



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
PSC 20005
CAMP LEJEUNE, NC 28542-0005

MCIEAST-MCB CAMLEJO 5090.12
G-F
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MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE 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 5090.2 Volume 12

1. Situation. To publish NEPA policies, procedures, and responsibilities for proposed actions at MCIEAST installations, ranges, and assets per the reference (a) and (b).

2. Cancelation. MCIEASTO 5090.12.

3. Mission

a. 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, assets, and off-base training requirements (Continental United States).

b. Summary of Revision. This Order has been revised to update policies and procedures and replace the current MCIEAST Order, it should be reviewed in its entirety.

4. 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 sea space, 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.

(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.

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(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 Commanding Officer (CO) of the Installation, land, air, or sea space 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. This includes mechanisms for accountability to comply with all stipulations and conditions that are recorded in the NEPA decision prior to starting the proposed action. Specifically, all stipulations and conditions recorded in the NEPA decision document [whether it be a Decision Memorandum (DM) resulting from a Categorical Exclusion; a Finding of No Significant Impact (FONSI) resulting from an Environmental Assessment; or a Record of Decision (RoD) resulting from an Environmental Impact Statement] must be adhered to before the proposed action is started.

(b) Funding. The action proponent/sponsor will fund the preparation of the appropriate level of NEPA documentation, per reference (b). The action proponent/sponsor may be the CG MCIEAST-Marine Corps Base Camp Lejeune (MCB CAMLEJ) or installation CO, but also could be another entity, such as but not limited to the Commander, Marine Corps Installations Command (COMMCICOM), another Service, governmental agency, or private entity that proposes an action/project on a MCIEAST installation or range. 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 U.S. Marine Corps (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 support mitigation for Marine Corps actions and will be implemented as follows:

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

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

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-MCB CAMLEJ.

4. The action proponent/sponsor 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 COMMCICOM (GF), per reference (b), via the chain of command. The CG MCIEAST-MCB CAMLEJ, will review, endorse, and forward all such documents to COMMCICOM (GF). 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/sponsors, installation commanders, and MCIEAST staff, and establishes a MCIEAST Environmental Impact Review Board (EIRB). Specific duties of all parties are described below.

(1) The Action Proponent/Sponsor shall:

(a) Review and validate the need for the proposed action and complete and forward a Request for Environmental Impact Review (REIR) to the appropriate installation(s) or directly to G-F, MCIEAST-MCB CAMLEJ 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) Prepare the RIER and submit using the Marine Corps' NEPA Process Automation and Management Support Module for on-line NEPA. If an installation REIR is not appropriate, contact G-F, MCIEAST-MCB CAMLEJ at 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) Fund preparation of environmental documentation, including EAs and EIS', associated regulatory consultation documents, related scientific studies, construction permits, and mitigation requirements.

(e) Ensure no irretrievable, irreversible commitment of resources is made prior to completion of the NEPA process, or prior to successful implementation of required mitigation actions and compliance with the stipulations and conditions of the Decision Memorandum, Finding of no Significant Impact, or Record of Decision. If necessary, initiate actions to correct discrepancies in the implementation of mitigation measures and/or stipulations and conditions established by NEPA documentation for approved actions.

(f) Serve as representative during the review process and at MCIEAST EIRB meetings as the proposed action is considered by describing the proposed action, and the environmental analysis and mitigation measure commitments to the MCIEAST EIRB.

(g) Ensure applicable conditions/stipulations in the DM, FONSI, or RoD are included in basis of design and applicable construction plans and adhered to during project implementation. Note, issuance of a DM, FONSI, or RoD merely satisfies requirements of the NEPA process. None of these documents are the authority to commence work and none of these documents satisfy other permit obligations that may be required. Nor do any of these documents allow Action Sponsors to forego compliance with other permits or regulations. Other permit requirements may include, but are not limited to sedimentation and erosion control plans, storm water permits, permits for work in wetlands and waters of the U.S., air quality permits, asbestos abatement, etc.

(2) CG MCIEAST-MCB CAMLEJ 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) Ensure all conditions/stipulations recorded in all NEPA decision documents are adhered to before the proposed action is started.

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

(3) Chief of Staff, MCIEAST-MCB CAMLEJ 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.

(c) When necessary, brief the CG MCIEAST-MCB CAMLEJ and obtain concurrence for forwarding NEPA process documents to COMMCICOM (GF) for approval.

(4) Assistant Chief of Staff (AC/S), G-F, MCIEAST-MCB CAMLEJ 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 COMMCICOM (GF) approval, as identified in reference (b).

(e) Once approved by CG MCIEAST-MCB CAMLEJ, forward to COMMCICOM (GF) all EIS' and applicable EAs for those actions that fall into one or more of the categories requiring COMMCICOM (GF) 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-MCB CAMLEJ, installation COs, action proponents/sponsors, of Headquarters EIRB and COMMCICOM (GF) 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.

(h) Ensure applicable conditions/stipulations in the DM are included in basis of design and applicable construction plans and adhered to during project implementation. Note, Issuance of a DM merely satisfies requirements of the NEPA process. It is not authority to commence work and does not satisfy other permit obligations that may be required. Nor does it allow Action Sponsors to forego compliance with other permits or regulations. Other permit requirements may include, but are not limited to sedimentation and erosion control plans, storm water permits, permits for work in wetlands and waters of the U.S., air quality permits, asbestos abatement, etc.

(5) Regional Environmental Program Manager, G-F, MCIEAST-MCB CAMLEJ shall:

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

(b) Determine, with concurrence of the EIRB, the appropriate level of NEPA and the appropriate level of G-F, MCIEAST-MCB CAMLEJ and EIRB involvement for each NEPA document preparation process.

(c) Forward to CG MCIEAST-MCB CAMLEJ, all EIS' and applicable EAs for those actions that fall into one or more of the categories requiring COMMCICOM (GF) 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-MCB CAMLEJ, 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-MCB CAMLEJ is the decision-maker.

(f) Manage/coordinate the entire NEPA documentation process and serve as the official point of contact (POC) if G-F, MCIEAST-MCB CAMLEJ assumes action proponent/sponsor responsibilities.

(g) 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.

(h) Maintain a matrix and status of active NEPA actions pending (EAs and EIS') at MCIEAST installations.

(i) 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 POC for appropriate regulators, as deemed necessary.

(6) AC/S, G-3/5, MCIEAST-MCB CAMLEJ 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-3/5 to ensure they are considered for necessary environmental impact review and appropriate levels of corresponding NEPA documentation.

(7) AC/S, G-7, MCIEAST-MCB CAMLEJ shall:

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

(b) Prepare and submit a REIR for any proposed actions being initiated by G-7 to ensure they are considered for necessary environmental impact review and appropriate levels of corresponding NEPA documentation.

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

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

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

(11) Other MCIEAST staff sections shall participate on the MCIEAST EIRB as requested by G-F, MCIEAST-MCB CAMLEJ.

(12) When deemed necessary by G-F, MCIEAST-MCB CAMLEJ the MCIEAST EIRB shall:

(a) Meet to consider NEPA documentation.

(b) Advise the CG MCIEAST-MCB CAMLEJ 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 or 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 COMMCICOM (GF).

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

(g) Review and endorse all EIS' 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.

(13) Installation COs 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) Ensure all stipulations and conditions recorded in the NEPA decision document [whether it be a DM resulting from a Categorical Exclusion; a FONSI resulting from an EA; or a RoD resulting from an EIS] are adhered to before the proposed action is started.

(e) Along with installation EIRB(s) recommended level of NEPA documentation and recommended level of MCIEAST involvement, forward to G-F, MCIEAST-MCB CAMLEJ via electronic mail, proposed actions that will affect more than one installation, occur within the whitespace (i.e. any area outside the installation), are controversial and/or are highly visible.

(f) After review and approval by the installation EIRB(s), forward to G-F, MCIEAST-MCB CAMLEJ:

1. All EIS' 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 G-F, MCIEAST-MCB CAMLEJ.

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

(h) Forward copies of signed FONISs and minutes of installation EIRB meetings to G-F, MCIEAST-MCB CAMLEJ.

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

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

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

(14) Environmental Impact Review and Documentation Procedures. The action proponent/sponsor 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 G-F, MCIEAST-MCB CAMLEJ 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 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 G-F, MCIEAST-MCB CAMLEJ who will determine MCIEAST's level of involvement in the NEPA documentation process.

5. 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.

6. 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.



N. E. DAVIS
Chief of Staff

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