



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST
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MCIEASTO 5090.12

IFE

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MARINE CORPS INSTALLATIONS EAST ORDER 5090.12

From: Commanding General
To: Distribution List

Subj: MARINE CORPS INSTALLATIONS EAST (MCIEAST) NATIONAL
ENVIRONMENTAL POLICY ACT (NEPA) PROCEDURES

Ref: (a) 42 U.S.C. 4321-4370f
(b) MCO P5090.2A w/Ch 2

1. Situation. To publish NEPA policies, procedures, and responsibilities for proposed actions at MCIEAST installations, ranges, and assets per the references.

2. Mission. To supplement Marine Corps NEPA program guidance by providing policy and assigning responsibilities that will assure consistent and coordinated preparation of NEPA documentation for proposed actions at MCIEAST installations, ranges, and assets.

3. Execution

a. Commanders Intent. To ensure that NEPA documentation for federal actions proposed by MCIEAST commanders for implementation within the MCIEAST Area of Responsibility (AOR), whether on Department of Defense (DoD) or non-DoD controlled land, air, or seaspace, is properly prepared, funded, staffed, and implemented. To that end, it is important that MCIEAST NEPA programs:

(1) Are procedurally precise, substantively accurate and complete, and sufficient to withstand public scrutiny and legal challenge.

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(2) Are attentive to and avoid potential precedent setting actions that could adversely affect or create unintended implications or expectations for other MCIEAST installations' programs or actions.

(3) Provide appropriate public visibility and involvement in the NEPA process.

(4) Utilize programmatic approaches, where possible, to conserve fiscal resources and enhance program responsiveness.

(5) Incorporate the following policies:

(a) Compliance. The responsibility for NEPA compliance resides with the decision-maker, which usually is the Commanding General (CG) or the installation Commanding Officer (CO) of the installation, land, air or seaspace on or in which the action is proposed. It is incumbent upon all MCIEAST installation commanders to develop, publish, and implement NEPA instructions and standard operating procedures that assure compliance with the procedures and objectives established by the references.

(b) Funding. The action sponsor or proponent will fund the preparation of the appropriate level of NEPA documentation, per reference (b). The action sponsor or proponent may be the CG MCIEAST or installation CO, but also could be another entity, such as but not limited to the Commandant of the Marine Corps (Logistics and Facilities (CMC (LF))), another Service, governmental agency or private entity that proposes an action/project on a MCIEAST installation or range. In such cases where the CG MCIEAST or the installation CO becomes the action sponsor, the action proponent will still be responsible for the funding of NEPA and related requirements. Reference (b) establishes that non-environmental dollars, must be used to fund NEPA document preparation and implementation (unless the proposed action is itself an environmental program initiative).

(c) Mitigation. The mitigation measures related to NEPA documentation become requirements to which the USMC must adhere. Mitigation is expensive; it constitutes a commitment by the Marine Corps and often imposes long-term constraints on military training activities. Mitigation can affect the capability of the installation or range to support USMC mission requirements. Therefore, Marine Corps lands are reserved to

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support mitigation for Marine Corps actions and will be implemented as follows:

1. MCIEAST installations and ranges shall not be used to mitigate for 3rd party actions.

2. Use of MCIEAST lands for mitigation by other Services or any exception to this policy requires approval by the CG MCIEAST.

3. Off-installation mitigation for actions and impacts that occur on Marine Corps installations requires specific authorization. Accordingly, any off-installation mitigation for Marine Corps actions within the MCIEAST AOR requires notification and concurrence of the CG MCIEAST.

4. The action proponent must fund all mitigation required by the project and ensure that such required mitigation is both implemented and successful.

(d) Review. All Environmental Impact Statements (EIS) and applicable Environmental Assessments (EA) will be sent to CMC (LF), per reference (b), via the chain of command. The CG MCIEAST, will review, endorse, and forward all such documents to CMC (LF), via the Commander, U.S. Marine Corps Bases, Atlantic (COMMARCORBASESLANT). Early staff coordination will facilitate timely processing of NEPA documents to higher headquarters.

b. Concept of Operations. To assure consistency of NEPA programs and avoid precedent setting actions within MCIEAST, this Order provides implementing policies, assigns responsibilities to action proponents and action sponsors, installation commanders, and MCIEAST staff, and establishes a MCIEAST Environmental Impact Review Board (EIRB). As described below, the action proponent funds the preparation of the required NEPA and supporting documentation; and installation COs establish, implement, and oversee NEPA programs in accordance with this Order and the references, approve actions within their authority, and forward actions requiring higher headquarters involvement to the CG MCIEAST for appropriate action. As deemed necessary by MCIEAST Installations, Facilities, and Environment (IFE), the MCIEAST EIRB reviews and endorses NEPA documents and associated supporting documentation, advises the CG MCIEAST as to the implications of proposed actions brought before it, and recommends CG MCIEAST endorsement of those actions.

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(1) The Action Proponent shall:

(a) Fund preparation of environmental documentation, including EAs and EISs, associated regulatory consultation documents, related scientific studies, construction permits, and mitigation requirements.

(b) Prepare a Request for Environmental Impact Review (REIR) form and submit request to appropriate action sponsor. If an installation REIR is not appropriate, contact MCIEAST Installations, Facilities, and Environment (IFE), 910-451-3034, for assistance.

(c) Coordinate with the appropriate staff section and environmental staff, during the initial planning stages, to assist in the development of the REIR.

(d) Ensure no irretrievable, irreversible commitment of resources is made prior to completion of the NEPA process.

(e) Successfully implement required mitigation actions and ensure compliance with the conditions of the Decision Memorandum, Finding of no Significant Impact, or Record of Decision.

(2) The Action Sponsor shall:

(a) Review and validate the need for the proposed action and forward the completed REIR to the appropriate installation(s) or directly to MCIEAST IFE if cognizant of the fact the proposed action will affect more than one installation, occurs within the whitespace (i.e. any area outside the installation), is controversial and/or is highly visible.

(b) Facilitate staffing of the action proponent's project requirements and NEPA analyses of the environmental impacts for the proposed action within their functional area of responsibility.

(c) As deemed necessary, manage/coordinate the entire NEPA documentation process; serve as the official Point of Contact (POC).

(d) Serve as representative during the review process and at MCIEAST EIRB meetings as the proposed action is

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considered by describing proposed action, environmental analysis and mitigation measure commitments to the MCIEAST EIRB.

(e) Ensure no irretrievable, irreversible commitment of resources is made prior to completion of the NEPA process.

(f) Ensure action proponent implements required monitoring and mitigation actions, and if necessary, initiate actions to correct discrepancies in the implementation of mitigation measures established by NEPA documentation for approved actions.

(3) CG MCIEAST shall:

(a) Establish and conduct NEPA programs in compliance with the references and this Order and approve qualifying actions within their authority.

(b) Ensure that analyses of the environmental effects of proposed actions are conducted, per the references and other applicable, implementing regulations, and are sufficient to satisfy public scrutiny and withstand potential challenges.

(c) Ensure no irretrievable, irreversible commitment of resources is made prior to completion of the NEPA process.

(d) Endorse and approve for forwarding to CMC (LF), via COMMARCORBASESLANT, all EISs and applicable EAs for those actions that fall into one or more of the categories requiring CMC (LF) approval, as identified in reference (b), as well as any supporting documentation, such as Notice of Intent to prepare an EIS.

(e) When deemed necessary, approve and/or sign, any other NEPA documents and associated supporting documentation, such as Notice of Intent to prepare an EIS.

(4) MCIEAST Chief of Staff shall:

(a) Serve as the chairman of the MCIEAST EIRB.

(b) Ensure proposed actions across MCIEAST staff are properly considered for necessary environmental impact review and appropriate levels of corresponding NEPA documentation.

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(c) When necessary, brief the CG MCIEAST and obtain concurrence for forwarding NEPA process documents to CMC (LF) for approval.

(5) MCIEAST Assistant Chief of Staff (AC/S) IFE shall:

(a) Serve as a member of the MCIEAST EIRB.

(b) Have staff cognizance over matters pertaining to compliance with environmental regulations, environmental planning, and environmental impact assessment and review procedures.

(c) Act as MCIEAST EIRB chairman in the Chairman's absence.

(d) When deemed necessary, assume action sponsor responsibilities for actions that will affect more than one installation, occur within the whitespace (i.e. any area outside of the installation), are controversial, highly visible, and/or fall into one or more of the categories requiring CMC (LF) approval, as identified in reference (b).

(e) Once approved by CG MCIEAST, forward to CMC (LF), via COMMARCORBASESLANT, all EISs and applicable EAs for those actions that fall into one or more of the categories requiring CMC (LF) approval, as identified in reference (b), as well as any supporting documentation, such as Notice of Intent to prepare an EIS.

(f) Notify the CG MCIEAST, installation COs, action proponents, and action sponsors of Headquarters EIRB and CMC (LF) approval of an EA or EIS and any accompanying directions.

(g) Monitor the implementation of proposed actions within their AOR to assure compliance with mitigation measures and ensure any discrepancies are resolved.

(6) MCIEAST IFE, Regional Environmental Coordinator shall:

(a) Serve as a member of the MCIEAST EIRB.

(b) Determine the appropriate level of NEPA and the appropriate level of MCIEAST IFE and EIRB involvement for each NEPA document preparation process.

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(c) Forward to CG MCIEAST, all EISs and applicable EAs for those actions that fall into one or more of the categories requiring CMC (LF) approval, as identified in reference (b), as well as any supporting documentation, such as Notice of Intent to prepare an EIS.

(d) When deemed necessary, forward to CG MCIEAST, for approval and/or signature, any other NEPA documents and associated supporting documentation, such as Notice of Intent to prepare an EIS.

(e) Ensure that the administrative record supporting the NEPA process is assembled and maintained for all proposed actions where the CG MCIEAST is the decision-maker.

(f) Participate in installation(s) EIRB meetings as an advisory member.

(g) Manage/coordinate the entire NEPA documentation process and serve as the official POC if MCIEAST IFE assumes action sponsor responsibilities.

(h) Coordinate the agenda and activities of the MCIEAST EIRB to include distribution of documents for EIRB and staff review, facilitate EIRB meetings, prepare meeting materials and ensure publication and distribution of pertinent NEPA documentation.

(i) Maintain a matrix and status of active NEPA actions pending (EAs and EISs) at MCIEAST installations.

(j) In conjunction and collaboration with the installation NEPA managers, identify need for state or Federal consultations, permits, approvals, or reviews as well as serve as the point of contact for appropriate regulators, as deemed necessary.

(k) Establish and coordinate a MCIEAST NEPA working group to support installation NEPA program managers, enhance consistent application of NEPA across MCIEAST, enhance coordination and collaboration, share lessons learned, and avoid precedent setting actions. The NEPA working group will be comprised of the NEPA program managers of MCIEAST installations and facilitated by MCIEAST IFE.

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(7) MCIEAST AC/S G-3 shall:

(a) Serve as a member of the MCIEAST EIRB.

(b) Prepare and submit a REIR for any proposed actions being initiated by MCIEAST G-3 to ensure they are considered for necessary environmental impact review and appropriate levels of corresponding NEPA documentation.

(8) MCIEAST AC/S G-5 shall:

(a) Serve as a member of the MCIEAST EIRB.

(b) Prepare and submit a REIR for any proposed actions being initiated by G-5 to ensure they are considered for necessary environmental impact review and appropriate levels of corresponding NEPA documentation.

(9) MCIEAST Comptroller shall serve as a member of the MCIEAST EIRB.

(10) MCIEAST Public Affairs Officer shall serve as a member of the MCIEAST EIRB.

(11) Eastern Area Counsel Office shall serve as counsel to the MCIEAST EIRB.

(12) Installation Commanding Officers shall:

(a) Establish and conduct NEPA programs in compliance with the references and this Order and approve qualifying actions within their authority.

(b) Ensure that analyses of the environmental effects of proposed actions are conducted, per the references and other applicable, implementing regulations, and are sufficient to satisfy public scrutiny and withstand potential challenges.

(c) Ensure no irretrievable, irreversible commitment of resources is made prior to completion of the NEPA process.

(d) Along with installation EIRB(s) recommended level of NEPA documentation and recommended level of MCIEAST involvement, forward to MCIEAST IFE, via electronic mail, proposed actions that will affect more than one installation,

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occur within the whitespace (i.e. any area outside the installation), are controversial and/or are highly visible.

(e) After review and approval by the installation EIRB(s), forward to MCIEAST IFE:

1. All EISs and applicable EAs for those actions that fall into one or more of the categories requiring CMC (LF) approval, as identified in reference (b), as well as any supporting documentation, such as Notice of Intent to prepare an EIS.

2. Any other NEPA documents, as well as any supporting documentation, as deemed necessary by MCIEAST IFE.

(f) As requested, represent the installation's proposed actions to the MCIEAST EIRB to support the CG MCIEAST understanding and endorsement of the action to higher headquarters.

(g) Forward copies of signed FONISs and minutes of installation EIRB meetings to MCIEAST IFE.

(h) Assemble and maintain the administrative record of the NEPA process for the proposed actions.

(i) Submit to MCIEAST IFE monthly NEPA Installation Status Report on all pending EAs and EISs.

(j) Monitor the implementation of proposed actions within their area of responsibility to assure compliance with mitigation measures.

(k) In conjunction and coordination with MCIEAST IFE, identify the needs for state or Federal consultations, permits, approvals, and reviews as well as serve as the POC for appropriate regulators, as necessary.

(13) Other MCIEAST staff sections shall participate on the MCIEAST EIRB as dictated by MCIEAST IFE.

(14) When deemed necessary by MCIEAST IFE, the MCIEAST EIRB shall:

(a) Meet to consider NEPA documentation.

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(b) Advise the CG MCIEAST regarding proposed actions that affect more than one installation, occur within the whitespace (i.e. any area outside of the installation), are controversial, are highly visible, and/or fall into one of more of the categories requiring CMC (LF) approval, as identified in reference (b).

(c) Review the proposed action and confirm the purpose and need.

(d) Ensure the action sponsor has exercised due diligence in satisfying the Marine Corps responsibility for NEPA documentation and effects analysis.

(e) Ensure all proposed projects have undergone appropriate staff action, are consistent with MCIEAST policies and priorities, and are sufficient to forward onto CMC (LF).

(f) Make forwarding recommendation to the CG MCIEAST along with other substantive recommendations that may be appropriate and necessary.

(g) Review and endorse all EISs and applicable EAs for those actions that fall into one or more of the categories requiring CMC (LF) approval, as identified in reference (b), as well as any supporting documentation, such as Notice of Intent to prepare an EIS.

(h) Review and endorse any other NEPA documents and associated supporting documentation, such as Notice of Intent to prepare an EIS.

(15) Environmental Impact Review and Documentation Procedures. The action sponsor, or action sponsor working with the action proponent, will determine the need for a proposed action. Action sponsor endorsement of a proposed action is required prior to review. Review and documentation of a proposed action will take place in the following manner:

(a) The action proponent or action sponsor will submit a completed REIR form for review to the installation(s) where the action is proposed to occur. This form may be submitted directly to MCIEAST IFE when proposed actions will affect more than one installation, occur within the whitespace (i.e. any area outside of the installation), are controversial, are highly visible and/or fall into one or more of the

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categories requiring CMC (LF) approval, as identified in reference (b).

(b) If submitted to an installation, installation NEPA staff/EIRB will review and decide if the proposed action falls into one or more of the categories requiring CMC (LF) approval, as identified in reference (b) and/or the proposed action will affect more than one installation, occurs within the whitespace (i.e. any area outside of the installation), is controversial and/or is highly visible.

(c) If it is determined the above condition(s) apply, the REIR will be electronically forwarded to MCIEAST IFE who will determine MCIEAST's level of involvement in the NEPA documentation process.

4. Administrative and Logistics. Correspondence and reports required to implement this Order do not require by direction authority and whenever possible should be transmitted via electronic mail or posted to the MCIEAST IFE portal.

5. Command and Signal

a. Command. This Order is applicable to all federal and non-federal commands, tenants, organizations, units, and activities operating aboard MCIEAST installations and/or within MCIEAST's AOR.

b. Signal. This Order is effective the date signed.



D. P. THOMAS
Chief of Staff

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