

§ 651.18

(1) Greater scope or size than normally experienced for a particular category of action.

(2) Potential for degradation, even though slight, of already existing poor environmental conditions. Also, initiation of degrading influence, activity, or effect in areas not already significantly modified from their natural condition.

(3) Employment of unproven technology.

(4) Presence of threatened or endangered species and their habitats, archaeological materials, historical places, or other protected resources.

(5) Use of hazardous or toxic substances that may come in contact with the surrounding natural environment. Nevertheless, a categorical exclusion exists for use of hazardous and toxic substances under adequately controlled conditions within established laboratory buildings that are designed for, and in compliance with, regulatory standards. Adequately controlled conditions includes complying with AR 385-10 and all other applicable Army safety and preventive medicine regulations for the processing of hazardous and toxic substances, and complying with the Resource Conservation and Recovery Act (RCRA) for their disposal.

(6) Proposed actions affecting areas of critical environmental concern. These include, but are not limited to, prime or unique agricultural lands, wetlands, coastal zones, wilderness areas, aquifers, floodplains, or wild and scenic river areas.

(c) Determine whether all the screening criteria in appendix A are true for the proposal.

(d) If the proposed action qualifies for one of the CX, no analytical environmental document is necessary. However, if a REC (Figure 3) is required by the CX listing in appendix A, a REC will be completed and signed by the proponent. Consultation between the proponent and the installation environmental coordinator is required.

§ 651.18 CX actions.

Types of actions that normally qualify for CX are listed in appendix A.

32 CFR Ch. V (7-1-01 Edition)

§ 651.19 Modification of the CX list.

The Army list of CXs is subject to continual review and modification. Send, for review, requested additional modifications to the Army Environmental Office. Subordinate Army headquarters may not modify the CX list through supplements to this regulation. Upon approval, proposed modifications to the list of CXs will be published in the FEDERAL REGISTER by the Army Environmental Office. This provides an opportunity for public review and comment.

Subpart E—Environmental Assessment (EA)

§ 651.20 Introduction.

An EA is made to determine the extent of environmental impacts of a project and decide whether or not those impacts are significant. It is not required for actions that are subject to categorical exclusion or exclusion from environmental review by law. (See 40 CFR 1508.9.) The EA is described in § 651.14(b).

§ 651.21 Conditions requiring an EA.

An EA is required when the proposed action has the potential for—

(a) Cumulative impact on environmental quality when combining effects of other actions or when the proposed action is of lengthy duration.

(b) Release of harmful radiation or hazardous/toxic chemicals into the environment.

(c) Violation of pollution abatement Standards.

(d) Some harm to culturally or ecologically sensitive areas.

§ 651.22 Actions normally requiring an EA.

The following actions normally require an EA:

(a) Special field training exercise or test activity on Army land of a nature or magnitude not within the annual installation training cycle.

(b) Military construction, including contracts for off-post construction.

(c) An installation pesticide, fungicide, herbicide, insecticide, and rodenticide-use program.

Department of the Army, DoD

§ 651.23

(d) Changes to established installation land use that generates impacts on the environment.

(e) Proposed changes in doctrine or policy that may have a potential environmental impact.

(40 CFR 1508.18 (b) (1)).

(f) Repair or alteration projects affecting historically significant structures, archaeological sites, or places on, or meeting, the criteria for nomination to the National Register of Historic Places.

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

(h) Actions that could potentially cause soil erosion, affect prime or unique farmland, wetlands, floodplains, coastal zones, wilderness areas, aquifers or other water supplies, or wild and scenic rivers.

(i) New weapon systems development and acquisition, including the materiel acquisition, transition, and release processes.

(j) Development of installation master plan.

(k) Development of natural resource management plans (land, forest, fish, and wildlife).

(l) Proposals that may lead to the excessing of Army real property.

(m) Actions that take place in, or adversely affect, wildlife refuges.

(n) Proposals for energy conversion through forest harvest.

(o) Field activities on land not controlled by the military. 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.

(p) An action with local or regional effects on energy availability.

(q) An activity that affects any species on, or proposed for, the U.S. Fish and Wildlife Service list of Threatened and Endangered Plant and Animal Species. Also, activities affecting any species on an applicable State or territorial list of threatened or endangered species.

(r) Production of hazardous or toxic materials.

(s) Installation restoration projects undertaken in response to the CERCLA. (See § 651.8(a)(8) for a full discussion of the integration of NEPA and CERCLA/SARA.)

(t) Operations and Maintenance/Army National Guard projects that will impact environmental quality.

(u) Site specific deployment of life cycle systems meeting the threshold criteria for requiring an EA.

(v) Special field training exercises or test activities off Army or DOD property that extend into the national airspace (45 meters above ground level).

(w) Changes to established airspace use that generates impacts on the environment or socioeconomic systems, or creates a hazard to nonparticipants.

§ 651.23 EA components.

(a) The EA will be the responsibility of the proponent. The Army Environmental Office will advise and assist in the preparation of the EA. In the case of United States Army Reserve (USAR) environmental documentation, the supporting installation facility engineer is responsible for ensuring proper environmental documentation is prepared and will comply with the provisions of AR 140-475. The EA will include brief discussions of—

(1) Purpose and need for the proposed action.

(2) Description of the proposed action.

(3) The alternatives considered (always including the “no action” alternative).

(4) Affected environment (baseline conditions).

(5) Environmental consequences of the proposed action and the alternatives.

(6) Listing of agencies and persons consulted.

(7) The conclusion, or finding, on whether the environmental impacts are significant. If the finding is that there are no significant impacts, a FNSI will be published. If the finding is that impacts are potentially significant, the EA should state that a NOI will be published leading to preparation of an EIS.