

## Department of the Army, DoD

## § 651.37

(2) 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 U.S. General Services Administration (GSA)).

(4) 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.

(5) 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).

(6) Any person or group that has specifically requested involvement in the specific action or similar actions.

(e) The public involvement processes and procedures by which participation may be solicited include the following:

(1) 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.

(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 of a above.

(g) Public surveys or polls to identify public opinion of a proposed action will be performed. (AR 335-15, chapter 10).

### § 651.36 Scoping process.

(a) Introduction. The scoping process, required for EIS preparation (40 CFR 1501.7), should aid the proponent in determining the scope and significant issues related to the proposed action. The process requires appropriate public participation immediately following publishing the NOI in the FR. The Army policy is that EISs for legislative proposals significantly affecting the environment will go through scoping unless extenuating circumstances make it impractical.

(b) Scoping procedures. Scoping procedures fall into preliminary, public interaction, and final phases. These phases are discussed in §§ 651.37, 651.38, and 651.39, respectively.

### § 651.37 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 as appropriate in the NOIs. The proponent will—

(a) In the NOI, identify the significant issues to be analyzed in the EIS.

(b) 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.

(c) Identify the lead and cooperating agency, if already determined (40 CFR 1501.5-6).

(d) Identify the method by which the agency will invite participation of affected parties and identify a tentative

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list of the affected parties to be notified.

(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) Collecting or analyzing environmental data, including studies required of cooperating agencies.

(3) Preparation of DEISs and FEISs.

(4) Filing of the ROD.

(5) Taking the action.

(6) For a programmatic EIS, preparing a general expected schedule for future specific implementing actions that will involve separate environmental analysis.

(g) 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 regulation, including scoping.

**§ 651.38 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 Army Environmental Office.

(b) In addition to the affected parties identified above, 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 directly use to create substantial portions of the EIS.

(3) Experts in various environmental disciplines, if any area where impacts are foreseen is not already represented among the other scoping participants.

(c) In all cases, provide the participants 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, use general descriptions of the probable environmental effect. Also include 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 may begin with the NOI to publish an EIS. The NOI may indicate when and where a scoping meeting will take place and whom to contact to receive preliminary information. The purpose of the scoping meeting is to be an informal public meeting. It is a working session where the gathering and evaluation of information relating to potential environmental impacts can proceed.

(e) Starting with the above information, 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 to the contrary, the proponent will clearly identify (in the environmental consequences section of the EIS) the criteria that were used to eliminate such factors from detailed consideration.