

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.

(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 publication 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.

Subpart F—Environmental Impact Statement (EIS)**§ 651.28 Introduction.**

An EIS is a public document with a primary purpose of ensuring that NEPA policies and goals are incorporated early into the programs and actions of Federal agencies. An EIS is required to provide a full and fair discussion of significant environmental impacts. Along with other project documentation, the EIS provides a basis for informed decisionmaking. Further, it allows public review and comment on the proposal.

§ 651.29 Conditions requiring an EIS.

An EIS is required when a proponent, preparer, or approving authority determines that the proposed action has the potential to—

(a) Significantly affect environmental quality or public health or safety.

(b) Significantly affect historic or archaeological resources, public parks and recreation areas, wildlife refuge or wilderness areas, wild and scenic rivers, or aquifers.

(c) Have significant adverse effect on properties listed or meeting the criteria for listing in the National Register of Historic Places, or the National Register of Natural Landmarks. (The National Park Service, U.S. Department of the Interior maintains the National Register.)

(d) Cause a significant impact to prime and unique farm lands, wetlands, floodplains, coastal zones, or ecologically or culturally important areas or other areas of unique or critical environmental concern.

(e) Result in potentially significant and uncertain environmental effects or unique or unknown environmental risks.

(f) Significantly affect a species or habitat listed or proposed for listing on the Federal list of endangered or threatened species.

(g) Either establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.

(h) Adversely interact with other actions with individually insignificant effects so that cumulatively significant environmental effects result.

(i) Involve the production, storage, transportation, use, treatment, and disposal of hazardous or toxic materials that may have significant environmental impact.

§ 651.30 Actions normally requiring an EIS.

The following actions normally require an EIS:

(a) Significant expansion of a military facility, such as a depot, munitions plant, or major training installation.

(b) Construction of facilities that have a significant effect on wetlands,

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coastal zones, or other areas of critical environmental concern.

(c) The disposal of nuclear materials, munitions, explosives, industrial and military chemicals, and other hazardous or toxic substances that have the potential to cause significant environmental impact.

(d) The life cycle development of new material such as weapon systems that requires the construction and operation of new fixed facilities or the significant commitment of natural resources.

(e) Land acquisition, leasing or other actions that may lead to significant changes in land use.

(f) Continental United States (CONUS) realignment or stationing of a brigade or larger table of organization and equipment (TOE) unit during peacetime (except where the only significant impacts are socioeconomic with no significant biophysical environmental impact).

(g) Training exercises conducted outside the boundaries of an existing military reservation where significant environmental damage might occur.

(h) Major changes in the mission of facilities either affecting areas of critical environmental concern or causing significant environmental impact.

§ 651.31 Format of the EIS.

(a) The EIS must contain the following:

- (1) Cover sheet.
- (2) Summary.
- (3) Table of contents.
- (4) Purpose of and need for the action.
- (5) Alternatives considered, including proposed action.

(6) Affected environmental (baseline conditions).

(7) Environmental and socioeconomic consequences.

(8) List of preparers.

(9) Distribution list.

(10) Index.

(11) Appendixes (if any).

(b) The content of each section is discussed in greater detail in appendix D.

§ 651.32 Steps in preparing and processing an EIS.

(a) *Notice of intent (NOI)*. (1) Prior to preparing an EIS (see Figure 4), a NOI will be published in the FR and in newspapers with appropriate or general circulation in the areas potentially affected by the proposed action. The Office of Legislative Liaison (OCLL) will be notified by the ARSTAF proponent of pending EISs so that congressional coordination may be effected. After the NOI is published in the FR, copies of the notice may also be distributed to agencies, organizations, and individuals, as the responsible official deems appropriate.

(2) Forward the NOI and the proposed press release to the HQDA proponent for coordination prior to publication. The ARSTAF proponent will coordinate the NOI with HQDA (Army Environmental Office, OCLL, and OCPA). The DESOH is the only person authorized to release an NOI to the FR for publication. A cover letter similar to Figure 5 will accompany the NOI. An example NOI is at Figure 6. The NOI initiates the scoping process; therefore, provide adequate response time for those wishing to comment on the NOI or participate in the scoping process. Subpart G discusses public participation requirements and options.

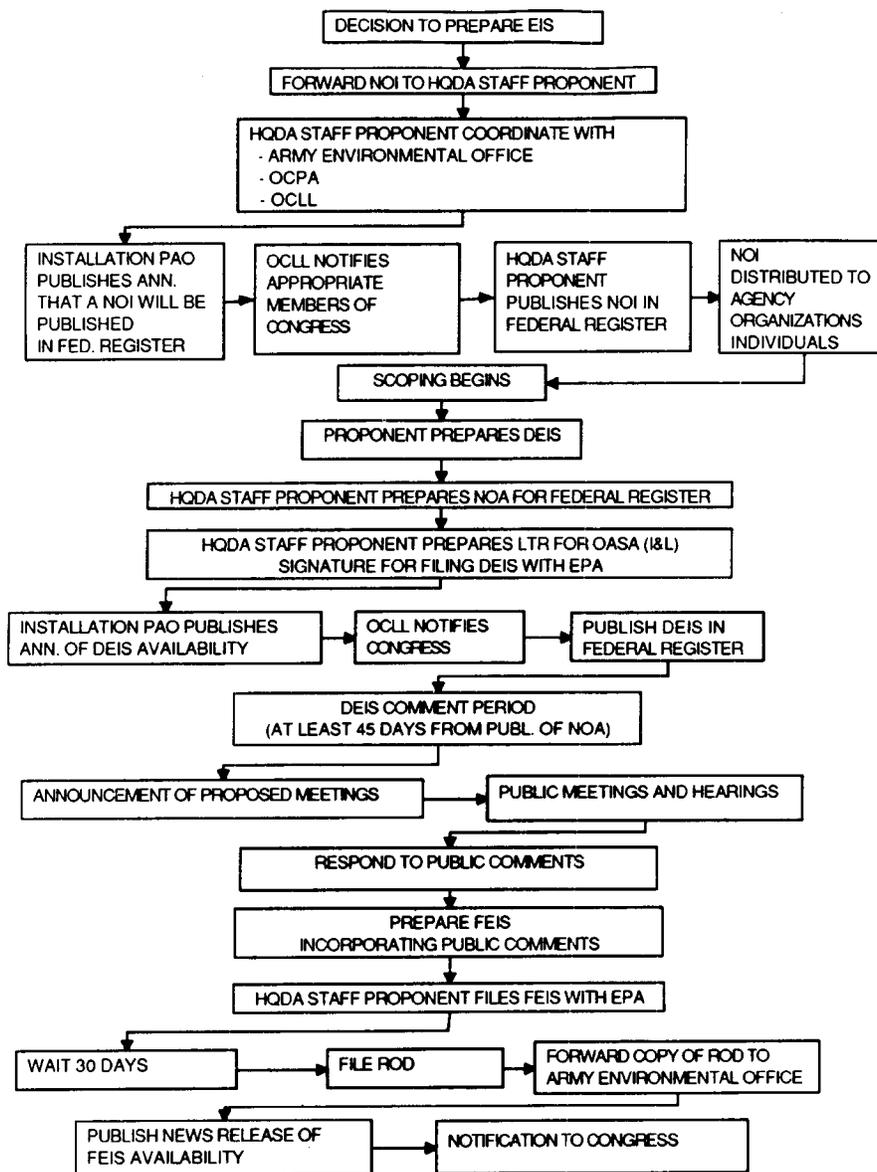


Figure 4. Steps in preparing and processing an Environmental Impact Statement (EIS)

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Director
Office of the Federal Register
National Archives and Records Administration
Washington, DC 20408

Dear Sir:

The attached Notice of Intent is submitted for publication in the Notice Section of the FEDERAL REGISTER.

Please publish this Notice of Intent in the earliest edition of the FEDERAL REGISTER possible. This notice is required for the Department of Army to perform its military mission and comply with the National Environmental Policy Act and the President's Council on Environmental Quality regulations.

Please bill this to charge code 3710-08-M.

Sincerely

Lewis D. Walker
*Deputy for Environment,
Safety and Occupational Health
OASA (I&L)*

1 encl. (3 copies)

cc: HQDA (SAIL-DESOH)
HQDA ()
HQDA (Staff Proponent)

3 Originals must be signed
The charge code 3710-08-M must appear in the letter.

Figure 5. Sample Notice of Intent (NOI) transmittal letter.

3710-08-M

DEPARTMENT OF THE ARMY

NOTICE OF INTENT (NOI)

To prepare a Draft Environmental Impact Statement (DEIS) for proposed barracks construction, at Ft. Jefferson, CA.

Agency: DOD, U.S. Army, Ft. Jefferson, California.

Summary: Proposed Action: A series of three barracks are proposed for construction at Ft. Jefferson, California in order to provide adequate housing for bachelor enlisted personnel assigned to the installation. These facilities are proposed to replace existing substandard facilities for personnel who currently live in expensive rental units within the community or in inadequate quarters on the installation. The inadequate quarters are deficient in seismic design and do not meet DOD standards for privacy, space, or security. The requirements for these projects are not the result of new or expanded missions. The location of the proposed barracks is between M and N Streets on Wisconsin Avenue.

Alternative

- a. No Action
- b. Rehabilitation of existing facilities
- c. Alternate site locations

Scoping Process: Comments received as a result of this notice will be used to assist the Army in identifying potential impacts to the quality of the environment. Individuals or organizations may participate in the scoping process by written comment or by attending a scoping meeting to be held on May 23, 1989, 8 PM, at the Norwood Avenue Elementary School, 123 Norwood Avenue. Written comments may be forwarded to: Commander, U.S. Army Engineer School, Attention: Director of Facilities Engineering, Fort Jefferson, California. Comments and suggestions should be received not later than 15 days following the public scoping meeting to be considered in the DEIS. Questions regarding this proposal may contact Ms. Jane McIntyre, (900) 555-9876.

Lewis D. Walker
*Deputy for Environment,
Safety and Occupational Health
OASA (I&L)*

Figure 6. Sample Notice of Intent (NOI)