental Effects of Major Army Action Abroad

§ 651.54 Introduction.

(a) Protection of the environment is an Army priority, no matter where the Army actions are undertaken. The Army is committed to pursuing an active role in addressing environmental quality issues in Army relations with neighboring communities and assuring that consideration of the environment is an integral part of all decisions. This section assigns responsibilities for review of environmental effects abroad of major Army actions, as required by Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, dated January 4, 1979, 3 CFR, 1979 Comp.,p.356. This section applies to HQDA and Army agencies' actions that would significantly affect the quality of the human environment outside the United States.

(b) Executive Order 12114 and DODD 6050.7, Environmental Effects Abroad of Major Department of Defense Actions (planned currently to be replaced by a DODI, Analyzing Defense Actions With the Potential for Significant Impacts Outside the United States) provide guidance for analyzing the environmental impacts of Army actions abroad and in the global commons. Army components will, consistent with diplomatic factors (including applicable Status of Forces Agreements (SOFAs) and stationing agreements), national security considerations, and difficulties of obtaining information, document the review of potential environmental impacts of Army actions abroad and in the global commons as set forth in DODD 6050.7 (or DODI upon publication). The analysis and documentation of potential environmental impacts of Army actions abroad and in the global commons should, to the maximum extent possible, be incorporated into existing decision-making processes; planning for military exercises, training plans, and military operations.

§ 651.55 Categorical exclusions.

The list of CXs in Appendix B of this part may be used in reviewing potential environmental impacts of major actions abroad and in the global commons, in accordance with DODD 6050.7 (or DODI upon publication) and Executive Order 12114, section 2–5(c).

§ 651.56 Responsibilities.

(a) The ASA(I&E) will:

(1) Serve as the Secretary of the Army's responsible official for environmental matters abroad.

(2) Maintain liaison with the DUSD(IE) on matters concerning Executive Order 12114, DODD 6050.7, and this part.

(3) Coordinate actions with other Secretariat offices as appropriate.

(b) The DEP will:

(1) Serve as ARSTAF proponent for implementation of Executive Order 12114, DODD 6050.7, and this part.

(2) Apply this part when planning and executing overseas actions, where appropriate in light of applicable statutes and SOFAs.

(c) The DCSOPS will:

(1) Serve as the focal point on the ARSTAF for integrating environmental considerations required by Executive Order 12114 into Army plans and activities. Emphasis will be placed on those actions reasonably expected to have widespread, long-term, and severe impacts on the global commons or the territories of foreign nations.

(2) Consult with the Office of Foreign Military Rights Affairs of the Assistant Secretary of Defense (International Security Affairs) (ASD(ISA)) on significant or sensitive actions affecting relations with another nation.

(d) TJAG, in coordination with the OGC, will provide advice and assistance concerning the requirements of Executive Order 12114 and DODD 6050.7.

(e) The Chief of Public Affairs will provide advice and assistance on public affairs as necessary.

Appendix A to Part 651–References

Military publications and forms are accessible from a variety of sources through the use of electronic media or paper products. In most cases, electronic publications and forms that are associated with military organizations can be accessed at various address or web sites on the Internet. Since electronic addresses can frequently change, or similar web links can also be modified at several locations on the Internet, it's advisable to access those sites using a search engine that is most accommodative, yet beneficial to the user. Additionally, in an effort to facilitate the public right to information, certain publications can also be purchased through the National Technical Information Service (NTIS). Persons interested in obtaining certain types of publications can write to the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

Section I—Required Publications

AR 360–5

Army Public Affairs, Public Information.

Section II—Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this part.

AR 5–10

Reduction and Realignment Actions.

AR 11–27

Army Energy Program.

AR 95–50

Airspace and Special Military Operation Requirements.

AR 140–475

Real Estate Selection and Acquisition: Procedures and Criteria.

AR 200–1

Environmental Protection and Enhancement.

AR 200–3

Natural Resources—Land, Forest, and Wildlife Management.

AR 200–4

Cultural Resources Management.

AR 210–10

Administration.

AR 210–20

Master Planning for Army Installations.

AR 335–15

Management Information Control System.

AR 380–5

Department of the Army Information Security Program.

AR 385–10

Army Safety Program.

AR 530–1

Operations Security (OPSEC).

DA PAM 70–3

Army Acquisition Procedures.

Defense Acquisition Deskbook

An electronic knowledge presentation system available through the Deputy Under Secretary of Defense (Acquisition Reform) and the Office of the Under Secretary of Defense (Acquisition and Technology).

DOD 5000.2–R

Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems.

DODD 4100.15

Commercial Activities Program.

DODD 4700.4

Natural Resources Management Program, Integrated Natural Resources Management Plan (INRMP), Integrated Cultural Resources Management Plan (ICRMP).

DODD 6050.7

Environmental Effects Abroad of Major Department of Defense Actions.

DODI 4715.9

Environmental Planning and Analysis

Executive Order 11988

Floodplain Management, 3 CFR, 1977 Comp., p. 117

Executive Order 11990

Protection of Wetlands, 3 CFR, 1977 Comp., p. 121.

Executive Order 12114

Environmental Effects Abroad of Major Federal Actions, 3 CFR, 1979 comp., p. 356.

Executive Order 12778

Civil Justice Reform, 3 CFR, 1991 Comp., p. 359.

Executive Order 12856

Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, 3 CFR, 1993 Comp., p. 616.

Executive Order 12861

Elimination of One-Half of Executive Branch Internal Regulations, 3 CFR, 1993 Comp., p. 630.

Executive Order 12866

Regulatory Planning and Review, 3 CFR, 1993 Comp., p. 638.

Executive Order 12898

Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, 3 CFR, 1994 Comp., p. 859.

Executive Order 13007

Indian Sacred Sites, 3 CFR, 1996 Comp., p. 196.

Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks, 3 CFR, 1997 Comp., p. 198.

Executive Order 13061

Federal Support of Community Efforts Along American Heritage Rivers, 3 CFR, 1997 Comp., p. 221.

Executive Order 13083

Federalism, 3 CFR, 1998 Comp., p. 146.

Public Laws: American Indian Religious Freedom Act.

42 U.S.C. 1996.

Clean Air Act

As amended (42 U.S.C. 7401, *et seq.*).

Clean Water Act of 1977

Public Law 95–217, 91 Stat. 1566 and Public Law 96–148, Sec. 1(a)–(c), 93 Stat. 1088.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

As amended (CERCLA, Superfund) (42 U.S.C. 9601 *et seq.*) Endangered Species Act of 1973.

Public Law 93–205, 87 Stat. 884.

Fish and Wildlife Coordination Act

Public Law 85–624, Sec. 2, 72 Stat. 563 and Public Law 89–72, Sec. 6(b), 79 Stat. 216.

National Environmental Policy Act of 1969

Public Law 91–190, 83 Stat. 852.

National Historic Preservation Act

Public Law 89–665, 80 Stat. 915.

Native American Graves Protection and Repatriation Act

Public Law 101–601, 104 Stat. 3048.

Pollution Prevention Act of 1990

Public Law 101–508, Title VI, Subtitle G, 104 Stat. 13880–321.

Resource Conservation and Recovery Act of 1976

Public Law 94–580, 90 Stat. 2795.

Sikes Act

Public Law 86–797, 74 Stat. 1052.

Note. The following CFRs may be found in your legal office or law library. Copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20401.

36 CFR Part 800

Advisory Council on Historic Preservation.

40 CFR Parts 1500—1508

Council on Environmental Quality.

Section III—Prescribed Forms

This section contains no entries.

Section IV—Referenced Forms

DA Form 2028

Recommended Changes to Publications and Blank Forms.

DD Form 1391

Military Construction Project Data.

Appendix B to Part 651—Categorical Exclusions

Section I—Screening Criteria

Before any CXs can be used, Screening Criteria as referenced in § 651.29 must be met.

Section II—List of CXs

(a) For convenience only, the CXs are grouped under common types of activities (for example, administration/ operation, construction/demolition, and repair and maintenance). Certain CXs require a REC, which will be completed and signed by the proponent. Concurrence on the use of a CX is required from the appropriate environmental officer (EO), and that signature is required on the REC. The list of CXs is subject to continual review and modification. Requests for additions or changes to the CXs (along with justification) should be sent, through channels, to the ASA (I&E). Subordinate Army headquarters may not modify the CX list through supplements to this part. Proposed modifications to the list of CXs will be published in the FR by HQDA, to provide opportunity for public comment.

(b) Administration/operation activities:

(1) Routine law and order activities performed by military/military police and physical plant protection and security personnel, and civilian natural resources and environmental law officers.

(2) Emergency or disaster assistance provided to federal, state, or local entities (REC required).

(3) Preparation of regulations, procedures, manuals, and other guidance documents that implement, without substantive change, the applicable HQDA or other federal agency regulations, procedures, manuals, and other guidance documents that have been environmentally evaluated (subject to previous NEPA review).

(4) Proposed activities and operations to be conducted in an existing non-historic structure which are within the scope and compatibility of the present functional use of the building, will not result in a substantial increase in waste discharged to the environment, will not result in substantially different waste discharges from current or previous activities, and emissions will

remain within established permit limits, if any (REC required).

(5) Normal personnel, fiscal, and administrative activities involving military and civilian personnel (recruiting, processing, paying, and records keeping).

(6) Routinely conducted recreation and welfare activities not involving off-road recreational vehicles.

(7) Deployment of military units on a temporary duty (TDY) or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission.

(8) Preparation of administrative or personnel-related studies, reports, or investigations.

(9) Approval of asbestos or lead-based paint management plans drafted in accordance with applicable laws and regulations (REC required).

(10) Non-construction activities in support of other agencies/organizations involving community participation projects and law enforcement activities.

(11) Ceremonies, funerals, and concerts. This includes events such as state funerals, to include flyovers.

(12) Reductions and realignments of civilian and/or military personnel that: fall below the thresholds for reportable actions as prescribed by statute (10 U.S.C. 2687) and do not involve related activities such as construction, renovation, or demolition activities that would otherwise require an EA or an EIS to implement (REC required). This includes reorganizations and reassignments with no changes in force structure, unit redesignations, and routine administrative reorganizations and consolidations (REC required).

(13) Actions affecting Army property that fall under another federal agency's list of categorical exclusions when the other federal agency is the lead agency (decision maker), or joint actions on another federal agency's property that fall under that agency's list of categorical exclusions (REC required).

(14) Relocation of personnel into existing federally-owned (or state-owned in the case of ARNG) or commercially-leased space, which does not involve a substantial change in the supporting infrastructure (for example, an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase is an example of substantial change) (REC required).

(c) Construction and demolition:

(1) Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).

(2) Demolition of non-historic buildings, structures, or other improvements and disposal of debris therefrom, or removal of a part thereof for disposal, in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazard items (REC required).

(3) Road or trail construction and repair on existing rights-of-ways or on previously disturbed areas.

(d) Cultural and natural resource management activities:

(1) Land regeneration activities using only native trees and vegetation, including site preparation. This does not include forestry operations (REC required).

(2) Routine maintenance of streams and ditches or other rainwater conveyance structures (in accordance with USACE permit authority under Section 404 of the Clean Water Act and applicable state and local permits), and erosion control and stormwater control structures (REC required).

(3) Implementation of hunting and fishing policies or regulations that are consistent with state and local regulations.

(4) Studies, data collection, monitoring and information gathering that do not involve major surface disturbance. Examples include topographic surveys, bird counts, wetland mapping, and other resources inventories (REC required).

(5) Maintenance of archaeological, historical, and endangered/threatened species avoidance markers, fencing, and signs.

(e) Procurement and contract activities:

(1) Routine procurement of goods and services (complying with applicable procedures for sustainable or ''green'' procurement) to support operations and infrastructure, including routine utility services and contracts.

(2) Acquisition, installation, and operation of utility and communication systems, mobile antennas, data processing cable and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities (REC required).

(3) Conversion of commercial activities under the provisions of AR 5–20. This includes only those actions that do not change the actions or the missions of the organization or alter the existing land-use patterns.

(4) Modification, product improvement, or configuration engineering design change to materiel, structure, or item that does not change the original impact of the materiel, structure, or item on the environment (REC required).

(5) Procurement, testing, use, and/or conversion of a commercially available product (for example, forklift, generator, chain saw, etc.) which does not meet the definition of a weapon system (Title 10, U.S.C., Section 2403. ''Major weapon systems: Contractor guarantees''), and does not result in any unusual disposal requirements.

(6) Acquisition or contracting for spares and spare parts, consistent with the approved Technical Data Package (TDP).

(7) Modification and adaptation of commercially available items and products for military application (for example, sportsman's products and wear such as holsters, shotguns, sidearms, protective shields, etc.), as long as modifications do not alter the normal impact to the environment (REC required).

(8) Adaptation of non-lethal munitions and restraints from law enforcement suppliers and industry (such as rubber bullets, stun grenades, smoke bombs, etc.) for military police and crowd control activities where there is no change from the original product design and there are no unusual disposal requirements. The development and use by the military of non-lethal munitions and restraints which are similar to those used by local police forces and in which there are no unusual disposal requirements (REC required).

(f) Real estate activities:

(1) Grants or acquisitions of leases, licenses, easements, and permits for use of real property or facilities in which there is no significant change in land or facility use. Examples include, but are not limited to, Army controlled property and Army leases of civilian property to include leases of training, administrative, general use, special purpose, or warehouse space (REC required).

(2) Disposal of excess easement areas to the underlying fee owner (REC required).

(3) Transfer of real property administrative control within the Army, to another military department, or to other federal agency, including the return of public domain lands to the Department of Interior, and reporting of property as excess and surplus to the GSA for disposal (REC required).

(4) Transfer of active installation utilities to a commercial or governmental utility provider, except for those systems on property that has been declared excess and proposed for disposal (REC required).

(5) Acquisition of real property (including facilities) where the land use will not change substantially or where the land acquired will not exceed 40 acres and the use will be similar to current or ongoing Army activities on adjacent land (REC required).

(6) Disposal of real property (including facilities) by the Army where the reasonably foreseeable use will not change significantly (REC required).

(g) Repair and maintenance activities:

(1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities. Examples include, but are not limited to: Removal and disposal of asbestos-containing material (for example, roof material and floor tile) or lead-based paint in accordance with applicable regulations; removal of dead, diseased, or damaged trees; and repair of roofs, doors, windows, or fixtures (REC required for removal and disposal of asbestos-containing material and lead-based paint or work on historic structures).

(2) Routine repairs and maintenance of roads, trails, and firebreaks. Examples include, but are not limited to: grading and clearing the roadside of brush with or without the use of herbicides; resurfacing a road to its original conditions; pruning vegetation, removal of dead, diseased, or damaged trees and cleaning culverts; and minor soil stabilization activities.

(3) Routine repair and maintenance of equipment and vehicles (for example, autos, tractors, lawn equipment, military vehicles, etc.) which is substantially the same as that routinely performed by private sector owners and operators of similar equipment and vehicles. This does not include depot maintenance of unique military equipment.

(h) Hazardous materials/hazardous waste management and operations:

(1) Use of gauging devices, analytical instruments, and other devices containing sealed radiological sources; use of industrial radiography; use of radioactive material in medical and veterinary practices; possession of radioactive material incident to performing services such as installation, maintenance, leak tests, and calibration; use of uranium as shielding material in containers or devices; and radioactive tracers (REC required).

(2) Immediate responses in accordance with emergency response plans (for example, Spill Prevention Control and Countermeasure Plan (SPCCP)/Installation Spill Contingency Plan (ISCP), and Chemical Accident and Incident Response Plan) for release or discharge of oil or hazardous materials/substances; or emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Unit.

(3) Sampling, surveying, well drilling and installation, analytical testing, site preparation, and intrusive testing to determine if hazardous wastes, contaminants, pollutants, or special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance) are present (REC required).

(4) Routine management, to include transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, radiological and special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance), and/or hazardous waste that complies with EPA, Army, or other regulatory agency requirements. This CX is not applicable to new construction of facilities for such management purposes.

(5) Research, testing, and operations conducted at existing enclosed facilities consistent with previously established safety levels and in compliance with applicable federal, state, and local standards. For facilities without existing NEPA analysis, including contractor-operated facilities, if the operation will substantially increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.

(6) Reutilization, marketing, distribution, donation, and resale of items, equipment, or materiel; normal transfer of items to the Defense Logistics Agency. Items, equipment, or materiel that have been contaminated with hazardous materials or wastes will be adequately cleaned and will conform to the applicable regulatory agency's requirements.

(i) Training and testing:

(1) Simulated war games (classroom setting) and on-post tactical and logistical exercises involving units of battalion size or smaller, and where tracked vehicles will not be used (REC required to demonstrate coordination with installation range control and environmental office).

(2) Training entirely of an administrative or classroom nature.

(3) Intermittent on-post training activities (or off-post training covered by an ARNG land use agreement) that involve no live fire or vehicles off established roads or trails. Uses include, but are not limited to, land navigation, physical training, Federal Aviation Administration (FAA) approved aerial overflights, and small unit level training.

(j) Aircraft and airfield activities:

(1) Infrequent, temporary (less than 30 days) increases in air operations up to 50 percent of the typical installation aircraft operation rate (REC required).

(2) Flying activities in compliance with Federal Aviation Administration Regulations and in accordance with normal flight patterns and elevations for that facility, where the flight patterns/elevations have been addressed in an installation master plan or other planning document that has been subject to NEPA public review.

(3) Installation, repair, or upgrade of airfield equipment (for example, runway visual range equipment, visual approach slope indicators).

(4) Army participation in established air shows sponsored or conducted by non-Army entities on other than Army property.

Appendix C to Part 651—Mitigation and Monitoring

(a) The CEQ regulations (40 CFR parts 1500–1508) recognize the following five means of mitigating an environmental impact. These five approaches to mitigation are presented in order of desirability.

(1) Avoiding the impact altogether by not taking a certain action or parts of an action. This method avoids environmental impact by eliminating certain activities in certain areas. As an example, the Army's Integrated Training Area Management (ITAM) program accounts for training requirements and activities while considering natural and cultural resource conditions on ranges and training land. This program allows informed management decisions associated with the use of these lands, and has mitigated potential impacts by limiting activities to areas that are compatible with Army training needs. Sensitive habitats and other resources are thus protected, while the mission requirements are still met.

(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation. Limiting the degree or magnitude of the action can reduce the extent of an impact. For example, changing the firing time or the number of rounds fired on artillery ranges will reduce the noise impact on nearby residents. Using the previous ITAM example, the conditions of ranges can be monitored, and, when the conditions on the land warrant, the intensity or magnitude of the training on that parcel can be modified through a variety of decisions.

(3) Rectifying the impact by repairing, rehabilitating, or restoring the effect on the environment. This method restores the environment to its previous condition or better. Movement of troops and vehicles across vegetated areas often destroys vegetation. Either reseeding or replanting the areas with native plants after the exercise can mitigate this impact.

(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. This method designs the action so as to reduce adverse environmental effects. Examples include maintaining erosion control structures, using air pollution control devices, and encouraging car pools in order to reduce transportation effects such as air pollution, energy consumption, and traffic congestion.

(5) Compensating for the impact by replacing or providing substitute resources or environments (40 CFR 1508.20). This method replaces the resource or environment that will be impacted by the action. Replacement can occur in-kind or otherwise; for example, deer habitat in the project area can be replaced with deer habitat in another area; an in-kind replacement at a different location. This replacement can occur either on the impact site or at another location. This type of mitigation is often used in water resources projects.

(b) The identification and evaluation of mitigations involves the use of experts familiar with the predicted environmental impacts. Many potential sources of information are available for assistance. These include sources within the Army such as the USACHPPM, the USAEC, the MACOM environmental office, the ODEP, COE research laboratories, COE districts and divisions, and DoD Regional Support Centers. State agencies are another potential source of information, and the appropriate POC within these agencies may be obtained from the installation environmental office. Local interest groups may also be able to help identify potential mitigation measures. Other suggested sources of assistance include:

(1) Aesthetics:

(i) Installation Landscape Architect.

(ii) COE District Landscape Architects.

(2) Air Quality:

(i) Installation Environmental Specialist.

(ii) Installation Preventive Medicine Officer.

(3) Airspace:

(i) Installation Air Traffic and Airspace Officers.

(ii) DA Regional Representative to the FAA.

(iii) DA Aeronautical Services.

(iv) Military Airspace Management System Office.

(v) Installation Range Control Officer.

(4) Earth Science:

(i) Installation Environmental Specialist.

(ii) USACE District Geotechnical Staff.

(5) Ecology:

(i) Installation Environmental Specialist.

(ii) Installation Wildlife Officer.

(iii) Installation Forester.

(iv) Installation Natural Resource Committee.

(v) USACE District Environmental Staff.

(6) Energy/Resource Conservation: Installation Environmental Specialist.

(7) Health and Safety:

(i) Installation Preventive Medicine Officer.

(ii) Installation Safety Officer.

(iii) Installation Hospital.

(iv) Installation Mental Hygiene or Psychiatry Officer.

(v) Chaplain's Office.

(8) Historic/Archaeological Resources:

(i) Installation Environmental Specialist.

(ii) Installation Historian or Architect.

(iii) USACE District Archaeologist.

(9) Land Use Impacts: (i) Installation Master Planner.

(ii) USACE District Community Planners.
(10) Socioeconomics:
(i) Personnel Office.
(ii) Public Information Officer.
(iii) USACE District Economic Planning Staff.
(11) Water Quality:
(i) Installation Environmental Specialist.
(ii) Installation Preventive Medicine Officer.
(iii) USACE District Environmental Staff.
(12) Noise:
(i) Preventive Medicine Officer.
(ii) Directorate of Public Works.
(iii) Installation Master Planner.
(13) Training Impacts:
Installation Director of Plans, Training, and Mobilization

(c) Several different mitigation techniques have been used on military installations for a number of years. The following examples illustrate the variety of possible measures:

(1) There are maneuver restrictions in areas used extensively for tracked vehicle training. These restrictions are not designed to infringe on the military mission, but rather to reduce the amount of damage to the training area.

(2) Aerial seeding has been done on some installations to reduce erosion problems.

(3) Changing the time and/or frequency of operations has been used. This may involve changing the season of the year, the time of day, or even day of the week for various activities. These changes avoid noise impacts as well as aesthetic, transportation, and some ecological problems.

(4) Reducing the effects of construction has involved using techniques that keep heavy equipment away from protected trees and quickly re-seeding areas after construction.

(d) Monitoring and enforcement programs are applicable (40 CFR 1505.2(c)) and the specific adopted action is an important case (40 CFR 1505.3) if:

(1) There is a change in environmental conditions or project activities that were assumed in the EIS, such that original predictions of the extent of adverse environmental impacts may be too limited.

(2) The outcome of the mitigation measure is uncertain, such as in the case of the application of new technology.

(3) Major environmental controversy remains associated with the selected alternative.

(4) Failure of a mitigation measure, or other unforeseen circumstances, could result in serious harm to federal-or state-listed endangered or threatened species; important historic or archaeological sites that are either on, or meet eligibility requirements for nomination to the National Register of Historic Places; wilderness areas, wild and scenic rivers, or other public or private protected resources. Evaluation and determination of what constitutes serious harm must be made in coordination with the appropriate federal, state, or local agency responsible for each particular program.

(e) Five basic considerations affect the establishment of monitoring programs:

(1) *Legal requirements.* Permits for some actions will require that a monitoring system be established (for example, dredge and fill permits from the USACE). These permits will generally require both enforcement and effectiveness monitoring programs.

(2) *Protected resources.* These include federal-or state-listed endangered or threatened species, important historic or archaeological sites (whether or not these are listed or eligible for listing on the National Register of Historic Places), wilderness areas, wild and scenic rivers, and other public or private protected resources. Private protected resources include areas such as Audubon Society Refuges, Nature Conservancy lands, or any other land that would be protected by law if it were under government ownership, but is privately owned. If any of these resources are affected, an effectiveness and enforcement-monitoring program must be undertaken in conjunction with the federal, state, or local agency that manages the type of resource.

(3) *Major environmental controversy.* If a controversy remains regarding the effect of an action or the effectiveness of a mitigation, an enforcement and effectiveness monitoring program must be undertaken. Controversy includes not only scientific disagreement about the mitigation's effectiveness, but also public interest or debate.

(4) *Mitigation outcome.* The probability of the mitigation's success must be carefully considered. The proponent must know if the mitigation has been successful elsewhere. The validity of the outcome should be confirmed by expert opinion. However, the proponent should note that a certain technique, such as artificial seeding with the natural vegetation, which may have worked successfully in one area, may not work in another.

(5) *Changed conditions.* The final consideration is whether any condition, such as the environmental setting, has changed (for example, a change in local land use around the area, or a change in project activities, such as increased amount of acreage being used or an increased movement of troops). Such changes will require preparation of a supplemental document (see §§ 651.5(g) and 651.24) and additional monitoring. If none of these conditions are met (that is, requirement by law, protected resources, no major controversy is involved, effectiveness of the mitigation is known, and the environmental or project conditions have not changed), then only an enforcement monitoring program is needed. Otherwise, both an enforcement and effectiveness monitoring program will be required.

(f) Enforcement monitoring program. The development of an enforcement monitoring program is governed by who will actually perform the mitigation; a contractor, a cooperating agency, or an in-house (Army) lead agency. The lead agency is ultimately responsible for performing any mitigation activities.

(1) *Contract performance.* Several provisions must be made in work to be performed by contract. The lead agency must ensure that contract provisions include the performance of the mitigation activity and that penalty clauses are written into the contracts. It must provide for timely inspection of the mitigation measures and is responsible for enforcing all contract provision.

(2) *Cooperating agency performance.* The lead agency must ensure that, if a cooperating agency performs the work, it understands its role in the mitigation. The lead agency must determine and agree upon how the mitigation measures will be funded. It must also ensure that any necessary formal paperwork such as cooperating agreements is complete.

(3) *Lead agency performance.* If the lead agency performs the mitigation, the proponent must ensure that needed tasks are performed, provide appropriate funding in the project budget, arrange for necessary manpower allocations, and make any necessary changes in the agency (installation) regulations (such as environmental or range regulations).

(g) Effectiveness monitoring. Effectiveness monitoring is often difficult to establish. The first step is to determine what must be monitored, based on criteria discussed during the establishment of the system; for example, the legal requirements, protected resources, area of controversy, known effectiveness, or changed conditions. Initially, this can be a very broad statement, such as reduction of impacts on a particular stream by a combination of replanting, erosion control devices, and range regulations. The next step is finding the expertise necessary to establish the monitoring system. The expertise may be available on-post or may be obtained from an outside source. After a source of expertise is located, the program can be established using the following criteria:

(1) Any technical parameters used must be measurable; for example, the monitoring program must be quantitative and statistically sound.

(2) A baseline study must be completed before the monitoring begins in order to identify the actual state of the system prior to any disturbance.

(3) The monitoring system must have a control, so that it can isolate the effects of the mitigation procedures from effects originating outside the action.

(4) The system's parameters and means of measuring them must be replicable.

(5) Parameter results must be available in a timely manner so that the decision maker can take any necessary corrective action before the effects are irreversible.

(6) Not every mitigation has to be monitored separately. The effectiveness of several mitigation actions can be determined by one measurable parameter. For example, the turbidity measurement from a stream can include the combined effectiveness of mitigation actions such as reseeding, maneuver restrictions, and erosion control devices. However, if a method combines several parameters and a critical change is noted, each mitigation measurement must be examined to determine the problem.

Appendix D to Part 651—Public Participation Plan

The objective of the plan will be to encourage the full and open discussion of issues related to Army actions. Some NEPA actions will be very limited in scope, and may not require full public participation and involvement. Other NEPA actions will obviously be of interest, not only to the local

community, but to others across the country as well.

(a) To accomplish this objective, the plan will require:

(1) Dissemination of information to local and installation communities through such means as news releases to local media, announcements to local citizens groups, and Commander's letters. Such information may be subject to Freedom of Information Act and operations security review.

(2) The invitation of public comments through two-way communication channels that will be kept open through various means.

(3) The use of fully informed public affairs officers at all levels.

(4) Preparation of EAs which incorporate public involvement processes whenever appropriate (40 CFR 1506.6).

(5) Consultation of persons and agencies such as:

(i) Municipal, township, and county elected and appointed officials.

(ii) Tribal, state, county, and local government officials and administrative personnel whose official duties include responsibility for activities or components of the affected environment related to the proposed Army action.

(iii) Local and regional administrators of other federal agencies or commissions that may either control resources potentially affected by the proposed action (for example, the U.S. Fish and Wildlife Service) or who may be aware of other actions by different federal agencies whose effects must be considered with the proposed Army action (for example, the GSA).

(iv) Members of identifiable population segments within the potentially affected environments, whether or not they have clearly identifiable leaders or an established organization such as farmers and ranchers, homeowners, small business owners, and Native Americans.

(v) Members and officials of those identifiable interest groups of local or national scope that may have an interest in the environmental effects of the proposed action or activity (for example, hunters and fishermen, Isaak Walton League, Sierra Club, and the Audubon Society).

(vi) Any person or group that has specifically requested involvement in the specific action or similar actions.

(b) Public involvement should be solicited using the following processes and procedures:

(1) Direct individual contact. Such limited contact may suffice for all required public involvement, when the expected environmental effect is of a very limited scope. This contact should identify:

(i) Persons expected to express an opinion and later participate.

(ii) Preliminary positions of such persons on the scope of issues that the analysis must address.

(2) Small workshops or discussion groups.

(3) Larger public gatherings that are held after some formulation of the potential issues, inviting the public to express views on the proposed courses of action. Public suggestions or additional alternative courses of action may be expressed at these gatherings which need not be formal public hearings.

(4) Any other processes and procedures to accomplish the appropriate level of public involvement.

(c) Scoping Guidance. All affected parties must be included in the scoping process (AR 360–5). The plan must include the following:

(1) Information disseminated to local and installation communities through such means as news releases to local media, announcements to local citizens groups, and Commander's letters at each phase or milestone (more frequently if needed) of the project. Such information may be subject to Freedom of Information Act and operations security review.

(2) Each phase or milestone (more frequently if needed) of the project will be coordinated with representatives of local, state, and federal government agencies.

(3) Public comments will be invited and two-way communication channels will be kept open through various means as stated above.

(4) Public affairs officers at all levels will be kept informed.

(5) When an EIS is being prepared, public involvement is a requisite element of the scoping process (40 CFR 1501.7(a)(1)).

(6) Preparation of EAs will incorporate public involvement processes whenever appropriate (40 CFR 1506.6).

(7) Persons and agencies to be consulted include the following:

(i) Municipal, township, and county elected and appointed officials.

(ii) Tribal, state, county, and local government officials and administrative personnel whose official duties include responsibility for activities or components of the affected environment related to the proposed Army action.

(iii) Local and regional administrators of other federal agencies or commissions that may either control resources potentially affected by the proposed action (for example, the U.S. Fish and Wildlife Service); or who may be aware of other actions by different federal agencies whose effects must be considered with the proposed Army action, (for example, the GSA).

(iv) Members of identifiable population segments within the potentially affected environments, whether or not they have clearly identifiable leaders or an established organization such as farmers and ranchers, homeowners, small business owners, and Indian tribes.

(v) Members and officials of those identifiable interest groups of local or national scope that may have interest in the environmental effects of the proposed action or activity (for example, hunters and fishermen, Isaak Walton League, Sierra Club, and the Audubon Society).

(vi) Any person or group that has specifically requested involvement in the specific action or similar actions.

(8) The public involvement processes and procedures by which participation may be solicited include the following:

(i) The direct individual contact process identifies persons expected to express an opinion and participate in later public meetings. Direct contact may also identify the preliminary positions of such persons on the scope of issues that the EIS will address. Such limited contact may suffice for all required public involvement, when the expected environmental effect is of very limited scope.

(ii) Small workshops or discussion groups.

(iii) Larger public gatherings that are held after some formulation of the potential issues. The public is invited to express its views on the proposed courses of action. Public suggestions or alternative courses of action not already identified may be expressed at these gatherings that need not be formal public hearings.

(iv) Identifying and applying other processes and procedures to accomplish the appropriate level of public involvement.

(9) The meetings described above should not be public hearings in the early stages of evaluating a proposed action. Public hearings do not substitute for the full range of public involvement procedures under the purposes and intent of (a) of this appendix.

(10) Public surveys or polls to identify public opinion of a proposed action will be performed (AR 335–15, chapter 10).

(d) Preparing the Notice of Intent. In preparing the NOI, the proponent will:

(1) In the NOI, identify the significant issues to be analyzed in the EIS.

(2) In the NOI, identify the office or person responsible for matters related to the scoping process. If they are not the same as the proponent of the action, make that distinction.

(3) Identify the lead and cooperating agency, if already determined (40 CFR 1501.5 and 1501.6).

(4) Identify the method by which the agency will invite participation of affected parties; and identify a tentative list of the affected parties to be notified.

(5) Identify the proposed method for accomplishing the scoping procedure.

(6) Indicate the relationship between the timing of the preparation of environmental analyses and the tentative planning and decision-making schedule including:

(i) The scoping process itself.

(ii) Collecting or analyzing environmental data, including studies required of cooperating agencies.

(iii) Preparation of DEISs and FEISs.

(iv) Filing of the ROD.

(v) Taking the action.

(7) For a programmatic EIS, preparing a general expected schedule for future specific implementing actions that will involve separate environmental analysis.

(8) If applicable, in the NOI, identify the extent to which the EIS preparation process is exempt from any of the normal procedural requirements of this part, including scoping.

Appendix E to Part 651—Content of the Environmental Impact Statement

(a) EISs will:

(1) Be analytic rather than encyclopedic. Impacts will be discussed in proportion to their significance; and insignificant impacts will only be briefly discussed, sufficient to show why more analysis is not warranted.

(2) Be kept concise and no longer than absolutely necessary to comply with NEPA, CEQ regulations, and this part. Length should

be determined by potential environmental issues, not project size. The EIS should be no longer than 300 pages.

(3) Describe the criteria for selecting alternatives, and discuss those alternatives, including the ''no action'' alternative, to be considered by the ultimate decision maker.

(4) Serve as a means to assess environmental impacts of proposed military actions, rather than justifying decisions.

(b) The EIS will consist of the following:

(1) *Cover sheet.* The cover sheet will not exceed one page (40 CFR 1502.11) and will be accompanied by a signature page for the proponent, designated as preparer; the installation environmental office (or other source of NEPA expertise), designated as reviewer; and the Installation Commander (or other Activity Commander), designated as approver. It will include:

(i) The following statement: ''The material contained in the attached (final or draft) EIS is for internal coordination use only and may not be released to non-Department of Defense agencies or individuals until coordination has been completed and the material has been cleared for public release by appropriate authority.'' This sheet will be removed prior to filing the document with the EPA.

(ii) A list of responsible agencies including the lead agency and any cooperating agency.

(iii) The title of the proposed action that is the subject of the statement and, if appropriate, the titles of related cooperating agency actions, together with state and county (or other jurisdiction as applicable) where the action is located.

(iv) The name, address, and telephone number of the person at the agency who can supply further information, and, as appropriate, the name and title of the major approval authority in the command channel through HQDA staff proponent.

(v) A designation of the statement as a draft, final, or draft or final supplement.

(vi) A one-paragraph abstract of the statement that describes only the need for the proposed action, alternative actions, and the significant environmental consequences of the proposed action and alternatives.

(vii) The date by which comments must be received, computed in cooperation with the EPA.

(2) *Summary.* The summary will stress the major conclusions of environmental analysis, areas of controversy, and issues yet to be resolved. The summary presentation will focus on the scope of the EIS, including issues that will not be evaluated in detail. It should list all federal permits, licenses, and other entitlements that must be obtained prior to proposal implementation. Further, a statement of compliance with the requirements of other federal environmental protection laws will be included (40 CFR 1502.25). To simplify consideration of complex relationships, every effort will be made to present the summary of alternatives and their impacts in a graphic format with the narrative. The EIS summary should be written at the standard middle school reading level. This summary should not exceed 15 pages. An additional summary document will be prepared for separate submission to the DEP and the ASA(I&E). This will identify progress ''to the date,'' in addition to the standard EIS summary which:

(i) Summarizes the content of the document (from an oversight perspective).

(ii) Outlines mitigation requirements (to improve mitigation tracking and the programming of funds).

(iii) Identifies major and unresolved issues and potential controversies. For EIS actions that have been delegated by the ASA(I&E), this document will also include status of requirements and conditions established by the delegation letter.

(3) *Table of contents.* This section will provide for the table of contents, list of figures and tables, and a list of all referenced documents, including a bibliography of references within the body of the EIS. The table of contents should have enough detail so that searching for sections of text is not difficult.

(4) *Purpose of and need for the action.* This section should clearly state the nature of the problem and discuss how the proposed action or range of alternatives would solve the problem. This section will briefly give the relevant background information on the proposed action and summarize its operational, social, economic, and environmental objectives. This section is designed specifically to call attention to the benefits of the proposed action. If a cost-benefit analysis has been prepared for the proposed action, it may be included here, or attached as an appendix and referenced here.

(5) *Alternatives considered, including proposed action and no action alternative.* This section presents all reasonable alternatives and their likely environmental impacts, written in simple, nontechnical language for the lay reader. A no action alternative must be included (40 CFR 1502.14(d)). A preferred alternative need not be identified in the DEIS; although a preferred alternative generally must be included in the FEIS (40 CFR 1502.14(e)). The environmental impacts of the alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among the options that are provided the decision maker and the public (40 CFR 1502.14). The information should be summarized in a brief, concise manner. The use of graphics and tabular or matrix format is encouraged to provide the reviewer with an at-a-glance review. In summary, the following points are required:

(i) A description of all reasonable alternatives, including the preferred action, alternatives beyond DA jurisdiction (40 CFR 1502.14(c)), and the no action alternative.

(ii) A comparative presentation of the environmental consequences of all reasonable alternative actions, including the preferred alternative.

(iii) A description of the mitigation measures and/or monitoring procedures (§ 651.15) nominated for incorporation into the proposed action and alternatives, as well as mitigation measures that are available but not incorporated and/or monitoring procedures (§ 651.15).

(iv) Listing of any alternatives that were eliminated from detailed study. A brief discussion of the reasons for which each alternative was eliminated.

(6) *Affected environment (baseline conditions) that may be impacted.* This section will contain information about existing conditions in the affected areas in sufficient detail to understand the potential effects of the alternatives under consideration (40 CFR 1502.15). Affected elements could include, for example, biophysical characteristics (ecology and water quality); land use and land use plans; architectural, historical, and cultural amenities; utilities and services; and transportation. This section will not be encyclopedic. It will be written clearly and the degree of detail for points covered will be related to the significance and magnitude of expected impacts. Elements not impacted by any of the alternatives need only be presented in summary form, or referenced.

(7) *Environmental and socioeconomic consequences.* This section forms the scientific and analytic basis for the comparison of impacts. It should discuss:

(i) Direct effects and their significance.

(ii) Indirect effects and their significance.

(iii) Possible conflicts between the proposed action and existing land use plans, policies, and controls.

(iv) Environmental effects of the alternatives, including the proposed action and the no action alternative.

(v) Energy requirements and conservation potential of various alternatives and mitigation measures.

(vi) Irreversible and irretrievable commitments of resources associated with the proposed action.

(vii) Relationship between short-term use of the environment and maintenance and enhancement of long-term productivity.

(viii) Urban quality, historic, and cultural resources, and design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(ix) Cumulative effects of the proposed action in light of other past, present, and foreseeable actions.

(x) Means to mitigate or monitor adverse environmental impacts.

(xi) Any probable adverse environmental effects that cannot be avoided.

(8) *List of preparers.* The EIS will list the names of its preparers, together with their qualifications (expertise, experience, and professional disciplines) (40 CFR 1502.17), including those people who were primarily responsible for preparing (research, data collection, and writing) the EIS or significant background or support papers, and basic components of the statement. When possible, the people who are responsible for a particular analysis, as well as an analysis of background papers, will be identified. If some or all of the preparers are contractors' employees, they must be identified as such. Identification of the firm that prepared the EIS is not, by itself, adequate to meet the requirements of this point. Normally, this list will not exceed two pages. Contractors will execute disclosure statements specifying that they have no financial or other interest in the outcome of the project. These statements will be referenced in this section of the EIS.

(9) *Distribution list.* For the DEIS, a list will be prepared indicating from whom review and comment is requested. The list will include public agencies and private parties or

organizations. The distribution of the DEIS and FEIS will include the CBTDEVs from whom comments were requested, irrespective of whether they provided comments.

(10) *Index.* The index will be an alphabetical list of topics in the EIS, especially of the types of effects induced by the various alternative actions. Reference may be made to either page number or paragraph number.

(11) *Appendices (as appropriate).* If an agency prepares an appendix to an EIS, the appendix will consist of material prepared in connection with an EIS (distinct from material not so prepared and incorporated by reference), consist only of material that substantiates any analysis fundamental to an impact statement, be analytic and relevant to the decision to be made, and be circulated with the EIS or readily available.

Appendix F to Part 651—Glossary

Section 1—Abbreviations

AAE
Army Acquisition Executive.

AAPPSO
Army Acquisition Pollution Prevention Support Office.

ACAT
Acquisition Category.

ACSIM
Assistant Chief of Staff for Installation Management.

ADNL
A-weighted day-night levels.

AQCR
Air Quality Control Region.

AR
Army Regulation.

ARNG
Army National Guard.

ARSTAF
Army Staff.

ASA(AL&T)
Assistant Secretary of the Army (Acquisition, Logistics, and Technology).

ASA(FM)
Assistant Secretary of the Army for Financial Management.

ASA(I&E)
Assistant Secretary of the Army (Installations and Environment).

ASD(ISA)
Assistant Secretary of Defense (International Security Affairs).

CARD
Cost Analysis Requirements Description.

CBTDEV
Combat Developer.

CEQ
Council on Environmental Quality.

CERCLA
Comprehensive Environmental Response Compensation and Liability Act.

CDNL
C-Weighted Day-Night Levels.

CFR
Code of Federal Regulations.

CONUS
Continental United States.

CX
Categorical Exclusion.

DA
Department of the Army.

DAD
Defense Acquisition Deskbook.

DASA(ESOH)
Deputy Assistant Secretary of the Army (Environment, Safety, and Occupational Health).

DCSLOG
Deputy Chief of Staff for Logistics.

DCSOPS
Deputy Chief of Staff for Operations and Plans.

DEIS
Draft Environmental Impact Statement.

DEP
Director of Environmental Programs.

DOD
Department of Defense.

DOPAA
Description of Proposed Action and Alternatives.

DSA
Deputy for System Acquisition.

DTIC
Defense Technical Information Center.

DTLOMS
Doctrine, Training, Leader Development, Organization, Materiel, and Soldier.

DUSD(IE)
Deputy Under Secretary of Defense for Installations and Environment.

EA
Environmental Assessment.

EBS
Environmental Baseline Studies.

EC
Environmental Coordinator.

ECAP
Environmental Compliance Achievement Program.

ECAS
Environmental Compliance Assessment System.

EE/CA
Engineering Evaluation/Cost Analysis.

EICS
Environmental Impact Computer System.

EIFS
Economic Impact Forecast System.

EIS
Environmental Impact Statement.

EJ
Environmental Justice.

EOD
Explosive Ordnance Demolition.

EPA
Environmental Protection Agency.

EPR
Environmental Program Requirements.

EQCC
Environmental Quality Control Committee.

ESH
Environment, Safety, and Health.

FAA
Federal Aviation Administration.

FEIS
Final Environmental Impact Statement.

FNSI
Finding of No Significant Impact.

FR
Federal Register.

FS
Feasibility Study.

FTP
Full-Time Permanent.

GC
General Counsel.

GOCO
Government-Owned, Contractor-Operated.

GSA
General Services Administration.

HQDA
Headquarters, Department of the Army.

ICRMP
Integrated Cultural Resources Management Plan.

ICT
Integrated Concept Team.

INRMP
Integrated Natural Resources Management Plan.

IPT
Integrated Process Team.

ISCP
Installation Spill Contingency Plan.

ISR
Installation Status Report.

ITAM
Integrated Training Area Management.

LCED
Life Cycle Environmental Documentation.

MACOM
Major Army Command.

MATDEV
Materiel Developer.

MDA
Milestone Decision Authority.

MFA
Materiel Fielding Agreement.

MFP

Materiel Fielding Plan.

MILCON

Military Construction.

MNS

Mission Needs Statement.

MOA

Memorandum of Agreement.

MOU

Memorandum of Understanding.

NAGPRA

Native American Graves Protection and Repatriation Act.

NEPA

National Environmental Policy Act.

NGB

National Guard Bureau.

NHPA

National Historic Preservation Act.

NOA

Notice of Availability.

NOI

Notice of Intent.

NPR

National Performance Review.

NRC

Nuclear Regulatory Commission.

NWR

Notice of Availability of Weekly Receipts (EPA).

OASD(PA)

Office of the Assistant Secretary of Defense for Public Affairs.

OCLL

Office of the Chief of Legislative Liaison.

OCPA

Office of the Chief of Public Affairs.

ODEP

Office of the Director of Environmental Programs.

OFS

Officer Foundation Standards.

OGC

Office of General Counsel.

OIPT

Overarching Integrated Process Team.

OMA

Operations and Maintenance Army.

OMANG

Operations and Maintenance Army National Guard.

OMAR

Operations and Maintenance Army Reserve.

OOTW

Operations Other Than War.

OPSEC

Operations Security.

ORD

Operating Requirements Document.

OSD

Office of the Secretary of Defense.

OSG

Office of the Surgeon General.

PAO

Public Affairs Officer.

PCB

Polychlorinated Biphenyls.

PDEIS

Preliminary Draft Environmental Impact Statement.

PEO

Program Executive Officer.

PM

Program Manager.

POC

Point of Contact.

POL

Petroleum, Oils, and Lubricants.

PPBES

Program Planning and Budget Execution System.

RCRA

Resource Conservation and Recovery Act.

RDT&E

Research, Development, Test, and Evaluation.

REC

Record of Environmental Consideration.

ROD

Record of Decision.

RONA

Record of Non-Applicability.

RSC

Regional Support Command.

S&T

Science and Technology.

SA

Secretary of the Army.

SARA

Superfund Amendments and Reauthorization Act.

SASO

Stability and Support Operations.

SOFA

Status of Forces Agreement.

SPCCP

Spill Prevention Control and Countermeasure Plan.

TDP

Technical Data Package.

TDY

Temporary Duty.

TEMP

Test and Evaluation Master Plan.

TJAG

The Judge Advocate General.

TOE

Table of Organization Equipment.

TRADOC

U.S. Army Training and Doctrine Command.

USACE

U.S. Army Corps of Engineers.

USACHPPM

U.S. Army Center for Health Promotion and Preventive Medicine.

USAEC

U.S. Army Environmental Center.

U.S.C.

United States Code.

Section II—Terms

Categorical Exclusion

A category of actions that do not require an EA or an EIS because Department of the Army (DA) has determined that the actions do not have an individual or cumulative impact on the environment.

Environmental (or National Environmental Policy Act) Analysis

This term, as used in this part, will include all documentation necessary to coordinate and staff analyses or present the results of the analyses to the public or decision maker.

Foreign Government

A government, regardless of recognition by the United States, political factions, and organizations, that exercises governmental power outside the United States.

Foreign Nations

Any geographic area (land, water, and airspace) that is under the jurisdiction of one or more foreign governments. It also refers to any area under military occupation by the United States alone or jointly with any other foreign government. Includes any area that is the responsibility of an international organization of governments; also includes contiguous zones and fisheries zones of foreign nations.

Global Commons

Geographical areas outside the jurisdiction of any nation. They include the oceans outside territorial limits and Antarctica. They do not include contiguous zones and fisheries zones of foreign nations.

Headquarters, Department of the Army proponent

As the principal planner, implementer, and decision authority for a proposed action, the HQDA proponent is responsible for the substantive review of the environmental documentation and its thorough consideration in the decision-making process.

Major Federal Action

Reinforces, but does not have a meaning independent of, ''significantly affecting the environment,'' and will be interpreted in that context. A federal proposal with ''significant effects'' requires an EIS, whether it is ''major'' or not. Conversely, a ''major federal action'' without ''significant effects'' does not necessarily require an EIS.

Preparers

Personnel from a variety of disciplines who write environmental documentation in clear and analytical prose. They are primarily responsible for the accuracy of the document.

Proponent

Proponent identification depends on the nature and scope of a proposed action as follows:

(1) Any Army structure may be a proponent. For instance, the installation/activity Facility Engineer (FE)/Director of Public Works becomes the proponent of installation-wide Military Construction Army (MCA) and Operations and Maintenance (O&M) Activity; Commanding General, TRADOC becomes the proponent of a change in initial entry training; and the Program Manager becomes the proponent for a major acquisition program. The proponent may or may not be the preparer.

(2) In general, the proponent is the unit, element, or organization that is responsible for initiating and/or carrying out the proposed action. The proponent has the responsibility to prepare and/or secure funding for preparation of the environmental documentation.

Significantly Affecting the Environment

The significance of an action's, program's, or project's effects must be evaluated in light of its context and intensity, as defined in 40 CFR 1508.27.

Section III—Special Abbreviations and Terms

This part uses the following abbreviations, brevity codes or acronyms not contained in AR 310–50. These include use for electronic publishing media and computer terminology, as follows:

WWW World Wide Web.

[FR Doc. 02–192 Filed 3–28–02; 8:45 am]

BILLING CODE 3710–08–P

Tab 7: Sample NEPA Document

This Section Contains:

- Sample NEPA Record of Consideration (REC)

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DEPARTMENT OF THE ARMY
PUBLIC WORKS BUSINESS CENTER
HEADQUARTERS, FORT BRAGG GARRISON COMMAND (AIRBORNE)
INSTALLATION MANAGEMENT AGENCY
FORT BRAGG, NORTH CAROLINA 28310
-draft-

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)
ROWE Training Facility Expansion, Phase II
Project Number 55325

1. Proposed Action and Site Description: Fort Bragg proposes to construct a Special Operations Forces (SOF) mission essential one-story ready state building (isolation unit) with five bays, a dining facility, parking area and roadways for the 1st Special Warfare Training Group (A) (1SWTG(A)), United States Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS). The ready state building would be approximately 12,110 square feet (SF). The dining facility would be approximately 17,698 SF. The old dining facility, building T-2954 (16,650 SF), would be demolished during this phase. See Enclosure 1.

2. Anticipated date and/or duration of proposed action: Fiscal year 2004.

3. Requests for additional information may be made to: Public Works Business Center Project Manager: Richard Weeks, Master Planning, phone 910-396-5300, weeksr1@bragg.army.mil.

4. A Record of Environmental Consideration (REC) is appropriate for the proposed action under AR 200-2, *Environmental Effects of Army Action*, as amended by 32 CFR Part 651, 29 March 2002, for the following reasons:

a. This action complies with 32 CFR Section 651.29(a) in that the proposed action has not been segmented, no exceptional circumstances exist, and the proposed action is encompassed by one or more categorical exclusions.

b. Specifically, Paragraph (c)(1) of Appendix B to 32 C.F.R Part 651 provides a categorical exclusion (CX) for new construction on a previously undisturbed site where the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance.

c. Paragraph (c)(2) provides a CX for the "Demolition of non-historic buildings, structures, or other improvements and disposal of debris therefrom, or removal of a part thereof for

disposal, in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazard items

c. Further, the proposed action complies with 32 C.F.R Section 651.29(b) because there are no extraordinary circumstances that preclude use of a categorical exclusion and with 32 CFR Section 651.29(c) as the proposed action will not affect environmentally sensitive resources.

5. Fort Bragg’s technical experts performed an environmental analysis and made the following determinations:

a. No wetlands exist on the proposed site nor will any wetlands be impacted by the project (Per Mr. Erich Hoffman, Wildlife Biologist).

b. The proposed site is designated as a construction category I (uncontaminated) site (Per Mr. Ed Schwacke, IRP/UST/AST/Remediation Program Manager).

c. The proposed site has no historic structures and is not located within a historic district (Per Mr. Jeff Irwin, Cultural Resources Manager).

d. Storm Water Management and Soil Erosion Control. All projects disturbing one acre or more must have a State-approved soil erosion and sediment control plan. However, Fort Bragg's Water Management Branch must approve the erosion control and storm water management plan prior to being submitted to the State. Since this project will encompass 3.7 acres, a state approved plan is required. All sediment basins must be baffled (static device that regulates the flow of a fluid) and use a skimmer. Storm water control must be designed for a 25-year, 24-hour storm with a two-year, 24-hour storm discharge rate. Post-construction storm water runoff cannot exceed pre-development storm water runoff; therefore, the storm water runoff cannot be directed into existing storm drainage systems. (Per Mr. Craig Lantz, Soil Conservationist and Storm Water Manager)

e. The project areas are located inside a managed forage partition (active cluster 233) for the Red-cockaded Woodpecker (RCW). Approximately 20 longleaf pines trees from cluster 233 would be removed for the construction of the ready-state building. According to Wildlife Biologist, Erich Hoffman,

"Removal of trees in Phase II will not cause significant forest fragmentation or forage loss and will not adversely affect cluster 233. Furthermore, the loss of forest habitat will not adversely affect the management and/or recovery of the RCW Sandhills West population on Camp Mackall" (See Enclosure 2). The US Fish and Wildlife Service agreed with the no adverse affect determination through Section 7 consultation (See Enclosure 3).

f. Building T-2954 was constructed between the years of 1988 and 1992. This building would not require survey for asbestos or lead-based paint (Per Mr. Joe Stancar, Asbestos/Lead-Based Paint/Air Program Manager).

g. Demolition debris shall be disposed of on Government property in appropriate sections of permitted landfills located on post. Any contaminated materials shall be disposed of as a hazardous waste through the Environmental Compliance Branch, Hazardous Waste and Reclamation Office in accordance with all provisions of the Resource Conservation and Recovery Act (Per Mr. Sid Williamson and Mr. Wilfredo Rivera Solid Waste and Hazardous Waste Manager).

Prepared by:

STEVEN HARRIS
Environmental Analyst

Reviewed by:

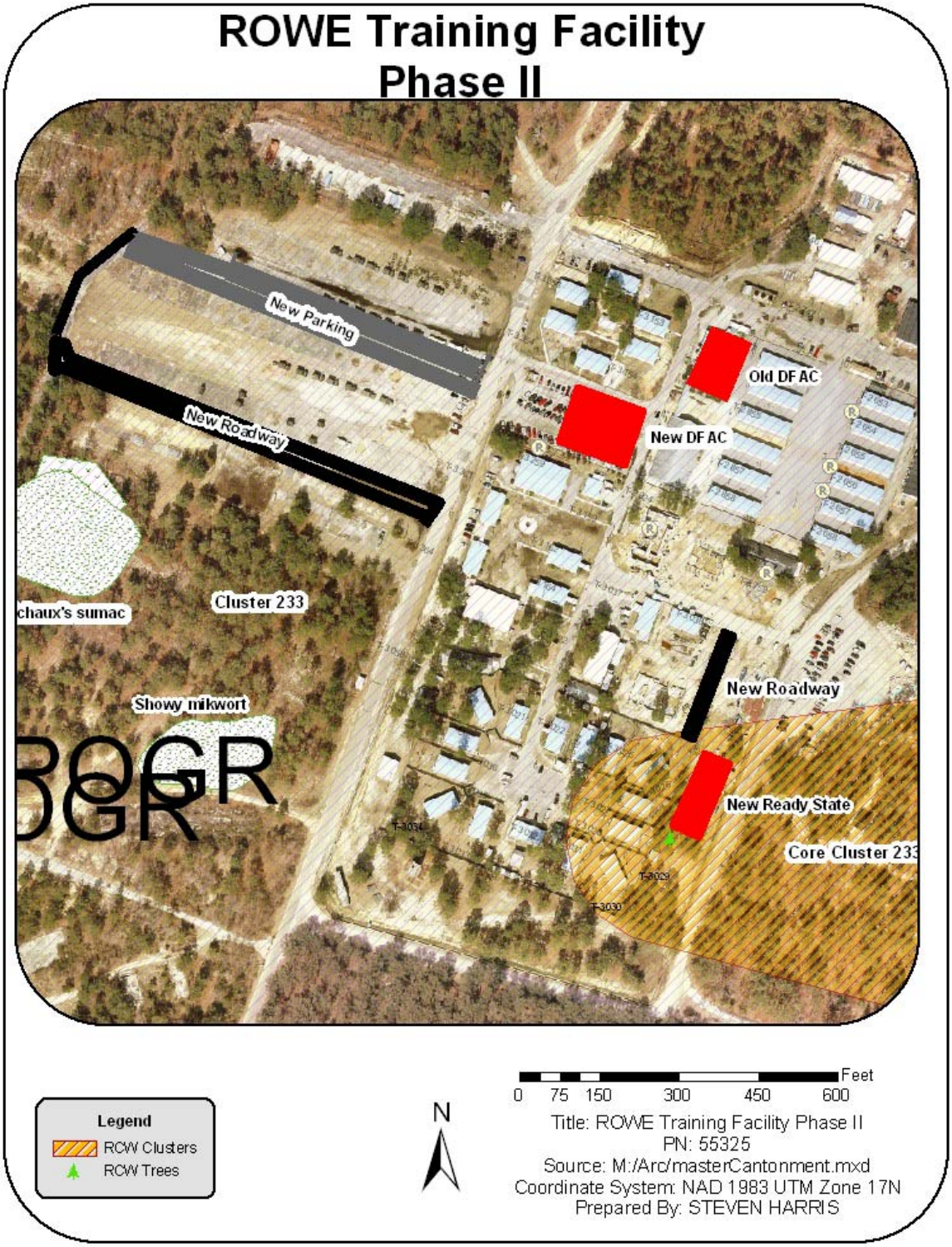
DAVID A. HEINS
Chief, Environmental
Sustainment Division

Proponent:

GREGORY G. BEAN
Director of Public Works
Business Center

Date:

Enclosure 1


ROWE Training Facility
Phase II
New Parking
New Roadway
Old DFAC
New DFAC
chaux's sumac
Cluster 233
Showy mikwort
New Roadway
New Ready State
Core Cluster 233
Legend
RCW Clusters
RCW Trees
N
Feet
0 75 150 300 450 600
Title: ROWE Training Facility Phase II
PN: 55325
Source: M:/Arc/masterCantonment.mxd
Coordinate System: NAD 1983 UTM Zone 17N
Prepared By: STEVEN HARRIS

Tab 8: Sample NEPA Document

This Section Contains:

- Sample NEPA Environmental Assessment (EA), Sections 1 & 2 only.

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1 Purpose and Need for the Proposed Action

This Environmental Assessment (EA) examines the environmental impacts of the proposed action alternatives discussed in Section 2 from the United States Department of the Army's (Army) use of land at Fort Bragg, North Carolina.

1.1 Introduction

Simmons Army Airfield (SAAF) is a part of the Fort Bragg Military Reservation. SAAF is a separate, secure facility totaling approximately 579 acres located adjacent to the southeastern corner of Fort Bragg's Cantonment Area. SAAF is bounded on the north by Honeycutt Road, on the east by Smith Lake and the Smith Lake Recreation Area (SLRA), on the south by the Fort Bragg Reservation boundary, and on the west by State Routes 210/87 (Murchison Road) (Figure 1-1). Primary access to SAAF is by Honeycutt Road, which is intersected by Parham Boulevard, the airfield's main road.

SAAF is operated by Fort Bragg's Directorate of Plans, Training, and Mobilization (DPTM), Aviation Division through the Readiness Business Center (RBC). The DPTM Aviation Division provides Installation training resources to military organizations assigned and attached to Fort Bragg and Reserve Component units throughout the southeastern United States. The Aviation Division coordinates and controls airspace in cooperation with Pope Air Force Base (AFB) and the Federal Aviation Administration, and operates SAAF and Camp Mackall Army Airfield (AAF). The division's mission includes coordinating Fort Bragg airspace, flight simulation training, air traffic control, aircraft refueling operations, flight planning, flight following services, and aviation weather forecasting.

SAAF facilities include one Class A runway (09/27) oriented directly east-west with an overall length of 4,650 feet and a width of 100 feet. The take-off/landing threshold on the east end is located at the end of the paved surface; on the west end, the threshold is located 1,000 feet from the end of the pavement. Thus, the usable surface of the runway is only 3,650 feet.

The SAAF facilities also include seven helipads (A, B, C, D, E, S, and W) and a network of parallel and connecting taxiways serving the runway. Five ramps (west, center, southwest, and two transient ramps) provide parking space for rotary- and fixed-wing aircraft, and 14 hangars provide covered space for maintenance of assigned rotary- and fixed-wing aircraft. Figure 1-2 illustrates the facilities and flight surfaces located at SAAF.

Additional runway improvements at SAAF include a CAT II instrument landing system (east end), runway edge and approach lighting (west end), paving, painting, and marking to support the full spectrum of aircraft operations. Other supporting infrastructure, including the control tower, hangars, fire station, and base operations facility, are tentatively scheduled to be replaced in order to sustain SAAF mission capabilities into the future (RBC 2003).

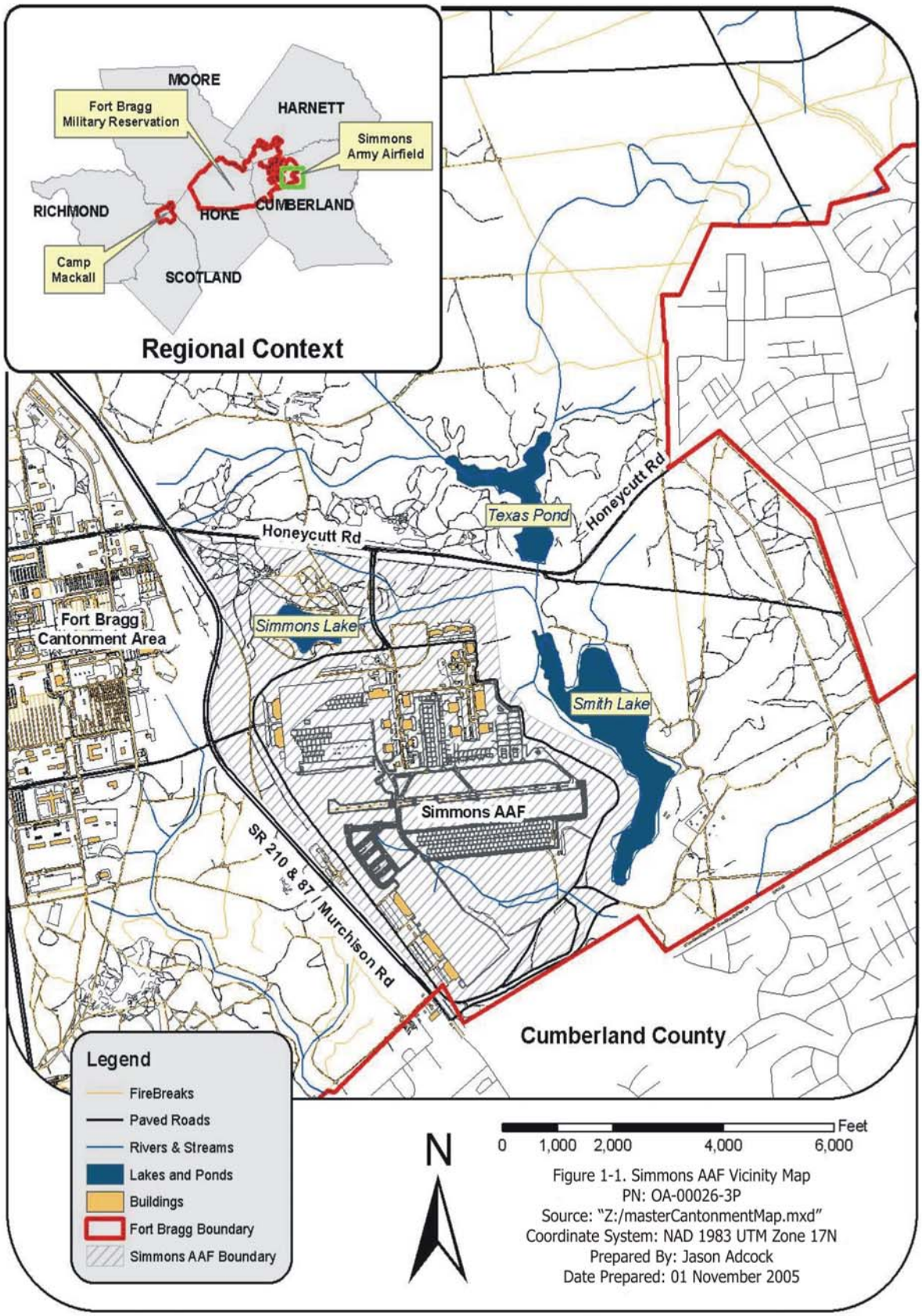

Figure 1-1. Simmons AAF Vicinity Map
PN: OA-00026-3P
Source: "Z:/masterCantonmentMap.mxd"
Coordinate System: NAD 1983 UTM Zone 17N
Prepared By: Jason Adcock
Date Prepared: 01 November 2005

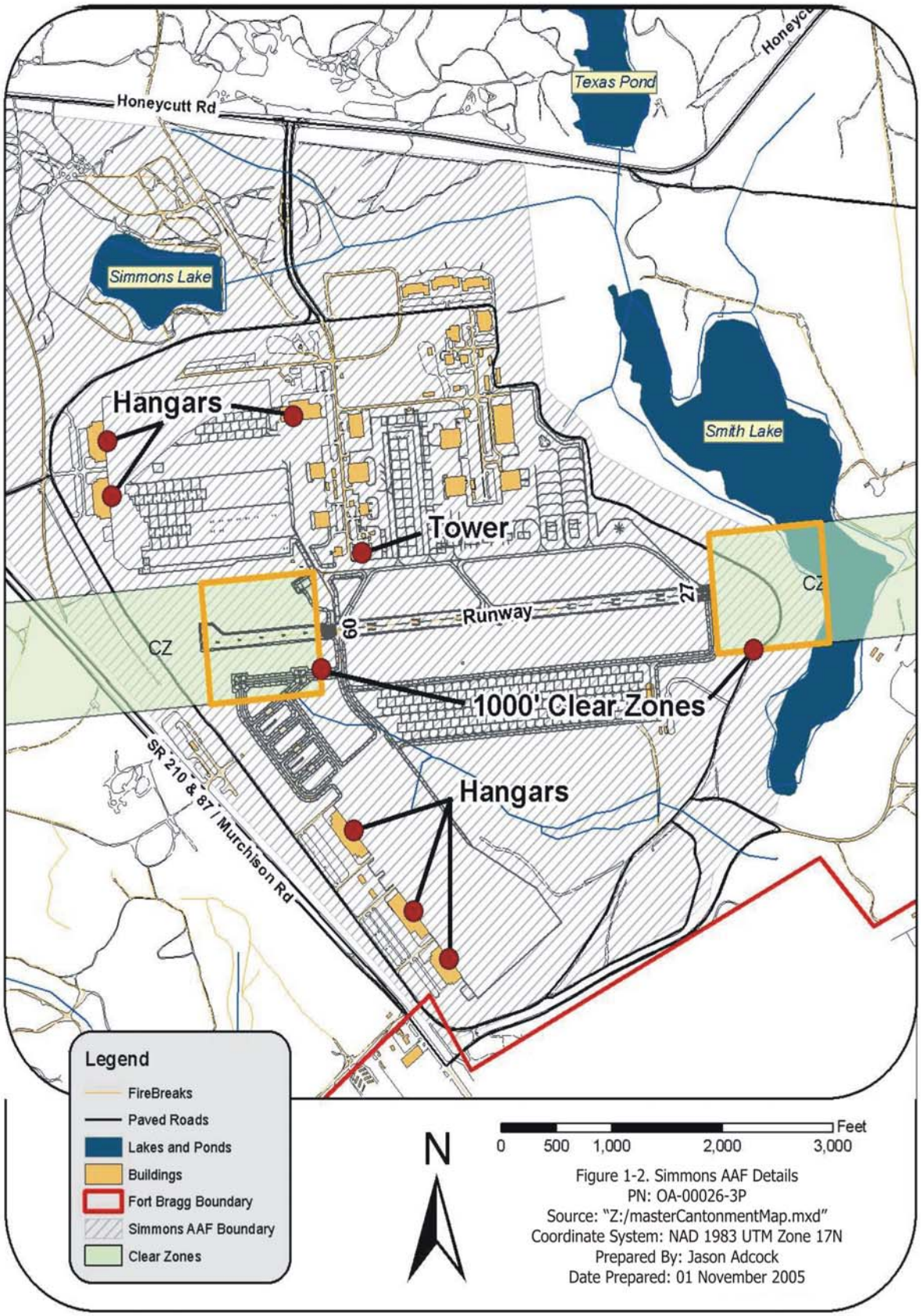

Figure 1-2. Simmons AAF Details
PN: OA-00026-3P
Source: "Z:/masterCantonmentMap.mxd"
Coordinate System: NAD 1983 UTM Zone 17N
Prepared By: Jason Adcock
Date Prepared: 01 November 2005

Presently, there are eight primary aviation missions assigned to SAAF comprised of one or more units each with responsibilities including command/control, support, logistics, and combat. These missions use a variety of rotary- and fixed-wing aircraft, nearly all of which are stationed full-time at SAAF.

Of the fixed-wing aircraft currently used in SAAF missions, nearly all are considered "Class A" aircraft, with the exception of the occasional "Class B" C-130 or C-17 aircraft that use the airfield. However, the Class B aircraft comprise less than 10% of annual aircraft movements at SAAF and usually operate with waivers when they do use the airfield. According to Army Regulations (AR) and the Unified Facilities Criteria (UFC) 3-260-01, *Airfield and Heliport Planning and Design* (United States Army Corps of Engineers [USACE] 2001), Class A aircraft require a minimum runway length of 5,000 feet and width of 75 feet to operate safely within their performance parameters.

Presently, the SAAF runway length does not meet Army and UFC requirements for acceleration/stop distances for the Class A fixed-wing aircraft based at the airfield. Two Class B aircraft (the C-130 and C-17) are used on an infrequent basis at SAAF. However, when they are, they must operate on either reduced fuel, cargo, or passengers to allow them to use the shorter runway. Therefore, these flights either must be cancelled, conducted with waivers requiring reduced fuel or passenger/cargo loads, or conducted from Pope AFB or another airport facility. In the event of an aircraft engine failure or power loss on take-off coupled with the insufficient acceleration/stop distances, damage to the aircraft and possible loss of life could occur.

In addition to insufficient length, the SAAF runway also currently operates under a waiver for two stands of trees within the eastern and western clear zones. The eastern stand is located just north of the runway end and totals 1.97 acres. The western stand, located between the end of the runway and Murchison Road, totals 8.9 acres. Any changes to the runway surface such as those described under the proposed action also will require that these two stands be removed in order to bring the runway into complete compliance with the UFC.

1.2 Purpose and Need for the Proposed Action

The purpose of the proposed action is to allow DPTM to fulfill its mission of providing a safe training environment for its users without the restrictions imposed by the current size and condition of the SAAF runway (see Section 1.1). The proposed action is needed to ensure both safe and efficient mission readiness, including mobilization, for units using SAAF. Many of these units have been heavily engaged in the Global War on Terrorism, taking part in military operations in Afghanistan (Operation ENDURING FREEDOM) and Iraq (Operation IRAQI FREEDOM).

1.3 Screening Criteria for Alternatives

As directed by Council on Environment Quality (CEQ) regulations, all reasonable alternatives to the proposed action that meet the stated purpose and need will be considered in this EA. In order to define and evaluate a suitable range of reasonable alternatives that meet the purpose and need for the proposed action, the following screening criteria were used:

1. **No conflict with existing mission activities and assignments.** Alternatives considered in this EA may not conflict with existing mission assignments and training activities. Alternatives that disrupt, displace, or eliminate necessary mission activities will be eliminated from further consideration.

2. **Compliance with current security and safety requirements.** Alternatives considered must provide sufficient security and protection for the assigned units and their daily mission activities as per anti-terrorism/force protection requirements (Forces Command [FORSCOM] Operations Order 01-98 *Force Protection*, mission safety requirements, and UFC 4-010-01 (8 Oct 2003) *Department of Defense (DOD) Minimum Anti-terrorism Standards for Buildings*. Additionally, alternatives to be considered also must comply with the airfield safety requirements detailed in UFC 3-260-01. Alternatives unable to meet these requirements will be eliminated from further consideration.

3. **No conflict with eligible or potentially eligible listings on the National Register of Historic Places (NRHP).** Potential alternatives will be reviewed to determine whether the area of potential effect (APE) contains cultural resources that are eligible or potentially eligible for listing on the NRHP or are located in a historic district. Areas that do not contain eligible cultural resources, or contain cultural resources that may be avoided, are considered feasible with respect to this criterion. Alternatives that contain such resources that cannot be avoided during development are not considered feasible and will be eliminated from further consideration.

4. **No conflicts with Installation Restoration Program (IRP).** Alternatives considered must not have conflicts with current Fort Bragg Directorate of Public Works (DPW) Environmental Compliance Branch (ECB) Solid Waste Management Unit (SWMU) program or with the setbacks established by the applicable Decision Documents for each site. Additionally, alternatives may not have conflicts with similar programs or sites at Pope AFB or in the local community. Alternative locations that are determined to conflict with existing SWMU management practices will be eliminated from further consideration in this EA.

5. **Regulatory compliance.** Alternatives considered must comply with all applicable federal, state, local, and Installation laws, regulations, and policies, including the UFC Airfield Safety Clearance Zones Criteria that establishes safety buffers on the airfield perimeter. Any alternative that fails to comply with these criteria will be eliminated from further consideration.

1.4 Regulatory Requirement for Environmental Documentation

Title 32 Code of Federal Regulations (CFR) Part 651 (29 March 2002) implements the National Environmental Policy Act (NEPA) of 1969 for the Army and requires Army installations to consider the environmental impacts of a proposed action and its alternatives prior to proceeding with those actions.

Military construction projects that do not meet any listed categorical exclusion (CX) and exceptions may undergo an EA to determine whether the proposed action may have a significant impact on the environment. The proposed site activities will encumber an area at SAAF exceeding five contiguous acres and do not meet any of the listed CXs. Therefore, in accordance with 32 CFR 651.33, an EA is necessary to assess the potential environmental impacts of the proposed action.

1.5 Scope of this Environmental Assessment

This EA is limited to assessing the environmental and socioeconomic effects that might result from the identified action alternatives in Section 2.1 within the time-frame of planning, designing, and constructing the selected alternative. Construction of the selected alternative is anticipated to begin in FY 2006 with construction close-out estimated for FY 2009. The scope of this EA is limited to the alternative locations described in Section 2.1.

This EA was written with the best data and information available at the time of its development. If there are any substantive increases to the project scope (e.g., location, size, or number of projects) or its potential impacts (e.g., new information is found about potential impacts on any of the resources described or additional resource areas), the project manager responsible for this project shall coordinate with the Fort Bragg NEPA coordinator to re-evaluate this document. Any major changes in the scope of the described action, prior to completion of that action that cause impacts beyond the locations assessed or otherwise exceed the decisions made in this EA, will require a re-evaluation of the conclusions of this EA. Should this happen, a new NEPA assessment shall be performed based on the new information. All work on the action exceeding that described in this EA shall be halted until the new assessment is completed and approved.

1.6 Agency Coordination and Public Participation

In accordance with the NEPA of 1969 and Department of the Army regulations (32 CFR Part 651), the EA and draft Finding of No Significant Impact (FNSI) will be made available for Federal and State agency and general public review during a 30-day period prior to initiation of the proposed action. During this 30-day period, copies of the EA and draft FNSI will be distributed to the appropriate State government agencies through the North Carolina State Clearinghouse. They will be made available to the general public either at the locations listed below or online at http://www.bragg.army.mil/envbr/nepa_review.htm. The locations at which these documents will be available are:

- Cumberland County Library, 300 Maiden Lane, Fayetteville, NC 28301
- John L. Throckmorton Library, Fort Bragg, NC 28310

Any comments received from this review period will be collected, logged, and incorporated into the EA and draft FNSI, as necessary. Once all comments have been received, a Final EA and FNSI will be prepared, signed, and released to the appropriate local, state, and federal repositories.

2 Proposed Action and Alternatives

2.1 Proposed Action

The proposed action in this EA is to provide necessary airfield upgrades to SAAF to bring it into compliance with applicable FAA regulations, Army Regulations and the UFC.

2.2 Descriptions of the Alternatives

Nine alternatives, including the No-Action Alternative, were identified initially as potentially suitable for the proposed action and evaluated against the screening criteria listed in Section 1.3. Section 2.3 describes the alternatives considered, but eliminated from further review in this EA.

2.2.1 Alternative 1: No-Action Alternative

CEQ regulations (40 CFR 1502.14) implementing NEPA and AR 200-2 (32 CFR 651), require that the No-Action Alternative be evaluated. Inclusion of the No-Action Alternative provides a benchmark of the impacts of the current activities on the action alternatives, enabling decision makers to compare the magnitude of environmental effects of the proposed action alternatives. For this EA, the No-Action Alternative is the continued operation of SAAF without upgrading the runway to comply with the UFC Class A criteria. This would require that waivers continue to be used for larger aircraft, and activities for which waivers are not available would continue to be relocated, as needed, to nearby airfields with sufficient runway length.

2.2.2 Alternative 2: Improve SAAF Runway to Class A Standards Runway; Move All Fixed-Wing Aircraft to Pope AFB

Alternative 2 consist of sub-alternatives 2a, 2b, and 2c. The common elements of the sub-alternatives would be to move all fixed-wing aircraft to Pope AFB, extend the east end of the runway by 200 feet, and extend the full width of the west end of the runway (including the "keyhole") by 150 feet (see Figures 2-1 and 2-2). The total extension would be 350 feet, bringing the overall runway length to 5,000 feet.

The UFC 3-260-01 requires a safety overrun at both ends of the runway. As per Section 3.10 and Table 3.4 in the UFC, the minimum length of this overrun is 200 feet. By adding the eastern extension, SAAF would have created the required 200-foot overrun at the eastern end of its runway. As a result, the threshold at that end of the runway would have to remain where it is currently in order to maintain that overrun. Therefore, in order to increase the usable length of the runway after the extensions are constructed, the only option is to move the west end threshold (and the clear zone, including the beginning of the approach/departure surface, as a result). The three sub-alternatives discussed below address the possible reasonable locations of the west end threshold.

Figure 2-1. East End Runway Details
PN: OA-00026-3P
Source: "Z:/masterCantonmentMap.mxd"
Coordinate System: NAD 1983 UTM Zone 17N
Prepared By: Jason Adcock
Date Prepared: 01 November 2005

Legend

- Runway C/L
- Runway C/L 500' Offset
- Proposed Runway Modifications
- Trees To Be Cleared
- 1000' Clear Zone

N

0 125 250 500 750 Feet

Figure 2-2. West End Runway Details
PN: OA-00026-3P
Source: "Z:/masterCantonmentMap.mxd"
Coordinate System: NAD 1983 UTM Zone 17N
Prepared By: Jason Adcock
Date Prepared: 01 November 2005

Adding these extensions and moving the western threshold also would require SAAF to meet UFC 3-260-01 clear zone criteria. This would require SAAF to remove two stands of trees currently within the eastern and western runway clear zones. The eastern clear zone trees are located just northeast of that end of the runway and encompass 1.97 acres. The western clear zone trees are between the runway and Murchison Road and total approximately 8.9 acres. Even if the thresholds at either end of the runway are not moved, simply adding the extensions would require that these trees be removed to bring the runway into compliance with the UFC.

Alternative 2a: Keep west end threshold at its current location

Under Alternative 2a, the SAAF runway would be improved as described initially under Alternative 2. However, the west end threshold would remain at its current location. This alternative would not change the location of or impact the current clear zone or approach/departure surfaces.

Alternative 2b: Move current west end threshold location 500 feet west (Preferred Alternative)

Under Alternative 2b, the SAAF runway would be improved as described initially under Alternative 2. However, the west end threshold would be moved 500 feet west of its current location. This alternative would require changes in the location to the current clear zone and the approach/departure surfaces.

Alternative 2c: Move current threshold location 1,150 feet west to physical end of runway

Under Alternative 2c, the SAAF runway would be improved as described initially under Alternative 2. However, the west end threshold would be moved 1,150 feet west of its current location. This alternative would require significant changes in the location of the current clear zone and approach/departure surfaces.

2.2.3 Alternative 3: No Improvements to SAAF Runway; Move All Fixed-Wing Aircraft to Pope AFB

This alternative would keep the SAAF runway as it is, but move all fixed-wing aircraft to Pope AFB, thereby eliminating much of the need for a compliant Class A runway. This alternative would still require some method of transporting rotary-wing aircraft without flight time (i.e., needing repair) from Pope AFB to SAAF. Current practice allows these aircraft to be flown into SAAF as needed using C-130 and C-17 aircraft flying under waivers (due to insufficient length of runway). This practice could continue, under a wavier, even if the runway were not improved (though not desirable) as the number of times it is needed each year is less than 10% of the total annual aircraft movements at SAAF.

2.2.4 Alternative 4: Make All Runway Improvements on the East End of the Runway; No Change to Threshold Locations

This alternative would increase the runway length to the required 5,000 feet by adding the needed 350 feet to the east end of the current runway with no change or extension to the west end of the runway. There would be no change to the threshold location at either end of the runway.

2.2.5 Alternative 5: Make All Runway Improvements on the West End of the Runway; No Change to Threshold Locations

This alternative would increase the runway length to the required 5,000 feet by adding the needed 350 feet to the west end of the current runway with no change or extension to the east end of the runway. There would be no change to the threshold location at either end of the runway.

As with the UFC requirements described in Section 2.2.2, in order to add this extension, SAAF also would be required to bring the entire runway complex up to UFC criteria, including the removal of the two stands of trees currently within the eastern and western runway clear zones.

2.2.6 Alternative 6: No SAAF Improvements; Move All Aircraft/Units to Pope AFB

This alternative effectively would close SAAF by moving all units and unit activities to Pope AFB. However, there is insufficient space at Pope AFB to support and house all these units.

Pope AFB currently is used as the aerial port of embarkation for the 82nd Airborne Division's Division Ready Brigade (DRB). The DRB is constantly on alert for deployment within 18 hours of notification in order to fulfill the 82nd Airborne Division's mission to deploy worldwide, execute a parachute assault, conduct combat operations, and win. From Pope AFB, the Air Mobility Command's 43rd Airlift Wing provides Strategic Brigade Airdrop capability and airlift support for airborne training. The Division's airborne forces assemble and load from Pope AFB's Green Ramp. It is expected that the relocation of all aircraft assets to Pope AFB would interfere with the mission readiness of DRB and the supporting squadrons.

2.2.7 Alternative 7: No SAAF Improvements; Move All Aircraft/Units to Camp Mackall

This alternative effectively would close SAAF by moving all units and unit activities to the airfield at Camp Mackall. This would require the construction of sufficient new facilities to house all the units and their equipment and aircraft currently at SAAF.

2.3 Alternative Screening Process

The alternatives were evaluated based on the purpose and need described in Section 1.2 and the screening criteria described in Section 1.3. The following sections provide the details of the alternatives screening process. Table 2-1 at the end of this section provides a summary of this screening process. A checkmark indicates no conflict was identified, while a cross indicates that a potential conflict exists.

2.3.1 Alternatives Considered, but Eliminated from Further Review

2.3.1.1 Alternative 2c: Improve SAAF Runway; Move Current Threshold Location 1,150 Feet West to Physical End of Runway

Moving the western landing/take-off threshold 1,150 feet to the west (to the physical end of the west end of the runway) would prevent the SAAF runway from being in compliance with UFC 3-260-01. As noted in Section 2.2.2, this UFC requires a minimum 200-foot safety overrun beyond a landing/take-off threshold (see Section 3.10 and Table 3.4 of the UFC). Thus, this alternative fails to maintain regulatory compliance (screening criteria #5), and will not be carried forward for further assessment in this EA.

2.3.1.2 Alternative 6: No SAAF Improvements; Move All Aircraft/Units to Pope AFB

Existing ramp space at Pope AFB is limited. In accordance with UFC 3-260-01, ramp space is required for 85% of the stationed fleet. However, if this alternative were implemented, 195 aircraft would be added to Pope AFB. With ramp space already at 67.9% of capacity, it is expected that the additional aircraft from SAAF would result in non-compliance for ramp space. To meet UFC requirements, it is expected that a minimum of seven hangars, including infrastructure, would need to be constructed.

Therefore, due to space limitations at Pope AFB, this alternative would interfere with the current mission and training activities at Pope AFB and is eliminated from further consideration because of its conflict with screening criteria #1 as discussed in Section 1.3. Further, in conflict with screening criteria #2, there would be an expected increase in safety risk due to the addition of so many rotary-wing aircraft to an airfield that is tailored primarily for fixed-winged operations. Thus, this alternative was eliminated from full assessment in this EA.

2.3.1.3 Alternative 7: No SAAF Improvements; Move All Aircraft/Units to Camp Mackall

While the runways at Camp Mackall are of sufficient length to support the unit operations, there are insufficient facilities at Camp Mackall to support and house all these units. Further, moving the SAAF units to Camp Mackall would interfere with the current mission of Camp Mackall to train Special Forces candidates and serve as a forward operating base for helicopters training in the Fort Bragg ranges. Therefore, this alternative is eliminated from further consideration because of its conflict with existing mission requirements as indicated in screening criteria #1 as discussed in Section 1.3.

2.3.2 Alternatives Carried Forward for Full Analysis

Based on the alternatives screening process, the following alternatives met all of the screening criteria and will be carried forward for full analysis in this EA:

1. Alternative 1: No-Action
2. Alternative 2: Improve SAAF Runway to Class A; move all fixed-wing aircraft to Pope AFB
    a. Alternative 2a: Keep west threshold at current location
    b. Alternative 2b: Move west threshold 500 feet west
3. Alternative 3: No SAAF improvements; move all fixed-wing aircraft to Pope AFB
4. Alternative 4: Make SAAF runway improvements on east end; no change to threshold locations
5. Alternative 5: Make SAAF runway improvements on west end; no change to threshold locations

Table 2-1. Application of Evaluation Criteria to Alternatives

Proposed Alternatives	Selection Criteria					
	1.No Conflict with Existing Mission Activities	2.Compliance with Safety and Security	3. No Conflict with eligible NRHP sites	4. No Conflicts with IRP	5. Regulatory Compliance	Status of Alternative
Alternative 1 (No-Action)	✓	✠	✓	✓	✠	Carry Forward
Alternative 2a	✓	✓	✓	✓	✓	Carry Forward
Alternative 2b	✓	✓	✓	✓	✓	Carry Forward
Alternative 2c	✓	✓	✓	✓	✠	Not to be Assessed
Alternative 3	✓	✓	✓	✓	✓	Carry Forward
Alternative 4	✓	✓	✓	✓	✓	Carry Forward
Alternative 5	✓	✓	✓	✓	✓	Carry Forward
Alternative 6	✠	✠	✓	✓	✓	Not to be Assessed
Alternative 7	✠	✓	✓	✓	✓	Not to be Assessed

Notes:

✓ the Screening Criterion has been met by the Alternative

✠ the Screening Criterion has not been met by the Alternative

2.4 Preferred Alternative

The Fort Bragg Preferred Alternative is Alternative 2b: Improving SAAF Runway to Class A Standards and Moving All Fixed-Wing Aircraft to Pope AFB. Also, as a part of this alternative, the west end threshold would be moved 500 feet west. This alternative would provide improvements allowing larger aircraft, such as the C-17 and UC-35, to land without jeopardizing the crew or aircraft due to a lack of proper length and safety zones on the runway. No mission conflicts would occur from the implementation of this alternative.

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