

§ 775.2

32 CFR Ch. VI (7-1-03 Edition)

§ 775.2 Scope.

The policies and responsibility assignments of this part apply to the Office of the Secretary of the Navy, the Department of the Navy (DON), and the Navy and Marine Corps operating forces and shore establishments. This part is limited to the actions of these elements with environmental effects in the United States, its territories, and possessions.

§ 775.3 Policy.

(a) The Department of the Navy will act with care to ensure that, in conducting its mission of providing for the national defense, it does so in a manner consistent with national environmental policies. In so doing, the Navy recognizes that the NEPA process includes the systematic examination of the likely environmental consequences of implementing a proposed action. To be an effective decisionmaking tool this process will be integrated with other Navy-Marine Corps project planning at the earliest possible time. This ensures that planning and decisionmaking reflect environmental values, avoid delays, and avoid potential conflicts. Care will be taken to ensure that, consistent with other national policies and national security requirements, practical means and measures are used to protect, restore, and enhance the quality of the environment, to avoid or minimize adverse environmental consequences, and to attain the objectives of:

- (1) Achieving the widest range of beneficial uses of the environment without degradation, risk to health and safety, or other consequences that are undesirable and unintended;
- (2) Preserving important historic, cultural, and natural aspects of our national heritage, and maintaining, where possible, an environment that supports diversity and variety of individual choice;
- (3) Achieving a balance between resource use and development within the sustained carrying capacity of the ecosystem involved; and
- (4) Enhancing the quality of renewable resources and working toward the maximum attainable recycling of depletable resources.

(b) The DON shall:

(1) Assess environmental consequences of proposed actions that could affect the quality of the human environment in the United States, its territories, and possessions in accordance with DOD and CEQ regulations;

(2) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and environmental considerations in planning and decisionmaking where there may be an impact on man's environment;

(3) Ensure that presently unmeasured environmental amenities are considered in the decisionmaking process;

(4) Consider the reasonable alternatives to recommended actions in any proposal that would involve unresolved conflicts concerning alternative uses of available resources;

(5) Make available to states, counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment; and

(6) Use ecological information in planning and developing resource-oriented projects.

§ 775.4 Responsibilities.

(a) The Assistant Secretary of the Navy for Installations and Environment (ASN(I&E)) shall:

(1) Advise the Secretary of the Navy on DON policy regarding NEPA compliance.

(2) Be the principal point-of-contact with the CEQ, Environmental Protection Agency (EPA), the Deputy Assistant Secretary of Defense for Environment (DASD(E)), other DOD components and federal agencies concerned with NEPA matters, and with private environmental groups as applicable.

(3) Direct and/or, upon recommendation, approve the preparation of Environmental Impact Statements (EIS); and, after preparation, approve and forward said statements to the EPA and DASD(E) for review and comment.

(4) Approve and forward to the Navy Judge Advocate General (JAG) Findings of No Significant Impact (FONSI) for publication in the FEDERAL REGISTER for those actions of national concern that the Navy/Marine Corps has determined will not have a significant

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effect on the quality of the human environment and for which an EIS will not be prepared.

(5) Approve and forward to the Navy JAG, for publishing in the FEDERAL REGISTER, a Record of Decision (ROD) which will summarize for the public record the decision made by the Navy/Marine Corps among the alternatives presented in a Final EIS.

(6) Maintain liaison with the Chief of Information who will coordinate with the Assistant Secretary of Defense (Public Affairs) those environmental matters which have significant public affairs implications.

(7) Maintain liaison with the Office of Legislative Affairs who will coordinate with the Assistant Secretary of Defense (Legislative Affairs) and the Congress those environmental matters which have significant legislative implications.

(b) The Chief of Naval Operations, or his designee(s), and the Commandant of the Marine Corps, or his designee(s), are responsible, within their respective services, for NEPA compliance, which includes:

(1) Implementing DON policy regarding protection of the environment to include NEPA compliance.

(2) Advising commands of the requirement for submitting environmental assessments or impact statements and identifying major decision points in the chain of command where environmental effects shall be considered.

(3) Making decisions on environmental assessments as to whether a Finding of No Significant Impact is appropriate or preparation of an environmental impact statement is required.

(4) Coordinating, as appropriate, with CEQ, EPA, DASD(E), ASN(I&E), other DOD components and federal agencies concerned with environmental matters.

(5) Serving as the point of contact for DON environmental matters.

(6) Coordinating, as appropriate, with the Chief of Information for the release to the public of environmental assessments, impact statements, Findings of No Significant Impact, and other environmental documents, according to the Freedom of Information Act and other applicable federal laws.

(7) Providing assistance for actions initiated by private persons, state or local agencies and other non-DON/DOD entities for which DON involvement may be reasonably foreseen.

(8) Ensuring that relevant environmental documentation accompanies all proposals for action through the appropriate review process so that such information is available to the decision maker.

(c) The Chief of Naval Operations and the Commandant of the Marine Corps are to comply with these procedures by subsequently directing subordinates to:

(1) Ensure all appropriate instructions, directives, and orders include the requirement for funding and planning for environmental documentation, as required.

(2) Conduct analyses of the environmental effects of current and proposed actions in accordance with DOD regulations, CEQ regulations (40 CFR parts 1500-1508), and other applicable regulations.

(3) Encourage, to the extent practicable, citizen participation in environmental evaluations of projects or programs.

(4) Evaluate environmental impacts at initial planning stages and at each following significant step or decision milestone in the development of a project or program, as warranted.

§ 775.5 Classified actions.

(a) The fact that a proposed action is of a classified nature does not relieve the proponent of the action from complying with NEPA and the CEQ regulations. Therefore, environmental documents shall be prepared, safeguarded and disseminated in accordance with the requirements applicable to classified information. When feasible, these documents shall be organized in such a manner that classified portions are included as appendices so that unclassified portions can be made available to the public. Review of classified NEPA documentation will be coordinated with the Environmental Protection Agency (EPA) to fulfill requirements of section 309 of the Clean Air Act (42 U.S.C. 7609 *et seq.*).

(b) It should be noted that a classified EA/EIS serves the same "informed decisionmaking" purpose as does a