

Chapter 11: National Environmental Policy Act

1. Background and Purpose

The National Environmental Policy Act (NEPA) of 1969, as amended, declared a U.S. national policy of environmental policies and goals, defined procedural requirements for preparation of Environmental Assessments (EA's) and Environmental Impact Statements (EISs), and established the President's Council on Environmental Quality. NEPA requires federal agencies to consider and document the potential environmental effects associated with Federal actions. This chapter establishes the procedures and responsibilities for implementing NEPA at Fort Greely Alaska (FGA). The NEPA process ensures that environmental factors are provided equal weight and considered in conjunction with the technological, economic, and mission related components of a decision and that, if warranted, the public is informed and appropriately involved in the decision-making process. Additional information and resources regarding NEPA can be found at <http://www.epa.gov/compliance/nepa/>.

2. Scope

Except as otherwise specified, this procedure is applicable to all installation activities, tenants, contractors and other activities or personnel that occupy, use, build, repair, undertake projects, or maintain facilities at FGA.

This procedure does not include all of the substantive and procedural requirements associated with the preparation and processing of an EA or EIS. Those requirements may be found in 32 CFR Part 651.

Implementation of mitigation measures specified in an EA or EIS and any subsequent mitigation monitoring will be the responsibility of the proponent of the action.

This procedure does not apply to activities of Doyon Utilities, LLC (DU) that may be independently undertaken without an enabling government action that is specific to the activity in question. In addition, this procedure does not apply to the activities associated with implementation of the Residential Communities Initiative (RCI) on FGA that are within the scope of the EA for RCI completed in November 2008.

3. Roles and Responsibilities

a. FGA Garrison Commander

The Garrison Commander is the responsible official for environmental compliance at FGA and provides overall policy and guidance associated with the environmental program. The Commander will consult regularly with FGA Environmental (FGAENV)

to ensure that the installation's environmental policies and procedures are consistent with Federal, State and Army requirements and are properly implemented. The Commander will consult regularly with all installation tenant organizations and departments and facilitate resolution of conflicts regarding environmental matters that cannot be resolved at lower levels. Requests to the Regional Director of the Installation Management Command, Pacific Region for approval of mitigation measures in accordance with Section 4.c.2 will be made by the Commander.

b. FGA Department of Public Works (DPW)

The DPW Director manages all DPW activities at FGA. The DPW Director will ensure that FGAENV is consulted during the planning and formulation process for DPW managed activities to ensure that they are appropriately analyzed under NEPA. The DPW Director will also ensure that DPW units and contractors confer with FGAENV during the preparation of any NEPA documentation and receive a written concurrence from FGAENV on the adequacy of the NEPA review and documentation before initiating an activity. The DPW Director will act as the approval authority for Records of Environmental Consideration (REC) for FGA-sponsored activities.

c. FGA DPW Environmental Office (FGAENV)

As the Garrison Commander's environmental representative, the FGAENV will be the point of contact for interface with Federal, State, and local environmental regulatory agencies on all environmental compliance matters associated with Garrison and tenant activities. The FGAENV is the focal point for all NEPA reviews and documentation for FGA-sponsored projects. FGAENV will coordinate NEPA activities for projects on FGA that are not FGA-sponsored. FGAENV will consult with project proponents and provide assistance in the preparation of NEPA documentation, when necessary or requested. Any required RECs for FGA-sponsored activities will be prepared and signed by both FGAENV and the proponent prior to written approval by the DPW Director. RECs prepared by tenant organizations, DU, or an RCI entity must have the concurrence of FGAENV and the DPW Director's approval.

d. Installation Directorates, Tenant Organizations, and other Project Proponents

Directorates, tenants, RCI entities, and DU that propose, sponsor or undertake projects or activities subject to this procedure are responsible to ensure compliance with NEPA requirements.

4. Operations

For purposes of this Procedure, the project proponent is the government, RCI, or DU official responsible either for seeking approval for a project/activity to proceed or for directly undertaking the project/activity. The proponent may utilize contractual resources to prepare

project information and complete any required NEPA documentation on his/her behalf. Although contractual resources may be used, the proponent retains responsibility for the accuracy and completeness of the NEPA project review. Project proponents are encouraged to consult with FGAENV early in the planning process. The sponsoring organization is the Federal approval authority for the project.

a. Initial Review

- (1) The first step is deciding if an action requires a NEPA review. Attachment 1 lists all the actions that require environmental analysis. There are five broad categories that a proposed action may fall into: exemption by law, emergencies, categorical exclusions (CXs), EAs and EISs. For a full explanation of each, see Attachment 2.
- (2) Using the screening criteria and CXs listed in Attachments 3 and 4, the proponent will make an initial determination on the appropriate level of NEPA analysis and provide the determination (and any associated supporting documentation) and the basis of that determination to FGAENV.
- (3) FGAENV will review the determination and indicate concurrence or non-concurrence. If FGAENV does not concur or has insufficient information to reach a conclusion, FGAENV will confer with the proponent to resolve the matter or request additional information to complete the required review. Projects/activities that are covered by a CX, without an associated REC requirement, may proceed through the approval process upon receipt of FGAENV concurrence in writing.
- (4) For FGA projects executed through the work order process, FGAENV and the proponents may meet periodically to review projects scheduled or planned for funding and/or execution. Projects that are clearly covered by a CX without an associated REC requirement may proceed with FGAENV's written concurrence with the work order without completion of the checklists found in Attachments 5 and 6. The checklists aid in determining the appropriate level of NEPA analysis.

b. NEPA Documentation – REC

- (1) For those actions requiring a REC, the REC should briefly describe the proposed action and timeframe, identify the proponent and sponsoring organization, and clearly show how the action qualifies for a CX, or is already covered in an existing EA or EIS (the name and date of the corresponding document must be clearly referenced in the REC). When used to support a CX, the REC must address the use of screening criteria to ensure that no extraordinary circumstances or situations exist. A sample REC format is shown in Attachment 7.
- (2) For DPW-sponsored activities/projects, FGAENV will prepare any required REC in consultation with the proponent. The completed REC will be signed by the proponent

and FGAENV with final signature/approval by the DPW Director. Once all signatures and concurrences are received, the project/activity may proceed. (For sensitive, high visibility projects, the approval signature level may be elevated to include a legal review and consideration by the FGA Deputy Commander or Commander. This higher level review will be at the discretion of FGAENV and/or the DPW Director).

- (3) For projects/activities that are not DPW-sponsored, the proponent will prepare a draft REC and submit it to FGAENV. FGAENV and the project proponent will confer to finalize the REC. The completed REC will be signed by the proponent and FGAENV with final signature/approval by the DPW Director. Once all signatures and concurrences are received, the project/activity may proceed. (For sensitive, high visibility projects, the approval signature level may be elevated to the FGA Deputy Commander or Commander. This higher level review will be at the discretion of FGAENV, and/or the DPW Director).

c. NEPA Documentation - EA or EIS

- (1) If an action requires environmental review, does not meet the screening criteria for a CX, and has not been previously analyzed under NEPA, then an EA or EIS must be prepared.
- (2) FGAENV will be responsible for initiating the EA or EIS process for projects/activities for which FGA is the proponent. The EA or EIS may be completed using contractual resources. Prior to including any mitigation measures that exceed requirements applicable to the activity by virtue of Federal or state requirements, DoD or Army requirements, or Garrison Policy (existing prior to the EA or EIS) the approval of the IMCOM, Pacific Region Director is required. Additionally, FGAENV will request, through IMCOM Pacific Regional Office, USAEC facilitation and staffing assistance for a proposed action requiring an EIS or an EA that generates interest beyond the local level, has the potential for controversy, or otherwise will involve higher headquarters involvement. FGAENV will prepare the supporting analysis and information to accompany any such requests for approval to the Regional Director. The Commander will initiate the requests.
- (3) RCI-or DU-related projects/activities subject to this procedure that require an EA or EIS will be considered as FGA-sponsored for NEPA purposes. RCI or DU will be the project proponent and will be responsible for preparing all required NEPA documentation subject to approval by FGA.
- (4) The project proponent and sponsoring organization will be responsible for initiating the EA or EIS process for projects that are not FGA-sponsored.

- (5) Projects/activities requiring an EA or EIS may not be initiated until the NEPA process is concluded by either a Finding of No Significant Impact (FNSI) or Record of Decision (ROD) signed at the appropriate command level.

5. Surveillance Activities

a. General

FGAENV will conduct surveillance on activities and projects at FGA to ensure they have received the appropriate level of NEPA analysis. All installation and tenant organizations are encouraged to inform and consult with FGAENV early in the planning process of projects. Any deviations from this Procedure and compliance with NEPA requirements will be brought to the attention of the proponent and sponsoring organization for appropriate resolution.

b. FGA-Sponsored Projects

FGAENV will monitor projects for which FGA is the proponent and sponsor to ensure that any mitigation measures specified in NEPA documentation are implemented. FGAENV will periodically evaluate the effectiveness of discretionary mitigation measures and modify or terminate them after completing any required supplemental NEPA processes.

For projects for which FGA is the sponsor but not the proponent, the proponent has responsibility for implementing and monitoring any mitigation measures committed to in the NEPA process.

c. Other Projects

The project proponent and sponsoring organization are responsible to monitor projects that are not Garrison-sponsored to ensure that any mitigation measures specified in NEPA documentation are implemented.

6. Record Keeping

a. General

The FGAENV will keep files of all NEPA documentation (on all projects) occurring at FGA whether prepared by FGAENV or others.

b. Administrative Records/Record Retention

All NEPA documentation and supporting administrative records shall be retained by FGAENV for FGA-sponsored projects or the project proponent and sponsoring

organization for non FGA-sponsored projects for a minimum of six years after final signature or the completion of the action, whichever is greater. If a Draft and Final EIS are developed, they shall be retained for a minimum of six years or until the proposed action and any mitigation measures are complete or the information therein is no longer valid, whichever is longest.

7. Reporting

a. Project Proponents and Sponsoring Organizations

Project proponents and sponsoring organizations will provide FGAENV with copies of all NEPA documentation they prepare and regularly consult with FGAENV throughout the NEPA analysis process.

b. Army Environmental Command

Reporting requirements for Army NEPA related actions can be found in 32 CFR §651.8. Copies of EAs, and final EISs will be forwarded to the Army Environmental Center (AEC) for cataloging and retention in the Army NEPA Library.

c. Other

The project proponent and sponsoring organization will ensure that the NEPA reporting requirements of their department/agency are adhered to.

8. Training

Persons engaged in the preparation of NEPA-related documents should have education and experience in an environmentally-related field and the NEPA process.

9. References

32 CFR Part 651, *Environmental Analysis of Army Actions: Final Rule*, dated 29 March 2002.

10. Attachments

- a. Attachment 1 - Actions Requiring Environmental Analysis
- b. Attachment 2 - Environmental Review Categories
- c. Attachment 3 - Determining When to Use a CX (Screening Criteria)
- d. Attachment 4 - Categorical Exclusions

- e. Attachment 5 - Screening Criteria Checklist
- f. Attachment 6 - FGA Environmental Checklist
- g. Attachment 7 - Record of Environmental Consideration (Sample Format)

11. Approval

This procedure (Chapter 18 – National Environmental Policy Act) is hereby approved. All previous versions of this chapter are superseded and are no longer in effect.

Christine Boerst
Director
Directorate of Public Works

Date

Actions Requiring Environmental Analysis
32 CFR 651.10

The general types of proposed actions requiring environmental impact analysis under NEPA, unless categorically excluded or otherwise included in existing NEPA documentation, include:

- (a) Policies, regulations, and procedures (for example, Army and installation regulations).
- (b) New management and operational concepts and programs, including logistics; RDT&E; procurement; personnel assignment; real property and facility management (such as master plans); and environmental programs such as Integrated Natural Resource Management Plan (INRMP), Integrated Cultural Resources Management Plan (ICRMP), and Integrated Pest Management Plan (IPMP). NEPA requirements may be incorporated into other Army plans in accordance with 40 CFR 1506.4.
- (c) Projects involving facility construction.
- (d) Operations and activities including individual and unit training, flight operations, overall operation of installations, or facility test and evaluation programs.
- (e) Actions that require licenses for operations or special material use, including a Nuclear Regulatory Commission (NRC) license, an Army radiation authorization, or Federal Aviation Administration airspace request (new, renewal, or amendment), in accordance with AR 95-50.
- (f) Materiel development, operation and support, disposal, and/or modification as required by DOD 5000.2-R.
- (g) Transfer of significant equipment or property to the ARNG or Army Reserve.
- (h) Research and development including areas such as genetic engineering, laser testing, and electromagnetic pulse generation.
- (i) Leases, easements, permits, licenses, or other entitlement for use, to include donation, exchange barter, or Memorandum of Understanding (MOU). Examples include grazing leases, grants of easements for highway right-of-way, and requests by the public to use land for special events such as air shows or carnivals.
- (j) Federal contracts, grants, subsidies, loans, or other forms of funding such as Government-Owned, Contractor-Operated (GOCO) industrial plants or housing and construction via third party contracting.
- (k) Request for approval to use or store materials, radiation sources, hazardous and toxic material, or wastes on Army land. If the requestor is non-Army, the responsibility to prepare proper environmental documentation may rest with the non-Army requester, who will provide needed information for Army review. The Army must review all NEPA documentation before approving such requests.
- (l) Projects involving chemical weapons/munitions.

Environmental Review Categories
32 CFR Part 651.11

The following are the five broad categories into which a proposed action may fall for environmental review:

- (a) *Exemption by law.* The law must apply to DOD and/or the Army and must prohibit, exempt, or make impossible full compliance with the procedures of NEPA (40 CFR 1506.11). While some aspects of Army decision-making may be exempted from NEPA, other aspects of an action are still subject to NEPA analysis and documentation. The fact that Congress has directed the Army to take an action does not constitute an exemption.
- (b) *Emergencies.* In the event of an emergency, the Army will, as necessary, take immediate actions that have environmental impacts, such as those to promote national defense or security or to protect life or property, without the specific documentation and procedural requirements of other sections of this part. In such cases, at the earliest practicable time, the HQDA proponent will notify the ODEP, which in turn will notify the ASA (I&E). ASA (I&E) will coordinate with the Deputy Under Secretary of Defense for Installations and Environment (DUSD (IE)) and the CEQ regarding the emergency and subsequent NEPA compliance after the emergency action has been completed. These notifications apply only to actions necessary to control the immediate effects of the emergency. Other actions remain subject to NEPA review (40 CFR 1506.11). A Public Affairs Plan should be developed to ensure open communication among the media, the public, and the installation. The Army will not delay an emergency action necessary for national defense, security, or preservation of human life or property in order to comply with this part or the CEQ regulations. However, the Army's on-site commander dealing with the emergency will consider the probable environmental consequences of proposed actions, and will minimize environmental damage to the maximum degree practicable, consistent with protecting human life, property, and national security. State call-ups of the ARNG during a natural disaster or other state emergency are excluded from this notification requirement. After action reports may be required at the discretion of the ASA (I&E).
- (c) *Categorical Exclusions (CXs).* These are categories of actions that normally do not require an EA or an EIS. The Army has determined that they do not individually or cumulatively have a substantial effect on the human environment. Qualification for a CX is further described in Subpart D and Appendix B of this part. In accordance with §651.29, actions that degrade the existing environment or are environmentally controversial or adversely affect environmentally sensitive resources will require an EA.
- (d) *Environmental Assessment (EA).* Proposed Army actions not covered in the first three categories (paragraphs (a) through (c) of this section) must be analyzed to determine if they could cause significant impacts to the human or natural environment (see §651.39). The EA determines whether possible impacts are significant, thereby warranting an EIS. This requires a “hard look” at the magnitude of potential impacts, evaluation of their significance, and documentation in the form of either an Notice of Intent (NOI) to prepare an EIS or a FNSI. The format (§651.34) and requirements for this analysis are

addressed in Subpart E of this part (see §651.33 for actions normally requiring an EA). The EA is a valuable planning tool to discuss and document environmental impacts, alternatives, and controversial actions, providing for public and agency participation, and identifying mitigation measures.

- (e) *Environmental Impact Statement (EIS)*. When an action clearly has significant impacts or when an EA cannot be concluded by a FNSI, an EIS must be prepared. An EIS is initiated by the NOI (§651.22), and will examine the significant environmental effects of the proposed action as well as defining accompanying measures to mitigate those impacts. This process requires formal interaction with the public, a formal "scoping" process, and has specified timelines for public review of the documentation and the incorporation of public comments. The format and requirements for the EIS are addressed in Subpart F of this part (see §651.42 for actions normally requiring an EIS).

Determining When to Use a CX
(Screening Criteria)
32 CFR 651.29

- (a) To use a CX, the proponent must satisfy the following three screening conditions:
- (1) The action has not been segmented. Determine that the action has not been segmented to meet the definition of a CX. Segmentation can occur when an action is broken down into small parts in order to avoid the appearance of significance of the total action. An action can be too narrowly defined, minimizing potential impacts in an effort to avoid a higher level of NEPA documentation. The scope of an action must include the consideration of connected, cumulative, and similar actions (see §651.51(a)).
 - (2) No exceptional circumstances exist. Determine if the action involves extraordinary circumstances that would preclude the use of a CX (see paragraphs (b) (1) through (14) of this section).
 - (3) One (or more) CX encompasses the proposed action. Identify a CX (or multiple CXs) that potentially encompass the proposed action (Appendix B of this part). If no CX is appropriate, and the project is not exempted by statute or emergency provisions, an EA or an EIS must be prepared before a proposed action may proceed.
- (b) Extraordinary circumstances that preclude the use of a CX are:
- (1) Reasonable likelihood of significant effects on public health, safety, or the environment.
 - (2) Reasonable likelihood of significant environmental effects (direct, indirect, and cumulative).
 - (3) Imposition of uncertain or unique environmental risks.
 - (4) Greater scope or size than is normal for this category of action.
 - (5) Reportable releases of hazardous or toxic substances as specified in 40 CFR part 302, Designation, Reportable Quantities, and Notification.
 - (6) Releases of petroleum, oils, and lubricants (POL) except from a properly functioning engine or vehicle, application of pesticides and herbicides, or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan.
 - (7) When a review of an action that might otherwise qualify for a Record of Non-applicability (RONA) reveals that air emissions exceed de minimis levels or otherwise that a formal Clean Air Act conformity determination is required.
 - (8) Reasonable likelihood of violating any Federal, state, or local law or requirements imposed for the protection of the environment.

- (9) Unresolved effect on environmentally sensitive resources, as defined in paragraph (c) of this section.
 - (10) Involving effects on the quality of the environment that are likely to be highly controversial.
 - (11) Involving effects on the environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial.
 - (12) Establishes a precedent (or makes decisions in principle) for future or subsequent actions that are reasonably likely to have a future significant effect.
 - (13) Potential for degradation of already existing poor environmental conditions. Also, initiation of a degrading influence, activity, or effect in areas not already significantly modified from their natural condition.
 - (14) Introduction/employment of unproven technology.
- (c) If a proposed action would adversely affect “environmentally sensitive” resources, unless the impact has been resolved through another environmental process (e.g., CZMA, NHPA, CWA, etc.) a CX cannot be used (see paragraph (e) of this section). Environmentally sensitive resources include:
- (1) Proposed federally listed, threatened, or endangered species or their designated critical habitats.
 - (2) Properties listed or eligible for listing on the National Register of Historic Places (AR 200-4).
 - (3) Areas having special designation or recognition such as prime or unique agricultural lands; coastal zones; designated wilderness or wilderness study areas; wild and scenic rivers; National Historic Landmarks (designated by the Secretary of the Interior); 100-year floodplains; wetlands; sole source aquifers (potential sources of drinking water); National Wildlife Refuges; National Parks; areas of critical environmental concern; or other areas of high environmental sensitivity.
 - (4) Cultural Resources as defined in AR 200-4.
- (d) The use of a CX does not relieve the proponent from compliance with other statutes, such as Resource Conservation and Recovery Act (RCRA), or consultations under the Endangered Species Act or the National Historic Preservation Act (NHPA). Such consultations may be required to determine the applicability of the CX screening criteria.
- (e) For those CXs that require a REC, a brief (one to two sentence) presentation of conclusions reached during screening is required in the REC. This determination can be made using current information and expertise, if available and adequate, or can be derived through conversation, as long as the basis for the determination is included in the REC. Copies of appropriate interagency correspondence can be attached to the REC. Example conclusions regarding screening criteria are as follows:
- (1) “USFWS concurred in informal coordination that E/T species will not be affected”.
 - (2) “Corps of Engineers determined action is covered by nationwide general permit”.

- (3) “SHPO concurred with action”.
- (4) “State Department of Natural Resources concurred that no effect to state sensitive species is expected”.

Categorical Exclusions
32 CFR Part 651 Appendix B

Section I – Screening Criteria

Before any CXs can be used, Screening Criteria as referenced in 651.29 must be applied and met.

Section II – List of CXs

- (a) For convenience only, the CXs are grouped under common types of activities (for example, administration/operation, construction/demolition, and repair and maintenance.) Certain CXs require a REC, which will be completed and signed by the proponent. Concurrence on the use of a CX is required from the appropriate environmental officer (EO), and that signature is required on the REC. The list of CXs is subject to continual review and modification. Requests for additions or changes to the CXs (along with justification) should be sent, through channels, to the ASA (I&E). Subordinate Army headquarters may not modify the CX list through supplements to this part. Proposed modifications to the list of CXs will be published in the Federal Register by HQDA, to provide opportunity for public comment.
- (b) Administration/operation activities:
- (1) Routine law and order activities performed by military/military police and physical plant protection and security personnel, and civilian natural resources and environmental law officers.
 - (2) Emergency or disaster assistance provided to federal, state, or local entities (REC required).
 - (3) Preparation of regulations, procedures, manuals, and other guidance documents that implement, without substantive change, the applicable HQDA or other federal agency regulations, procedures, manuals and other guidance documents that have been environmentally evaluated (subject to previous NEPA review).
 - (4) Proposed activities and operations to be conducted in an existing non-historic structure which are within the scope and compatibility of the present functional use of the building, will not result in a substantial increase in waste discharged to the environment, will not result in substantially different waste discharges from current or previous activities, and emissions will remain within established permit limits, if any (REC required).
 - (5) Normal personnel, fiscal, and administrative activities involving military and civilian personnel (recruiting, processing, paying, and record keeping).
 - (6) Routinely conducted recreation and welfare activities not involving off-road recreational vehicles.

- (7) Deployment of military units on a temporary duty (TDY) or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission.
 - (8) Preparation of administrative or personnel-related studies, reports, or investigations.
 - (9) Approval of asbestos or lead-based paint management plans drafted in accordance with applicable laws and regulations (REC required).
 - (10) Non-construction activities in support of other agencies/organizations involving community participation projects and law enforcement activities.
 - (11) Ceremonies, funerals, and concerts. This includes events such as state funerals, to include flyovers.
 - (12) Reductions and realignments of civilian and/or military personnel that: fall below the thresholds for reportable actions as prescribed by the statute (10 U.S.C. 2687) and do not involve related activities such as construction, renovation, or demolition activities that would otherwise require an EA or an EIS to implement (REC required). This includes reorganizations and reassignments with no changes in force structure, unit redesignations, and routine administrative reorganizations and consolidations (REC required).
 - (13) Actions affecting Army property that fall under another federal agency's list of categorical exclusions when the other federal agency is the lead agency (decision maker), or joint actions on another federal agency's property that falls under that agency's list of categorical exclusions (REC required).
 - (14) Relocation of personnel into existing federally owned (or state-owned in the case of ARNG) or commercially-leased space, which does not involve a substantial change in the supporting infrastructure (for example, an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase is an example of substantial change) (REC required).
- (c) Construction and demolition:
- (1) Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).
 - (2) Demolition of non-historic buildings, structures, or other improvements and disposal of debris therefrom, or removal of a part thereof for disposal, in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazard items (REC required).

- (3) Road or trail construction and repair on existing right-of-ways or on previously disturbed areas.
- (d) Cultural and natural resource management activities:
- (1) Land regeneration activities using only native trees and vegetation, including site preparation. This does not include forestry operations (REC required).
 - (2) Routine maintenance of streams and ditches or other rainwater conveyance structures (in accordance with USACE permit authority under Section 404 of the Clean Water Act and applicable state and local permits), and erosion control and stormwater control structures (REC required).
 - (3) Implementation of hunting and fishing policies or regulations that are consistent with state and local regulations.
 - (4) Studies, data collection, and monitoring and information gathering that do not involve major surface disturbance. Examples include topographic surveys, bird counts, wetland mapping, and other resources inventories (REC required).
 - (5) Maintenance of archaeological, historical, and endangered/threatened species avoidance markers, fencing, and signs.
- (e) Procurement and contract activities:
- (1) Routine procurement of goods and services (complying with applicable procedures for sustainable or “green” procurement) to support operations and infrastructure, including routine utility services and contracts.
 - (2) Acquisition, installation, and operation of utility and communication systems, mobile antennas, data processing cable and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities (REC required).
 - (3) Conversion of commercial activities under the provisions of AR 5-20. This includes only those actions that do not change the actions or the missions of the organization or alter the existing land-use patterns.
 - (4) Modification, product improvement, or configuration engineering design change to materiel, structure, or item that does not change the original impact of the materiel, structure, or item on the environment (REC required).
 - (5) Procurement, testing, use, and/or conversion of a commercially available product (for example, forklift, generator, chain saw, etc.), which does not meet the definition of a weapon system (Title 10, U.S.C., Section 2403 “Major weapon systems: Contractor guarantees”), and does not result in any unusual disposal requirements.
 - (6) Acquisition or contracting for spares and spare parts, consistent with the approved Technical Data Package (TDP).

- (7) Modification and adaptation of commercially available items and products for military application (for example, sportsman's products and wear such as holsters, shotguns, sidearms, protective shields, etc.), as long as modifications do not alter the normal impact to the environment (REC required).
 - (8) Adaptation of non-lethal munitions and restraints from law enforcement suppliers and industry (such as rubber bullets, stun grenades, smoke bombs, etc.) for military police and crowd control activities where there is no change from the original product design and there are no unusual disposal requirements. The development and use by the military of non-lethal munitions and restraints which are similar to those used by local police forces and in which there are no unusual disposal requirements (REC required).
- (f) Real estate activities:
- (1) Grants or acquisitions of leases, licenses, easements, and permits for use of real property or facilities in which there is no significant change in land or facility use. Examples include, but are not limited to, Army controlled property and Army leases of civilian property to include leases of training, administrative, general use, special purpose, or warehouse space (REC required).
 - (2) Disposal of excess easement areas to the underlying fee owner (REC required).
 - (3) Transfer of real property administrative control within the Army, to another military department, or to other federal agency, including the return of public domain lands to the Department of Interior, and reporting of property as excess and surplus to the GSA for disposal (REC required).
 - (4) Transfer of active installation utilities to a commercial or governmental utility provider, except for those systems on property that has been declared excess and proposed for disposal (REC required).
 - (5) Acquisition of real property (including facilities) where the land use will not change substantially or where the land acquired will not exceed 40 acres and the use will be similar to current or ongoing Army activities on adjacent land (REC required).
 - (6) Disposal of real property (including facilities) by the Army where the reasonably foreseeable use will not change significantly (REC required).
- (g) Repair and maintenance activities:
- (1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities. Examples include, but are not limited to: Removal and disposal of asbestos-containing material (for example roof material and floor tile) or lead-based paint in accordance with applicable regulations; removal of dead, diseased, or damaged trees; and repair of roofs, doors, windows, or fixtures (REC required for removal and disposal of asbestos-containing material and lead-based paint or work on historic structures).

- (2) Routine repairs and maintenance of roads, trails, and firebreaks. Examples include, but are not limited to: grading and clearing the roadside of brush with or without the use of herbicides; resurfacing a road to its original conditions; pruning vegetation, removal of dead, diseased, or damaged trees and cleaning culverts; and minor soil stabilization activities.
 - (3) Routine repair and maintenance of equipment and vehicles (for example, autos, tractors, lawn equipment, military vehicles, etc.) which is substantially the same as that routinely performed by private sector owners and operators of similar equipment and vehicles. This does not include depot maintenance of unique military equipment.
- (h) Hazardous materials/hazardous waste management and operations:
- (1) Use of gauging devices, analytical instruments, and other devices containing sealed radiological sources; use of industrial radiography; use of radioactive material in medical and veterinary practices; possession of radioactive material incident to performing services such as installation, maintenance, leak tests, and calibration; use of uranium as shielding material in containers or devices; and radioactive tracers (REC required).
 - (2) Immediate responses in accordance with emergency response plans (for example, Spill Prevention Control and Countermeasure Plan (SPCCP)/ Installation Spill Contingency Plan (ISCP), and Chemical Accident and Incident Response Plan) for release or discharge of oil or hazardous materials/substances; or emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Unit.
 - (3) Sampling, surveying, well drilling and installation, analytical testing, site preparation, and intrusive testing to determine if hazardous wastes, contaminants, pollutants, or special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance) are present (REC required).
 - (4) Routine management, to include transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, radiological and special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance), and/or hazardous waste that complies with EPA, Army, or other regulatory agency requirements. This CX is not applicable to new construction of facilities for such management purposes.
 - (5) Research, testing, and operations conducted at existing enclosed facilities consistent with previously established safety levels and in compliance with applicable federal, state, and local standards. For facilities without existing NEPA analysis, including contractor-operated facilities, if the operation will substantially increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.
 - (6) Reutilization, marketing, distribution, donation, and resale of items, equipment, or materiel; normal transfer of items to the Defense Logistics Agency. Items,

equipment, or materiel that have been contaminated with hazardous materials or wastes will be adequately cleaned and will conform to the applicable regulatory agency's requirements.

(i) Training and testing:

- (1) Simulated war games (classroom setting) and on-post tactical and logistical exercises involving units of battalion size or smaller, and where tracked vehicles will not be used (REC required to demonstrate coordination with installation range control and environmental office).
- (2) Training entirely of an administrative or classroom nature.
- (3) Intermittent on-post training activities (or off-post training covered by an ARNG land use agreement) that involve no live fire or vehicles off established roads or trails. Uses include, but are not limited to, land navigation, physical training, Federal Aviation Administration (FAA) approved aerial overflights, and small unit level training.

(j) Aircraft and airfield activities:

- (1) Infrequent, temporary (less than 30 days) increases in air operations up to 50 percent of the typical installation aircraft operation rate (REC required).
- (2) Flying activities in compliance with Federal Aviation Administration Regulations and in accordance with normal flight patterns and elevations for that facility, where the flight patterns/elevations have been addressed in an installation master plan or other planning document that has been subject to NEPA public review.
- (3) Installation, repair, or upgrade of airfield equipment (for example, runway visual range equipment, visual approach slope indicators).
- (4) Army participation in established air shows sponsored or conducted by non-Army entities on other than Army property.

SCREENING CRITERIA CHECKLIST

TRUE NOT TRUE

- | | | |
|-----|-----|---|
| () | () | a. There is no likelihood of significant effects on public health, safety, or the environment. |
| () | () | b. There are minimal or no significant environmental effects (direct or indirect cumulative). |
| () | () | c. There is no imposition of uncertain or unique environmental risks. |
| () | () | d. This project involves no greater scope or size than is normal for this category of action. |
| () | () | e. There are no planned reportable releases of hazardous or toxic substances as specified in 40 CFR Part 302. |
| () | () | f. There are no planned releases of petroleum, oils, and lubricants (POL) except from a properly functioning engine or vehicle, and there will be no application of pesticides and herbicides as part of the proposed action that would result in the development or amendment of a Spill Prevention, Control, or Countermeasures Plan. |
| () | () | g. Air emissions will not exceed de minimis levels or otherwise require that a formal Clean Air Act conformity determination be made. |
| () | () | h. There is no reasonable likelihood of violating any federal, state or local law or requirements imposed for the protection of the environment. |
| () | () | i. The proposed action will not have an unresolved effect on environmentally sensitive resources. |
| () | () | j. This project does not involve effects on the environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial. |
| () | () | k. This project does not establish a precedent for future or subsequent actions that are reasonably likely to have a future significant effect. |
| () | () | l. There is no potential for an already poor environment being further degraded and the action does not degrade an environment that remains close to its natural condition. |
| () | () | m. This project does not involve the use of unproven technology. |
| () | () | n. There are no threatened or endangered species (or critical habitat), significant archaeological resources, National Register or National Register eligible historical sites, or other statutorily protected resources. |
| () | () | o. This action would not adversely affect prime or unique agricultural lands, wetlands, coastal zones, wilderness areas, aquifers, floodplains, wild and scenic rivers, or other areas of critical environmental concern. |
| () | () | p. This action has been adequately analyzed in existing environmental documentation, or is categorically excluded under the provisions of 32 CFR Part 651 and does not require an EA or EIS as described under the National Environmental Policy Act. |

Sample Format

RECORD OF ENVIRONMENTAL CONSIDERATION

1. PROJECT DESCRIPTION

Provide a brief description of the project/activity, including nature and location of the project.

2. PROJECT DATES

Provide the estimated duration of the project/activity and projected start and completion dates (month/year).

3. REASON FOR USING A RECORD OF ENVIRONMENTAL CONSIDERATION

Provide reasons for preparing a REC. Reasons may include the activity is covered by a categorical exclusion that requires a REC and/or the action was previously covered in NEPA documentation.

4. PREVIOUS ENVIRONMENTAL ANALYSIS

Identify any existing NEPA documentation that includes analyses of the project/activity and characterize the nature and extent of the analyses.

5. CATEGORICAL EXCLUSIONS

Identify any categorical exclusions that apply to the project/activity. Attach a completed checklist from Attachment 5 (Screening Criteria Checklist).

6. CONCLUSIONS

Provide a brief concluding statement explaining why the project/activity requires no further NEPA analysis.

Project Sponsor/Proponent:

_____	_____
Name/Title	Date

Fort Greely Environmental Office:

_____	_____
Name/Title	Date

Approved:

_____	_____
Director, Directorate of Public Works	Date