

INFORMATION PAPER

SUBJECT: National Environmental Policy Act Compliance

1. PURPOSE: To provide information to Military Components on the National Environmental Policy Act (NEPA)

2. INFORMATION:

a. The National Environmental Policy Act of 1969 (NEPA) requires that all federal actions be evaluated for potential impacts to the human environment, usually through the preparation of a record of environmental consideration (REC), an environmental assessment (EA) or an environmental impact statement (EIS).

b. A REC is used when the proposed action is exempt from the more rigorous requirements of the National Environmental Policy Act (NEPA), or has been adequately assessed in existing documents and determined not to be environmentally significant. The REC describes the proposed action and anticipated timeframe, identifies the proponent, and explains why further environmental analysis and documentation is not required. It is a signed statement to be submitted with project/action documentation usually taking 2-4 weeks for approval.

c. An EA is prepared to determine whether there are significant impacts or to document that there are no significant impacts. Taking 3-12 months to prepare, an EA will cost \$30K-\$300K, and public involvement is limited to a 30-day review of final document.

d. When potential significant impacts that cannot be mitigated are surfaced, an EIS must be prepared. This will take 9-18 months and will cost \$150K-\$1M. Level of analysis is much more thorough and public involvement includes two rounds of public meetings: at the initial scoping stage and the draft EIS stage.

e. 32 CFR 651 (a.k.a. AR 200-2), *Environmental Analysis of Army Actions*, assigns the responsibility of preparing any EA or EIS to the proponent of the action.

f. "Proponent" is defined as: "the unit, element, or organization that is responsible for initiating and/or carrying out the proposed action. The proponent has the responsibility to prepare and/or secure funding for preparation of the environmental documentation."

g. The proponent must be identified early in the planning stage, which is when the NEPA document must be initiated, so as to pay for the document and help develop the description of the proposed actions and alternatives to the same.

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h. Examples of Proponency: 1. The G3/Ops community is the proponent of, among others: Division FTXs, development/use of new ranges and maneuver areas, Fieldings of weapons systems, non-BRAC realignments and stationings. 2. The G4/Logistics community is the proponent for developing, testing, and producing new systems.

i. Additional responsibilities: 1. The Environmental Division is responsible for the technical management of all NEPA documentation. 2. The Judge Advocate must assure legal sufficiency.

j. Some proponents still do not accept their responsibility and take ownership of their NEPA documents. Therefore, Fort Drum's position is to continue to educate proponents of their responsibilities so as to achieve fuller compliance with NEPA's goals of integrated planning, impact analysis, development of alternatives, providing full disclosure and making the decision-maker accountable for the action.

3. CONCLUSION: It is critical that proponents take responsibility of their actions. To ensure the preparation of required documentation that adequately addresses the effect of their actions on the environment is paramount to maintaining the Army's training lands for the soldier of today and the Army of the future.