



UNITED STATES MARINE CORPS
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
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From: Assistant Chief of Staff G-4
To: Military Personnel, Civilian Employees, and Contractors
Subj: NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE INSTRUCTION
MANUAL (SHORT TITLE: NEPA INSTR MANUAL)
Ref: (a) CCO 5090.4_
(b) <https://wpt.29palms.usmc.mil/dirs/inl/nrea/documents.asp>
Encl: (1) NEPA Instr Manual

1. The NEPA requires federal decision makers to consider the environmental consequences of a proposed action before making the decision to take the action. To ensure the continued use of the Combat Center's training lands, this instruction manual supplements reference (a) and NEPA policy and procedures applicable to the Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center Twentynine Palms, California.
2. Per reference (a) the Assistant Chief of Staff G-4 is responsible to ensure that the Commanding General's policy, procedures, and guidelines for the management of the Combat Center's NEPA compliance program are met.
3. The references ensure that preservation of the Combat Center's training opportunities is enjoyed by today's Marine. In accordance with reference (a) military personnel, civilian employees, and contractors (incorporated by reference into contract performance requirements) operating aboard the Combat Center shall comply with enclosure (1).
4. The NEPA compliance instruction manual will be reviewed annually to ensure compliance with the references and is available for activities to access, reference (b).


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LOCATOR SHEET

Location: _____
(Indicate the location(s) of the copy(ies) of this Instr Manual.)

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RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change

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Chapter 1

Introduction

1. Scope. Per reference (a), this instructions manual is developed to establish Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center's National Environmental Policy Act (NEPA) compliance policy, procedural guidelines and to assign responsibilities for activities and individuals operating aboard the Combat Center. Appendix (A) contains a listing of definitions for acronyms that will be used throughout this instructions manual.

2. General

a. The NEPA is a basic national charter for minimizing federal government impacts on the environment. The NEPA establishes a process, set goals, and provides a means for carrying out environmental protection.

b. The NEPA is a procedural law requiring full public disclosure of environmental impacts, alternatives, and mitigation measures anticipated from proposed actions. Actions subject to the NEPA analysis include all proposed actions and some continuing activities. Typical proposed actions may include implementation or approval of specific projects, such as construction or management activities located on the Combat Center (e.g., MILCON projects, public-private ventures, and land acquisitions).

c. A proposed action is ready for environmental impact review when a lead department or action sponsor sufficiently describes anticipated environmental impacts on the request for environmental impact review (REIR) form (Appendix (B)) enabling the environmental planning staff (EPS) to analyze the impacts on the human environment. When EPS review is complete, the NEPA Program Manager will either return the REIR form to the action sponsor for further action or prepare the REIR form for the EPS Chair's review and action. The NEPA Program Manager will also prepare a decision memorandum (Appendix (C)) if the REIR record indicates environmental conditions or mitigating actions are required before, during, or following the proposed action.

d. References (b) and (c) require action sponsors to prepare an environmental assessment (EA) for all proposed actions subject to NEPA except:

- (1) Actions subject to a categorical exclusions (CATEX).
- (2) Proposed actions sufficiently covered by previous NEPA analysis.
- (3) Proposed Actions for which a decision has already been made to prepare an environmental impact statement (EIS).

e. An EIS is required for those proposed actions that are likely to have a significant impact on the quality of the human environment or have potentially controversial environmental impacts. If an EA or EIS preparation requirement is anticipated, the NEPA Program Manager will advise the action sponsor how to proceed.

f. Reference (d) is the Combat Center's standing operating procedures for range/training area and airspace, the primary governing directive for

training and operations conducted on the Combat Center. When used with geographic information system (GIS) data layers, the Integrated Natural Resources Management Plan, and the Integrated Cultural Resources Management Plan, reference (d) assists commanders in understanding, analyzing, and avoiding significant impacts to the environment. Compliance with reference (d) is most effective when its procedures are incorporated into letters of instruction and operations orders.

g. Individuals who violate, aid, abet, counsel, command, induce, procure, or willfully cause violations of any provisions of these requirements may be held personally liable for civil and criminal penalties and fines.

3. Responsibilities. The NEPA requires federal agencies to consider the environmental impacts of proposed actions which may have the potential to impact the human environment. Any action meeting the NEPA threshold must be documented by the action sponsor.

a. Commanding Officers, Assistant Chiefs of Staff (AC/S), Directors, and Officers In Charge shall:

(1) Ensure that all military personnel, civilian employees, and contractors (incorporated by reference into contract performance requirements) operating and or training aboard the Combat Center adhere to the references and this instructions manual.

(2) Ensure that consideration and documentation are accomplished and completed early in the planning process before a decision is made to take an action.

(3) Ensure that the requirements of the NEPA, as identified in the references and this instructions manual, are completed on actions requiring environmental documentation prior to the physical initiation of an action.

(4) Ensure the complete NEPA process documentation precedes contract award and are within the contract file.

b. AC/S, G-3

(1) Serve as a standing member of the environmental impact review board (EIRB).

(2) Serve as the lead department with a single point of contact with the Natural Resources and Environmental Affairs (NREA) Division for proposed actions impacting military ranges, military range facilities, and training.

(3) Ensure units training aboard the Combat Center comply with the references and this instructions manual.

(4) When appropriate, or upon request, give validated GIS natural resource overlays to action sponsors and units with actions impacting military ranges, military range facilities, and training.

c. AC/S, G-4. Serve as a standing member of the EIRB.

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d. AC/S, G-4, NREA Division

- (1) Serve as the EIRB's Executive Agent.
- (2) Manage the Combat Center's NEPA program and ensure proposed actions on the Combat Center comply with the references and this instructions manual.
- (3) Assist lead departments and action sponsors with environmental planning.
- (4) Assist lead departments and action sponsors in reviewing proposed actions and give them comments and recommendations regarding natural and cultural resources and environmental impacts.
- (5) Assign the EPS and appoint the NREA Deputy Director as the EPS chairperson. Consider the EPS recommendations and determine whether each proposed actions merits a CATEX from subsequent NEPA analysis or whether an EA, EIS, or an alternative to the proposed action would be appropriate.
- (6) Designated as the Commanding General's representative for signing of REIRs and decision memorandums when a proposed action merits a CATEX.
- (7) Conduct routine NEPA compliance inspections of lead departments and action sponsors to ensure their actions properly implement the NEPA planning document requirements.
- (8) Ensure copies of all primary (e.g., EA and EIS) and secondary (e.g., EIRB meeting minutes) NEPA documents are properly distributed and retained for at least ten years after completing the applicable proposed action.

e. AC/S, G-4, Public Works Officer, Public Works Division

- (1) Serve as a standing member of the EIRB.
- (2) Serve as the lead department for proposed actions impacting cantonment area facility maintenance, repair and construction, and cantonment area real property.
- (3) Ensure the NEPA funding cost estimates are reflected in DD Forms 1391 for proposed actions impacting cantonment area facility maintenance, repair and construction, and cantonment area real property.
- (4) Assign a single point of contact with the NREA for proposed actions impacting cantonment area facility maintenance, repair and construction, and cantonment area real property.
- (5) Include the NEPA compliance documentation in proposed actions that are sent to the Resident Office in Charge of Construction (ROICC).

f. AC/S, G-4, ROICC

- (1) Ensure the complete NEPA process documentation precedes contract award and are within the contract file. This documentation shall include the REIR and a CATEX decision memorandum, an EA and FONSI, or an EIS and ROD. Contractor performance requirements shall include compliance with the

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references, this instructions manual, and the NEPA documentation applicable to the proposed action.

(2) Ensure contractor's performance requirements include compliance with the references, this instructions manual, and the NEPA documentation applicable to the proposed action.

(3) Ensure that all contracting personnel receive General Environmental Awareness and all applicable Environmental Standard Operating Procedures training prior to the commencement of any work aboard the Combat Center. A copy of the training attendance roster shall be maintained in action's sponsor project folder and posted at work site.

(4) Ensure contractor reviews and comply with Specifications of Division One Sections, to include the requirements under the NEPA and the installation's NEPA decision document for the project.

(5) Ensure contractor's Environmental Protection Plan (EPP) include the requirements of the installation's NEPA decision document for the project.

(6) At the conclusion of construction period of contract, ensure that the contractor certifies on Company Letterhead to the Contracting Officer that the EPP and the conditions of the installation's NEPA decision document were met during the construction period. The letter shall be signed by a Company official or responsible employee who has personal knowledge on the compliance of EPP and the Decision Memorandum during the construction period of contract.

(7) Ensure compliance with the NEPA decision-making and submit a NEPA execution form for completed construction, repair, or renovation contract actions to the Commanding General via the action sponsor. Contractor's letters shall be listed as enclosure and used for supporting documentation. Appendix (D) pertains.

(8) Retain the NEPA compliance documentation for at least ten years after completing the applicable proposed action.

g. AC/S, G-5. Serve as a standing member of the EIRB.

h. AC/S, G-6

(1) Serve as a standing member of the EIRB.

(2) Serve as the lead department with a single point of contact with the NREA for proposed actions impacting communication and data construction, repair and maintenance, and any proposal that has associated communication or data requirements.

i. AC/S, G-7

(1) Serve as a standing member of the EIRB.

(2) Serve as the lead department with a single point of contact with NREA for proposed actions impacting fire services, security, antiterrorism force protection, and safety construction, repair and maintenance.

j. AC/S, G-8. Serve as a standing member of the EIRB.

k. AC/S, Marine Corps Community Services (MCCS). Serve as the lead department with a single point of contact with NREA for proposed actions impacting recreation and MCCS self-help construction, repair, and maintenance.

1. Office of General Counsel

(1) Serve as a non-voting EIRB advisor and as part of the Combat Center's EPS.

(2) Review the NEPA decision-making for compliance with applicable laws and regulations.

(3) Continually review the Combat Center's NEPA analysis process.

(4) Advise the Commanding General and staff of appropriate subsequent action.

m. Action Sponsors

(1) Coordinate with the appropriate lead department, as applicable, and NREA to analyze and document the environmental impacts of proposed actions and present proposed actions for the NEPA review.

(2) Prepare descriptions of single or programmatic proposed actions.

(3) Fund the NEPA analysis documentation, including EA or EIS preparation and any related studies, surveys, permits, and mitigation and monitoring requirements.

(4) Prepare all NEPA analysis and documentation (including EA or EIS preparation and any related studies, surveys, permits, and mitigation and monitoring requirements) for proposed actions occurring outside the Combat Center's physical boundaries.

(5) Attend the EPS and the EIRB meetings as required.

(6) Co-sign the REIR and decision memorandum when a proposed action merits a CATEX.

(7) Ensure the complete NEPA process documentation precedes contract award and are within the contract file. This documentation shall include the REIR and a CATEX decision memorandum, an EA and finding of no significant impact (FONSI), or an EIS and record of decision (ROD).

(8) Ensure contractor's performance requirements include compliance with the references, this instructions manual, and the NEPA documentation applicable to the proposed action.

(9) Ensure that all contracting personnel receive General Environmental Awareness and all applicable Environmental Standard Operating Procedures training prior to the commencement of any work aboard the Combat Center. A copy of the training attendance roster shall be maintained in action's sponsor project folder and posted at the work site.

(10) Ensure contractor reviews and complies with Specifications of Division One Sections, to include the requirements under the NEPA and the installation's NEPA decision document for the project.

(11) Ensure contractor's Environmental Protection Plan (EPP) include the requirements of the installation's NEPA decision document for the project.

(12) At the conclusion of construction period of contract, ensure that the contractor certifies on Company Letterhead to the Contracting Officer that the EPP and the conditions of the installation's NEPA decision document were met during the construction period. The letter shall be signed by a Company official or responsible employee who has personal knowledge on the compliance of EPP and the Decision Memorandum during the construction period of contract.

(13) Ensure compliance with the NEPA decision-making and submit a NEPA Execution Form for each complete action. Appendix (D) pertains.

(14) Complete quarterly reconciliation of any open NEPA actions.

(15) Retain the NEPA compliance documentation for at least ten years after completing the applicable proposed action.

n. EIRB. Appendix (A) contains a listing of the EIRB membership.

(1) Meet as required to assist action sponsors by reviewing proposed actions affecting the quality of the human environment. When possible, the EIRB review may be conducted by staffing the NEPA documents electronically to board members for review, concurrence, and signature.

(2) Meet as needed to evaluate, review, and comment upon environmental compliance and protection issues.

(3) Continually review the Combat Center's NEPA analysis process.

o. EPS

(1) Review the proposed action, and ensure applicable surveys and research are complete.

(2) Identify any need for permits, approvals, or consultation.

(3) Refer environmental controversial proposed actions to the EIRB for disposition.

(4) Assist each action sponsor in documenting the NEPA decision-making by preparing or reviewing the NEPA decision-making documentation.

(5) Continually review the Combat Center's NEPA analysis process.

Chapter 2

Environmental Documentation Process

1. Action Proposal

a. The Combat Center's NEPA process is depicted in Appendixes (E) through (H). Appendix (E) overviews the NEPA decision-making process. Appendixes (F), (G), and (H) respectively depict the CATEX, EA, and EIS processes. Each action sponsor shall consider the environmental impacts of a proposed action early in planning and prepare a REIR using the REIR form, Appendix (B). The action sponsor shall prepare a REIR form (Appendix (B)) by providing the information requested in parts I through IV. The action sponsor shall ensure that the project's detailed scope of work, schematics, and location maps are incorporated into the REIR package. The authorized representative for the action sponsor shall sign the REIR form in part IV, block 2. The action sponsor shall forward the REIR package to the Combat Center's NEPA Program Manager.

b. A proposed action will be considered complete and ready for the environmental impact review process when all anticipated impacts are sufficiently detailed to enable the EPS to address any impacts on the human environment. These provisions allow for the environmental impacts of the proposal to be addressed early in the planning process. This also allows for the later identification of supplemental information and impacts as the proposed project becomes site specific. This process has been designed to ensure that planning and decisions reflect environmental considerations, avoid delays, and minimize conflicts.

c. Upon completion of the EPS environmental review, the NEPA Program Manager will either return the REIR form to the action sponsor for further action and information, or prepare the document for the EPS Chairperson's review. The NEPA Program Manager will prepare a decision memorandum (Appendix (C)) if the REIR contains conditions to be met before, during, or following the proposed action. The NEPA Program Manager will finalize and submit documents to the EIRB's Executive Agent and the Action Sponsor for review and signature.

2. Environmental Planning Staff. The EPS is chaired by the Deputy Director for the NREA Division and is comprised of environmental media managers and specialists from the NREA Division with representation from Office of General Counsel.

a. The EPS, working with the action sponsor, will review the REIR form, conduct necessary surveys and research, resolve issues, and recommend modifications to the proposed action, as necessary.

b. The EPS will identify the need for additional state or federal permits, approvals, or reviews.

c. Once the proposed action has been thoroughly reviewed, the EPS shall document one of the following recommendations:

(1) That the proposed action falls within a CATEX and does not involve any of the enumerated conditions as set forth in Chapter 3 of this instructions manual.

(2) That the proposed action is a continuing activity that is not likely to cause substantial environmental degradation.

(3) That the proposed action will require either an EA or an EIS. The EPS will assist the action sponsor on estimated cost and time frames for preparation of an EA or EIS.

3. Environmental Impact Review Board (EIRB) Executive Agent (Director, NREA Division). Upon receipt of the package from the EPS, the EIRB Executive Agent will take one of the following actions:

a. Inform the action sponsor that no further environmental review is required and the proposed action can be implemented without further delay.

b. Inform the action sponsor that the proposed action will require an EA or EIS. The action sponsor will work with the NREA Division's staff in arranging for the preparation of the required environmental documentation. Similar recurring actions should be aggregated into a single proposal for evaluation under NEPA. "Programmatic" NEPA documents require careful one-time scrutiny, but will reduce paperwork and review time for future similar actions.

c. Once an EA or EIS has been completed, the EPS will place the findings on the agenda of the next EIRB meeting or staffed for recommendations to the Commanding General. These recommendations will generally be in the form of a FONSI or a ROD.

d. When an EA has concluded with a FONSI, the EIRB will make recommendations to the Commanding General, usually in the form of a concurrence or non-concurrence routing sheet. When concurrence is recommended, the Commanding General signs the FONSI and approves the Notice of Availability (NOA), which is then returned to the NEPA Program Manager and forwarded to the action sponsor for publication in the public notice section of the local newspaper for a period of two weeks. The proposed action may begin after the last date of publication. The NEPA Program Manager will promptly submit a copy of the signed FONSI to the CMC (Attn: Code MCICOM-GF/HQMC-LF) as required.

e. In the case of a ROD, after an EIS has been completed, the EIRB will meet and make a recommendation to the Commanding General for concurrence or non-concurrence on the findings. When concurrence is recommended, the ROD is forwarded to Headquarters Marine Corps to be staffed by the Headquarters EIRB to the Department of the Navy (DON) for signature.

4. Execution of NEPA

a. Action Sponsor. Upon receipt of the NEPA documentation, the action sponsor or its execution agent will take the following actions:

(1) Ensures the NEPA documentation is included in project package.

(2) Ensures no contracts are awarded without the NEPA documentation. This documentation shall include the REIR and one of the following:

(a) Decision Memorandum for CATEX.

(b) EA and FONSI.

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(c) EIS and ROD.

(3) Ensures the contract award package addresses the specific action required to comply with environmental laws and regulations. These actions shall be included in either the contract specification sections or in the contract solicitation.

(4) Ensures completion of the NEPA execution form for each proposed action requiring the NEPA documentation. Ensures signed copies of the NEPA Execution Form are forwarded to the NREA Division's NEPA Program Manager. Appendix (D) pertains.

(5) Retains on file for a period of not less than ten years from the completion of the proposed action, copies of all projects and the NEPA documentation.

b. Director, NREA Division

(1) Conduct routine inspections of planning documentation and of actions during implementation, to ensure compliance with the NEPA requirements. Ensure completion of the NEPA execution form for each proposed action requiring the NEPA documentation. Appendix (D) applies.

(2) Retain on file for a period of not less than ten years from the completion of the proposed action, copies of all Decision Records, Decision Memoranda, NEPA execution forms, completed EAs and EISs, published FONSI, NOAs, Notice of Intents (NOI), RODs and minutes taken during EIRB meeting; provides copies of Decision Memoranda, FONSI, EAs, EISs and minutes of EIRB meetings to CMC (Attn: Code MCICOM-GF/HQMC-LF), as appropriate.

Chapter 3

CATEGORICAL EXCLUSIONS (CATEX)

1. General

a. CATEX is a category of actions published by the Secretary of the Navy that normally do not individually or cumulatively have significant impact on the human environment and, therefore, do not require either an environmental assessment or an environmental impact statement. Reference (c) requires documentation for CATEX numbers 8, 11-17 and 19-45. CATEX numbers one through seven, nine through ten, and 18 do not need to be documented using the REIR process as they are administrative in nature and will not have an effect on the human environment. This chapter describes the decision and documentation process for application of a CATEX. When NEPA applies, and use of a CATEX is inappropriate, either an EA or EIS must be prepared.

b. Documentation of CATEX numbers 8, 11-17 and 19-45 will consist of a REIR form or a REIR form and a decision memorandum. Appendixes (B) and (C), respectively, are the Combat Center's REIR form and decision memorandum format. The REIR form (and supporting documents) and the decision memorandum create a record demonstrating that an action has been reviewed by the Combat Center's EPS, and the EPS has been determined the proposed action to be categorically excluded from further NEPA documentation. A decision memorandum is required when the proposed action has conditions to be met before, during, or following completion of the Proposed Action. A decision memorandum is a record requiring the action sponsor to take mitigation measures. The Director, NREA Division, approves or recommends approval of the REIR and decision memorandum.

2. Taking Action

a. Proposed actions that are determined to require no further environmental review shall be forwarded to the Director, NREA Division. Approval of these actions shall be documented by decision memorandum, which describes the action, applicable CATEX, facts supporting the CATEX, and actions required by the action sponsor to comply with other environmental requirements.

b. Like actions may be grouped and, when appropriate, categorically excluded from further documentation by a single decision memorandum. An action sponsor may also identify recurring activities and projects for a programmatic decision memorandum. The Director, NREA Division, shall issue all decision memoranda. Action sponsor shall co-sign their completed REIRs and decision memorandums.

c. Provisions outlined in decision memorandum are valid for one year from the date signed. It is incumbent on action sponsors to resubmit their document for validation on an annual basis prior to and during the execution of their proposed action.

d. No irretrievable, irreversible commitment of resources may be taken by the Action Sponsor until the decision document is approved and signed.

3. Enumerated Conditions. When an action falls within the categories listed in paragraph 4b of this Chapter, a CATEX may not be used if the proposed action or category of actions:

- a. Would adversely affect public health or safety;
- b. Involves effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial;
- c. Establishes precedents or makes decisions in principle for future actions that have the potential for significant impacts;
- d. Threatens a violation of federal, state, or local environmental laws applicable to the DON; or
- e. Involves an action that, as determined in coordination with the appropriate resource agency may:
 - (1) Have an adverse effect on federally listed endangered/threatened species or marine mammals;
 - (2) Have an adverse effect on coral reefs or federally designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands;
 - (3) Adversely affects the size, function or biological value of wetlands and is not covered by a nation-wide or regional permit;
 - (4) Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels and equipment) listed or determined eligible for listing on the National Register of Historic Places; or
 - (5) Result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under standards of the Clean Air Act General Conformity Rule.

4. CATEX Applications

- a. CATEX Use. To use a CATEX, action sponsors shall determine that all of the following are true (consultation with the Director, NREA Division should be made if there is any doubt regarding a particular project or action):
 - (1) None of the enumerated conditions set out in paragraph 3 of this chapter are present;
 - (2) The action or category of actions is encompassed by one, or more, of the CATEX listed in paragraph 4b immediately below;
 - (3) The action is not a major federal action significantly affecting the quality of the human environment;
 - (4) There are no significant individual or cumulative effects on the environment as a result of the action or category of actions;
 - (5) The action or category of actions involves no greater scope or size than is normal for this category of action; and
 - (6) There is no potential for significant change in existing conditions at the site of the proposed action.

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b. CATEX List. Subject to the criteria listed above, the following categories of actions are excluded from further analysis under the NEPA:

- (1) Routine fiscal and administrative activities, including administration of contracts;
- (2) Routine law and order activities performed by military personnel, military police, or other security personnel, including physical plant protection and security;
- (3) Routine use and operation of existing facilities, laboratories, and equipment;
- (4) Administrative studies, surveys, and data collection;
- (5) Issuance or modification of administrative procedures, regulations, directives, manuals, or policy;
- (6) Military ceremonies;
- (7) Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies;
- (8) Routine repair and maintenance of buildings, facilities, vessels, aircraft, and equipment associated with existing operations and activities (e.g., localized pest management activities, minor erosion control measures, painting, and refitting);
- (9) Training of an administrative or classroom nature;
- (10) Routine personnel actions;
- (11) Routine movement of mobile assets (such as ships and aircraft) for homeport reassignments, for repair/overhaul, or to train/perform as operational groups where no new support facilities are required;
- (12) Routine procurement, management, storage, handling, installation, and disposal of commercial items, where the items are used and handled in accordance with applicable regulations (e.g., consumables, electronic components, computer equipment, and pumps);
- (13) Routine recreational/welfare activities;
- (14) Alteration of and additions to existing buildings, facilities, structures, vessels, aircraft, and equipment to conform or provide conforming use specifically required by new or existing applicable legislation or regulations (e.g., hush houses for aircraft engines, scrubbers for air emissions, improvements to storm water and sanitary and industrial wastewater collection and treatment systems, and installation of firefighting equipment);
- (15) The modification of existing systems or equipment when the environmental effects will remain substantially the same and the use is consistent with applicable regulations;

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(16) Routine movement, handling and distribution of materials, including hazardous materials/wastes that are moved, handled, or distributed in accordance with applicable regulations;

(17) New activities conducted at established laboratories and plants, (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non- ionizing radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable Federal, state, and local laws and regulations;

(18) Studies, data, and information gathering that involve no permanent physical change to the environment (e.g., topographic surveys, wetlands mapping, surveys for evaluating environmental damage, and engineering efforts to support environmental analyses);

(19) Temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) in fresh, estuarine, and marine waters for the purpose of non-explosive military training exercises or research, development, test, and evaluation;

(20) Installation and operation of passive scientific measurement devices (e.g., antennae, tide gauges, weighted hydrophones, salinity measurement devices, and water quality measurement devices) where use will not result in changes in operations tempo and is consistent with applicable regulations;

(21) Short-term increases in air operations up to 50 percent of the typical operation rate, or increases of 50 operations per day, whichever is greater. Frequent use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts;

(22) Decommissioning, disposal, or transfer of Navy vessels, aircraft, vehicles, and equipment when conducted in accordance with applicable regulations, including those regulations applying to removal of hazardous materials;

(23) Non-routine repair and renovation, and donation or other transfer of structures, vessels, aircraft, vehicles, landscapes or other contributing elements of facilities listed or eligible for listing on the National Register of Historic Places which will result in no adverse effect;

(24) Hosting or participating in public events (e.g., air shows, open houses, Earth Day events, and athletic events) where no permanent changes to existing infrastructure (e.g., road systems, parking and sanitation systems) are required to accommodate all aspects of the event;

(25) Military training conducted on or over nonmilitary land or water areas, where such training is consistent with the type of tempo of existing non-military airspace, land, and water use (e.g., night compass training, forced marches along trails, roads and highways, use of permanently established ranges, use of public waterways, or use of civilian airfields);

(26) Transfer of real property from DON to another military department or to another Federal agency;

(27) Receipt of property from another Federal agency when there is no anticipated or proposed substantial change in land use;

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(28) Minor land acquisitions or disposals where anticipated or proposed land use is similar to existing land use and zoning, both in type and intensity;

(29) Disposal of excess easement interests to the underlying fee owner;

(30) Renewals and minor amendments of existing real estate grants for use of Government-owned real property where no significant change in land use is anticipated;

(31) Land withdrawal continuances or extensions that merely establish time periods and where there is no significant change in land use;

(32) Renewals and/or initial real estate in grants and out grants involving existing facilities and land wherein use does not change significantly (e.g., leasing of federally-owned or privately-owned housing or office space, and agricultural out leases);

(33) Grants of license, easement, or similar arrangements for the use of existing rights-of-way or incidental easements complementing the use of existing rights-of-way for use by vehicles (not to include significant increases in vehicle loading); electrical, telephone, and other transmission and communication lines; water, wastewater, storm water, and irrigation pipelines, pumping stations, and facilities; and for similar utility and transportation uses;

(34) New construction that is similar to existing land use and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges/runoff within existing handling capacities);

(35) Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations including those regulations applying to removal of asbestos, polychlorinated biphenyls, and other hazardous materials;

(36) Acquisition, installation, and operation of utility (e.g., water, sewer, electrical) and communication systems (e.g., data processing cable and similar electronic equipment) which use existing rights-of-way, easements, distribution systems, and/or facilities;

(37) Decisions to close facilities, decommission equipment, and/or temporarily discontinue use of facilities or equipment, where the facility or equipment is not used to prevent/control environmental impacts);

(38) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site;

(39) Relocation of personnel into existing Federally-owned or commercially leased space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase);

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(40) Pre-lease upland exploration activities for oil, gas or geothermal reserves (e.g., geophysical surveys);

(41) Installation of devices to protect human or animal life (e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas);

(42) Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved;

(43) Temporary closure of public access to DON property in order to protect human or animal life;

(44) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted areas, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there is no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment; or

(45) Routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems conducted at the unit or minor exercise level; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

DEFINITIONS

1. Action Sponsor. The lead department or activities point of contact for a proposed action.
2. Administrative Record. The administrative record is a critical component of the NEPA process and consists of all documents and materials (including intra-office e-mails) directly or indirectly considered by the decision maker. Should a decision be challenged, the appropriate reviewing court will consider the decision primarily (if not solely) based on the administrative record. The decision maker is responsible for assembling and maintaining the administrative record. Commanders, supervisors and officers-in-charge shall ensure all administrative record documents and materials are properly maintained and readily retrievable upon request.
3. Categorical Exclusion (CATEX). The Department of the Navy's (DON) list of actions that normally do not individually or cumulatively have a significant effect on the human environment and, therefore, would not require either an EA or an EIS. Chapter (3) contains the DON's CATEX list.
4. Decision Memorandum. A Decision Memorandum would be prepared for a Proposed Action that is identified under the listed categorical exclusion numbers 8, 11-17 and 19-45. Generally, the Decision Memorandum includes a description of the Proposed Action, the reason for categorically excluding it, and requirements that must be followed when conducting the action. Enclosure (6) is the Decision Memorandum format template.
5. Environmental Assessment (EA). An EA is a concise document that:
 - (a) Briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or FONSI.
 - (b) Aids Marine Corps environmental compliance when no EIS is necessary.
 - (c) Facilitates preparation of an EIS when one is necessary (i.e., when a proposed action may have a potential for significant environmental impact or environmental controversy, and therefore a FONSI is not appropriate).
 - (d) Includes brief discussions of the need for the proposal, reasonable alternatives to the proposed action, environmental impacts of the proposed action, and a list of the agencies and persons consulted.
6. Environmental Impact Statement (EIS). A NEPA document that provides a full and fair discussion of the significant environmental impacts of major Federal actions and informs decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. It is used by Federal officials, in conjunction with other relevant materials, to plan actions and make decisions.
7. Environmental Impact Review Board (EIRB). An executive body that meets as needed to consider current environmental compliance and protection issues. The board reviews environmental documentation to determine if the potential for environmental degradation or public controversy exists. The chairperson will task or assign ad hoc members to the board from installation organizations or tenant commands as required or as recommended by the EIRB's executive agent. The chairperson calls the meeting and the Executive Agent sets the agenda. The composition of the EIRB is as follows:

- a. Chief of Staff: Chairperson
- b. AC/S, G-3: Standing Member
- c. AC/S, G-4: Standing Member
- d. AC/S, G-5: Standing Member
- e. AC/S, G-6: Standing Member
- f. AC/S, G-7: Standing Member
- g. AC/S, G-8: Standing Member
- h. Office of General Counsel (OGC): Non-voting Standing Member
- i. Director, NREA Division: Executive Agent
- j. Public Works Officer, PWD Division: Standing Member

8. Environmental Planning Staff (EPS). A standing body that is comprised of environmental media managers and specialists from NREA Division with representation from OGC. The EPS reviews all proposed actions and meets on an "as needed" basis. The NREA Deputy Director announces the meetings. The EPS assists the EIRB by reviewing proposed actions, conducting necessary research, identifying and seeking resolutions to issues, and identifying needed permits, approvals, or reviews. The EPS also recommends the type of environmental documentation proposed actions require and makes recommended modifications to the draft documentation prior to review by the EIRB. The chairperson for the EPS is the Deputy Director, NREA Division.

9. Finding of No Significant Impact (FONSI). A document in which the Marine Corps briefly presents reasons why an action, not otherwise categorically excluded, will not have a significant effect on the human environment and for which an EIS will not be prepared. A FONSI may be one result of the review of an EA.

10. Human Environment. The natural and physical environment and the relationship of people with that environment.

11. Mitigation. Actions that minimize, rectify, reduce, eliminate, or compensate for the environmental impacts of a proposed action.

12. Monitoring. Supervising and regulating the implementation of approved actions, including mitigation and other environmental protection measures required by the EPS, EIRB, HQMC or this order.

13. Notice of Availability (NOA). An article published for two weeks in the Public Notice section of the local newspaper that gives notice that an EA and or FONSI were prepared for a proposed action and is available upon request.

14. Notice of Intent (NOI). A document prepared that announces the installation's intent to prepare an EIS. NOI's signature authority for approval is the CMC, Deputy Chief of Installations and Logistics (CMC I&L).

15. Proposed Action. Any Marine Corps proposal, including:

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(a) New activities entirely or partly funded assisted, conducted, regulated, or approved by the Marine Corps.

(b) Substantive changes in continuing actions, such as major changes in operation tempo, areas of use, or in methodology/ equipment, where these changes have the potential for significant impact.

(c) Specific projects, such as construction or management activities located in a defined geographic area (e.g., Military Construction projects, public/private venture projects, special projects, land acquisition, natural resources management projects, and locally funded projects).

16. Record of Decision (ROD). Following the final EIS, a concise public document explaining the reasonable alternative to the proposed action selected for implementation.

17. Request for Environmental Impact Review (REIR) Form. Appendix (E) is used to address possible environmental impacts associated with proposed actions.

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Installation's Request for Environmental Impact Review Form can be view at https://navalforms.documentservices.dla.mil/formsDir/_CC_5090_1_9812.pdf.

5090
 Ser _____
 [DATE]

DECISION MEMORANDUM FORMAT

Subj: MEMORANDUM OF DECISION FOR CATEGORICAL EXCLUSION (CATEX)

Encl: (1) [COPY OF REIR ROUTING SHEET]
 (2) [COPY OF REIR]
 (3) [COPY OF OTHER SUPPORTING DOCUMENTS AS NECESSARY]

1. ACTION SPONSOR: _____

2. PROJECT

3. DESCRIPTION OF PROPOSED ACTION

4. REASON FOR CATEGORICAL EXCLUSION: 32 CFR 775.6(e) contains categorical exclusion number(s) _____. CATEX __ applies to, "_____". The following statements are made for the record to clarify that with this Proposed Action, there are no enumerated conditions as set out in 32 CFR 775.6(e):

a. There is no reason to anticipate any adverse affect on public health or safety.

b. The action has no effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial.

c. The Proposed Action establishes no precedents or makes decisions in principle for future actions that have the potential for significant impacts.

d. The action does not threaten a violation of federal, state, or local environmental laws applicable to the Department of the Navy.

e. The Proposed Action, as determined in coordination with the appropriate resource agency, does not:

(1) Have an adverse effect on federally listed endangered/threatened species or marine mammals;

(2) Have an adverse effect on coral reefs or on federally designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands;

(3) Adversely affects the size, function or biological value of wetlands and is not covered by a nation-wide or regional permit;

(4) Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels and equipment) listed or determined eligible for listing on the National Register of Historic Places; or

(5) Result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under standards of the Clean Air Act General Conformity Rule.

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5. REQUIRED ACTIONS: Actions required by the Action Sponsor to comply with other environmental requirements.

6. APPROVAL/DISAPPROVAL OF CATEGORICAL EXCLUSION:

- It has been determined that this project is categorically excluded from further NEPA documentation by the aforementioned exclusion.

- It has been determined that this project does not fall within the categorical exclusions and that an environmental assessment or environmental impact statement is required.

Signature of Action Sponsor

Signature of Commanding General
or his designated representative

NEPA EXECUTION TEMPLATE

[ACTIVITY'S LETTER HEAD]

5090
[Code/Serial]
[DATE]

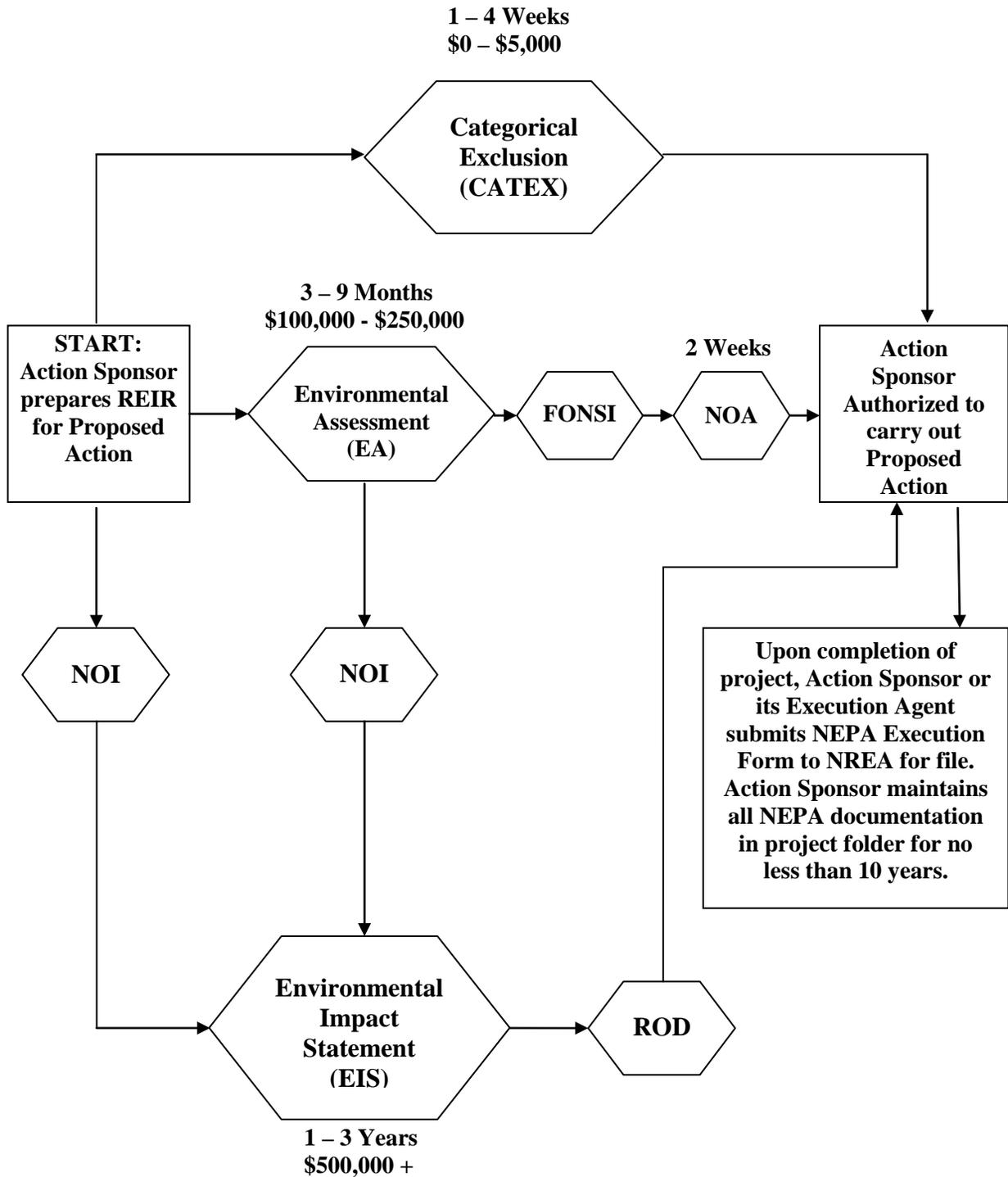
From: [TITLE OF ACTIVITY HEAD, NAME OF ACTIVITY, LOCATION]
To: Commanding General, Marine Air Ground Task Force Training Command,
Marine Corps Air Ground Combat Center (Attn: NREA Division, NEPA
Program Manager)
Subj: EXECUTION OF [NEPA DOCUMENT TITLE, I.E. MEMORANDUM OF DECISION, ETC.]
FOR PROJECT: [PROJECT NAME/TITLE]
Ref: (a) Request for Environmental Impact Review (REIR) for [PROJECT
NAME/TITLE] of [DATE OF REIR]
(b) MAGTFMC CG's [TITLE OF NEPA DOCUMENT, i.e. MEMORANDUM OF DECISION,
ETC.] [NEPA DOCUMENT CONTROL NUMBER, I.E. 5090/12654.1 9/c-06-0003
of 21 July 2006]
(c) MCO P5090.2A
(d) CCO 5090.4_

1. Reference (a) is the request for an environmental impact review for project [PROJECT NAME/TITLE].
2. Reference (b) is Marine Air Ground Task Force Training Command Commanding General's [TITLE OF NEPA DOCUMENT] that describes the project and lists actions that shall be required to comply with other environmental requirements.
3. The project cited in references (a) and (b) started on [DATE PROJECT STARTED] and was completed on [DATE PROJECT COMPLETED].
4. During the execution of the project, the provisions outlined in reference (b) were, to the best knowledge of [EXECUTION AGENT, I.E. ROICC, MCCA, G-3, ETC.], strictly adhered and were effective.
5. A copy of this letter, [TITLE OF NEPA DOCUMENTATION] and the project folder will remain on file for no less than 10 years. Reference (c) and (d) apply.

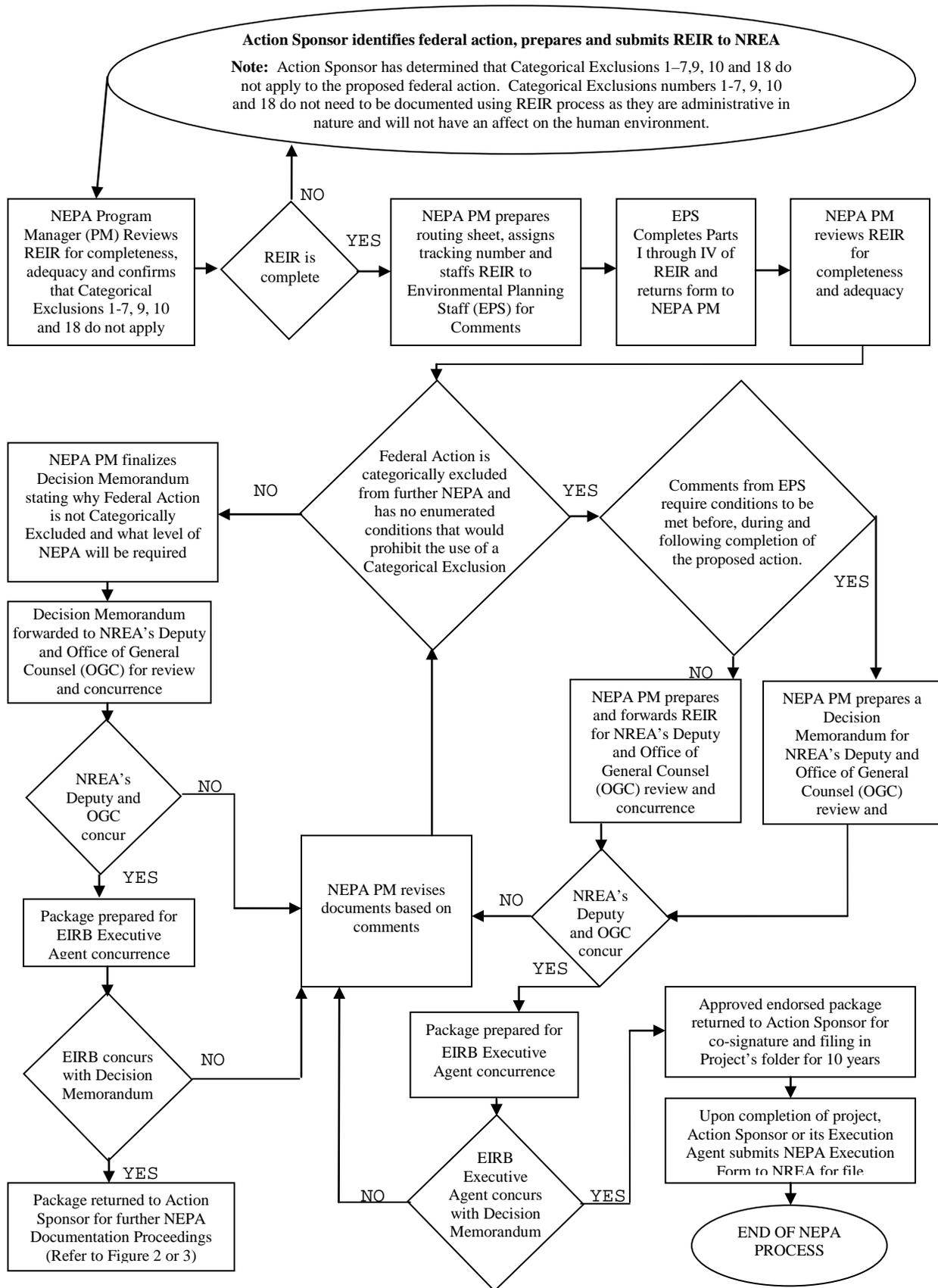
NAME OF SIGNER

Copy to:
Project File

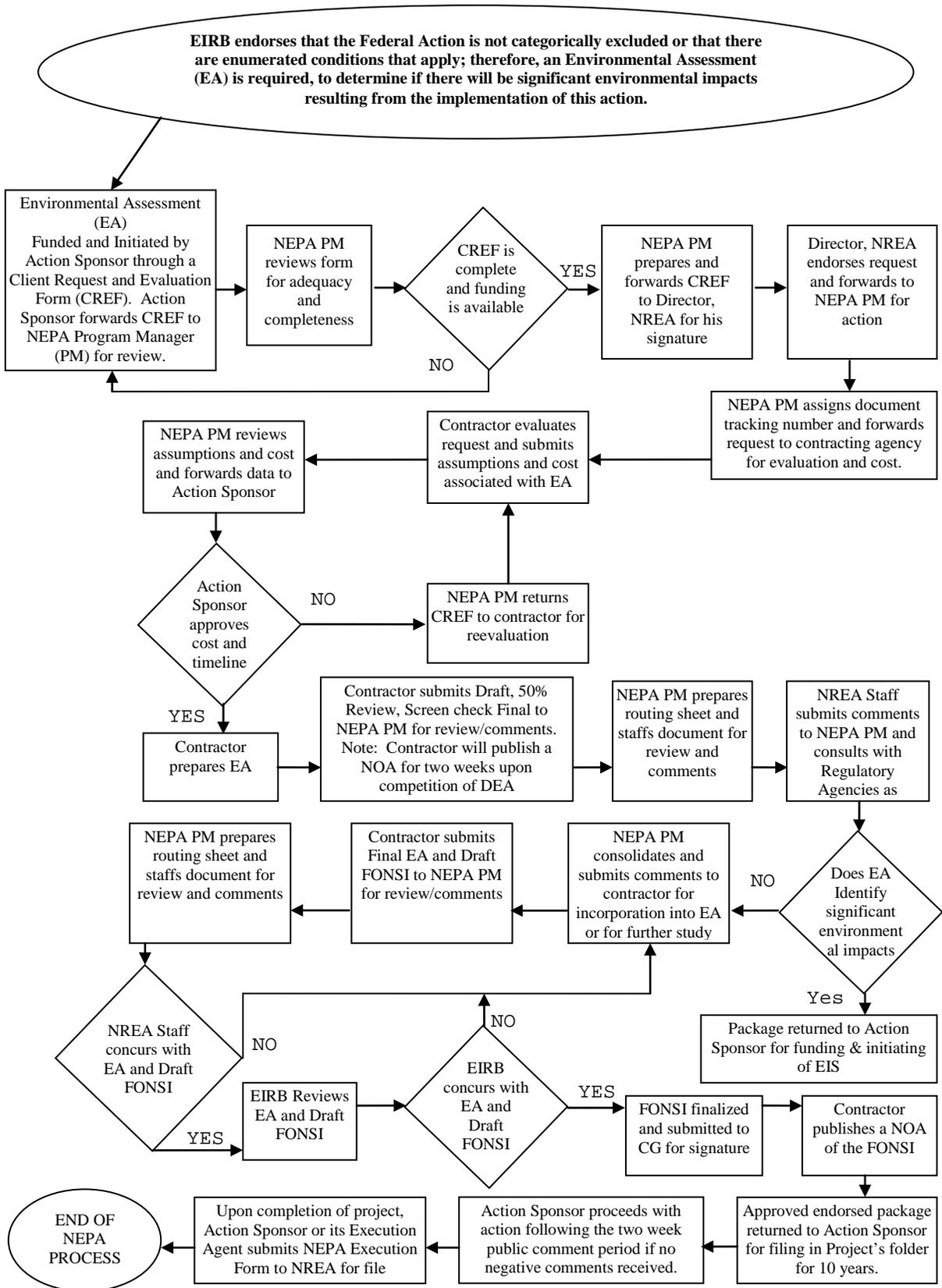
Combat Center's NEPA Process Overview Flow Chart



Combat Center's NEPA Process Flow Chart For Categorical Exclusions (CATEX)



Combat Center's NEPA Process Flow Chart For Environmental Assessments (EA)



Combat Center's NEPA Process Flow Chart For Environmental Impact Statements (EIS)

