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COMDTINST 5090.1
23 APRIL 2019

COMMANDANT INSTRUCTION 5090.1

Subj: U.S. COAST GUARD ENVIRONMENTAL PLANNING POLICY

- Ref:
- (a) National Environmental Policy Act (NEPA), 42 U.S.C § 4321, et seq.
 - (b) Environmental Effects Abroad of Major Federal Actions, Executive Order 12114
 - (c) Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 C.F.R. §§ 1500–1508
 - (d) Implementation of the National Environmental Policy Act, Department of Homeland Security (DHS) Directive 023-01 (series)
 - (e) Implementation of the National Environmental Policy Act, Department of Homeland Security Instruction Manual 023-01-001-01 (series)
 - (f) U.S. Coast Guard Environmental Planning Implementing Procedures (series)
 - (g) U.S. Coast Guard Environmental Planning Warrant Program Implementing Procedures (series)
 - (h) U.S. Coast Guard Environmental Planning and Historic Preservation Decision Support System Basic User’s Guide for Preparers (series)
 - (i) Civil Engineering Manual, COMDTINST M11000.11 (series)
 - (j) U.S. Coast Guard Real Property Management Manual, COMDTINST M11011.11 (series)
 - (k) Bridge Administration Manual, COMDTINST M16590.5 (series)
 - (l) Permitting of Regattas and Marine Parades, COMDTINST M16751.3 (series)
 - (m) Major Systems Acquisition Manual (MSAM), COMDTINST M5000.10 (series)
 - (n) Preparation of Regulations, COMDTINST M16703.1 (series)

1. **PURPOSE.** This Instruction promulgates United States Coast Guard (Coast Guard) environmental planning policy and assigns responsibilities for Coast Guard-wide compliance with References (a)–(e). This Instruction also requires adherence to References (f) and (g) for implementation of this policy and for application of the relevant requirements of References (a)–(e) to Coast Guard

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activities. This Instruction and References (f) and (g) will help ensure that the Coast Guard effectively considers the potential for significant environmental impacts from its proposed actions (both within the United States (U.S.) and abroad) prior to their implementation.

2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements, must comply with the provisions of this Instruction and References (f) and (g). Internet release is authorized.
3. DIRECTIVES AFFECTED. National Environmental Policy Act (NEPA) Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1D is hereby cancelled.
4. DISCUSSION.
 - a. The Coast Guard operates extensively in the marine, aquatic, and aerial environments. The Coast Guard also manages real property and assets and conducts operations and mission support activities in the terrestrial environment. Coast Guard activities have the potential to impact each of these environments and trigger the requirements of applicable and related federal, state, and local environmental and historic resources management laws, regulations, executive orders (E.O.s), presidential memorandums, and DHS and Coast Guard policies (environmental mandates). It is important that the Coast Guard use an appropriate environmental planning¹ process to ensure compliance with all applicable environmental mandates.
 - b. References (a) and (b) are the primary environmental mandates that establish an appropriate environmental planning process for assessing the impacts of Coast Guard proposed actions and also assist in assuring compliance with other applicable environmental mandates. Depending on the location of the action, whenever possible, the Coast Guard must utilize one or both of these processes to assist in ensuring compliance with applicable environmental mandates triggered by our actions.
 - c. This Instruction provides Coast Guard personnel with policy on implementing the requirements of References (a)–(e). Specific procedures, definitions of terms, document templates, and other environmental planning procedures and tools are located in References (f) and (g). To ensure that Coast Guard actions meet the requirements of this policy, Proponents² must read and apply this Instruction and References (f) and (g) together. The Natural Resources Management, COMDTINST M5090.3 (series) and the Coastal Zone Management, Federal Consistency Procedures, COMDTINST M16004.2 (series) contain specific policy on compliance with related

¹ The term “environmental planning” in this Instruction means the process required by Reference (a) or (b) during project or program planning, development, and design, and prior to execution of a proposed action to determine the potential for significant environmental impacts and/or significant harm from a proposed action.

² The term, “Proponent” means the individual who is the most junior element in the chain-of-command that "controls" the entire proposed action and has the immediate authority to approve the action or recommend a course of action to the next higher organizational level (e.g., district to area, area to headquarters) for approval. The term “Proponent” also means any Proponent staff or other entity working for the Proponent or directly supporting the Proponent and the Proponent's action (See Reference (f), Enclosure (1) for a more complete definition and explanation of this term.)

natural resources management laws and the Coastal Zone Management Act (CZMA) respectively.

5. DISCLAIMER. This Instruction is not a substitute for applicable legal requirements, nor is it a rule. This Instruction provides policy to Coast Guard personnel on how to comply with References (a)–(e) and does not create rights in, or impose legally binding requirements on, any party outside the Coast Guard.
6. MAJOR CHANGES. The following is a list of the major changes from National Environmental Policy Act (NEPA) Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1D (cancelled by this Instruction) incorporated into this Instruction and Reference (f).
 - a. Inclusion of new policy addressing the:
 - (1) Requirements of Reference (b);
 - (2) Applicability of References (a) and (b) and other environmental mandates;
 - (3) Mandated use of the DHS Environmental Planning and Historic Preservation Decision Support System (DSS) for the creation and storage of Memorandum for the Record (MFRs) and Records of Environmental Consideration (RECs) and storage of all related environmental compliance documents;
 - (4) Pre-planning process and notification requirements for Reference (a) and (b) documentation;
 - (5) Specific Reference (a) and (b) requirements for the systems acquisition programs;
 - (6) Specific Reference (a) requirements for the shore facilities management program;
 - (7) Mandated use of References (f) and (g);
 - (8) Timing of compliance with other related environmental mandates;
 - (9) Coordination or integration of the requirements of other related environmental mandates with the processes established by References (a) and (b); and
 - (10) Requirement to track and report mitigation and monitoring commitments made in environmental planning decision documents.
 - b. Separation of policy from implementing procedures;
 - c. Replacement of all references to the Department of Transportation (DOT) with references to DHS and removal of DOT unique requirements;
 - d. Renumbering of Coast Guard categorical exclusions (CATEXs) such that they align with the DHS CATEX numbering system;

- e. Addition of DHS CATEXs allowable for use by the Coast Guard to the Coast Guard list of CATEXs;
- f. Incorporation of Coast Guard organizational changes; and
- g. General alignment of the Coast Guard environmental planning policy with References (d) and (e).

7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

- a. Commandant (CG-47) reviewed the development of this Instruction, and the general policies contained within it, and determined that this Instruction falls under current DHS CATEX A3. Because this Instruction contains guidance on implementing, without substantive change, applicable federal, state, or local laws for administrative determinations relating to protection of the environment, DHS CATEX A3 is appropriate.
- b. This Instruction will not have the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any applicable federal, state, or local laws or administrative determinations relating to the environment.
- c. It is the responsibility of the appropriate Proponent to evaluate future specific actions resulting from the general policies in this Instruction for compliance with References (a)–(g) and other applicable environmental mandates.

8. DISTRIBUTION. No paper distribution will be made of this Instruction. An electronic version is located on the following Commandant (CG-612) websites: Internet: <http://www.dcms.uscg.mil/directives/> and Coast Guard Portal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.

9. RECORDS MANAGEMENT CONSIDERATIONS. There are further records scheduling requirements for this policy, in accordance with Federal Records Act, 44 USC 3101 et seq., National Archives and Records Administration (NARA) requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy creates significant or substantial changes to existing records management requirements.

10. POLICY.

- a. Applicability.

- (1) Actions That Do Not Require Reference (a) Compliance. Actions that do not require compliance with Reference (a) are: actions listed as not being major federal actions in 40 C.F.R. § 1508.18(a) of Reference (c), actions lacking any discretion, actions conducted by the President of the United States (POTUS), actions expressly exempt by law or an executive branch waiver, actions where another law expressly prohibits or makes compliance impossible, and actions carried out outside the United States and its territories and possessions and outside Antarctica. Proponents should obtain written advice (memo or email) from their servicing legal office prior to making any determination their action is one

that falls under Section 10.a.(1) of this Instruction and that, therefore, compliance with Reference (a) is not necessary. Proponents are strongly encouraged to document any decision that an action/operation does not require Reference (a) compliance with a memo to file that summarizes or attaches the written legal advice.

- (a) Actions that are Not Major Federal Actions as Listed in Reference (c). 40 C.F.R. § 1508.18(a) of Reference (c) lists the following actions as actions that are not major federal actions that require Reference (a) compliance:
- 1) Funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. § 1221 et seq., with no Federal agency control over the subsequent use of such funds; and
 - 2) Bringing judicial or administrative civil or criminal enforcement actions.
- (b) Actions Lacking Discretion. Reference (a) requires that federal agencies fully consider and incorporate environmental issues into federal decision-making processes. Consequently, actions where the Coast Guard has no decision-making authority and no discretion in implementing the action require no analysis or documentation under Reference (a).
- (c) Response Actions Taken by the Coast Guard Federal On-Scene Coordinator (FOSC). “Reference (a) does not apply to response actions taken by the FOSC under the National Contingency Plan (NCP). During the NCP emergency response phase, the FOSC acts not as a Coast Guard member but as the President of the United States (POTUS) (by specific delegation). POTUS is not an agency and, therefore, not subject to NEPA. In addition, Reference (a) does not apply to oil spill response actions taken at the request of Stafford Act authorities during a declared national emergency.³
- (d) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Actions.
- 1) The Coast Guard relies on the CERCLA process for review of actions to be taken under CERCLA, i.e., no separate Reference (a) document or process is required.
 - 2) In conducting the CERCLA process, Proponents must address Reference (a) concepts (such as analysis of cumulative, off-site, ecological, and socioeconomic impacts) to the extent practicable and include a brief discussion of impacts in CERCLA documents or other site environmental documents as appropriate. When planning a

³ See Stafford Act Section 316 (42 U.S.C. 5159). In addition, pursuant to the Stafford Act, certain FEMA actions taken in response to a declared disaster, such as issuing grants, are exempt from NEPA. This exemption may apply to Coast Guard actions undertaken during a declared disaster, including, but not limited to, actions undertaken under the Emergency Support Function # 10 (ESF-10) – Oil and Hazardous Materials Response Annex. See Annexes to the National Response Framework, (2013), 2nd ed. [ebook] Homeland Security, pp.1-3. Available at <https://www.fema.gov/media-library/assets/documents/25508>. Check with your servicing legal command for clarification on NEPA applicability to FOSC actions associated with Stafford Act requests. This exemption will not apply with regard to other environmental mandates.

CERCLA response to a contamination site that is carried on the National Priorities List, Proponents must adhere to the public involvement requirements set forth in CERCLA and the applicable sections of the National Contingency Plan. If the site is not on the National Priorities List, the Proponent must afford the relevant state and local officials with the opportunity to participate in the planning and selection of the remedial action, including but not limited to the review of all applicable data as it becomes available, and the development of studies, reports, and action plans.

- 3) 40 C.F.R. § 1500.6 of Reference (c) states that federal agencies must comply with Reference (a) unless another law expressly prohibits or makes compliance impossible. The Department of Justice (DOJ) determined that there is a statutory conflict between Reference (a) and CERCLA, and that Reference (a), as a matter of law, does not apply to CERCLA cleanups.
- (e) Resource Conservation and Recovery Act (RCRA) Actions. Reference (a) does not apply to RCRA actions. The courts have held that RCRA permits are the functional equivalent of Reference (a). RCRA closure actions are not subject to Reference (a) for the same reasons that CERCLA responses are not subject to Reference (a).
- (2) Actions That Do Not Require Reference (b) Compliance. Proponents should obtain written advice (memo or email) from their servicing legal office if they are uncertain whether their action is one that falls under Section 10.a.(2) of this Instruction. Proponents are encouraged to document any decision that an action/operation does not require Reference (b) compliance with a memo to file that summarizes or attaches the written legal advice.
 - (a) Actions that do not meet the definition of “major federal action abroad” as stated in Paragraph (b) of this Section, do not require Reference (b) compliance. (See also Chapter 1, Section C.5.b. of Reference (f)).
 - (b) Reference (b) does not provide a definition of its use of the terms, “major federal action” or “significantly.” As a matter of policy, the Coast Guard defines the terms “major federal action” and “significantly” as used in Reference (b) in generally the same manner as it is defined under 40 C.F.R. § 1508.18 and § 1508.27 of Reference (c) with the exception that the focus is on the level of effect to the physical and natural environment abroad and involves actions taken outside the United States, and its territories and possessions (actions abroad). The Coast Guard defines “major federal action abroad” under Reference (b) to be those actions abroad directly carried out by the Coast Guard or funded by the Coast Guard, including most Coast Guard operations and any training and/or testing at sea that may or will “significantly” harm the physical and natural environment directly or indirectly.
 - (c) Actions that are exempt under Section 2-5(a)(i)–(vii) of Reference (b) do not require compliance with Reference (b). (See Chapter 4, Section B, of Reference (f).)

(3) Actions That Require Reference (a) and/or (b) Compliance.

- (a) Reference (a) Geographic Application. With the exception of actions described in Section 10.a.(1) of this Instruction, and as a matter of Coast Guard policy, Reference (a) applies to Coast Guard actions in the United States including U.S. territories and possessions and the 12 nautical mile (NM) U.S. territorial sea.⁴ Special rules apply for Reference (a) assessment in Antarctica, and, therefore, Proponents must seek legal guidance if their proposed actions will occur in Antarctica. (See Antarctic Conservation Environmental Impact Assessment, 16 U.S. C. 2403a and Chapter 1, Section C.2, and Figure 1-1 of Reference (f).)
- (b) Reference (b) Geographic Application. With the exception of actions described in Section 10.a.(2) of this Instruction, Reference (b) applies to Coast Guard actions occurring (or having effects that are occurring) outside the United States and its territories and possessions. (See Chapter 1, Section C.3, and Figure 1-1 of Reference (f).)
- (c) Types of Actions Triggering Reference (a) or (b) Compliance.

- 1) This Instruction applies to all actions and operations (including continuing operations) and new Coast Guard policy, programs, and plans. Actions include but are not limited to: acquisitions, operations, training, issuance of permits, licenses, and formal approvals, exercises at sea and on land, technology related programs, and shore installation management.

NOTE: Formal approvals requiring Reference (a) or (b) compliance include Coast Guard decision memos requesting Proponent approval to take an action where such approval would result in the limiting of viable alternatives to solve a particular agency need.

- 2) In general, the environmental planning requirements of References (a) and (c) apply to federal actions authorized, funded, or carried out by the Coast Guard within the United States that may or will significantly impact the human environment. In general, the requirements of Reference (b) apply to Coast Guard actions that may or will significantly harm the natural and physical environment outside the United States.

- (d) Geographic Applicability of Other Related Environmental Mandates. Chapter 1, Table 1-1 of Reference (f) indicates the geographic applicability of other key environmental mandates often addressed in analyses conducted under References (a) and/or (b).

- b. Limitations on Actions. Until environmental planning compliance is complete per the requirements of this Instruction and Reference (f), the Coast Guard must not take any proposed

⁴ The Coast Guard bases this policy on "Territorial Seas, Navigable Waters, and Jurisdiction," 54 FR 777 that extends the exercise of the U.S. sovereignty and jurisdiction under international law to 12 NM. However, 54 FR 777 expressly provides that it does not extend or otherwise alter existing federal law or any associated jurisdiction, rights, legal interests, or obligations.

action in the area where Reference (a) applies, or any proposed action that may significantly harm the environment in the area where Reference (b) applies. Additionally, the Coast Guard must not take any proposed action that results in an irreversible or irretrievable commitment of resources⁵ that may prejudice the final selection of any reasonable alternatives, until applicable environmental planning compliance is complete.

- c. Host/Tenant Relationship. Coast Guard host units usually share with tenants the responsibility for compliance with References (a)-(f) on their facilities. However, roles and responsibilities with respect to compliance with Reference (a) and/or (b) and related environmental mandates are an essential part of a host-tenant agreement. Other agreements, such as indemnity obligations in some contracts may also be important. Proponents should request that their servicing legal office review the facts associated with each enforcement situation.
- d. Use of Reference (a) and/or (b) Processes. To the fullest extent possible, Proponents must utilize the processes in References (a) and/or (b) to help ensure compliance, or where appropriate to consolidate and state compliance with, all other applicable environmental mandates. Completed compliance with References (a) and/or (b) does not necessarily equate to adequate and complete compliance with other environmental mandates established for the protection and stewardship of the environment. Compliance with some other environmental mandates may require additional and different environmental planning documentation or processes from that required by References (a) and/or (b). (See Chapter 2, Section E of Reference (f) for procedures on use of Reference (a) and (b) processes.)
 - (1) Integration of (or Coordination with) Other Applicable Environmental Mandates. Where possible, the Coast Guard must coordinate, or integrate, the requirements of other applicable environmental mandates with the environmental planning processes required by References (a) and/or (b) such that compliance runs concurrently rather than consecutively.
 - (2) Use of Reference (a) and/or (b) to Comply With Other Environmental Mandates. If Proponents use Reference (a) or (b) processes and documentation to comply with other environmental mandates, and those mandates have specific requirements on how to use Reference (a) or (b) to comply, then the Proponent must follow those specific requirements.
 - (3) Explanation of Compliance with Other Environmental Mandates. Where the Coast Guard is not using a Reference (a) or (b) document to comply with other environmental mandates, the Reference (a) or (b) document must explain to the Proponent and the public how the Coast Guard is in compliance, or intends to complete compliance, with these other environmental requirements prior to taking final agency action.
- e. Reference (a) and (b) Documentation. Paragraphs (1) and (2) of this Section list all Reference (a) and (b) documents. (For definitions and procedures associated with each document, see Chapters 2, 3, and 4 of Reference (f) respectively.)
 - (1) Reference (a) Documents. (See the list of Enclosures to Reference (f) for templates for Reference (a) documents.)

⁵ An irreversible or irretrievable commitment of resources refers to losses to resources that cannot be recovered or reversed.

- (a) Optional Memorandum for the Record (MFR)
 - (b) Record of Environmental Consideration (REC)
 - (c) Environmental Assessment (EA)
 - (d) Finding of No Significant Impact (FONSI)
 - (e) Environmental Impact Statement (EIS)
 - (f) Record of Decision (ROD)
 - (g) Notice of Intent (NOI)
 - (h) Notice of Availability (NOA)
- (2) Reference (b) Documents. (See the list of Enclosures to Reference (f) for templates for Reference (b) documents.)
- (a) Optional Negative Decision (ND)
 - (b) Overseas CATEX (OCATEX)
 - (c) Overseas EA (OEA)
 - (d) Finding of No Significant Harm (FONSH)
 - (e) Overseas EIS (OEIS)
 - (f) Overseas Decision (OD)
 - (g) Environmental Review (ER)
 - (h) Environmental Study (ES)
- (3) Signatory Requirements. The Coast Guard Reference (a) and (b) processes, including the review, approval, and signatory requirements for environmental planning documents, generally mirrors that of the review, approval, and signatory process for documents created in the DSS. The Coast Guard Environmental Planning Warrant Program (EPWP) (see Reference (g)) also establishes training and experience requirements for the roles of Environmental Reviewer and Senior Environmental Professional. The roles and responsibilities of each required signatory on our environmental planning documents are also detailed in both References (g) and (h). Reference (a) and (b) documents are not final unless all required signatures are present.

- (a) Preparers. A Coast Guard Preparer must sign all Reference (a) and/or (b) documents with the exception of FONSI/FONSHs, RODs/ODs, and NOIs and NOAs.

NOTE: With the exception of Commandant (CG-BRG) and their field staff, the individual that signs as the Preparer cannot also sign as Environmental Reviewer or Senior Environmental Professional.

- (b) Environmental Reviewers. An Environmental Reviewer must sign all Reference (a) and/or (b) documents with the exception of NOIs and NOAs, and RECs and MFRs created in the DHS Environmental Planning and Historic Preservation Decision Support System (DSS).⁶ (MFRs prepared to demonstrate compliance with Reference (a) are optional documents and are not required.) RECs and MFRs properly created in the DSS require the signature of: the Preparer, the Senior Environmental Professional, and the Proponent. The Environmental Reviewer's name will appear in one of the project details pages of the DSS MFR or REC. When Proponents must create hard copy MFRs or RECs outside the DSS (e.g. the DSS is not functioning), the Environmental Reviewer must also sign the hard copy MFR or REC.
- (c) Senior Environmental Professionals. A Coast Guard Senior Environmental Professional must sign all Reference (a) or (b) documents with the exception of NOIs and NOAs. Commandant (CG-47) must review and sign as Senior Environmental Professional on all EAs/FONSIs, OEAs/FONSHs, EISs/RODs, and OEISs/ODs and that are (or are likely to be) highly controversial in nature, of high-level executive branch and/or national interest, may set regional or nation-wide precedent, or cover nation-wide actions or actions occurring over multiple Coast Guard districts. Commandant (CG-47) must also review and sign as the Senior Environmental Professional on all ERs and ESs.
- (d) Proponents. A Proponent must sign all Reference (a) or (b) documents including NOIs and NOAs. **When the Proponent signs as the final decision-maker on a final rule, permit, regulation, decision memo, or other final approval document for an action, the same Proponent must sign as Proponent on any associated final environmental planning document.** An appropriate Proponent in an associated Coast Guard headquarters program office must sign as Proponent on all field-initiated EAs/FONSIs, OEAs/FONSHs, EISs/RODs, and OEISs/ODs and that are (or are likely to be) highly controversial in nature, of high-level executive branch and/or national interest, may set regional or nation-wide precedent, or cover nation-wide actions or actions occurring over multiple Coast Guard districts. Commandant (CG-DCMS) or Commandant (CG-DCO) must sign as Proponent on ERs/ODs and ESs/ODs.

NOTE: The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional.

- (e) Legal Reviewer. A Coast Guard attorney in District Legal, the Legal Services Command, or Commandant (CG-LMI-E) must review and sign all EISs/RODs and OEISs/ODs in their area of responsibility. Commandant (CG-LMI-E) must review and sign all

⁶ For more information on the DSS, see <http://ephdss.dhs.gov/> and Reference (h).

- EAs/FONSI, OEAs/FONSHs, EISs/RODs, and OEISs/ODs that are (or are likely to be) highly controversial in nature, of high-level executive branch and/or national interest, may set regional or nation-wide precedent, or cover nation-wide actions or actions occurring over multiple Coast Guard districts.
- (f) Environmental Reviewers Must Hold the Appropriate Level Environmental Planning Warrant. Coast Guard personnel that sign Reference (a) or (b) documents as Environmental Reviewer and/or Senior Environmental Professional must obtain and hold an appropriate level environmental planning warrant (EP-warrant). (See Reference (g) for more information on the requirements of the EPWP and for specific information on what level EP-warrant is required to sign as Environmental Reviewer and/or Senior Environmental Professional on Reference (a) and (b) documents.)
- (g) Contractors. Contractors must not sign Reference (a) or (b) documents. Contractors may assist the Coast Guard with compliance related to Reference (a) or (b) by conducting research, providing advice, and preparing draft documentation and/or correspondence for Coast Guard review, approval, signature, and use. A Coast Guard contributor to the preparation of the document or the Coast Guard project manager overseeing/funding a contractor-prepared Reference (a) or (b) document signs as Preparer, not the contractor.
- (h) Purpose of Reference (a) and (b) Document Signatures. The purpose of each required signature on environmental planning documents is as follows:
- 1) The Preparer's signature on a Reference (a) or (b) document indicates that they prepared the Reference (a) or (b) document, oversaw the contractor preparation of the Reference (a) or (b) document, or completed the adoption of another agency's Reference (a) or (b) document.
 - 2) The Environmental Reviewer's/Senior Environmental Professional's signature(s) on the Reference (a) or (b) document indicates that Environmental Reviewer/Senior Environmental Professional reviewed the environmental planning document and supplied final written comments on its adequacy to the Proponent. The Environmental Reviewer/Senior Environmental Professional must not sign the Reference (a) or (b) document unless they supplied their final written comments to the Proponent. Environmental Reviewers/Senior Environmental Professionals must send their written comments to the Proponent via email or memo.
- Note: If a Senior Environmental Professional or a Legal Reviewer comments that a Reference (a) or (b) document is seriously deficient with regard to compliance with Coast Guard environmental policy, law, or regulation, the Proponent must notify (via email or memo) the next two higher level (if applicable) decision-makers in their Coast Guard chain-of-command, and copy Commandant (CG-47) and Commandant (CG-LMI-E).**
- 3) The Legal Reviewer's signature on EAs/FONSI and OEAs/FONSHs (where required or requested) and on EISs/RODs and OEISs/ODs indicates that the Legal

Reviewer provided a written determination on the legal sufficiency of the EAs/FONSI, OEAs/FONSHs, and EISs/RODs and OEISs/ODs to the Proponent. The Legal Reviewer must not sign the Reference (a) or (b) document until they submit their final written comments to the Proponent. Legal Reviewers must send their written comments to the Proponent via email or memo.

- 4) The Proponent's signature on the Reference (a) or (b) document indicates that the Proponent acknowledges receipt of the comments of the Legal Reviewer (where applicable), Environmental Reviewer, and Senior Environmental Professional. The Proponent's signature also indicates that in reaching a decision/recommendation on the Coast Guard's proposed action, they considered the information contained in the Reference (a) or (b) document and the comments from any legal and environmental reviewers. The Proponent's signature serves as the final decision on the action and final approval of the completed Reference (a) or (b) document.
 - 5) Proponents must ensure that Reference (a) and (b) documents clearly indicate Coast Guard ownership of the document (e.g., contractor names must not appear on the cover or signatory page of a Coast Guard Reference (a) or (b) document.)
 - 6) Proponents must sign and send all formal written communications transmitting official draft or final Reference (a) or (b) documents (e.g., official draft or final EAs/OEAs or official draft or final EISs/OEISs [DEAs/DOEAs, FEAs/FOEAs, DEISs/DOEISs or FEISs/FOEISs] for review and comment outside the Coast Guard.)
- (4) Reference (a) or (b) Documents That Require Advance Notification to Commandant (CG-47). Proponents must provide an email to HQS-SMB-CG-47-POLICYREVIEW@uscg.mil to notify Commandant (CG-47) of all proposed EA/FONSI, OEA/FONSH, EIS/ROD, OEIS/OD, ER/OD, or ES/OD documents before development of such documents commences. Upon receiving such notification, Commandant (CG-47) reserves the right to review and comment on EAs/FONSI, OEAs/FONSHs, EISs/RODs, OEISs/ODs and/or sign as Senior Environmental Professional (where such signature is not already required per Paragraph (3)(c) of this Section). If Commandant (CG-47) desires review and comment on such documents and/or wishes to sign as Senior Environmental Professional, Commandant (CG-47) will notify the Proponent via email or memo within 10 working days. (See Chapter 3, Section C.3 and Chapter 4, Sections G.2, H.2, and I.1 of Reference (f) for specific procedures related to notification and pre-planning process requirements.)
- f. Training and Experience Requirements for Reviewers Signing Environmental Planning Documents.
- (1) Commandant (CG-47) manages and implements the EPWP for the Coast Guard. The EPWP indicates the level and type of experience, and amount and type of core and maintenance environmental planning training required for obtaining and maintaining an EP-warrant. (See Reference (g) for more information on training and experience requirements for Environmental Reviewers and/or Senior Environmental Professionals [reviewers].)

- (2) This Instruction mandates compliance with Reference (g) for Coast Guard personnel that sign Coast Guard environmental planning documents. Coast Guard personnel that review/sign as Environmental Reviewer and/or Senior Environmental Professional on official Coast Guard environmental planning documents, must hold an appropriate EP-warrant. (See Reference (g) for information on the specific level of EP-warrant required in order to sign as a reviewer on a specific type of environmental planning document.)

g. Joint Lead/Cooperating Agency and Other External and Internal Coordination Requirements.

(1) Joint Lead/Cooperating Agencies.

- (a) Proponents are responsible for inviting and coordinating with joint lead/cooperating agencies at the field level, including state, local, and tribal governments,⁷ as applicable.
- (b) Proponents must work through Commandant (CG-47) to invite and coordinate with other headquarters agencies regarding their participation as joint lead/cooperating agencies for actions at the national level.
- (c) Proponents that do not accept a cooperating agency invitation in whole or in part for a proposed action must respond to the request in writing (via memo) and provide a copy of the response to Commandant (CG-47). Where a Proponent declines to participate as a cooperating agency on an action where the Coast Guard has jurisdiction by law or has special expertise, the Proponent must prepare a memo to the lead agency. The Proponent must coordinate the memo to the lead agency through Commandant (CG-47) who will then provide a copy of the final response to CEQ through DHS Sustainability and Environmental Programs (DHS SEP). Proponents must upload final correspondence declining cooperating agency status to the DSS by sending the memo and a request for upload to HQS-SMB-NEPADSS@uscg.mil.
- (d) If a Proponent accepts joint lead/cooperating agency status, the Proponent must document the expectations, roles and responsibilities in either a memorandum of agreement (MOA) or via a formal memo with the other participating agency. (See Enclosure (5) of Reference (f) for a template agreement. See Chapter 2, Section L of Reference (f) for procedures related to joint/lead cooperating agencies and other external and internal coordination requirements.)

- (2) Actions Requiring DHS SEP Notification. Some environmental planning actions/documents require DHS SEP notification and/or review and approval. Proponents are responsible for contacting Commandant (CG-47) as early as possible via memo or email when DHS SEP notification and/or review and approval is required. Unless Commandant (CG-47) grants written approval to a Proponent to do otherwise, Commandant (CG-47) must coordinate all Coast Guard environmental planning action/document notification and submittal to DHS SEP. (See Section IV.C of Reference (e) and Chapter 2, Section Q of Reference (f) for

⁷ Under NEPA, Proponents may invite an Indian tribe to be a cooperating agency when the effects of a proposed action are on a reservation and invite Indian tribes to be a joint lead agency if the Indian tribe assumed NEPA responsibilities under Section 104(h) of the Housing and Community Development Act of 1974.

detailed information and procedures on actions requiring notification and/or submittal to DHS SEP.)

- (3) Coordination with the Department of State (DOS) Under Reference (b). The Secretary of State conducts U.S. foreign policy. When a proposed Coast Guard action may significantly harm the environment outside the United States or a Proponent wishes to apply an activity specific exemption to Reference (b) or develop OCATEXs, Proponents may need to coordinate with DOS. Commandant (CG-47) will work with the Proponent, Commandant (CG-DCO) or Commandant (CG-DCMS), Commandant (CG-4), Commandant (CG-DCO-I) and DHS SEP, as applicable, in executing any necessary coordination with DOS. (Procedures for coordinating with DOS for these types of actions are in Chapter 4 of Reference (f).)

h. Timing of Compliance with Other Related Environmental Mandates.

- (1) Completion of Compliance with Other Related Environmental Mandates. The Proponent must make every reasonable attempt to complete any compliance, consultation, coordination, and authorization processes under applicable environmental mandates prior to finalizing Reference (a) and/or Reference (b) compliance and before a REC, FONSI, or FONSH is signed or an FEIS or FOEIS is published. (Related environmental mandates include but are not limited to: Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act (BGEPA), CZMA, Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and National Historic Preservation Act (NHPA). (See Chapter 2, Section E of Reference (f) for more detailed information and procedures regarding timing requirements.)

- (2) Request for Risk Assessment. Where the Proponent wishes to sign a FONSI or FONSH or publish a FEIS or FOEIS for an action prior to completion of compliance, consultation, coordination, and authorization processes with other applicable environmental or historic and cultural resource laws and regulations, the Proponent must notify Commandant (CG-47) and Commandant (CG-LMI-E) via email or memo of such plans, and request a written assessment of the risk. The Proponent must acknowledge receipt of the risk assessment in writing (via email or memo) to Commandant (CG-47) and Commandant (CG-LMI-E). (See Chapter 2, Section E.2.h of Reference (f) for more information on this requirement.)

- i. Reliance on Previously Approved Coast Guard Reference (a) and/or (b) Documents. When a Proponent considers relying on a previously approved Reference (a) or (b) document for a proposed action, the Proponent must ensure the analysis is still valid and prepare a memo to file for the administrative record. (See Chapter 2, Section F of Reference (f) for detailed and required procedures.)

j. Administrative Record.

- (1) The Proponent must initiate an administrative record when the Proponent initiates the environmental planning process under Reference (a) and/or (b).

- (2) The administrative record must consist of all papers, documents, memoranda, studies, and other bibliographic references used by Coast Guard to reach a decision on whether or not to go forward with a particular preferred alternative. The Proponent must include all documents and materials relevant to Coast Guard's decision-making process in the administrative record.
 - (3) While all final environmental compliance documents require uploading to the DSS, the DSS is not where the administrative record is stored. (See Section 10.(m) of this Instruction for more information on upload of environmental compliance documents to the DSS.)
 - (4) It is the responsibility of the Proponent to compile and store the administrative record. Proponents may store administrative record files electronically and/or in hard copy form. Per the Information and Life Cycle Management Manual, COMDTINST M5212.12A, Proponents must keep the administrative record files indefinitely and not archive them. (See Chapter 2, Section X of Reference (f) for procedures related to administrative records.)
- k. Compliance with References (a) and (b) and Classified/Sensitive Actions. Some aspects of a proposed action may involve information not releasable to the public because it is classified under, "Classified National Security Information," E.O. 13526 or sensitive for some other legal reason (e.g., personal identification information, or regulatory agency restrictions on the release of certain information to the public, such as the exact location of specific resources protected under the ESA or the NHPA.) This does not relieve the Proponent of the duty to comply with the requirements of this Instruction. Personnel and commands preparing material that may be classified/sensitive are responsible for the proper handling, control, and safeguarding of information and analyses that may be classified/sensitive per appropriate DHS and Coast Guard policies and requirements. (See Chapter 2, Section K, of Reference (f) for detailed procedures on safeguarding classified and sensitive information.)
- l. Emergencies.
- (1) Emergency Actions to Secure Lives and Property. Under References (a), in no event must the Coast Guard delay an immediate emergency action necessary to preserve human life, public safety, public health, national security, property, or the environment in order to comply with Reference (a). This is only applicable to actions necessary to control the immediate effects of the emergency. Under Reference (b), emergency actions abroad that are disaster and relief actions are exempt. (See Section 2-5(a)vii of Reference (b).) Commandant (CG-DCO) or Commandant (CG-DCMS) may grant an activity specific exemption from Reference (b) requirements for other emergency actions taken abroad. Proponents may prepare an optional ND to document the use of such exemptions. (More detailed procedural requirements on emergencies and References (a) and (b) are located in Chapter 2, Section Q.2.b. and c, Chapter 3, Section E, and Chapter 4, Sections B.1.f and 2.a-c of Reference (f).)
 - (2) Other Emergency Actions (Applicable to Reference (a) Only). For emergency actions other than those described in Paragraph (1) of this Section, Proponents must determine whether Reference (a) applies. If Reference (a) applies and some delay to comply with NEPA is allowable, Proponents must determine whether an existing CATEX applies. If no existing

CATEX applies, the Proponent must determine whether they can adopt or use an existing appropriate EA or EIS. If there is no existing EA or EIS that will cover the emergency action, then the Proponent must prepare a concise EA as described in the CEQ guidance, “Emergencies and the National Environmental Policy Act,” or if an EIS is necessary, seek alternative arrangements from CEQ through Commandant (CG-47) and DHS SEP, as appropriate. (More detailed procedural requirements on emergencies and Reference (a) is located in Chapter 2, Sections Q.2.a. and b and Chapter 3, Section E, of Reference (f).)

- m. Use of the DSS and Environmental Planning Documents. Proponents must use the DSS for the preparation and storage of RECs under Reference (a) (preparation and storage of MFRs is optional), and the storage and/or tracking of other Reference (a) and (b) documents and other final environmental compliance documents. (See Chapter 2, Section T of Reference (f) for required procedures on the use of DSS for preparation and/or storage and tracking of Reference (a) documents and the storage and tracking of Reference (b) documents and other final environmental compliance documents.)
- (1) Related Environmental Compliance Documentation. Where possible, link supporting environmental compliance documentation to the appropriate Reference (a) or (b) document in the DSS. Environmental compliance documents that are not connected to or supporting a Reference (a) document created in the DSS or that were not uploaded into the DSS at the same time as the Reference (a) or (b) document, must be sent to HQS-SMB-NEPADSS@uscg.mil, and Commandant (CG-47) will send the documents to the DHS System Administrator for upload.
 - (2) Timing for Uploading Final Reference (a) and (b) Documents to the DSS. Proponents must upload final environmental compliance documents and supporting environmental documents to the DSS within thirty calendar days after finalization (or if signatures are required, thirty calendar days after final signature).
- n. Commandant (CG-47) Review and Approval of Other Environmental Planning Policy, Procedures, Guidance, and Training Programs. All new (and any substantive revisions to) environmental planning policy, tactics, techniques, and procedures, process guides, and training developed by other Coast Guard programs, organizational elements, and/or units must align with and support this Instruction and References (a)–(g). Commandant (CG-47) must review and approve all such work products for consistency with this Instruction and References (a)–(g) prior to issuance. Requests for Commandant (CG-47) review and approval of other environmental planning policy, procedures, guidance, and training programs must be sent to the following mailbox: HQS-SMB-CG-47-POLICYREVIEW@uscg.mil.
- o. Commandant (CG-47) and Commandant (LMI-E) Review of Decision Memos. Proponents in Headquarters’ program offices must submit draft decision memos to Commandant (CG-47) and Commandant (LMI-E) for review prior to their finalization and signature. It is strongly recommended that Proponents seek advice and guidance early in the development of decision memos to ensure appropriate compliance with References (a) and/or (b). For Commandant (CG-47) review, Proponents must send the draft decision memo and request for review to HQS-SMB-CG-47-POLICYREVIEW@uscg.mil.

p. Other Existing Reference (a) Policy for Specific Program Areas.

- (1) Other Coast Guard Reference (a) policy specific to the Civil Engineering Program, the Real Property Program, the Bridge Program, the permitting of marine regattas and marine parades, the Acquisitions Directorate, and the Regulatory Development Program is contained in References (i)–(n), respectively. With the exception of some overlap with Reference (i), these specific program policies are not repeated in this Instruction or Reference (f).
 - (a) References (i)–(n) must align with this policy and with References (f) and (g).
 - (b) If environmental planning policy and/or procedures in References (i)–(n) conflicts with this Instruction and/or References (f) and (g), this Instruction and References (f) and (g) will take precedence over environmental planning policy in References (i)–(n).
- (2) Specific policy and procedures for review of applications from persons or organizations seeking Coast Guard approval of their proposed activities (e.g., permits and licenses) for ensuring Reference (a) compliance are detailed in References (j), (k), and (l) and are not repeated in this Instruction or Reference (f).
 - (a) Reference (j) specifies Reference (a) policy and procedures for issuance of real property licenses, leases, out grants, and other forms of real property approvals. Reference (k) specifies policy and procedures for Reference (a) compliance for the issuance of Coast Guard bridge permits. Reference (l) specifies policy and procedures for Reference (a) compliance for Coast Guard permits issued for marine regattas and marine parades.
 - (b) References (j), (k), and (l) supplement this Instruction and Reference (f). This Instruction and Reference (f) and References (j), (k), or (l) must be read together to ensure full environmental compliance when the Coast Guard issues real property licenses, leases, out grants, and other forms of real property approvals, and bridge permits or permits for marine regattas or parades.

11. RESPONSIBILITIES.⁸ Environmental planning compliance responsibilities within the Coast Guard are as follows:

- a. Proponents. Proponents are responsible for ensuring Reference (a) and/or (b) processes and requirements are properly executed for their proposed actions. They must:
 - (1) Ensure proper and adequate resources (i.e. funding and EP-warranted and other environmental subject matter experts) are available to ensure completion of Reference (a) and/or (b) analysis and appropriate documentation before making a

⁸ All named organizations in this Section can be replaced by their successor. Any reference to a specific Coast Guard organization or individual must apply to the successor as if it were also named. Any questions about which of the new organizations becomes the successor of the named organization or individual must be referred to the Judge Advocate General for resolution.

final decision that irretrievably commits resources or limits the choice of reasonable alternatives to a proposed action;

- (2) Use the processes established by References (a) and (b) to determine if there is the potential for any significant environmental impacts or significant environmental harm (as applicable) prior to action or project implementation;
 - (3) Understand the content and conclusions of Reference (a) and/or (b) and related environmental planning analyses prepared for their actions prior to making a final decision or taking a final action. Such understanding must include the knowledge of what type of environmental impacts their action will have, and what environmental compliance requirements apply to their action and whether they were adequately met. Proponents must understand and approve any commitments made to mitigate or avoid environmental impacts caused by their action; and
 - (4) Fund, implement, and monitor any mitigation measures committed to in a Reference (a) or (b) document. Proponents must also track and report mitigation commitments made in environmental planning decision documents via the following Commandant (CG-47) mitigation tracking portal site:
<https://cg.portal.uscg.mil/units/cg47/EPHP/EnvPlanning/SitePages/Home.aspx>.
Once a Proponent has committed to mitigation measures, Proponents must make all decisions to change or suspend those measures in consultation with the appropriate Coast Guard servicing legal staff, and Commandant (CG-47). (For detailed information on mitigation and monitoring and associated tracking and reporting requirements, see Chapter 2, Section M of Reference (f).)
- b. Deputy Commandant for Operations, Deputy Commandant for Mission Support, Assistant Commandants, Area and District Commanders, Director of Operational Logistics, Commander, Force Readiness Command. Deputy Commandant for Operations, Deputy Commandant for Mission Support, Assistant Commandants, Area and District Commanders, Director of Operational Logistics, and Commander, Force Readiness Command must:
- (1) Ensure proper and adequate resources (i.e. funding and/or EP-warranted and other environmental subject matter experts) are available to ensure completion of Reference (a) and (b) and related environmental planning analysis and documentation for actions, programs, operations, permits, licenses, and formal approvals, under their command and control;
 - (2) Plan, program, and budget for appropriate compliance with References (a) and (b) in a manner that factors in the time needed to conduct Reference (a) and (b) analyses prior to any final program decisions or actions;
 - (3) Ensure all personnel that sign as Environmental Reviewer/Senior Environmental Professional on Reference (a) and (b) documents for actions, operations, and programs under their command and control hold a valid EP-warrant issued by Commandant (CG-47);

- (4) Request environmental assistance (including review or preparation of Reference (a) or (b) analyses or documents or related environmental planning documents or consultations) from EP-warranted environmental staff outside their command or control ONLY when a written agreement (e.g. formal correspondence or MOA) exists with that staff's commanding officer or program office head. See Enclosure (16) of Reference (f) for an optional template agreement using formal correspondence. Proponents may adjust this template to fit the type of support requested and the specifics of any proposed action; however, the agreement must meet the requirements in this Section if applicable. The agreement for support, must contain the following:
- (a) Information on the type of environmental support needed (e.g. short-term specific project support or long-term programmatic support covering multiple projects);
 - (b) A list of environmental planning mandates triggered by the Proponent's action that require environmental compliance support;
 - (c) Identification of a main technical point of contact (POC) for the action in the Proponent's command and a main environmental POC for the EP-warranted staff's command;
 - (d) The Proponent's commitment (if agreed to) to fund any cost associated with preparation of environmental analyses and documentation, and/or the implementation of any consultation/coordination with other government agencies and/or regulators;
 - (e) The technical POC's commitment to be an active participant in the compliance process as the action's technical authority;
 - (f) Roles and responsibilities of the Proponent, Proponent staff, and EP-warranted staff;
 - (g) A schedule for completion of any work products to be completed by Proponent and/or by EP-warranted staff, and the Proponent's acknowledgement of the anticipated timeline associated with the requested support and commitment to incorporate such timeline into the Proponent's planning and programming for the proposed action;
 - (h) A stipulation for amending and or terminating the agreement; and
 - (i) A stipulation regarding whether and when the agreement expires.
- (5) Notify Commandant (CG-47) (via email or memo) of the intent to prepare an EA/OEA, EIS/OEIS, or ER or ES per the procedures outlined in Reference (f);
- (6) Submit draft decision memos to Commandant (CG-47) and Commandant (LMI-E) for review prior to their finalization and signature;

- (7) Submit all new (and any substantive revisions to) environmental planning policy, tactics, techniques, and procedures, process guides, and training to Commandant (CG-47) for review and approval prior to finalization;
 - (8) Notify Commandant (CG-47) (via email or memo) of any Reference (a) or (b) document that is (or is likely to be) highly controversial in nature, of high-level executive branch and/or national interest, may set regional or nation-wide precedent, or cover nation-wide actions or actions occurring over multiple Coast Guard districts per the procedures outlined in Reference (f);
 - (9) Notify (via email or memo) the next two higher level (if applicable) decision-makers in their Coast Guard chain-of-command (with a copy to Commandant (CG-47) and Commandant (CG-LMI-E)) if a Senior Environmental Professional or a Legal Reviewer comments that their Reference (a) or (b) document is seriously deficient with regard to compliance with Coast Guard environmental policy, law or regulation;
 - (10) Seek any required or desired DHS SEP review and/or approval of Reference (a) and/or (b) analyses and documentation for actions, programs, operations, permits, and formal approvals, through Commandant (CG-47); and
 - (11) Ensure the appropriate decision-maker approves and signs, as Proponent, final Reference (a) and/or (b) documents for actions, programs, operations, permits, and formal approvals under their command and control and within their AOR.
- c. Engineering and Logistics Directorate, Commandant (CG-4). Engineering and Logistics Directorate, Commandant (CG-4) must:
- (1) Serve as the Senior Environmental Executive for the Coast Guard;
 - (2) Execute responsibilities of the Technical Warranting Officer for compliance with References (a) and (b);
 - (3) Provide oversight for Coast Guard-wide compliance with References (a) and (b);
 - (4) Provide oversight responsibility for the EPWP and implementation of Coast Guard-wide environmental planning training; and
 - (5) Provide decision-making authority on appeals of Commandant (CG-47) decisions related to the denial, suspension, or revocation of EP-Warrants through Commandant (CG-4D).
- d. The Office of Environmental Management, Commandant (CG-47). The Office of Environmental Management, Commandant (G-47) must:
- (1) Execute responsibilities as the Deputy Technical Warranting Officer and Technical Warrant Holder for References (a) and (b);

- (2) Advise leadership on the status of Coast Guard-wide compliance with applicable environmental planning mandates;
- (3) Notify the Proponent (via email or memo) of Reference (a) or (b) documents that are seriously deficient in meeting Coast Guard Reference (a) and/or (b) policy requirements;
- (4) Prepare risk assessments jointly with Commandant (CG-LMI-E) for Proponents who are proposing to sign and/or publish Reference (a) or (b) documents without completing compliance with all related environmental laws and regulations;
- (5) Sign as Senior Environmental Professional on all ERs and ESs and sign as Senior Environmental Professional on all EAs/FONSI, OEAs/FONSHs, EISs/RODs, and OEISs/ODs that are (or are likely to be) highly controversial in nature, of high-level executive branch and/or national interest, may set regional or nation-wide precedent, or cover nation-wide actions or actions occurring over multiple Coast Guard districts;
- (6) Promulgate environmental planning policies and procedures applicable to Coast Guard personnel, activities, operations, permits, and real and personal property that accurately reflect current regulatory requirements and Coast Guard objectives;
- (7) Develop environmental planning compliance goals and establish metrics for ensuring environmental planning compliance across the Coast Guard;
- (8) Monitor and evaluate the performance of Coast Guard environmental planning policies and programs for efficiency and effectiveness;
- (9) Periodically review environmental planning documentation in the DSS or via a request to the Proponent to review and comment on such documents per Section 10.e.(4) of this Instruction. (Commandant (CG-47) will conduct such reviews to ensure compliance with Coast Guard and DHS policy, consistency with Coast Guard-wide environmental planning practices and avoidance of setting adverse Coast Guard-wide precedents);
- (10) Identify opportunities to improve organizational, area, district, sector, and unit environmental planning compliance;
- (11) Serve as a liaison between Coast Guard Headquarters and DHS SEP and/or the CEQ on Reference (a) compliance initiatives that are national in scope, controversial, or precedent-setting;
- (12) Serve as a liaison between Coast Guard Headquarters, DHS SEP, DOS, and/or CEQ on Reference (b) compliance initiatives that are national in scope, controversial, or precedent-setting;

- (13) Approve Reference (a) and (b) environmental planning compliance procedures, subordinate policies, instructions, guides, training/training aides, and related materials prior to finalization;
 - (14) Review draft decision memos created by Proponents in Headquarters' program offices for adequate compliance with References (a) and (b);
 - (15) Manage the EPWP including EP-warrant training requirements. Serve as the Chair of the EPWP Committee, and with the exception of appeals on decisions related to the denial, suspension, or revocation of EP-Warrants, exercise final approval on EP-warrants;
 - (16) Delegate the authority for specific Coast Guard personnel to review and sign Reference (a) and (b) documentation as Environmental Reviewer and Senior Environmental Professional through the EPWP. (See Reference (g) for warrant program requirements);
 - (17) Act as the Coast Guard's federal NEPA contact on the CEQ-maintained list of federal NEPA contacts;
 - (18) Act as the Environmental Planning Program Manager (EPPM). (Commandant (CG-47) is the designated EPPM and the main POC in the Coast Guard who is responsible for coordination with DHS SEP on Reference (a) and (b) matters) (See Reference (f) Enclosure 1 for a detailed definition of the term EPPM);
 - (19) Serve as the primary POC for coordination with the headquarters offices of federal regulatory agencies on actions requiring environmental planning compliance; and
 - (20) Provide environmental planning policy interpretation, advice, and assistance to Coast Guard headquarters programs and field commands.
- e. Judge Advocate General and Chief Counsel (CG-094/CG-LMI-E), Legal Services Command (LSC) and District Legal. Commandant (CG-094/CG-LMI-E), LSC, and District Legal must:
- (1) Provide legal opinions and subject matter expertise on issues associated with Reference (a) and (b) compliance;
 - (2) At the request of the Proponent, conduct legal review of RECs, EAs/FONSI, or OEAs/FONSHs for actions, operations, and programs under their area of responsibility; and
 - (3) Conduct legal review of, and sign on, and EISs/RODs and OEISs/ODs for actions, operations, and programs under their area of responsibility.

12. FORMS/REPORTS. None.

13. REQUEST FOR CHANGES. Submit recommendations for changes to this Instruction to HQS-SMB-CG-47-POLICYREVIEW@uscg.mil.

MELVIN W. BOUBOULIS /s/
Rear Admiral, U. S. Coast Guard
Assistant Commandant for Engineering & Logistic