(e) *Environmental Impact Statement (EIS)*. (See § 651.30 for actions normally requiring an EIS.)

(1) If it is determined that the action is covered adequately in a previously filed FEIS, the REC must so state, citing the applicable FEIS by name and date. The REC is then attached to the proponent's record copy of that FEIS. As a general rule, a FEIS older than 3 years cannot be used in this manner, but must be supplemented.

(2) If the proposed action is within the scope of an existing FEIS, but was not covered in that document or not covered adequately, then the proponent must prepared supplemental documentation to that FEIS.

(3) If the proposed action is not within the scope of any existing EIS, then the proponent must begin the preparation of a new EIS.

§ 651.10 Determining appropriate environmental documentation.

(a) The flowchart shown in Figure 1 summarizes the process for determining documentation requirements.

(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 retain its own record keeping for RECs and RODs. (See 40 CFR 1506.3 for procedures to follow when adopting other documents.)

(c) When an existing adequate EA or EIS is used in lieu of preparation of a new document, the REC should state the document title, date, and where it may be reviewed.

§ 651.11 Classified actions.

(a) For public dissemination of environmental documents containing classified information, AR 380–5 will be followed.

(b) Classified facts will be separated from unclassified facts and conclusions related to the proposed action. Unclassified portions of the action may then be processed routinely in accordance with this regulation. Classified portions will be kept separate for reviewers and decisionmakers with need-to-know as defined in AR 380–5 and (c) of this section.

(c) Classification does not relieve a proponent of the necessity to assess and document the environmental effects of the proposed action. The HQDA proponent, in coordination with the Army Environmental Office and the Deputy Chief of Staff for Intelligence, Security Division (DAMI–CIS), may select a review team. The team may be drawn from the Army agency or office not connected with the proponent agency, or from agencies outside the Army. The review team's purpose is to provide an external review of classified environmental documents.

§ 651.12 Integration with Army planning.

(a) *Early integration*. The Army goal to integrate environmental reviews concurrently with other Army planning and decisionmaking actions avoids delays in mission accomplishments. To achieve this goal, proponents should provide complete environmental documents for early inclusion with any recommendation or report to decisionmakers (Master Plan, Natural Resource Management Plan, Remedial Investigation, FS, etc.). The same documents will be forwarded to the planners, designers, and/or implementers so that recommendations and mitigations on which the decision was based may be carried out.

(b) *Time limits*. The timing of the preparation, circulation, submission, and public availability of environmental documents is of great importance in ensuring that environmental values are integrated in the planning and decision processes. It is important to remember that next to the project itself, a properly prepared EIS may require the longest time to complete.

(1) Categorical exclusions (CX). When a proposed action is categorically excluded from further environmental review (subpart D and appendix A), the proponent may proceed immediately with that action.

(2) Findings of no significant impact (FNSI).

(i) If the proposed action is one of national concern, is unprecedented, or normally requires an EIS, the proponent will make the EA and FNSI available for public review 30 or more days prior to making a final decision.

A news release is required to publicize the availability of the FNSI. If the action is of national significance, a simultaneous announcement that includes publication in the FEDERAL REGISTER (FR) must be made by HQDA.

(ii) For proposed actions referred to in paragraph (b)(2)(i) of this section, the proponent must allow a 30-day period for public comment between the time that the FNSI is publicized (40 CFR 1506.6(b)) and the time the proposed action begins. In those cases where the 30 day wait jeopardizes the project, the additional comment period provides no public benefit, and none of the conditions of paragraph (b)(2)(i) apply, the period may be shortened with MACOM approval. In no circumstances should the public comment period for an EA/FNSI be less than 15 days.

(iii) A deadline and POC must be included for receipt of comments in the FNSI and the news release.

(3) Environmental Impact Statements (EIS). The EPA publishes a weekly notice in the FR of the EISs filed during the preceding week. This notice usually occurs each Friday. A NOA reaching EPA on a Friday will be published in the following Friday issue of the FR. (Failure to deliver a 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 DEISs (40 CFR 1506.(c)(2)).

(iii) Not less than 90 days total for public availability of the DEIS and FEIS 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 1506.10(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) The entire EIS process could require more than 1 year. (See Figure 2.) Thus, it is important that the process begin as soon as the project is conceptualized and that the proponent coordinate with all staff elements who may have a role to play in the NEPA process. Most of this time is taken by the preparation of the DEIS and the revision and response to comments to prepare the 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. Army EISs are not normally processed in so short a time due to the internal staffing required for this type of action. After the availability of the ROD is announced, the action may proceed. Figure 2 indicates typical and required time periods for EISs.

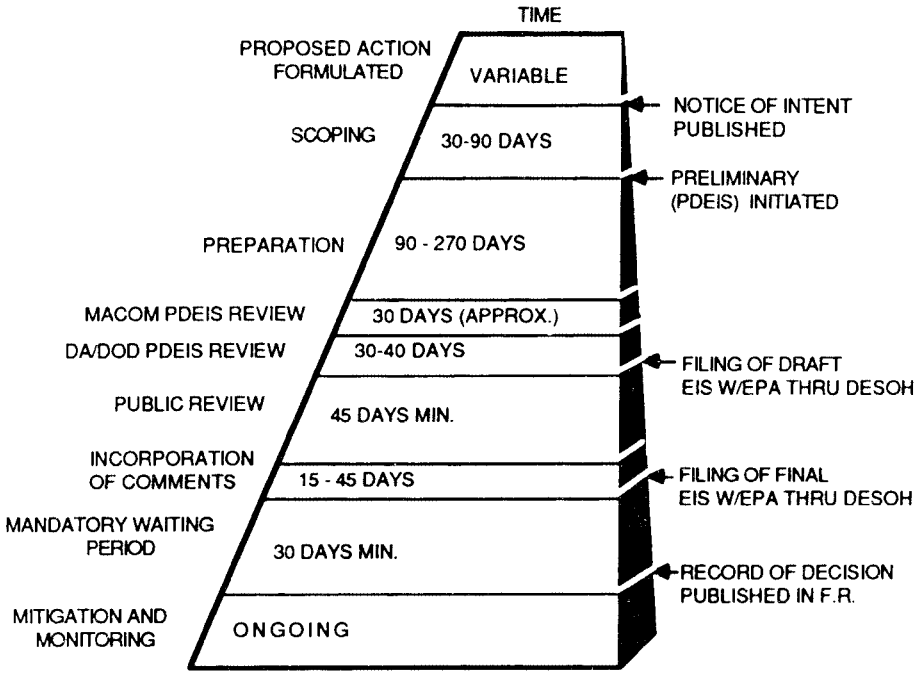

Figure 2. Time involved for preparing and processing an Environmental Impact Statement (EIS)

(c) *Programmatic environmental review (tiering).* (1) Army agencies are encouraged to write programmatic environmental analyses when such programs are being considered for general application (40 CFR 1502.4(c), 1502.20 and 1508.23). This will eliminate repetitive discussions of the same issues and focus on the key issues at each appropriate level of project review. When a broad EIS or EA has been prepared and a subsequent EIS or EA is then prepared on an action included within the entire program or policy (particularly a site-specific action), it need only summarize issues discussed in the broader statement and concentrate on the issues specific to the subsequent action. This subsequent document will state where the earlier document is available.

(2) An example would be the assessment of a proposed major weapon system program. Development of an overall programmatic EIS or EA for the life cycle of the system is recommended. Tiered EAs and EISs, as appropriate, would evaluate specific subphases such as testing, production, development, use, and ultimate disposal.

(d) *Scoping.* (1) When the planning for an Army project or action indicates a need for an EIS preparation, the proponent initiates the scoping process. (See subpart G for procedures and actions to be taken during the scoping process.) 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 the 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 environmental documents.

(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.

(3) The proponent may incorporate scoping in the public involvement or environmental review process other than that required for an EIS. If so, a significant reduction in the extent of scoping incorporated is at the proponent's discretion.

(e) *Analyses and documentation.* Environmental analyses and documentation required by this regulation will be integrated as much as practical with other environmental reviews, laws, and executive orders (40 CFR 1502.25) and—

(1) Environmental analysis and documentation required by various State laws.

(2) Any cost-benefit analyses prepared in relation to a proposed action (40 CFR 1502.23).

(3) Permitting and licensing procedures required by Federal and State law. For instance, the Clean Air Act, as amended (42 U.S.C. 57401 *et seq.*) and the Clean Water Act, as amended (33 U.S.C. 125 *et seq.*).

(4) Installation and Army Master Planning functions and plans.

(5) Installation management plans, particularly those that deal directly with the environment. These include the Natural Resource Management Plans (Fish and Wildlife Management Plan, Forest Management Plan, and Range Improvement or Maintenance Plan).

(6) Stationing and installation planning, force development planning, and materiel acquisition planning.

(7) Installation Compatible Use Zone (ICUZ) program.

(8) Hazardous waste management plans.

(9) Historic Preservation Plan as required by AR 420–40.

(10) Intergovernmental coordination as required by AR 210–10.

(11) Asbestos Management Plans.

(f) *Relations with local and regional agencies.* (1) Installation, agency, or activity environmental officers or planners should establish planning relations with other agencies. These agencies include the staffs of adjacent local governments and State agencies. This will promote cooperation and resolution of mutual land use and environment-related problems.

(2) Preparation of a Memorandum of Understanding is desirable for promoting cooperation and coordination. This memorandum will 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, including those designated by AR 210–10. Thus, the proponent may gain insights on other agencies' approaches to EAs, surveys, and studies of the current proposal. These other agencies would also be able to assist in identifying possible participants in scoping procedures for projects requiring an EIS.

§ 651.13 Mitigation and monitoring.

(a) Identification in environmental documents. Only those mitigation measures that can reasonably be accomplished as part of a proposed alternative will be identified in environmental documentation (EA, FNSI, or EIS). Measures that the proponent implements as part of the selected action will be included in the environmental documentation. Mitigation measures that appear practicable, but unobtainable within expected resources or that some other agency (including non-Army agencies) should perform, will be identified as such in the environmental document. ''Practicable'' measures include, among others, actions that appear capable of being accomplished. Complete development or