

Department of the Army, DoD

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(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.

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(b) The EA, the FNSI, and all other appropriate planning documents will be provided to the appropriate decisionmaker for review and consideration. The signature page for the EA and FNSI package will be signed by the decisionmaker to indicate his or her review and approval.

§ 651.24 Decision process.

Every EA results in a FNSI or a NOI to prepare an EIS. Initiation of a NOI to prepare an EIS should occur at any time in the decision process when significant effects are determined.

(a) The FNSI is a separate document (40 CFR 1508.13) that briefly presents reasons why an action will not have a significant effect on the human environment and, thus, will not be the subject of an EIS. The FNSI will contain a summary of the EA or have the EA attached. If the EA is attached, the FNSI may incorporate it by reference, thus avoiding duplication of discussion. The FNSI will reference other relevant environmental documents that are being or have been prepared. 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 § 651.35.)

(b) The FNSI should not exceed two typewritten pages in length.

(c) The FNSI will be made available to the public prior to initiation of the proposed action, unless it is excluded on a security basis. (See § 651.11 for security exclusions.) FNSIs that have national interest should be submitted with the proposed press release through command channels to Deputy of Environment, Safety, and Occupational Health (DESOH) for approval and subsequent publication in the FR. FNSIs having national interest will be coordinated with Office of the Chief of Public Affairs (OCPA). Local publication of the FNSI will not precede the FR publication. The text of the publi-

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cation should be identical to the FR publication.

(d) For actions of only regional or local interest, the FNSI will be publicized in accordance with 40 CFR 1506.6(b) and § 651.12(b)(2) of this regulation. Distribution of the FNSI (30 days prior to initiation of the proposed action) should include any agencies, organizations, and individuals who have expressed interest in the project and others whom the proponent and preparers (defined in the Glossary) deem appropriate.

§ 651.25 Public involvement.

(a) Environmental agencies, applicants, and the public should be involved to the extent practical in the preparation of an EA. When considering the extent practicable of public interaction (40 CFR 1501.4(b)), some of the factors to be weighed are—

- (1) Magnitude of the proposed project/action.
- (2) Extent of anticipated public interest.
- (3) Urgency of the proposal.
- (4) Any relevant questions of national security classification.

(b) See § 651.35 for additional public involvement information.

§ 651.26 Public availability.

Documents incorporated into the EA or FNSI by reference will be available for public review. Where possible, use of public libraries is encouraged. Operating hours of the chosen depository should extend beyond normal business hours.

§ 651.27 Existing environmental assessments (EAs).

EAs are dynamic documents. To ensure that the setting, actions, and effects described remain substantially accurate, the proponent or installation environmental officer will periodically review existing documentation (environmental impact assessment (EIA) or (EA)) as an action continues. Preparation of a new environmental document is necessary if substantive changes have occurred.