



DEPARTMENT OF THE NAVY
COMMANDER NAVAL BASE
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IN REPLY REFER TO:

COMNAVREGSWINST 5090.3
Code N46
19 Jan 99

COMNAVREGSW INSTRUCTION 5090.3

From: Commander, Navy Region, Southwest

Subj: PROCEDURES IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY
ACT (NEPA)

Ref: (a) COMNAVBASE SAN DIEGO 161308Z JUL 98
(b) 32 CFR 775
(c) 40 CFR 1500-1508
(d) OPNAVINST 5090.1B
(e) CNO N45 ltr 5090 Ser N45J/5U598163 of 16 JUN 95
(f) CINCPACFLT ltr 5090 Ser N4654/3395 of 01 JUL 98
(g) ASN(I&E) memorandum of 15 SEP 93
(h) SECNAVINST 5000.2B
(i) CNO N45 ltr 5090 Ser N456/8U595188 of 9 MAR 98

Encl: (1) Process flow diagrams
(2) NEPA Document Review Routing Sheet

1. Purpose. To establish policy, procedures, responsibilities and requirements for compliance with the National Environmental Policy Act (NEPA) by Navy activities, installations, and organizations within the area of responsibility (AOR) of Commander, Navy Region, Southwest (COMNAVREGSW), as the Navy Regional Environmental Coordinator (REC) for California, Arizona, and Nevada. This instruction supersedes reference (a).

2. Background

a. NEPA mandates that Federal agencies "utilize a systematic, interdisciplinary approach that will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment."

b. Regionalization of Navy activities in the Southwest has created the requirement for coordination within Navy Region Southwest in the preparation of NEPA documents. References (b) through (e) outline responsibilities and requirements for compliance with NEPA within the Navy. Reference (f) modifies procedures for compliance with NEPA for activities under CINCPACFLT.

COMNAVREGSWINST 5090.3

19 Jan 99

3. Scope. This instruction applies to all U.S. Navy activities, installations, and organizations that propose any projects or activities in California, Arizona, or Nevada, which require or may require preparation of a NEPA document. This instruction also applies to the projects of non-Navy organizations where the Navy is proposing to allow such organizations to conduct activities, operations or develop projects which will use naval facilities, installations, or assets within California, Arizona, or Nevada. Commanders, Commanding Officers, or a civilian director of a unit, activity, or organization that is responsible for initiating and/or carrying out such projects will be referred to as an "action proponent."

4. Policy. Preparation of NEPA documents requires close and continuous coordination between the action proponent and the reviewing chain-of-command. Inherent in this process is the need to ensure that all NEPA documents are consistent in content, comply with Navy directives and policies, and provide accurate information to the public and to local, state, and federal agencies that may review them. To support the consolidation of facilities under COMNAVREGSW, an approach to environmental planning that considers issues from a regional perspective is required. Figure 1. of enclosure (1) illustrates the flow of NEPA documentation. The following procedures are provided for compliance with NEPA.

a. The COMNAVREGSW Assistant Chief of Staff for Infrastructure Planning (ACOS(IP)) shall serve as the Environmental Planning Coordinator (EPC) for the Southwest region.

b. The COMNAVREGSW Assistant Chief of Staff for Environment (ACOS(E)) shall be responsible for policy development and implementation related to NEPA for the Southwest region.

c. The following procedures apply for NEPA documentation for non-BRAC (reference (g)), non-weapon system acquisition (reference (h)) projects:

(1) Categorical Exclusions (CATEXs). CATEXs must supply sufficient justification to support use of the CATEX category and otherwise demonstrate compliance with reference (d). CATEXs shall be submitted to the cognizant installation or facility Commanding Officer for review and approval. A copy of the signed CATEX shall be forwarded to the ACOS(IP) and the ACOS(E). Figure 2. of enclosure (1) illustrates the reviewing chain-of-command for CATEXs.

19 Jan 99

(2) NEPA Notification Letters. Prior to commencing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), the action proponent shall submit a NEPA notification letter for review and approval. Development of the letter shall be in coordination with affected fleet users, activities, and other involved organizations (e.g., Major Claimants, Type Commands, COMNAVREGSW, Engineering Field Divisions/Activities, etc.). Per reference (f), the notification letter will include the following:

(a) A concise and focused description of proposed action.

(b) Purpose and need statement.

(c) A list of alternatives to be considered including the no action alternative.

(d) A list of criteria to be used to select alternatives for analysis.

(e) A discussion of potentially significant environmental issues (such as wetlands, endangered species, high noise levels, etc).

(f) Designation of a single military point of contact (POC) on behalf of the Action Proponent.

(3) Notification letters for EAs shall be submitted to CNO(N45) via COMNAVREGSW, designated systems command (if appropriate), and CINCPACFLT. If the environmental issues in an EA notification letter are of national concern, similar to conditions that normally require an EIS, or are matters without precedent, the letter shall be submitted to ASN(I&E) via CNO N45 and the chain-of-command as listed above. Notification letters for EISs shall be submitted to ASN(I&E) via CNO N45, and the chain-of-command as listed above. Figure 3. of enclosure (1) illustrates the reviewing chain-of-command for NEPA Notification letters.

(4) Environmental Assessments (EAs). EAs shall be prepared in accordance with references (b) through (e) and submitted to CINCPACFLT via COMNAVREGSW for final review/approval except for projects under the purview of a systems command (NAVFACENGCOM, COMNAVSEASYSYCOM, COMNAVAIRSYSYCOM). CINCPACFLT or the designated systems command will issue the Finding of No Significant Impact (FONSI) for approved EAs in accordance with

COMNAVREGSWINST 5090.3

19 Jan 99

reference (i). EAs involving effects of national concern, having actions closely similar to conditions that normally require the preparation of an EIS, or are matters without precedent shall be submitted to CNO N45, via COMNAVREGSW, designated systems command (if appropriate), and CINCPACFLT for coordination with ASN(I&E) and FONSI preparation. Figure 4. of enclosure (1) illustrates the reviewing chain-of-command for EAs.

(5) Environmental Impact Statements (EISs). EISs shall be prepared in accordance with references (b) through (e) and submitted to ASN(I&E) via COMNAVREGSW, designated systems command (if appropriate), CINCPACFLT, and CNO N45. SECNAV will issue the Record of Decision (ROD) for all approved EISs per reference (d). Figure 5. of enclosure (1) illustrates the reviewing chain-of-command for EISs.

(6) Document Submission Process. Documents shall be submitted in draft to COMNAVREGSW Code N46 (ACOS(IP)).

d. EAs and EISs involving BRAC disposal and interim leasing actions shall continue to be processed by COMNAVFACENGCOM per reference (g).

e. Systems commands and non-Navy entities developing an EA or EIS (including but not limited to facilities, assets, or operations), which affects resources under the cognizance of COMNAVREGSW shall be coordinate with and require concurrence of COMNAVREGSW. They shall provide periodic briefings to the REC and Environmental Planning Board (EPB) on the status of ongoing NEPA documents and brief the EPB on documents requiring REC concurrence.

f. Pursuant to reference (d), CNO N00N shall concur and retain responsibility for the development, approval and issuance of any EAs and FONSI on naval nuclear propulsion issues.

5. Responsibilities

a. Action Proponents. The following procedures apply to action proponents proposing non-BRAC, non-weapon systems acquisition projects requiring NEPA documentation:

(1) Compliance and Funding. Per reference (f), the action proponent, in conjunction with COMNAVREGSW, will determine the level of NEPA documentation required and provide funding for NEPA document preparation if required. Action proponents may obtain assistance in preparing NEPA documents from the servicing NAVFAC Engineering Field Division or Activity (EFD/A).

19 Jan 99

(2) CATEXs. The action proponent shall prepare and submit CATEXs for signature as noted in chapter 2 of reference (d) and paragraph 4a(1) above. Copies of all signed CATEXs with supporting documents and attachments shall be forwarded to the ACOS(IP) and the ACOS(E).

(3) NEPA Notification Letter. Prior to commencing preparation of an EA or EIS, the action proponent shall submit a NEPA notification letter as described above in paragraph 4a(2), through the chain-of-command via the installation or facility Commanding Officer. Development of the letter shall be coordinated as required above in paragraph 4c(2).

(4) EAs and EISs. Action proponents shall prepare NEPA documents per references (b) through (e). EAs and EISs shall be forwarded as described above in paragraph 4.

(5) Military Point of Contact. The action proponent shall identify by name and position, a single military point of contact (POC) for the project and NEPA document development. Commands having insufficient military personnel assigned will coordinate appointment of a non-military POC with the EPC. The POC shall possess suitable knowledge of command operations and requirements and an understanding of the purpose and need for the proposed project. In addition, the POC must be authorized to resolve internal Navy issues concerning the development of the document, brief the project and document to higher authorities, and to participate in subsequent public meetings, discussions, or presentations.

(6) Coordination with Fleet Users. The action proponent shall also identify fleet operational units and activities which may be affected by the proposed action and suggest which operational commands should be consulted during preparation of notification letters and NEPA documentation. In appropriate circumstances the action proponent may recommend that a Fleet Project Team be appointed to assist in the development of the Notification Letter and the NEPA document including the purpose and need statement, alternatives to be considered and criteria to analyze the alternatives. Key to development of any project and NEPA document is keeping the Fleet user fully informed of any limitations or constraints the project may impose on the fleet.

b. Environmental Planning Board (EPB). The EPB shall be a regular standing board convened by the Environmental Planning Coordinator (EPC).

(1) Board Composition. The EPB shall include:

19 Jan 99

- (chair).
- (a) Environmental Planning Coordinator (EPC)
 - (b) ACOS(E) representative.
 - (c) Representatives from appropriate ACOSs.
 - (d) Regional Environmental Counsel.
 - (e) Fleet users (when required).
 - (f) Action proponent.

Note: The board may be augmented as required with technical specialists.

(2) Board duties and responsibilities. The EPB shall:

(a) Review each document and ensure "responsible reviewers" are assigned to review and critique NEPA documents in accordance with their specific area of expertise.

(b) Ensure that all Notification letters and NEPA documents within the region are consistent in scope and in factual, technical, and legal content.

(c) In conjunction with the action proponent, coordinate with fleet operational units and activities as described above in paragraph 5a(6).

(d) Ensure that proposed actions are consistent with COMNAVREGSW policy.

(e) Resolve policy issues related to NEPA document content. Issues that cannot be resolved by the board shall be referred to the ACOS(E), who acting in his/her capacity as the Regional Commander's representative, will resolve such disagreements.

c. Responsible Reviewers. Assigned reviewers shall determine that the document is complete or incomplete (requiring revision) with respect to their area of expertise. If the document is deemed NEPA-compliant and is complete with respect to format and subject matter coverage and is not otherwise in need of significant revision, the reviewer shall sign the NEPA Document Review Routing Sheet (a sample routing sheet is provided as enclosure (2)). If the document is in need of significant revision, the reviewer should not sign the routing sheet but

19 Jan 99

compliance with COMNAVREGSW policy and to ensure COMNAVREGSW policy is applied consistently between documents.

(3) NEPA Notification Letter. The ACOS(E) shall endorse and forward on behalf of COMNAVREGSW all NEPA Notification letters.

(4) EAs and EISs. The ACOS(E) shall endorse and forward on behalf of COMNAVREGSW all EAs and EISs.

(5) Establish policy relating to NEPA documents.

6. Action

a. All NEPA documents shall be prepared in accordance with this instruction and references (b) through (i).

b. All NEPA documents shall be reviewed prior to forwarding to ensure the document meets all legal and technical requirements. The NEPA Document Review Routing Sheet provided enclosure (2) shall be used for tracking and recording NEPA document review. Individuals identified by the EPB as responsible reviewers shall certify upon completion of their review that the document meets all technical/regulatory and requirements within the reviewer's area of expertise by signing and dating the routing sheet.

c. A draft Finding of No Significant Impact (FONSI) for EAs or a draft Record of Decision (ROD) for EISs shall be submitted with each final EA or EIS.

d. Final EAs and EISs and draft FONSI and RODs shall be submitted in both hard copy paper and electronic format (Word 6.0 or other agreed upon format).

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Distribution:
LIST I, II and III.
CINCPACFLT (N46)
COMTHIRDFLT
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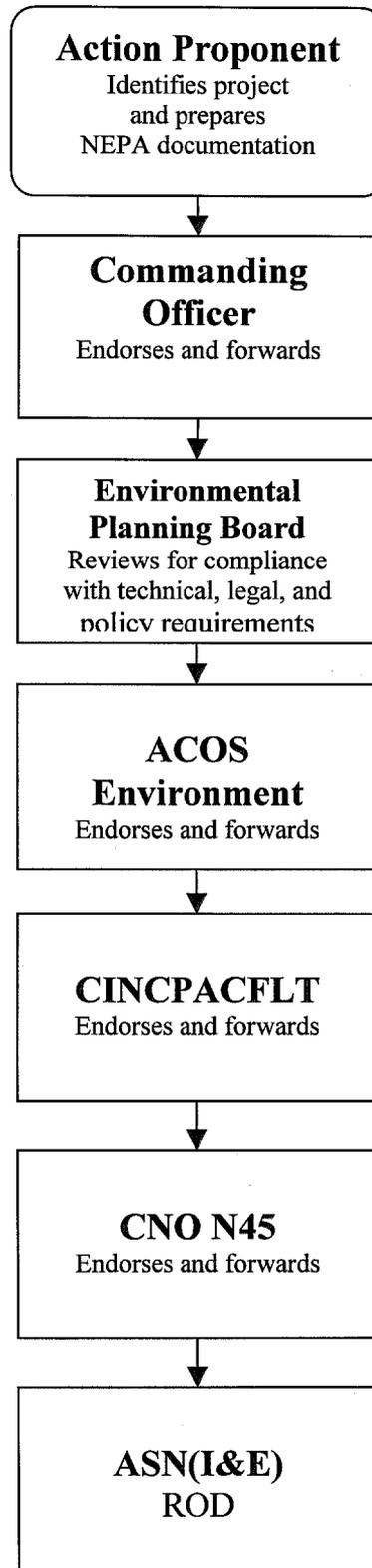


Figure 5. Flow diagram for Environmental Impact Statements (EISs).

19 Jan 99

NEPA Document Review Routing Sheet

| Review Area | | Responsible Reviewer | Organization /Code | Date | Signature |
|--------------------------------------|----------------------|---|--------------------|------|-----------|
| Planning Team Project Leader | | | | | |
| Action Proponent | | | | | |
| Regional Planning Team | | | | | |
| EFD/A | Air Quality | | | | |
| | IR | | | | |
| | HAZMAT | | | | |
| | Natural/ Cultural | | | | |
| | Solid Waste | | | | |
| | Water Quality | | | | |
| | Other | | | | |
| | Legal | | | | |
| ACOS (E) Representative | | | | | |
| Pre-final: | | Environmental Planning Board Chair (ACOS (IP)) | | | |
| Regional Environmental Counsel | | | | | |
| Final | | ACOS for Environment (ACOS (E)) | | | |

19 Jan 99

should attach comments (as required) and return the document to the EPC. The following is a list of typical responsible reviewers and their duties:

(1) Project Leader. The Project Leader shall be that person who has been tasked with overall responsibility for drafting the NEPA document (typically an Environmental Planner). The Project Leader shall ensure the document is consistent in content, satisfies NEPA requirements, complies with applicable regulations and policies, contains no typographical or grammatical errors, and is editorially correct.

(2) Action Proponent. The Action Proponent shall ensure that the purpose and need statement accurately reflects the requirements and that the proposed action and alternatives accurately reflect the requirements of the fleet users.

(3) Regional Planning Team (RPT) Representative. The RPT representative shall ensure the proposed project is consistent with the Regional Shore Infrastructure Plan (RSIP).

(4) EFD/A Review. The servicing EFD/A shall complete a technical review to ensure that the analysis in the document is complete, correct, and consistent with applicable laws and regulations. The EFD/A review shall include the following areas:

- (a) Air Quality
- (b) Installation Restoration (IR)
- (c) Hazardous Materials (HAZMAT)
- (d) Legal
- (e) Natural and Cultural Resources
- (f) Solid Waste
- (g) Utilities
- (h) Water Quality

Note: Additional areas may be included as appropriate.

(5) ACOS(E) Representative. The ACOS(E) representative shall ensure that the document has been reviewed

COMNAVREGSWINST 5090.3

19 Jan 99

in applicable media areas for compliance with COMNAVREGSW policy and that COMNAVREGSW policy is applied consistently between documents.

(6) Environmental Planning Coordinator (EPC). The EPC shall ensure the document has been reviewed in each review area and that each of the responsible reviewers has signed the NEPA Document Review Routing Sheet, indicating concurrence.

d. COMNAVREGSW ACOS(IP)

(1) Environmental Planning Coordinator (EPC). The ACOS(IP) shall serve as the Environmental Planning Coordinator for the region and shall chair the EPB.

(2) Record keeping. Maintain a database of pertinent information and monitor progress on all CATEXs, NEPA Notification letters, EAs, and EISs.

(3) Ensure appropriate technical specialists review NEPA Notification letters and documents as required in paragraph 5c(4).

(4) Ensure that the RSIP reflects active and historical NEPA studies.

(5) CATEXs. The ACOS(IP) shall ensure CATEXs are reviewed for NEPA, technical, and legal compliance and inform the cognizant Commanding Officer of any discrepancies.

(6) NEPA Notification Letter. The ACOS(IP) shall ensure the action proponent is properly assisted in the preparation of notification letters.

(7) EAs and EISs. The ACOS(IP) shall ensure that all EAs and EISs are legally compliant and consistent with COMNAVREGSW and other Navy policy.

e. COMNAVREGSW ACOS for Environment (ACOS(E)).

(1) CATEXs. The ACOS(E) shall ensure CATEXs are reviewed for policy compliance and inform the cognizant Commanding Officer of any discrepancies.

(2) Ensure appropriate technical specialists review NEPA Notification letters and documents in applicable media areas for

19 Jan 99

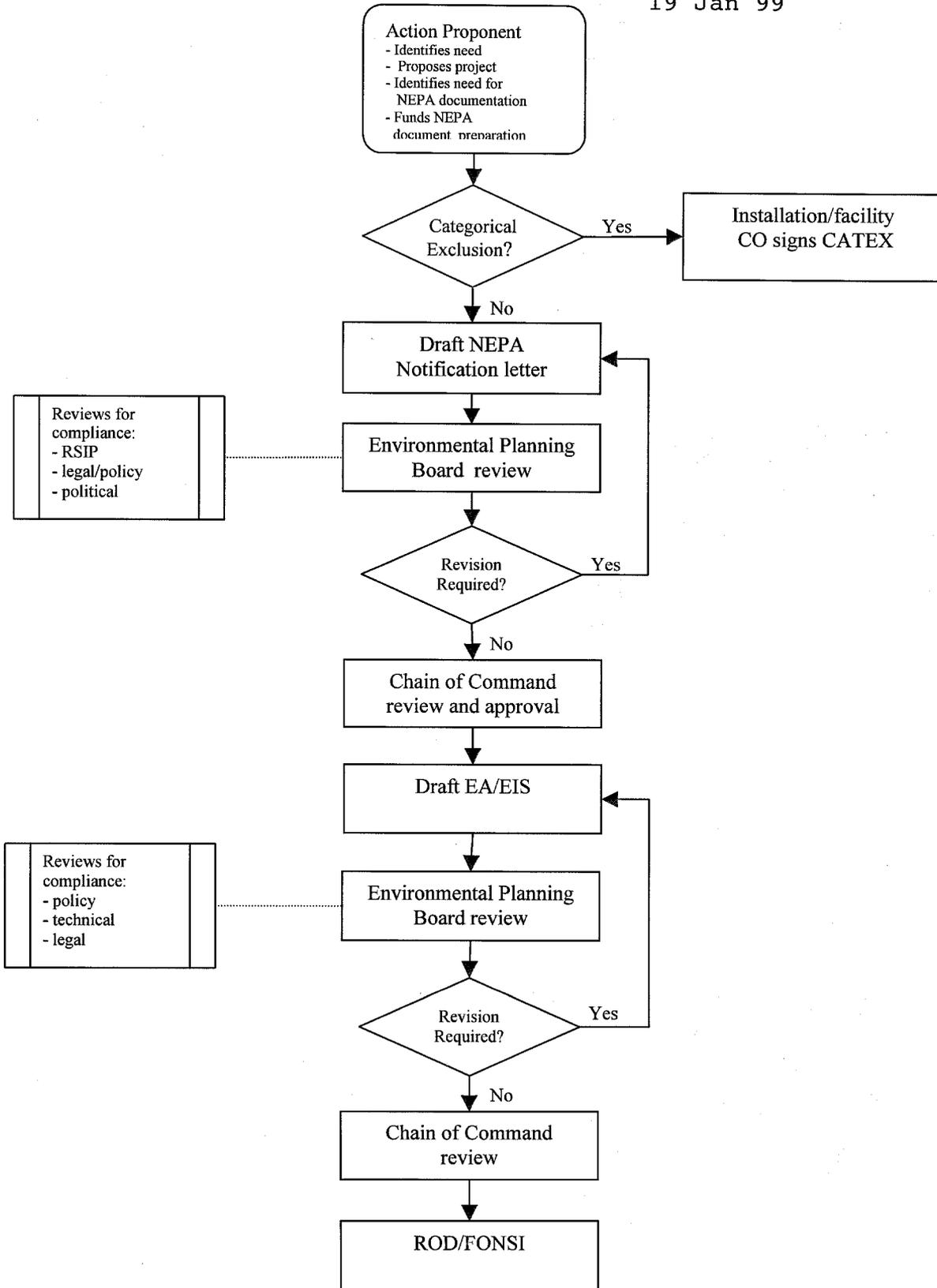


Figure 1. Flow Diagram for NEPA Documents.

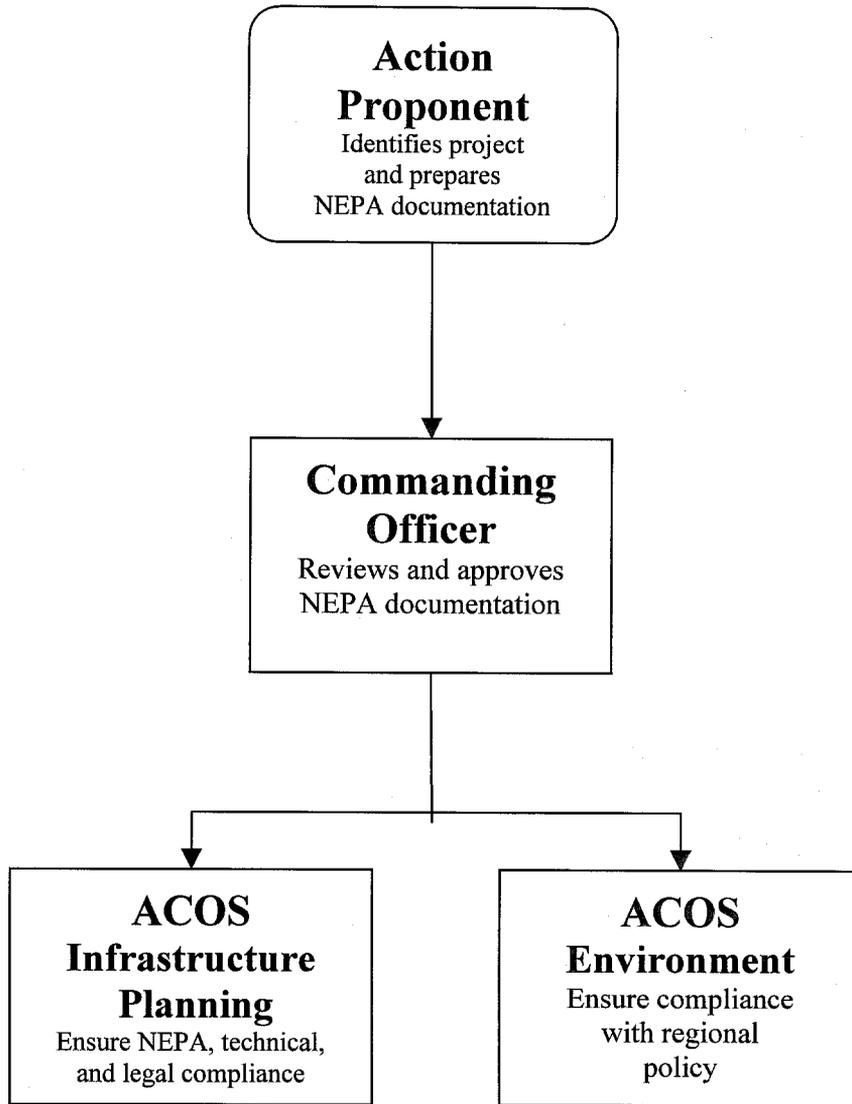


Figure 2. Flow diagram for Categorical Exclusions (CATEXs).

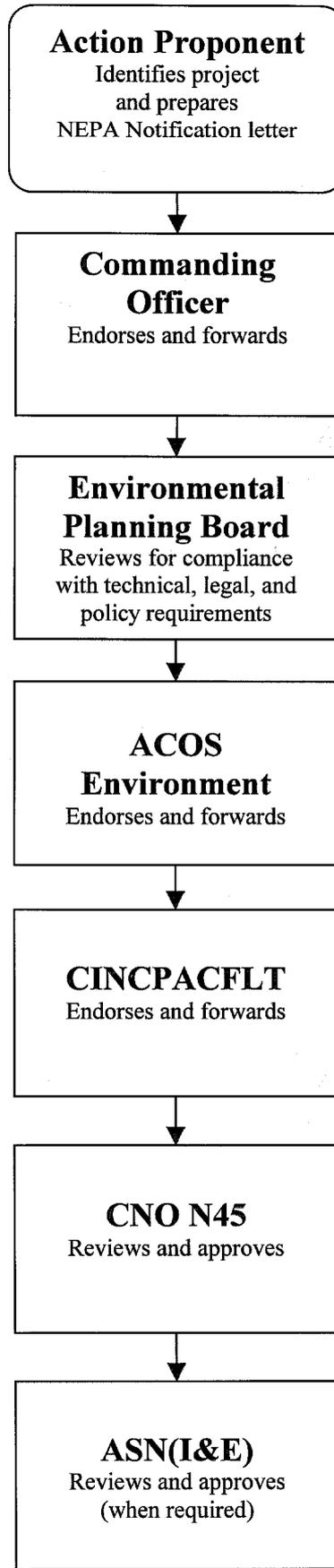


Figure 3. Flow diagram for NEPA Notification letters.

19 Jan 99

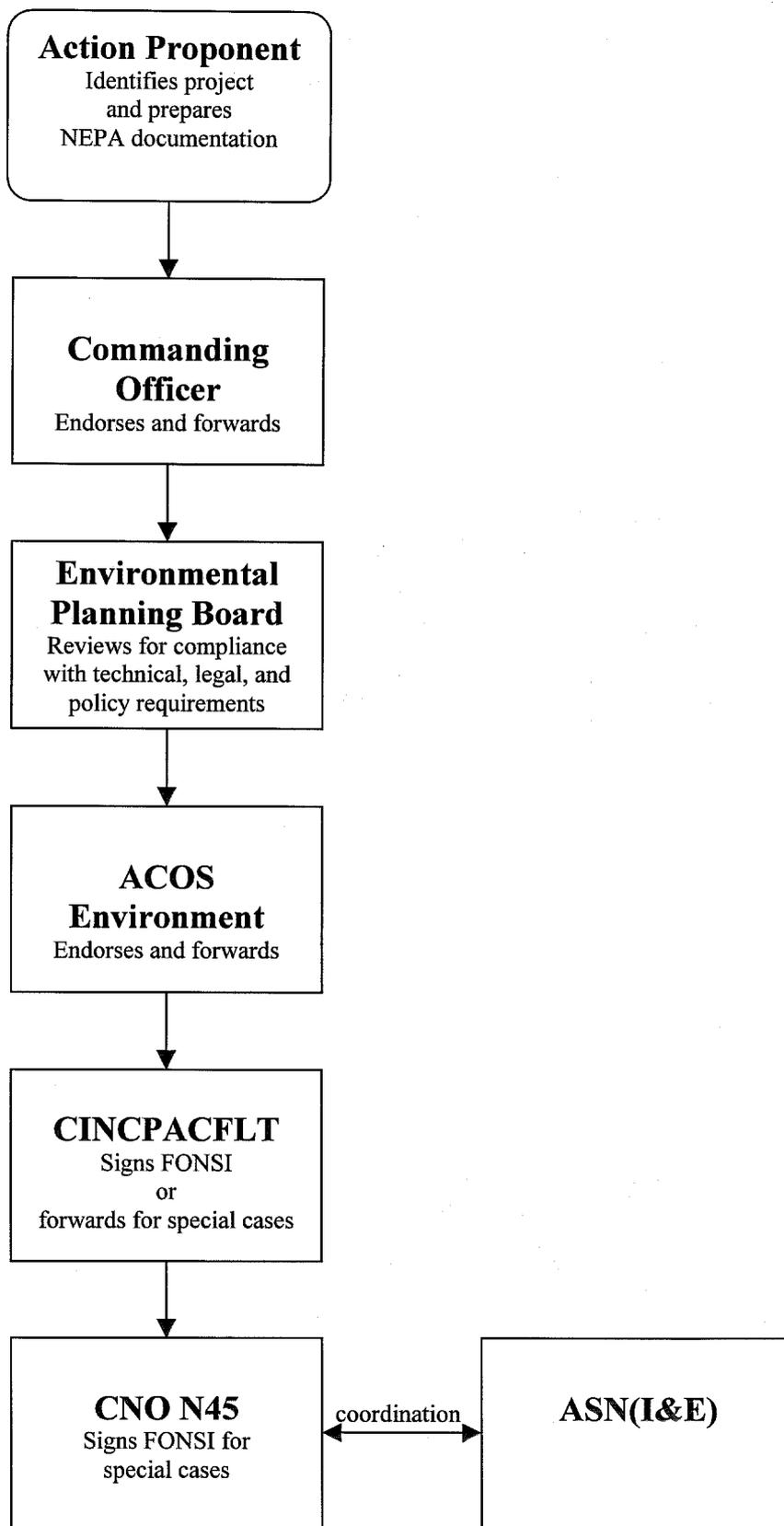


Figure 4. Flow diagram for Environmental Assessments (EAs).