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Homeland Security

United States
Coast Guard



U.S. COAST GUARD ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES



Office of Environmental Management (CG-47)
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U.S. COAST GUARD ENVIRONMENTAL PLANNING
IMPLEMENTING PROCEDURES

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- (4) Example Language for Requesting an Alternate Submittal Schedule for a Coast Guard Consistency Determination (email or memo)
- (5) Memorandum: Joint lead/Cooperating Agency Request
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- (8) United States Coast Guard (Coast Guard) Record of Decision (ROD)
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- (23) United States Coast Guard (Coast Guard) Overseas Environmental Assessment (OEA) (cover page)

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- (24) United States Coast Guard (Coast Guard) Overseas Environmental Impact Statement (OEIS)
(cover page)

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CHAPTER 1. INTRODUCTION

- A. Purpose. The purpose of these Environmental Planning Implementing Procedures (IP) is to provide Coast Guard personnel with procedures on how to comply with the National Environmental Policy Act (NEPA) (Reference (a)) and Environmental Effects Abroad of Major Federal Actions, Executive Order 12114 (E.O. 12114) (Reference (c)), and References (b) and (d)–(g). Coast Guard personnel must adhere to the requirements stipulated in this IP and References (a)–(q) (see this Chapter, Section C.1 of this IP) together to help ensure that Coast Guard actions meet environmental planning compliance requirements. Commandant (CG-47), the Coast Guard Environmental Planning Program Manager (EPPM), will update and adjust this IP when necessary to ensure it reflects and addresses the most current environmental planning compliance requirements. (For the definition of EPPM and the criteria for appointing an EPPM, see Enclosure (1) of this IP.)
- B. Definitions and Acronyms. Definitions for the terms used in this IP are in the Glossary (Enclosure (1)) to this IP. A list of acronyms used in this IP is located in Enclosure (2).
- C. Background.
1. References.
 - a. National Environmental Policy Act (NEPA), 42 United States Code (U.S.C.) § 4321, et seq.
 - b. Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 Code of Federal Regulations (C.F.R.) §§ 1500–1508
 - c. Environmental Effects Abroad of Major Federal Actions, Executive Order 12114 (E.O. 12114)
 - d. Environmental Planning Program, 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. Environmental Planning Policy, Commandant Instruction (COMDTINST) 5090.1 (series)
 - g. U.S. Coast Guard Environmental Planning Warrant Program Implementing Procedures (EPWP IP) (series)
 - h. Natural Resources Management Manual, COMDTINST M5090.3 (series)
 - i. Coastal Zone Management, Federal Consistency Procedures, COMDTINST M16004.2 (series)
 - j. Major Systems Acquisition Manual (MSAM), COMDTINST M5000.10 (series)
 - k. Level 3 Non-Major Acquisition Process (NMAP) Manual, COMDTINST M5000.11 (series)
 - l. U.S. Coast Guard Basic Environmental Planning and Historic Preservation Decision Support System User’s Guide for Preparers (series)
 - m. Civil Engineering Manual, COMDTINST M11000.11 (series)
 - n. U.S. Coast Guard Real Property Management Manual, COMDTINST M11011.11 (series)
 - o. Bridge Administration Manual, COMDTINST M16590.5 (series)
 - p. Permitting of Regattas and Marine Parades, COMDTINST M16751.3 (series)
 - q. Preparation of Regulations, COMDTINST M16703.1 (series)

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2. Applicability of NEPA.

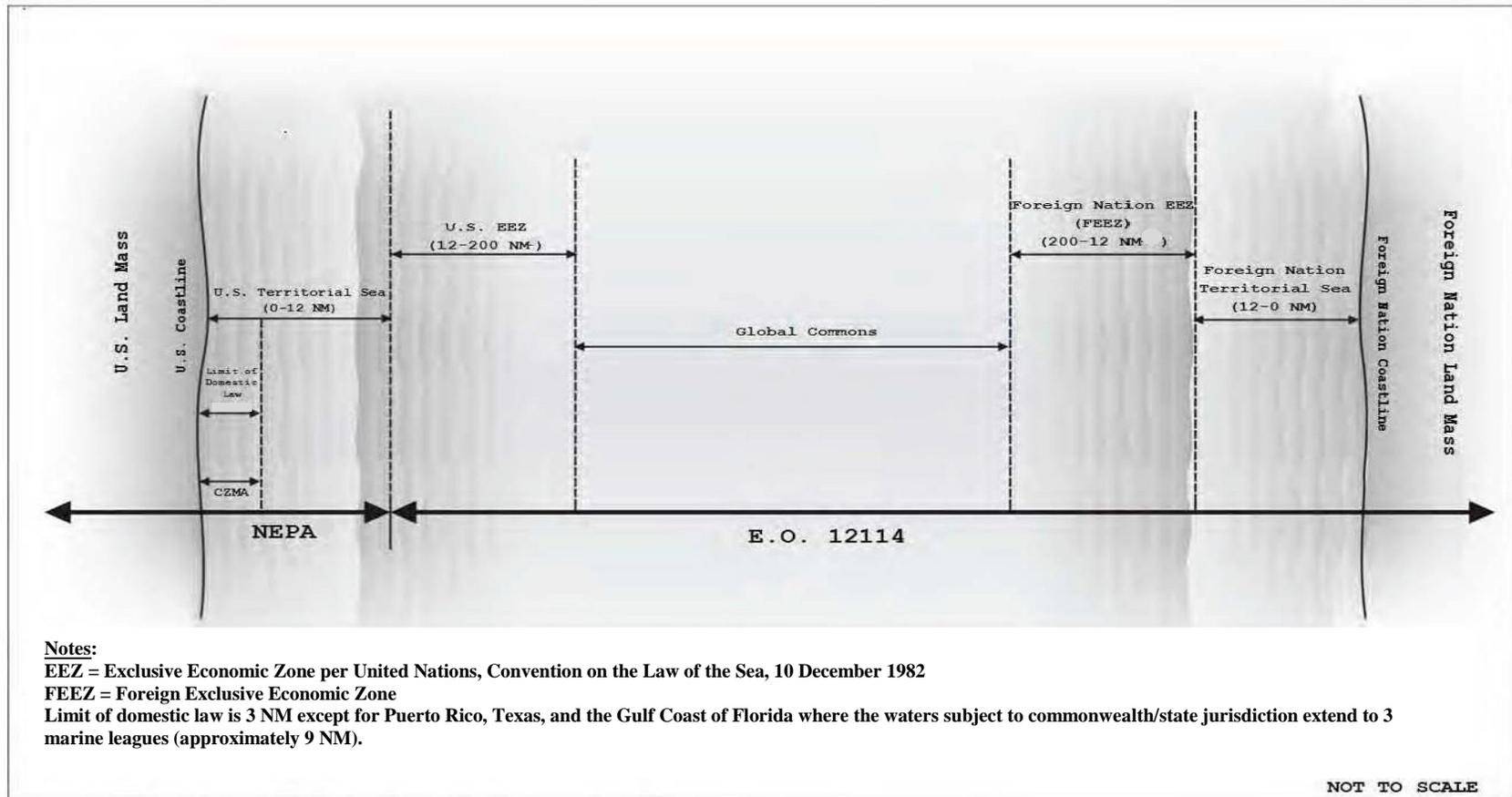
- a. Except for actions that fall under Paragraph c of this Section, throughout this IP, use of the terms “action,” “Coast Guard action,” or “federal action” in association with NEPA compliance or applicability means actions as defined in 40 C.F.R. § 1508.18 of Reference (b) that occur in or have effects within the United States, its territories and possessions, the 12 nautical mile (NM) U.S. territorial sea, and/or Antarctica¹ (actions within the United States and/or Antarctica) unless specifically stated otherwise. (See Figure 1-1 that illustrates the geographic applicability of NEPA, E.O. 12114, and the Coastal Zone Management Act (CZMA), Table 1-1 that indicates the geographic applicability of other environmental mandates routinely addressed in NEPA/E.O. 12114 analyses, and Table 1-2 for information on geographic scope and document selection under NEPA/E.O. 12114.)
- b. NEPA procedures in this IP apply to all members of the Coast Guard responsible for Coast Guard actions (**Proponents**²) that occur in or have effects within the United States and/or Antarctica.¹ **Coast Guard Proponents are primarily responsible for compliance with NEPA for their actions and programs.** NEPA procedures are to be used in the planning and implementation of Coast Guard programs, projects, and other actions as described in 40 C.F.R. § 1508.18.
- c. Per Section 10.a.(1) of Reference (f), actions that do not require NEPA compliance are as follows:
 - (1) Per Section 1508.18(a) of Reference (b), 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 bringing judicial or administrative civil or criminal enforcement actions;
 - (2) Actions lacking any discretion. Examples of non-discretionary actions include but are not limited to:
 - (a) Actions carried out under a non-discretionary mandate from Congress such as congressional direction to transfer federal property to a particular entity for a particular purpose that leaves the Coast Guard no discretion in how or when to implement the transfer; and

¹ Special rules apply for NEPA assessment in Antarctica. Seek advice on applicability from your servicing legal office, and see the Antarctic Conservation Environmental Impact Assessment 16 U.S.C. § 2403a.

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 Enclosure (1) for a more complete definition and explanation of this term.)

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Figure 1-1 Geographic Applicability of NEPA, E.O. 12114, and CZMA



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Table 1-1 Geographic Applicability of Certain Environmental Planning and Natural and Historic Resource Mandates

| Environmental or Natural Resource Statute/E.O. | Location of Effects | | | | | | |
|--|---|---|---------------------------------------|----------------------------|----------------------------|---|----------------------------|
| | In the United States & Within 3 NM of U.S. ³ | Within U.S. Territorial Sea (12 NM Off Coast) | Within U.S. EEZ (12–200 NM Off Coast) | Global Commons (High Seas) | FEEZ (200–12 NM Off Coast) | Within Foreign Nation Territorial Sea (12–0 NM Off Coast) | Landward of Foreign Nation |
| NEPA ¹ | X | X | | | | | |
| E.O. 12114 ² | | | X | X | X | X | X |
| Endangered Species Act (ESA) ¹ | X | X | X | X | | | |
| Marine Mammal Protection Act (MMPA) ¹ | X | X | X | X | | | |
| CZMA | X | | | | | | |
| Magnuson-Stevens Act (Essential Fish Habitat) | X | X | X | | | | |
| National Marine Sanctuaries Act (NMSA) | X | X | X | | | | |
| Marine Protection, Research, and Sanctuaries Act (MPRSA) | X | X | X | X | X | X | |
| Clean Air Act (CAA) | X | | | | | | |
| Clean Water Act (CWA) (Section 1342) | X | | | | | | |
| CWA (Sections 1321(b), 1343) | X | X | X | | | | |
| Migratory Bird Treaty Act (MBTA) | X | X | X | | | | |
| Bald and Golden Eagle Protection Act (BGEPA) | X | X | X | | | | |
| Coral Reef Protection, E.O. 13089 | X | X | X | | | | |

¹ The environmental planning provisions of NEPA apply within the 50 states, territories, and possessions of the United States. As a matter of policy, Coast Guard applies NEPA to those Coast Guard actions that affect the human environment within the 12 NM U.S. territorial sea (0–12 NM) and for Antarctica in certain situations which require legal advice. Most environmental statutes apply seaward to the pre-1988 limit of the U.S. territorial sea (0–3 NM). MMPA and ESA represent two of the most common statutes that apply to Coast Guard activities outside the territorial sea (0–12 NM), but are not the only statutes applicable to Coast Guard activities outside the territorial sea.

²E.O. 12114 also applies in Antarctica.

³ Generally, state seaward boundaries extend to 3 NM, with the exception of Texas, the Gulf Coast of Florida, and the Commonwealth of Puerto Rico, where their seaward boundaries are at 3 marine leagues, or approximately 9 NM.

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Table 1-1 Geographic Applicability of Certain Environmental Planning and Natural and Historic Resource Mandates

| Historic and Cultural Resource Statute/E.O. ¹ | Location of Effects | | | | | | |
|---|--|---|---------------------------------------|----------------------------|----------------------------|---|----------------------------|
| | In the United States & Within 3 NM of the United States ² | Within U.S. Territorial Sea (12 NM Off Coast) | Within U.S. EEZ (12–200 NM Off Coast) | Global Commons (High Seas) | FEEZ (200–12 NM Off Coast) | Within Foreign Nation Territorial Sea (12–0 NM Off Coast) | Landward of Foreign Nation |
| National Historic Preservation Act (NHPA) Section 106 for (Non-federally Licensed/Permitted Undertakings) | X | | | | | | |
| NHPA Section 106 for (Federally Licensed/Permitted Undertakings) | X | X | | | | | |
| NHPA Section 110 | X | | | | | | |
| NHPA Section 402 | | | | X | X | X | X |
| Archeological Resources Protection Act (ARPA) | X | | | | | | |
| Native American Graves Protection and Repatriation Act (NAGPRA) | X | | | | | | |
| Antiquities Act of 1906 | X | X | X | | | | |
| American Indian Religious Freedom Act (AIRFA) | X | | | | | | |
| Sunken Military Craft Act | X | X | X | X | X | X | X |
| All Other Historic and Cultural Resource E.O.s | X | | | | | | |

¹ Most cultural/historic resource management statutes apply seaward to the pre-1988 limit of the U.S. territorial sea (0–3 NM).
² Generally, state seaward boundaries extend to 3 NM, with the exception of Texas, the Gulf Coast of Florida, and the Commonwealth of Puerto Rico, where their seaward boundaries are at 3 marine leagues or approximately 9 NM.

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Table 1-2 Choosing the Environmental Planning Process and Document for Complying with NEPA/E.O. 12114³

| Locations of Effects | Environmental Planning Process | Environmental Planning Document |
|---|---|--|
| Within the United States and Within 3 NM of the U.S. Coast (State Waters) | NEPA | <ul style="list-style-type: none"> • Record of Environmental Consideration (REC) or optional Memorandum for the Record (MFR) • Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) • Environmental Impact Statement (EIS) and Record of Decision (ROD) |
| Within U.S. Territorial Sea (0–12 NM Off Coast) | NEPA | <ul style="list-style-type: none"> • REC or optional MFR • EA/FONSI • EIS/ROD |
| Within U.S. Territorial Sea and U.S. EEZ (0–200 NM Off Coast) | NEPA and E.O. 12114 | <ul style="list-style-type: none"> • REC or optional MFR, Optional Negative Decision (ND) • EA/FONSI, Overseas Environmental Assessment (OEA) and Finding of No Significant Harm (FONSH) • EIS/ROD, Overseas EIS (OEIS) and Overseas Decision (OD) |
| Within U.S. EEZ (12–200 NM Off Coast) | E.O. 12114 | <ul style="list-style-type: none"> • Optional (ND) • OEA/FONSH • OEIS/OD |
| Within Global Commons (High Seas) or 200 NM from Foreign Coastline | E.O. 12114 | <ul style="list-style-type: none"> • Optional ND • OEA/FONSH • OEIS/OD |
| Within Global Commons (Antarctica) | NEPA (seek legal advice on applicability) and E.O. 12114 | <ul style="list-style-type: none"> • REC or optional MFR, Optional ND • EA/FONSI, OEA/FONSH, • EIS/ROD, OEIS/OD |
| Within a FEEZ (200–12 NM Off Coast) ⁴ | E.O. 12114 | <ul style="list-style-type: none"> • Optional ND • Environmental Review (ER)⁴ |
| Within Territorial Sea of a Foreign Nation or Landward of the Coastline of a Foreign Nation (12–0 NM Off Coast) | E.O. 12114 | <ul style="list-style-type: none"> • Optional ND • ER or ES (ES mandatory if action will affect protected global resource— none currently designated.) |
| <p>Note: A mandatory memo to file is prepared for actions relying on previously approved Coast Guard NEPA/E.O. 12114 environmental planning documentation and any associated regulatory consultations and coordination. If both NEPA and E.O. 12114 apply the following hybrid documents are acceptable: EA and OEA or EIS and OEIS.</p> | | |

³ Throughout this IP, the term “environmental planning process or document” means the NEPA and/or E.O. 12114 environmental planning process or a NEPA and/or E.O. 12114 document.

⁴ If the affected foreign nation is participating, Proponent is exempt unless the action affects a protected global resource (none currently designated) in which case an ES not an ER is required.

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- (b) Actions carried out as an operation of law, such as reversionary interests in land recorded at the time the property was obtained and that provide the Coast Guard no discretion in whether to trigger the reversion or how or when to implement the reversion.
- (3) Actions conducted by the President of the United States (e.g., actions carried out by the Coast Guard Federal On-Scene Coordinator (FOSC)⁵ who acts as the President during emergency oil spill response);

NOTE: While NEPA does not apply to FOSC actions, this is not necessarily true with regard to other environmental laws. Check with your servicing legal command for the applicability of other environmental laws to FOSC actions.

- (4) Actions expressly exempt by law or an executive branch waiver⁵;
- (5) Actions taken under the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA]⁶ and Resource Conservation and Recovery Act (RCRA)⁷; and

NOTE: In conducting the CERCLA process, Proponents must address NEPA 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 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.

- (6) Actions carried out outside the United States (except Antarctica).
- d. Proponents should obtain written advice (memo or email) from their servicing legal command prior to making any determination that their proposed action is one that falls under

⁵ 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/25512>.

⁶ The statutory conflict between NEPA and CERCLA is that whereas NEPA allows judicial review (under the Administrative Procedure Act) before an agency takes action, CERCLA seeks to achieve expeditious cleanups and generally bars such "pre-enforcement" review. (See CERCLA Section 113(h).) A 1995 memorandum from the Assistant Attorney General, Environment, and Natural Resources Division, Department of Justice (DOJ), to DOE, the Environmental Protection Agency (EPA), the Department of Defense (DOD), and the CEQ, memorialized agency consensus on this CERCLA/NEPA policy.

⁷ NEPA does not apply to RCRA because the courts have held that RCRA permits are the functional equivalent of NEPA. RCRA closure actions are not subject to NEPA for the same reasons that CERCLA responses are not subject to NEPA.

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

3. Applicability of E.O. 12114.

- a. Except for actions that fall under Paragraph c of this Section, throughout this IP, use of the term “actions” or “actions abroad” for the purposes of E.O. 12114 compliance or applicability means actions as defined in 40 C.F.R. § 1508.18 of Reference (b) that occur in or have effects occurring in:

(1) The U.S. EEZ but outside the U.S. territorial sea (12–200 NM off coast);

(2) The global commons (high seas or Antarctica);

(3) The foreign nation’s FEEZ (200–12 NM off coast);

(4) The foreign nation’s territorial sea (12–0 NM off coast), and/or

(5) Foreign nations (landward of their coasts).

(See Figure 1-1 that illustrates the geographic applicability of NEPA, E.O. 12114, and CZMA, Table 1-1 that indicates the geographic applicability of other environmental mandates routinely addressed in NEPA/E.O. 12114 analyses, and Table 1-2 for information on geographic scope and document selection under NEPA/E.O. 12114.)

- b. E.O. 12114 procedures in this IP apply to all members of the Coast Guard responsible for Coast Guard actions that occur in or have effects within the U.S EEZ, the global commons (high seas or Antarctica), a foreign nation landward of their coast, and/or the EEZ or territorial sea of a foreign nation (actions abroad). E.O. 12114 procedures are to be used in the planning and implementation of Coast Guard actions that may or will significantly harm the natural and/or physical environment abroad. **Coast Guard Proponents are primarily responsible for compliance with E.O. 12114 for their actions and programs.**
- c. Per Section 10.a.(2)(b) of Reference (f), E.O. 12114 does not apply to actions that are not major federal actions abroad (see this Chapter, Section C.5.b of this IP), or actions exempt under Section 2-5(a)vii of E.O. 12114.
- d. Proponents should obtain written advice (memo or email) from their servicing legal command if they are uncertain whether their action is one that falls under Section 10.a.(2) of Reference (f) and that, therefore, compliance with E.O. 12114 is not necessary. Proponents are encouraged to document any decision that an action/operation does not require E.O. 12114 compliance with a memo to file that summarizes or attaches any written legal advice.

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4. NEPA.

- a. Purpose of NEPA. NEPA serves as the Nation's basic charter for environmental protection. NEPA requires federal agencies to analyze the impacts of their proposed actions on the human environment of the United States, its territories, and possessions (and Antarctica) before the action is undertaken. **Under NEPA, the “human environment” means the natural and physical environment and the relationship of the people with that environment.**
- b. NEPA in Coast Guard Decision-Making. NEPA is a decision-making process very similar to, and compatible with, the project planning tools already implemented by the Coast Guard. NEPA ensures that the Proponent is in possession of the environmental information he or she needs to make the best and most informed decisions on proposed Coast Guard actions. NEPA establishes an analytical process for federal agency decision-making which requires that for all federal actions where NEPA applies, agencies must:
 - (1) Identify and analyze environmental consequences of proposed federal actions in comparable detail to economic and operational analyses;
 - (2) Assess reasonable alternatives to agency proposed actions;
 - (3) Document the environmental analysis and findings; and
 - (4) Make environmental information available to public officials and citizens before agency decisions are made.
- c. Definition of Major Federal Action. What constitutes a major federal action is defined in 40 C.F.R. § 1508.18 of Reference (b) and is defined in Enclosure (1) of this IP. With some limited exceptions as described in this Chapter, Section C.2.c of this IP, the CEQ definition includes almost all actions carried out by federal agencies including those financed, assisted, conducted, regulated or approved by the Coast Guard. Proponents must not misconstrue the word “major” to mean an action has to be very large in order for NEPA to apply.⁸
- d. The CEQ. NEPA established CEQ. The CEQ is an executive council that is responsible for overseeing the NEPA process and for reporting to the President and Congress on the status, condition, and management of the Nation's environment. CEQ is also responsible for the development of Reference (b). Reference (b) requires agencies to categorize each of their actions as normally requiring one of the following levels of NEPA analysis and/or documentation.

⁸ The term “major federal action” is defined here because it is a term of art under NEPA and Reference (b); however, since that term is defined to mean virtually all federal actions with some limited exceptions, use of the words, “action,” “federal action,” and/or “Coast Guard action” used in association with NEPA compliance or applicability, means actions as defined in 40 C.F.R. § 1508.18 of Reference (b) that occur in or have effects within the U.S. and/or Antarctica unless specifically stated otherwise (i.e., where Reference (f) and/or this IP states that an action is exempt from NEPA, NEPA does not apply to a certain action, or the action is not a major federal action.)

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- (1) CATEXs. CATEXs are a published set of actions that, after consideration, a federal agency determines do not have the potential for a significant impact on the human environment individually or cumulatively and for which, therefore, neither an EA nor an EIS is required. **CATEXs are not exemptions from NEPA, they are the lowest level of NEPA analysis and/or documentation and only exclude the actions covered by the CATEX from the requirement to prepare either an EA or EIS. (See Chapter 3, Table 3-1 of this IP for the list of DHS and Coast Guard CATEXs allowed for Coast Guard use.)**
 - (2) EAs. EAs are concise environmental documents prepared when there is no CATEX to cover an action and/or the significance of an action's impacts is unknown. An EA briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or FONSI. An EA constitutes an agency's compliance with NEPA when no EIS is necessary and facilitates preparation of an EIS when one is necessary.
 - (3) EISs. EISs are public environmental documents prepared according to the requirements of CEQ for actions that will have a significant effect on the quality of the human environment.
- e. Additional NEPA Analysis and Documentation. The following is a description of additional analysis and/or documentation prepared to ensure compliance with NEPA.
- (1) RECs. RECs are internal administrative documents that record the application of certain CATEXs (i.e. those annotated with an asterisk in Chapter 3, Table 3-1 of this IP) to specific proposed actions.
 - (2) MFRs. MFRs are optional internal administrative documents that record the application of certain CATEXs (i.e. those not annotated with an asterisk in Chapter 3, Table 3-1 of this IP) to specific proposed actions that do not require a REC.
 - (3) FONSIs. FONSI, as defined in 40 C.F.R. § 1508.13, are public documents prepared by federal agencies that serve to briefly present the reasons why an action or actions, not otherwise excluded (40 C.F.R. § 1508.4), will not have a significant effect on the human environment and for which an EIS, therefore, will not be prepared. If an EA determines that no EIS is necessary, a FONSI concludes the process of preparing an EA.
 - (4) RODs. RODs as defined in 40 C.F.R. § 1505.2 are concise public records prepared to state federal agency decisions and conclude the process of preparing an EIS.
5. E.O. 12114.
- a. Purpose of E.O. 12114. While based on independent authority, E.O. 12114 furthers the purpose of NEPA with respect to the environment outside the United States. E.O. 12114 provides the exclusive and complete set of requirements for assessing the effects of major federal actions that may, or will, do significant harm to the environment of places outside the United States. **Under E.O. 12114, "environment" means the natural and physical environment and does not include social, economic, and other environments.**

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- b. Definition of Major Federal Action⁹ Abroad.
- (1) Coast Guard Actions that are Major Federal Actions Abroad. Major federal actions abroad are 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. (See also this Chapter, Section C.3.a of this IP for the definition of “abroad.”)
 - (2) Coast Guard Actions that Are Not Major Actions Abroad. Coast Guard actions are not major federal actions abroad if they do not meet the factors established in Paragraph (1) above. If the Proponent determines that a proposed action is not a major Coast Guard action abroad, then E.O. 12114 does not apply and no further action is required.
- c. E.O. 12114 in Coast Guard Decision-Making. E.O. 12114 has a process somewhat similar to that of NEPA for analyzing and documenting the effects of federal actions abroad. E.O. 12114 requires federal agencies to analyze proposed actions that will occur outside the United States by applying one of the following levels of environmental analysis and documentation.
- (1) Overseas CATEXs (OCATEXs). A category of actions that normally will not, individually or cumulatively significantly harm the environment abroad. Currently, although the E.O. allows for OCATEXs, **there are no published OCATEXs developed for Coast Guard actions abroad.**
 - (2) OEAs. OEAs are environmental documents that contain a concise analysis of the environmental consequences of a proposed action in the U.S. EEZ or global commons (high seas or Antarctica). OEAs are prepared when the impacts of the proposed action in the U.S. EEZ or global commons (high seas or Antarctica) are unknown or may be significant. OEAs can be used to assist in determining whether implementation of a Coast Guard action will cause significant environmental harm, thereby requiring preparation of an OEIS. (See this Chapter, Section C.5.b(1) of this IP, and Enclosure (1), of this IP for a definition of “major federal action” under E.O. 12114.)
 - (3) OEISs. OEISs are environmental documents prepared for proposed federal actions significantly affecting the environment in the U.S. EEZ or global commons (high seas or Antarctica).
 - (4) ERs. Coast Guard Proponents prepare ERs unilaterally without the involvement of one or more foreign nations. An ER is a concise review of the environmental issues

⁹ The term “major federal action” is defined here because it is a term of art under E.O. 12114. Because Reference (f) requires the term “major federal action” to be defined per 40 C.F.R Part 1508.18, throughout this IP, use of the term “actions,” “federal actions,” and/or “Coast Guard actions” in association with E.O. 12114 compliance or applicability means actions as defined in 40 C.F.R. 1508.18 of Reference (b) that occur abroad or have effects occurring abroad unless specifically stated otherwise (i.e., where Reference (f) or this IP states that a certain action is exempt under the E.O., is not a major federal action, or the E.O. does not apply).

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associated with a proposed action that may significantly harm the natural and physical environment and is prepared when the action takes place:

- (a) Within the FEEZ (generally 12–200 nautical miles (NM) from the coastal baseline) only if the affected foreign nation is NOT participating in the Coast Guard action and no protected global resources¹⁰ are affected;
 - (b) Within the territorial sea of a foreign nation (generally 0–12 NM from the coastal baseline) if no protected global resources are affected; or
 - (c) Landward of the coastline of a foreign nation if no protected global resources are affected.
- (5) ESs. Coast Guard Proponents prepare ESs bilaterally or multilaterally with the involvement of one or more foreign nations, or by an international body or organization in which the Coast Guard is a member or participant. An ES is a review of the environmental issues associated with a proposed action that may significantly harm the natural and physical environment and is prepared when an action takes place:
- (a) Within the FEEZ (generally 12–200 nautical miles (NM) from the coastal baseline) only if the action affects a protected global resource regardless of whether the affected foreign nation is participating in the action;
 - (b) Within the territorial sea of a foreign nation (generally 0–12 NM from the coastal baseline) or,
 - (c) Landward of the coastline of a foreign nation.

Note: An ES is mandatory for actions that take place in the territorial sea of a foreign nation or landward of its coastline if they also impact a protected global resource.

- d. Additional E.O. 12114 Analysis and Documentation. The following is a description of additional analysis and documentation prepared to ensure compliance with E.O. 12114.
 - (1) NDs. NDs are optional documents prepared to document the use of an exemption from the requirements of E.O. 12114 for a Coast Guard proposed action. (See Chapter 4, Section B of this IP for more information on exemptions from E.O. 12114.)
 - (2) FONSHs. A FONSH is a document that serves to present the reasons why a proposed action will not significantly harm the environment (as defined by E.O. 12114) of the global commons (high seas or Antarctica).

¹⁰ No protected global resources are currently designated.

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- (3) ODs. ODs are concise records that are prepared to state the Proponents' decision and conclude the process of preparing OEISs.
6. Determining the Appropriate Environmental Planning Process and Document. Determine the appropriate environmental planning process and document type for a proposed action by determining where the action will take place and where the effects on the/human/physical environment will occur. If both NEPA and E.O. 12114 apply (refer to this Chapter, Table 1-2) certain environmental analyses for both should be combined into a single environmental planning document. **Only the following hybrid documents are acceptable: EA and OEA or EIS and OEIS.** (See Chapter 2, Section A.3 of this IP for the appropriate content of a combined environmental planning document.)

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CHAPTER 2. GENERAL PROCEDURES APPLICABLE TO BOTH NEPA AND E.O. 12114

A. Environmental Planning Process.

1. Purpose of the Environmental Planning Process. Coast Guard environmental planning is the process of identifying and assessing the potential environmental effects of a proposed action to allow informed decision-making. In addition, preparation of an environmental planning document is often used as a vehicle to facilitate and demonstrate compliance with a number of other environmental requirements, including but not limited to: CAA, CWA, CZMA, NHPA, ARPA, NAGPRA, NMSA, Magnuson-Stevens Act, Fish and Wildlife Coordination Act, MBTA, Pollution Prevention Act, MMPA, ESA, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, E.O. 12898 (E.O. 12898), and Coral Reef Protection, E.O. 13089.
2. Integration and/or Coordination of NEPA/E.O. 12114 into Planning and Decision-Making. Proponents will integrate or coordinate the NEPA/E.O. 12114 process with other planning efforts at the earliest possible time so that any potential environmental impacts of proposed actions can be appropriately considered by decision-makers before final decisions are made. Within the Coast Guard, Proponents will ensure that the appropriate NEPA/E.O. 12114 analysis and documentation is completed **before a final decision is made that irretrievably commits resources or limits the choice of reasonable alternatives** to satisfy an objective, fix a problem, address a weakness, or develop a program. Within the Coast Guard, the Proponent for programs, projects, and activities implements the requirements of Reference (f) and this IP in consultation with their appropriate supporting environmental and legal staff. Some environmental planning actions/documents require DHS Sustainability and Environmental Programs (SEP) notification or review and approval. (See Chapter 2, Section Q of this IP). Proponents must:
 - a. Consider all relevant NEPA/E.O. 12114 analyses/documents in evaluating proposals for action;
 - b. Make relevant NEPA/E.O.12114 documents, comments, and responses part of the record in formal rulemaking or adjudicatory proceedings;
 - c. Ensure that relevant NEPA/E.O. 12114 documents accompany any proposal through the appropriate formal project approval and decision-making processes to ensure consideration of NEPA/E.O. 12114 analyses prior to implementation of an action or approval of a final decision;
 - d. Submit draft decision memos to Commandant (CG-47) and Commandant (CG-LMI-E) for review prior to their finalization and signature. For Commandant (CG-47) review, Proponents must send the draft decision memo and request for review to HQS-SMB-CG-47-POLICYREVIEW@USCG.mil;
 - e. 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 at HQS-SMB-CG-47-POLICYREVIEW@USCG.mil; and

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- f. Ensure consideration of an appropriate range of reasonable alternatives to a proposed action under NEPA/E.O. 12114.

3. Combination NEPA and E.O. 12114 Environmental Planning Documents.

- a. If both NEPA and E.O. 12114 apply, certain analyses for both should be combined into a single environmental planning document. (See Chapter 1, Table 1-2 and Section C.6 of this IP.) Only the following hybrid documents are acceptable: EA and OEA or EIS and OEIS. In combining analyses, the Proponent must differentiate between NEPA and E.O. 12114 descriptions of the affected environment and the impact analysis so it is clearly understood which authority applies to the affected environment being assessed and the resources that are affected. In addition, the Proponent must consider the following:
 - (1) Using charts or matrices to identify which authority applies to specific elements of a proposed action;
 - (2) Using charts or matrices to identify location of affected resources to assist in identifying which authority applies to the respective analyses;
 - (3) Separating sections or paragraphs to set out the respective findings specifically required by NEPA and E.O. 12114;
 - (4) Combining the NEPA and E.O. 12114 discussions in a unified paragraph or text when discussing relevant regulatory permitting, authorization, and consultation requirements that apply within both NEPA and E.O. 12114 areas of applicability; and
 - (5) Addressing E.O. 12114 conclusions in the NEPA ROD when a hybrid EIS and OEIS is prepared.
- b. When both NEPA and E.O. 12114 apply, it is also acceptable for Proponents to prepare two separate environmental planning documents—one for NEPA and one for E.O. 12114—if the circumstances or nature of the proposed action warrant.

B. General Procedures. Coast Guard is able to achieve its core missions at home, at sea, and abroad more efficiently when environmental planning is properly integrated and sequenced into Coast Guard decision-making for those Coast Guard actions that may have environmental impacts. To effectively implement the NEPA/E.O. 12114 processes and prepare quality and consistent environmental planning documents, advanced planning and early coordination is required. Coast Guard Proponents must:

1. Conduct environmental planning and decision-making using a systematic, interdisciplinary approach that integrates the natural and social sciences where there may be an impact on the human environment under NEPA. Conduct environmental planning and decision-making using a systematic, interdisciplinary approach that integrates the physical and natural environment where there may be an impact on the physical and natural environment under E.O. 12114.
2. Consider and evaluate a reasonable range of alternatives to proposed actions that rigorously explores and sharply defines the issues, provides full disclosure of the potential environmental

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consequences, and provides a clear basis for choice among options by the decision-maker (and the public where applicable):

- a. Strive to achieve a balance between resource use and the Coast Guard's missions and avoid environmental degradation, risk to health and safety, or other consequences that are undesirable and unintended; and
- b. Provide the opportunity for public involvement in the environmental planning process, where applicable.

C. Actions Triggering NEPA/E.O. 12114. Coast Guard actions triggering NEPA/E.O. 12114 include, but are not limited to, the following:

1. Mission and operations planning;
2. New operations;
3. Existing operations where the following applies:
 - a. The Coast Guard did not previously evaluate a continuing activity in an environmental planning document, and there is a discovery that substantial environmental degradation is occurring, or is likely to occur, because of ongoing operations. (Examples of applicable situations include: the discovery that new wetland habitat is designated; or the discovery that potentially significant or significant impacts to ESA-listed species or marine mammals are occurring or are likely to occur in the area of the continuing activity);
 - b. The Coast Guard discovers that either a major change in the nature of a continuing activity or the circumstances surrounding that activity are resulting in environmental impacts that are significantly or quantitatively different or more severe than previously predicted in an existing environmental planning document prepared in connection with the commencement of that activity;
 - c. The Coast Guard determines there is a substantial change in a continuing activity (such as a substantial change in operational tempo, area of use, or in technique or equipment) which has the potential for significant environmental impacts; or
 - d. The Coast Guard's existing environmental planning document for a continuing operation is outdated (more than 5 years old) or inadequate (e.g., a new methodology for assessing effects is developed, or those data, which were the basis for the analysis in the original document, become suspect).
4. Research, testing, and evaluation;
5. Asset and facility management;
6. Decommissioning of plants, property, and equipment;
7. Decommissioning or disposal of vessels and aircraft;

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8. Construction, repair, renovation, acquisition, establishment, relocation, sale, demolition, decommissioning or closure of Coast Guard facilities;
9. New or revised plans, projects, programs, policies, rules, regulations, procedures, or legislative proposals, as discussed at 40 C.F.R. § 1508.18;
10. Acquisitions and procurements; and
11. Issuance of permits, licenses, and formal approvals¹¹ (**including decision memos**), and grants, or other forms of federal assistance.
12. Coast Guard actions include tenant actions on Coast Guard-controlled property. Coast Guard host units usually share with tenants the responsibility for compliance with References (a)-(f) on their facilities. Roles and responsibilities with respect to compliance with NEPA/E.O. 12114 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 command review the facts associated with each enforcement situation.

D. Use of NEPA/E.O. 12114 in Environmental Planning.

1. Use NEPA/E.O. 12114 to Ensure Compliance with Other Environmental Mandates. Per Reference (f), to the fullest extent possible, Coast Guard Proponents must utilize the NEPA/E.O. 12114 planning processes to help ensure compliance, or where appropriate, to consolidate compliance with other applicable environmental and historic resource management mandates. (See References (h) and (i) for Coast Guard policy on the majority of laws addressed by the NEPA/E.O. 12114 process). It is important to note that completed compliance with NEPA/E.O. 12114 does not necessarily equate to compliance with other environmental laws, regulations, and E.O.s established for the protection and stewardship of the environment.
2. Follow Procedures of Other Laws on Use of NEPA/E.O.12114 to Comply. If Proponents choose to use NEPA/E.O. 12114 to comply with other environmental mandates that have specific requirements on how to use NEPA/E.O. 12114 to comply, then the Proponent must follow these specific procedures.
3. Use the NEPA/E.O. 12114 Process to Describe Compliance with Other Environmental Mandates. Where other environmental mandates do not specify how to use the NEPA/E.O. 12114 process to achieve compliance with their requirements, Proponents must use NEPA/E.O. 12114 compliance documents to explain to the public and other stakeholders, how the Coast Guard is in compliance, or how we intend to complete such compliance prior to taking agency action.

¹¹ “Formal approvals” means required approvals from the Coast Guard where such approvals, if not granted, would stop the action, operation, or project.

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4. Use the NEPA/E.O. 12114 Process to Ensure that Compliance with Applicable Environmental Laws Runs Concurrently. To the extent feasible, Proponents must coordinate the requirements of other applicable environmental mandates into their NEPA/E.O. 12114 analysis such that all compliance runs concurrently rather than consecutively. Table 2-1 contains a summary of some of the environmental mandates that Proponents must comply with and must address in their NEPA/E.O. 12114 analysis and documentation, where applicable. (This table does not cover all environmental and historic resource mandates that may fall under the umbrella of the NEPA/E.O. 12114 environmental planning process. (For a more complete list of environmental, historic, and cultural resource laws and E.O.s, consult Enclosure (3) of this IP.)
5. Support Regulatory and Statutory Conclusions with Appropriate Language and Analysis. When your environmental planning document addresses compliance with other statutes and regulations, the document must support all such regulatory and statutory conclusions with appropriate analyses, and ensure that such analyses are specific to the statutory requirement and language. For example, if a NEPA document addresses compliance with ESA, it must state the significance of any impacts to ESA-listed species under NEPA and address whether the proposed action has no effect, may affect but is not likely to adversely affect, or may affect and is likely to adversely affect a listed species. Find example terminology for conclusions related to compliance with other laws and E.O.s (not meant to be all-inclusive), in this Chapter in Table 2-1 of this IP.

Note: As environmental statutes have different thresholds for determining effects, it is possible for there to be no significant impact/harm to a resource under NEPA/E.O. 12114, and an adverse effect to the same resource under another statute. For example, a proposed action “may adversely affect” EFH due to the low threshold for effects under the Magnuson-Stevens Act, yet not significantly impact/harm EFH under NEPA/E.O. 12114.

6. Discuss Related Non-Regulatory Analyses in Separate Subsections. Address related, non-regulatory analyses in a separate subsection of an environmental planning document. For example, the assessment of EFH must be specific to the discussion of potential adverse effects on defined EFH; address other impacts to fish species or fish assemblages separately. Similarly, analyses on federally-listed ESA species must be separate from discussions of state-listed species.
- E. Timing of Completed Compliance with Other Related Environmental and Historic Resource Management Mandates.
1. Make a Reasonable Attempt to Complete Compliance with Related Environmental Mandates. Reference (f) requires Proponents to make a reasonable attempt to complete any compliance, consultation, coordination, and authorization processes under applicable environmental and historic preservation management mandates before a Proponent signs a REC, signs a FONSI or FONSH, or publishes a final EIS (FEIS) or final OEIS (FOEIS).

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Table 2-1 Sample Conclusions for Key Environmental and Historic Resource Statutes and E.O.s Applicable to NEPA/E.O. 12114 Analysis

| Resource | Statutes and E.O.s | Administrative Authority | Applicability | Compliance Requirements | Sample Conclusions |
|----------|--------------------|---|--|---|--|
| All | NEPA | CEQ | Any federal action that may or will significantly affect the human environment within U.S. territory and Antarctica (Check with servicing legal office of applicability of NEPA.) | Preparation of an optional MFR, REC, EA leading to a FONSI, or an EIS leading to a ROD. | <p>“Pursuant to NEPA, the proposed action will have <u>no significant impact</u> on [applicable resource].”</p> <p>“Pursuant to NEPA, the proposed action will <u>significantly impact</u> [applicable resource].”</p> |
| | E.O. 12114 | CEQ | Any federal action that may or will cause significant harm to the physical environment outside the United States and its territories and possessions (including Antarctica). | Preparation of an optional ND, OEA leading to a FONSH, or OEIS leading to an OD. | <p>“Pursuant to EO 12114, the proposed action will cause <u>no significant harm</u> to [applicable resource].”</p> <p>“Pursuant to EO 12114, the proposed action will <u>significantly harm</u> [applicable resource].”</p> |
| Air | CAA of 1970 | Environmental Protection Agency (EPA) or the Bureau of Ocean Energy Management (BOEM) for the outer continental shelf (OCS) | Any indirect or direct emission of criteria pollutants (or their precursors) in a maintenance or nonattainment area; stationary sources that emit one or more hazardous air pollutants (HAPs). | <p>Evaluate indirect and direct emissions of criteria pollutants (or their precursors) in nonattainment and maintenance areas and prepare a Conformity Determination if necessary.</p> <p>Evaluate emissions of HAPs from “major” or “area” stationary sources.</p> <p>Obtain permit under CAA Air Toxics, New Source Review (NSR), or Title V Operating Permit Programs, if necessary.</p> | <p>“Pursuant to the CAA, the proposed action is exempt from the General Conformity Rule, as there will be <u>no reasonably foreseeable direct or indirect emissions</u> in nonattainment or maintenance areas.”</p> <p>“Pursuant to the CAA, a Conformity Determination is not required for the proposed action, as <u>all reasonably foreseeable direct and indirect emissions in nonattainment and maintenance areas do not exceed applicable de minimis levels.</u>”</p> <p>“Pursuant to the CAA, a Conformity Determination is required for the proposed action, as <u>reasonably foreseeable direct and indirect emissions in nonattainment and maintenance areas exceed applicable de minimis levels.</u>”</p> |

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Table 2-1 Sample Conclusions for Key Environmental and Historic Resource Statutes and E.O.s Applicable to NEPA/E.O. 12114 Analysis

| Resource | Statutes and E.O.s | Administrative Authority | Applicability | Compliance Requirements | Sample Conclusions |
|-------------------------|--------------------|---|--|--|---|
| Water | CWA | EPA | Any pollutant discharge into or upon the navigable waters of the United States, which includes the territorial sea, and the waters beyond the contiguous zone; or any disturbance of 1.0 acre or more of land. | <p>Evaluate water quality impacts associated with pollutant discharges, and obtain a National Pollutant Discharge Elimination System (NPDES) permit, if necessary.</p> <p>Evaluate water quality impacts associated with dredge and fill activities, and obtain a permit from the U.S. Army Corps of Engineers (USACE), if necessary.</p> | <p>“The proposed action will have <u>no measurable impacts</u> on water quality, and pollutant concentrations would be below or within existing conditions or designated uses.”</p> <p>“The proposed action will have <u>measurable impacts</u> on water quality, but pollutant concentrations would be below applicable standards, regulations, and guidelines, and within existing conditions or designated uses.”</p> <p>“The proposed action will have <u>measurable impacts</u> on water quality, and pollutant concentrations may exceed applicable standards, regulations, and guidelines, and outside existing conditions and designated uses.”</p> |
| Coastal Zone Management | CZMA | State Federally Approved Coastal Management Program (CMP) | Any federal action inside or outside a coastal zone that affects any land/or water use or natural resource of the coastal zone. | <p>Assess impacts on coastal zone uses or resources and determine whether proposed action will be carried out in a manner consistent to the maximum extent practicable with the enforceable policies of applicable federally approved CMP(s).</p> <p>Prepare a <i>Negative Determination</i> or <i>Consistency Determination</i>, if required.</p> | <p>“Pursuant to the CZMA, the proposed action will have <u>no reasonably foreseeable effects</u> on coastal uses and resources.”</p> <p>“Pursuant to the CZMA, the Coast Guard has determined that the Proposed Action will be conducted in a manner <u>fully consistent or consistent to the maximum extent practicable</u> with the federally approved enforceable policies of the [insert name of state] coastal management program.”</p> |

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Table 2-1 Sample Conclusions for Key Environmental and Historic Resource Statutes and E.O.s Applicable to NEPA/E.O. 12114 Analysis

| Resource | Statutes and E.O.s | Administrative Authority | Applicability | Compliance Requirements | Sample Conclusions |
|------------------------------|----------------------|---|---|--|--|
| Sensitive Species or Habitat | NMSA | National Oceanic and Atmospheric Administration (NOAA) Office of National Marine Sanctuaries (ONMS) | Any federal action inside or outside a national marine sanctuary (NMS) that is <i>likely to destroy, cause the loss of, or injure any sanctuary resource</i> ; or for the Gerry E. Studds Stellwagen Bank NMS, <i>may affect a sanctuary resource</i> . | Assess potential impact to NMSs. Preparation of a Sanctuary Resource Statement and consultation with the ONMS is required for any action that is <i>likely to destroy, cause the loss of, or injure any sanctuary resource</i> ; or for the Gerry E. Studds Stellwagen Bank NMS, <i>may affect a sanctuary resource</i> . | Proponents must review applicable sanctuary management plan(s) in order to determine whether a proposed action <u>will destroy, cause the loss of, or injure (may affect for Gerry E. Studds Stellwagen Bank NMS) any sanctuary resources</u> , or fall under any other prohibited activity. Separate regulatory conclusions are needed for every applicable sanctuary. |
| | MMPA | National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) | Any action with the potential to <i>take marine mammals</i> occurring within U.S. territory, including the 12 NM U.S. territorial sea, within the U.S. EEZ, and Global Commons. | Assess potential impacts on marine mammals and determine whether takes are reasonably foreseeable. If takes are reasonably foreseeable, an incidental harassment authorization (IHA) or letter of authorization (LOA) from the NMFS or FWS is required. | “Pursuant to the MMPA, the proposed action is <u>not likely to or will not result in takes</u> of marine mammals.” “Pursuant to the MMPA, <u>the proposed action will expose marine mammals to [stressor/frequency of exposure] that would be considered take through [Level A or Level B harassment]</u> .” “Pursuant to the MMPA, the proposed action <u>may expose marine mammals to [stressor/frequency of exposure] that will cause take through mortality</u> .” |
| | Magnuson-Stevens Act | NMFS | Any federal action occurring within U.S. territory, including the 12 NM U.S. territorial sea, and within the U.S. EEZ. | Assess impacts to essential fish habitat (EFH). Prepare an EFH Assessment and consult with the NMFS regarding any actions that may adversely affect EFH. Develop mitigation measures to avoid or minimize any potential impacts. | “Pursuant to the Magnuson-Stevens Act, the proposed action <u>will have no effect to EFH or Habitat Areas of Concern</u> .” |

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Table 2-1 Sample Conclusions for Key Environmental and Historic Resource Statutes and E.O.s Applicable to NEPA/E.O. 12114 Analysis

| Resource | Statutes and E.O.s | Administrative Authority | Applicability | Compliance Requirements | Sample Conclusions |
|---------------------------|--------------------|--------------------------|---|---|--|
| Sensitive Species/Habitat | MBTA | FWS | <p>Any federal action resulting in the <i>take</i> of any migratory bird, or the parts, nests, or eggs of such bird occurring within the U.S. (including the 12 NM U.S. territorial sea) and within the U.S. EEZ.</p> | <p>Assess potential impacts to migratory birds, or the parts, nests, or eggs of such bird.</p> <p>If <i>takes</i> are reasonably foreseeable, a permit from FWS may be applicable and required or a depredation or control order may apply and require conditions to be met. No permits are required for take of inactive nests.</p> <p>The Armed Forces may <i>take</i> migratory birds incidental to military readiness activities, provided that for those activities that may result in a significant adverse effect on a population of a migratory bird species, the Armed Forces confer and cooperate with the FWS to develop and implement appropriate conservation measures to minimize or mitigate such significant adverse effects.</p> | <p><u>Non-Military Readiness Activity:</u></p> <p>“Pursuant to the MBTA, the proposed action will <u>not result in take of migratory birds or the parts, nests, or eggs of such bird.</u>”</p> <p>“Pursuant to the MBTA, the proposed action <u>will result in take of migratory birds or the parts, nests, or eggs of such bird.</u>”</p> <p><u>Military Readiness Activity:</u></p> <p>“Pursuant to the MBTA, the proposed action <u>may result in takes of migratory birds.</u> These takes <u>would not result in a significant adverse effect on migratory bird populations.</u>”</p> <p>“Pursuant to the MBTA, the proposed action <u>may result in significant takes</u> of migratory birds.”</p> |

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Table 2-1 Sample Conclusions for Key Environmental and Historic Resource Statutes and E.O.s Applicable to NEPA/E.O. 12114 Analysis

| Resource | Statutes and E.O.s | Administrative Authority | Applicability | Compliance Requirements | Sample Conclusions |
|---------------------------|---|--------------------------|---|--|---|
| Sensitive Species/Habitat | BGEPA | FWS | Any federal action resulting in the <i>take</i> of any Bald or Golden Eagle or the parts, nests, or eggs of such birds occurring within the U.S. (including the 12 NM U.S. territorial sea) and within the U.S. EEZ. | Assess potential impacts to Bald and Golden Eagles or the parts, nests, or eggs of such birds. If <i>takes</i> are reasonably foreseeable, a permit from FWS may be applicable and required. | “Pursuant to the BGEPA, the proposed action will <u>not result in take of Bald or Golden Eagles or the parts, nests, or eggs of such bird.</u> ” “Pursuant to the BGEPA, the proposed action will result in take of Bald or Golden Eagles or the parts, nests, or eggs of such bird.” |
| Public Health and Safety | Protection of Children from Environmental Health Risks and Safety Risks, E.O. 13045 | EPA | Any federal regulatory action that <i>may disproportionately affect</i> children. | Assess environmental health and safety risks that <i>may disproportionately affect children</i> , and address <i>disproportionate risks to children</i> , where necessary. | “Pursuant to E.O. 13045, the proposed action <u>will not result in disproportionate environmental health or safety risks to children.</u> ” “Pursuant to E.O. 13045, the proposed action <u>may result in disproportionate environmental health or safety risks to children.</u> ” |
| Environmental Justice | Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, E.O. 12898 | EPA | Any federal action that <i>may result in a disproportionately high and adverse human health or environmental effect on minority populations or low-income populations</i> in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands. | Assess the impacts of an action on minority populations and low-income populations, and minimize <i>disproportionately high and adverse human health or environmental effects</i> , where necessary. | “Pursuant to E.O. 12898, the proposed action <u>would not result in any disproportionately high and adverse human health or environmental effects</u> on minority populations or low-income populations.” “Pursuant to E.O. 12898, the proposed action <u>may/will result in disproportionately high and adverse human health or environmental effects</u> on minority populations or low-income populations.” |

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2. Incomplete Compliance with Related Laws. If the Proponent cannot complete compliance with certain related environmental or historic and cultural resource laws and regulations per this Section and Section 10.h of Reference (f) prior to signing a FONSI or FONSH, or publishing an FEIS or FOEIS, then the Proponent (prior to signing or publishing) must at a minimum:
 - a. Begin compliance under any related environmental or historic and cultural resource laws and regulations by contacting the appropriate regulatory agency(ies);
 - b. Notify any applicable regulatory agency of the estimated compliance completion dates;
 - c. Complete as much of each compliance process as possible;
 - d. Indicate in the environmental planning analysis the stage of compliance completed, whether significant impacts are expected and if not why not (e.g., mitigation commitments), and if possible, preliminary regulatory and/or statutory conclusions specific to the related environmental or historic resource law;
 - e. Provide language in the environmental planning analysis that commits to supplementing, amending, or preparing a new higher level environmental planning document if unforeseen significant impacts, or the potential for significant impacts, are found once the Proponent completes compliance with related environmental or historic resource laws and regulations;
 - f. Notify Commandant (CG-47) and Commandant (CG-LMI-E) in writing (via email or memo);
 - g. State the justification for why they cannot complete such compliance prior to completing NEPA/E.O. 12114 compliance;
 - h. Request a risk assessment for incomplete compliance with related environmental and historic resource laws and regulations from Commandant (CG-47) and Commandant (CG-LMI-E). The risk assessment will be in writing (via email or memo) and state the level of liability associated with completing the NEPA/E.O. 12114 analysis before completing other required and related environmental planning compliance. The discussion of liability risk will include the probability of a successful lawsuit, negative feedback from, and damaged relationships with, DHS, Congress, environmental regulators, state and local governments, Indian tribes, and the public, and other political ramifications. The risk assessment may suggest ways to eliminate or mitigate liability; and

Note: Commandant (CG-47)/Commandant (CG-LMI-E) may send the risk assessment to higher levels for approval prior to allowing completion of the related NEPA/E.O. 12114 documentation.
 - i. Acknowledge receipt of the risk assessment in writing (via email or memo) to Commandant (CG-47) and Commandant (CG-LMI-E).
3. Timing of Compliance with Specific Related Environmental and Historic Resource Mandates. The following clarifies what constitutes appropriate completion of compliance with specific related environmental and historic resource management mandates.

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- a. CAA/CWA. While the CAA and the CWA are mandates that may have compliance, consultation, coordination, and authorization processes, this IP recognizes that many of the specific permits issued under these two statutes are based on final designs that likely will not be completed until after the signing of a REC, FONSI, FONSH, ROD, or OD or signing of the FEIS/FOEIS. Under the CAA and CWA, the Proponent must complete initial coordination with the regulatory agency and identify and assess any design or operating requirements or parameters as part of the NEPA/E.O. 12114 process. For example, Proponents must complete coordination with the United States Army Corps of Engineers (USACE) regarding impacts to wetlands, but may submit an application for a dredge and fill permit under CWA Section 404 after the Proponent signs the FONSI or ROD.
- b. MMPA/ESA. When a Proponent seeks an MMPA authorization, NMFS requires agencies to release their FEIS/FOEIS and complete the 30-day wait period before NMFS can adopt the FEIS/FOEIS, sign its own ROD/OD, complete any ESA Section 7 consultation process, and issue an MMPA final rule. When a proposed action requires an MMPA authorization such as an IHA or LOA or ESA Section 7 consultation (concurrence letter or biological opinion [BO]), the Proponent must sign a FONSI/FONSH or publish an FEIS/FOEIS no earlier than the date on which the Proponent receives the draft MMPA authorization or draft biological opinion/final concurrence letter from the regulator. Publication of a notice of proposed IHA and request for comments by NMFS/FWS in the Federal Register is not a draft IHA for the purposes of this IP. The Proponent must incorporate all relevant requirements in the draft MMPA authorization or the draft BO/final ESA concurrence letter into the environmental planning analysis before a decision document (FONSI/FONSH or ROD/OD) is signed or the FEIS/FOEIS is released to the public.
- c. Section 106 of NHPA.
 - (1) Per NHPA Section 106 regulations, “Protection of Historic Properties,” 36 C.F.R. § 800.1, Proponents must complete the Section 106 process prior to the approval of the expenditure of federal funds¹² on an action that meets the definition of “undertaking” in 36 C.F.R. § 800.16(y) or prior to the issuance of any license. Proponents may conduct or authorize nondestructive project planning activities before completing compliance with Section 106 **provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize, or mitigate the action’s adverse effects on historic properties.**
 - (2) Proponents must coordinate compliance with Section 106 with any steps taken to meet the requirements of NEPA. Proponents must carry out their Section 106 responsibilities as early as possible in the NEPA process, and plan their public participation, analysis, and review so that they can meet the requirements of Section 106 and of NEPA in a timely and efficient manner. (For detailed information on how to integrate compliance with Section 106 into a NEPA analysis, see CEQ’s and the Advisory Council on

¹² Per 36 C.F.R. § Part 800.16(c), *approval of the expenditure of funds* means any final agency decision authorizing or permitting the expenditure of federal funds or financial assistance on an undertaking, including any agency decision that may be subject to an administrative appeal.

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Historic Preservation's (ACHP's) guidance entitled, "NEPA and NHPA, A Handbook for Integrating NEPA and Section 106" found at this portal link:

<http://cglink.uscg.mil/bc575c1>.)

- (3) Proponents may comply with Section 106 for design-build contract projects or for other phased actions where effects may be unknown due to the early stage of the action, by completing a programmatic agreement (PA) prior to the completion of NEPA. The PA would then address when and how the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) participates in, or reviews, the different phases of the action, and at what stage, along with other potential mitigation if impacts may occur. Examples of design-build PAs are located at this portal site: <http://cglink.uscg.mil/7f614b6c>.
- (4) Proponents may also comply with Section 106 for design-build contracts by building the design requirements into the Request for Proposals (RFP) process to ensure design is compatible with any historic district or historic buildings surrounding the subject of the contract and vetting the RFP design requirements through the applicable SHPO or THPO.

d. CZMA.

- (1) Proponents must coordinate compliance with CZMA with any steps taken to meet the requirements of NEPA. Per the CZMA regulations, "Federal Consistency with Approved Coastal Management Programs," 15 C.F.R. § 930, federal agencies must provide state agencies with a consistency determination/negative determination at the earliest practicable time in the planning or reassessment of a proposed action.
 - (2) A consistency determination/negative determination must be prepared following development of sufficient information to reasonably determine the consistency of the activity with the management program, but before the federal agency reaches a significant point of decision-making in its review process (i.e., while the federal agency has the ability to modify the activity). Proponents must provide the consistency determination to state agencies at least 90 days before final approval of the federal agency activity unless both the federal agency and the state agency agree to an alternative notification schedule.
 - (3) The CZMA regulations allow for phased consistency (see 15 C.F.R. § 930.36 (d)) or an agreement with the state CZMA office setting out alternative times for submitting consistency determinations/negative determinations. (See 15 C.F.R. § 930.36(b)(1).) Proponents must specifically document an agreement for a different timeframe for submittal of a consistency determination (and reference the specific CZMA regulations used) in writing, preferably in a letter, but email is also acceptable. (See Enclosure (4) to this IP for example language.)
4. Consult/Coordinate on Preferred Alternative. Regulatory agencies typically do not conduct consultations for all alternatives the Proponent is analyzing for a proposed action. Therefore, Proponents need not complete consultations or coordination for each alternative assessed in an

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environmental planning document. It is acceptable to complete consultation or coordination required by regulation only with respect to the preferred alternative. However, Proponents must include a sufficient level of impact analysis in the environmental planning document relative to all alternatives to ensure regulatory agencies and the public have information on the impacts and potential mitigation associated with each alternative.

5. Develop a Timeline for Completing All Compliance. As the timeline for completing compliance, consultation, coordination, and authorization processes can be lengthy, it is critical that a Proponent develop a schedule that allows for sufficient regulatory mandated reviews, consultations, or coordination. The schedule must ensure that sufficient time is budgeted to complete compliance.

F. Reliance on Previously Approved Coast Guard NEPA/E.O. 12114 Environmental Planning Documentation.

1. Validating the Previously Approved Documentation. When a Proponent considers relying on previously approved Coast Guard environmental planning documentation, the Proponent must validate the analysis. As a general rule, when previously approved Coast Guard NEPA/E.O. 12114 environmental planning documentation was prepared or approved 5 or more years prior to the scheduled implementation of a proposed action, the Proponent must evaluate the continued validity of the analysis for future decision-making or for incorporation by reference into new environmental planning documents. Specifically, the Proponent must carefully examine the description of existing conditions and the analytical methodologies used to assess environmental impacts. The results of this examination must be justified in writing (memo to file) for the administrative record.
2. Preparing a Memo to File when Relying on Previously Approved Coast Guard Environmental Planning Documentation. When a Proponent decides to rely on a previously prepared Coast Guard environmental planning document for coverage of a new proposed action under NEPA/E.O. 12114, a memo to file must be prepared. The memo to file need not be lengthy but at a minimum must:
 - a. Identify the NEPA/E.O. 12114 documents relied upon, and confirm they were reviewed by the Proponent to ensure they apply to the proposed action;
 - b. Confirm Proponent coordination with the Environmental Reviewer/Senior Environmental Professional and/or their servicing legal command on use of the previously prepared NEPA/E.O. 12114 environmental planning document; and
 - c. Delineate any mitigation required by permits and regulatory consultations applicable to the proposed action. (The Proponent is required to comply with mitigation and monitoring and reporting and tracking as required in this Chapter in Section M of this IP.)

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G. Programmatic Environmental Planning Documents and Tiering.

1. Programmatic Documents.

- a. A programmatic or broad-scale environmental planning document (as opposed to a comprehensive site- or study-specific analysis) may be prepared to address conceptual or planning alternatives that may include a number of phases or involve common elements (e.g., groups of geographically or generically-related projects or actions). The intent of a programmatic document such as a programmatic EA/OEA (PEA/POEA) or a programmatic EIS/OEIS (PEIS/POEIS) is to provide "high-level" analysis (i.e., broad-brush analysis) that may require at least one more level of site-specific NEPA/E.O. 12114 analysis before a Proponent can begin on-the-ground implementation (refer to Table 2-2).

Table 2-2 Comparison of Programmatic and Site-Specific Environmental Planning Documents

| Document Section | Programmatic Document | Site-Specific or Comprehensive Study Area Document |
|-------------------------|--|---|
| | First Tier | Second Tier |
| Proposed Action | Broad high-level policy, strategy, program, plan, or set of similar actions in large geographic area. | Specific activity or facility |
| Alternatives | Typically a set of policies or scenarios, the specifics of which are not yet known; range of alternatives may have differing objectives. | Well-defined proposal with a known location(s); range of alternatives includes different ways to meet a common objective. |
| Affected environment | Broad geographic area or regional in scope; may cross political boundaries and cover numerous ecosystems. | Emphasis on individual project site and immediate surroundings or geographic study area. |
| Impact focus | Emphasis on cumulative effects of multiple activities. | Emphasis on direct and indirect effects of a single activity or smaller group of related activities. |
| Mitigation | Emphasis on developing broad environmental policies, programs, or plans that would apply to many future projects, the details and location of which are not yet known. | Emphasis on minimizing specific impacts of a known proposed action(s) at a specific location(s). |

- b. When deciding whether to prepare a programmatic environmental planning document, the Proponent must consider such factors as the ripeness of the program, policy, or action for discussion, cost-effectiveness, long-term applicability, and the complexity of the proposed policy, program, or action. In addition to the content required by this IP for other

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environmental planning documents, the programmatic document must provide, in as much detail available at the time of preparation:

- (1) A description of the subsequent stages or sites that may ultimately be proposed, including where and when deferred issues will be addressed;
 - (2) The environmental impacts that will result from establishment of the overall program itself that will be similar for subsequent stages or sites as further implementation plans are proposed; and
 - (3) The appropriate mitigation measures that will be proposed for subsequent stages or sites.
2. Tiering. Tiering is appropriate when the Proponent prepares a site-specific NEPA/E.O. 12114 analysis for a subsequent stage or phase of an action previously assessed in a completed programmatic environmental planning document. This helps the Proponent focus on those issues ripe for decision-making and exclude issues already decided or not yet ripe for consideration. Each subsequently tiered analysis must:
- a. Summarize the program-wide issues discussed in the programmatic analysis, incorporating by reference the analysis contained in the overarching programmatic document;
 - b. Concentrate on the issues specific to the subsequent action; and
 - c. State where the earlier document is available.
3. Use of Programmatic and Tiering to Avoid Segmentation and Address Connected Actions. Use of high-level programmatic environmental planning documents and tiering will assist Proponents by helping to ensure that their analyses avoid segmentation or improper exclusion of connected actions.
- a. “Segmentation” is the term for breaking up a large project into small pieces, where each small piece may have negligible impacts, but the impact, when considered as a whole, is significant. If Proponents do not know the details of certain phases of a large project, Proponents can avoid segmentation, by using programmatic environmental planning documents to analyze high-level information on all phases of a large project and then tiering additional site-specific documents once details are known.
 - b. Proponents must analyze all “connected actions” in the same environmental planning analysis. Actions are connected if they:
 - (1) Automatically trigger other actions which may require environmental planning analysis;
 - (2) Cannot or will not proceed unless other actions are taken previously or simultaneously;
or
 - (3) Are interdependent parts of a larger action and depend on the larger action for their justification.

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H. Supplemental Environmental Planning Documents.

1. A supplemental EA/OEA (SEA/SOEA) or EIS/OEIS (SEIS/SOEIS) is prepared to amend an original environmental planning document when the Proponent determines that there are:
 - a. Substantial changes to the proposed action that are relevant to environmental concerns;
 - b. Significant new circumstances occur or information becomes available that could affect the proposed action and its potential environmental impacts (e.g., baseline conditions have changed or new analytical methodologies are available to assess potential environmental impacts); or
 - c. Coast Guard interests or NEPA/E.O. 12114 requirements that are furthered by doing so.
2. The original environmental planning document must be incorporated by reference into the supplemental document. Sufficient detail must be provided in the supplement to allow the decision-maker (and/or the public, if applicable) to understand the substance of the new information, and how the proposed action and its potential environmental impacts may have changed since the public release of the original environmental planning document.
3. Proponents prepare, circulate, and file SEISs/SOEISs in the same manner as any other EISs/OEISs, except that scoping is optional for an SEIS/SOEIS. If an FEIS/FOEIS is supplemented after a ROD/OD has been completed, the Proponent completes a new ROD/OD and publishes it (or a Notice of its Availability) in the Federal Register. (See Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register.)
4. In cases where an action has not yet been implemented within one (1) budget cycle not to exceed three (3) years from the date of the ROD/OD, the Proponent considers whether the analysis in the EIS/OEIS remains valid for the current state of the proposed activity and whether a supplement is needed before proceeding with the action.

I. Incorporation by Reference. To the extent practicable, Proponents preparing NEPA/E.O. 12114 analyses must incorporate material by reference to cut down on bulk without impeding agency and public review of the action. Proponents must cite the incorporated material in the statement and briefly describe its content. Proponents must not incorporate any material by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. In addition, Proponents must not incorporate by reference any material based on proprietary, protected, and/or classified data.

J. Incomplete or Unavailable Information. When the Proponent is evaluating significant adverse effects on the human environment or natural and physical environment in an environmental planning document and there is incomplete or unavailable information, the Proponent must always make clear that such information is lacking. For NEPA documents, CEQ provides more detailed requirements at 40 C.F.R § 1502.22.

1. If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not

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exorbitant in terms of funding or time, the Proponent will include the information in the environmental planning document; and

2. If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known (i.e., the means for obtaining it are beyond the state-of-the-art), the Proponent will provide a statement explaining the circumstances within the environmental planning document.

K. Protected and/or Classified Actions.

1. Some aspects of a proposed action may involve information not releasable to the public because it is classified per Classified National Security Information, E.O. 13526 or sensitive for some other legal reason (e.g., regulatory agency restrictions on the release of certain information to the public, such as the exact location of specific resources protected under ESA or NHPA). This does not relieve the Proponent of the duty to comply with the requirements of Reference (f) or the processes and procedures outlined in this IP. Personnel, commands, and program offices preparing material that may be classified or sensitive are responsible for the proper handling, control, and safeguarding of information and analyses that may be classified or sensitive per appropriate DHS and Coast Guard requirements.
2. Proponents will not disclose classified, controlled unclassified information, or other information that Coast Guard or DHS otherwise would not disclose pursuant to the Freedom of Information Act (FOIA) (5 U.S.C. § 552). The existence of classified or protected information does not relieve Coast Guard Proponents of the requirement to assess and document environmental effects of a proposed action. Therefore, to the fullest extent possible, Proponents will segregate or redact any information that is protected from public disclosure into an appendix sent to appropriately cleared reviewers and decision-makers and allow public review, if required, of the rest of the document.
3. Proponents must safeguard personally identifiable information (PII) in accordance with the DHS Handbook for Safeguarding Sensitive Information Personally Identifiable Information (PII) and the Coast Guard's Privacy Incident Response, Notification, and Reporting Procedures for Personally Identifiable Information (PII), COMDTINST 5260.5 (series).
4. If segregation or redaction would leave essentially meaningless material, Proponents will withhold the entire document from the public. However, Proponents may share such protected environmental planning documents with appropriately cleared officials in other agencies such as CEQ and EPA and allow public review of the remainder of information comprising their analysis. In doing so, it is important to recognize and prepare for the situation that other agencies may not interpret FOIA in the same way that the Coast Guard does and may release material that Coast Guard would not release, except that which is properly classified per the exception in FOIA's subsection 552(b)(1).
5. Proponents must not publicly disclose information that may be sensitive for Indian tribes or Native Hawaiians that may reveal the locations of archeological or other sensitive sites, when such information is not otherwise publicly available.

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6. If the existence of a proposed action must be protected from public disclosure or portions of an environmental analysis must be protected from public disclosure, Proponents will consult with Commandant (CG-47) and Commandant (CG-LMI-E) at the earliest possible time to ensure that environmental planning compliance efforts align with the project schedule to the extent feasible. To identify DHS and other federal agency personnel, as well as tribal, state, and local personnel, that have the appropriate clearance for reviewing classified information during a NEPA/E.O. 12114 process for a proposed Coast Guard action, Proponents consult with the Coast Guard Chief Security Officer Commandant (CG-DCMS-34) and Commandant (CG-LMI-E), and follow DHS and Coast Guard policy that addresses access to classified information, such as Instruction for the Office of the Chief Security Officer, DHS Instruction 121-01-001, The Department of Homeland Security Personnel Suitability and Security Program, DHS Instruction 121-01-007, and the Classified Information Management Program, COMDTINST, 5510.23 (series).
 7. The Proponent must prepare, safeguard, and disseminate environmental planning documents per the requirements applicable to classified or sensitive unclassified information. Even so, when the components of the environmental planning document have been thoroughly scrubbed so that each component contains only unclassified information, the Proponent must continue to be sensitive to the potential for the final assemblage of that information to be considered classified or sensitive. The requirement to safeguard classified/sensitive information takes precedence over any requirement to disclose records to the public.
 8. When feasible, the Proponent must organize the environmental planning document in such a manner to include the classified or sensitive unclassified portions as appendices. In this way, the Proponent can make unclassified portions available to the public. If classified information must be included in an environmental planning document, in an appendix or otherwise, the Proponent must coordinate special handling procedures with Commandant (CG-47) and Commandant (CG-LMI-E).
- L. Lead and Cooperating Agencies, Other Coordination Requirements, and Adoption of Environmental Planning Documents.
1. Lead, Joint Lead, and Cooperating Agencies.
 - a. Lead Agency Designation.
 - (1) For field-initiated actions, the Proponent for the action will assume responsibility for maintaining Coast Guard lead agency status. The chief of the responsible Commandant-level program office or their designee will assume this responsibility for Commandant-originated actions. In extraordinary circumstances (e.g., an action transcends more than one district) the responsible Commandant-level program office via Commandant (CG-47) must designate the Coast Guard individual responsible for maintaining Coast Guard lead agency status.
 - (2) When the Coast Guard is a lead agency, Proponents may invite other appropriate federal agencies with jurisdiction by law (such as regulatory jurisdiction, authority to manage land/or water where the Proponent proposes to locate an action, and/or related mission authorities) to be a cooperating agency in the environmental planning effort. In addition,

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a Proponent may invite other federal agencies with special expertise on a particular environmental issue to be a cooperating agency. (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 an Indian tribe 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. Under NEPA, Proponents may also invite state or local agencies to be a cooperating or joint lead agency in order to eliminate duplication with any similar state and local requirements.)

b. Joint Lead and/or Cooperating Agencies.

- (1) Proponents must identify joint lead and/or cooperating agencies early in the environmental planning process for NEPA/E.O. 12114 documents, where applicable. Proponents must give consideration to agencies that have jurisdiction by law and special expertise with respect to all reasonable alternatives or significant environmental impacts associated with the proposed action that requires NEPA/E.O. 12114 analysis.
- (2) The chief of the responsible Commandant-level program office or their designee is responsible for inviting and coordinating with joint lead and/or cooperating agencies at the national level (headquarters) for Commandant-originated actions. The appropriate Proponent is responsible for inviting and coordinating with appropriate joint lead or cooperating agencies at the field level.
- (3) Establishing a cooperating agency relationship neither creates a requirement nor constitutes a presumption that a lead agency provides financial assistance to a cooperating agency. When extending an invitation to another agency to enter into a cooperating agency relationship, the Proponent must consider:
 - (a) Whether such agencies are interested in and appear capable of assuming the responsibilities of becoming a cooperating agency;
 - (b) Setting time limits, identifying milestones, assigning responsibilities for analysis and documentation, specifying the scope and detail of the cooperating agency's contribution, and establishing other appropriate ground rules addressing issues such as availability of pre-decisional information; and
 - (c) Documenting their expectations, roles, and responsibilities in a memorandum of agreement (MOA) or formal written correspondence. (See Enclosure (5) for a template agreement using formal written correspondence.)
- (4) Whenever invited federal, state, tribal, or local agencies elect not to become joint lead or cooperating agencies, they must still be considered for inclusion in interdisciplinary teams engaged in the environmental planning process and on distribution lists for review and comment on environmental planning documents.
- (5) Coast Guard Proponents may accept joint lead agency status on proposed actions when the Coast Guard and another federal, state, tribal, or local agency both have responsibility

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(normally equal responsibility) for approval, funding, or implementation of the proposed action.

- (6) Coast Guard Proponents may accept cooperating agency status on another federal, state, tribal, or local agency proposed action at the request of that agency when the Coast Guard has jurisdiction by law over an aspect of the other federal state, tribal, or local agency's proposed activity that requires action or approval by the Coast Guard. Coast Guard Proponents may also become a cooperating agency in another federal agency's NEPA/E.O. 12114 effort at the request of that agency when the Coast Guard has special expertise by virtue of its statutory responsibility, mission, or related program experience that is relevant to the other federal agency's proposal. Coast Guard Proponents may also request a lead federal agency to designate the Coast Guard as a cooperating agency.
- (7) If another agency requests the Coast Guard to be a cooperating agency because the Coast Guard has jurisdiction by law or special expertise, and the Coast Guard declines to accept cooperating agency status, the Proponent must respond to the requesting agency in writing (via memo) and provide a copy of the memo to Commandant (CG-47). Commandant (CG-47) will then forward a copy of that response to DHS SEP and CEQ per the requirements at 40 C.F.R § 1501.6(c). The Coast Guard denial is not subject to oversight by Director, DHS SEP and is not subject to review under the Administrative Procedure Act (APA), 5 U.S.C. § 701 et seq. Director, DHS SEP reviews the request to determine whether another DHS component needs to consider cooperating agency status.
- (8) Proponents must execute an interagency MOA or exchange formal written correspondence¹³ that identifies the joint lead, or lead and cooperating agencies, documents their roles and responsibilities, and establishes timelines and milestones, etc. (See Enclosure (5) for a template agreement using formal written correspondence.)
 - (a) Proponents should work with any proposed joint lead or cooperating agencies to create MOAs and/or agreements via formal correspondence and share drafts of such agreements prior to finalizing them.
 - (b) If there are any disputes between Coast Guard Proponents and another agency on which agency is to be lead on an action, any request for CEQ resolution concerning lead agency designation must be made via Commandant (CG-47) in coordination with DHS SEP.
 - (c) Proponents must ensure that any completed MOA follows the requirements in the Memorandum of Understanding/Agreement, COMDTINST 5216.18 (series).
 - (d) Proponents must send all MOAs to interested or affected program offices and their servicing legal command for review prior to finalizing them.

¹³ Throughout this IP, formal written correspondence means a written memo.

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- (9) Proponents should follow the CEQ guidance on cooperating agencies in its “Memorandum to Heads of Federal Agencies: Reporting Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act,” 23 December 2004, and “Memorandum for Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act,” 30 January 2002 (<http://cglink.uscg.mil/3885c0bd>).
- (10) Commandant (CG-47) will collect the Coast Guard-wide cooperating agency data annually at the request of CEQ and DHS SEP, consolidate the data, and submit it to DHS SEP for submittal to CEQ.
2. Coordination. Proponents must coordinate matters to be discussed with federal agency headquarters offices, the CEQ, DHS SEP, or the Department of State (DOS) through Commandant (CG-47).
3. Adoption of an EA/OEA or EIS/OEIS.
- a. Sufficiency of Coast Guard Environmental Planning Documents to Meet Other Agencies' NEPA/E.O. 12114 Adoption Requirements. Coast Guard environmental planning documents may be adopted for the purpose of another federal agency's compliance with NEPA/E.O. 12114 (e.g., for another agency's permit/take authorization issuance to the Coast Guard). Regulatory agencies such as NMFS and/or FWS may need to do their own NEPA/E.O. 12114 compliance when they issue permits or take authorizations to the Coast Guard under other environmental laws such as ESA and/or MMPA. In such cases, regulatory agencies may wish to adopt the Coast Guard NEPA/E.O. 12114 document completed for the action that is the subject of their permit or take authorization. Adopting the Coast Guard's NEPA document allows the regulatory agency to complete its permit or take authorization for the Coast Guard action in a timelier manner. Note that specific additional analyses may be required in order for the Coast Guard environmental document to suffice in meeting another agency's NEPA/E.O. 12114 requirements.
- b. Adopting Another Federal Agency's¹⁴ Environmental Planning Document.
- (1) Proponents cannot adopt the CATEXs/OCATEXs of other federal agencies or CATEXs unique to other DHS components. Proponents may use another federal agency's CATEX/OCATEX as a point of departure for further analysis. When another federal agency is the lead agency, and they determine that a project is categorically excluded, and Coast Guard Proponents agree, Coast Guard Proponents must be able to apply an existing appropriate Coast Guard or DHS CATEX/OCATEX, and if required, prepare appropriate documentation of CATEX/OCATEX use. While Proponents cannot adopt CATEXs/OCATEXs of another federal agency, the other federal agency

¹⁴ Under NEPA, federal agency means all agencies of the Federal Government. It does not mean the Congress, the Judiciary, or the President, including the performance of staff functions for the President in his Executive Office. It also includes states and units of general local government and Indian tribes assuming NEPA responsibilities under Section 104(h) of the Housing and Community Development Act of 1974.

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CATEX/OCATEX justification may be attached as support to the Coast Guard CATEX/OCATEX determination. If there is no appropriate DHS or Coast Guard CATEX/OCATEX that fits a Proponent's proposed action, the Proponent must prepare an EA/OEA.

- (2) Coast Guard Proponents may adopt an EA/OEA or EIS/OEIS or portions of the documents prepared by another federal agency (even if there is no cooperating agency relationship), where the Coast Guard Proponents' proposed actions are substantially the same as that described in the EA/OEA or EIS/OEIS. In such cases, Coast Guard Proponents must independently review the federal EA/OEA or EIS/OEIS and determine that it is current and satisfies the requirements of this IP.
- (3) Strict adherence of an adopted federal EA/OEA or EIS/OEIS to purely formatting and administrative DHS and Coast Guard Environmental planning policy and procedures is not necessary in order to adopt another federal agency's document. Whether the adopted document adequately covers the Coast Guard's action and complies with NEPA/E.O.12114 and other applicable regulatory requirements is of primary importance in deciding whether to adopt a federal EA/OEA or EIS/OEIS. In doing so, the Coast Guard Proponent accepts the federal EA/OEA or EIS/OEIS or portions of the federal EA/OEA or EIS/OEIS and takes full responsibility for its scope and content. Proponents then prepare their own FONSI/FONSH or ROD/OD, as appropriate, and conduct any applicable public notification.
- (4) When adopting the EA/OEA or EIS/OEIS of another federal agency, the Proponent must use the FONSI/FONSH for adopted EAs/OEAs at Enclosures (10)/(11), and insert the following language into the ROD/OD (Enclosures (8)/(9)): After an independent review of [*specify lead federal agency*] EIS/OEIS, I have determined that the document adequately addresses the impacts of the [*specify project*]. Therefore, I hereby adopt the [*specify entire EIS/OEIS or portion thereof*].
- (5) In situations where the proposed action is not substantially the same as that described in the federal EA/OEA or EIS/OEIS, a Coast Guard Proponent may adopt the federal EA/OEA or EIS/OEIS, or a portion thereof, by circulating the federal EA/OEA or EIS/OEIS, as appropriate, as a draft and then preparing a final EA/OEA (FEA/FOEA) or final EIS/OEIS (FEIS/FOEIS) and decision document (ROD/OD).

M. Mitigation Identification, Implementation, and Monitoring.

1. Purpose of Mitigation and Monitoring. "Mitigation" reduces or avoids potentially significant adverse effects of an action on the environment. "Monitoring" provides information on the effects of the action on the environment and the effectiveness of the mitigation measures themselves.
2. Choose Effective, Practical, and Fundable Mitigation Measures. Mitigation measures must be practical and implementable (i.e., reasonably expected to achieve their intended purpose). Implementable mitigation measures require not only that the Proponent has the appropriate legal authority, but also that they can reasonably foresee the availability of resources for performing

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the mitigation. Results from mitigation and monitoring must be used to support negotiations with the regulatory agencies to ensure only effective mitigation measures are employed in an environmental planning document.

3. Changes to Mitigation Commitments.

- a. Prior to commencement of, or during implementation of an action, if a Proponent determines that a mitigation commitment cannot be implemented or conditions have changed such that the mitigation measure may no longer be appropriate, the Proponent must determine if other practical mitigation measures can be implemented or are necessary. Proponents must coordinate such mitigation measures with federal, tribal, state, or local government agencies, as appropriate.
- b. If the Proponent predicated the conclusion of the NEPA/E.O. 12114 analysis in whole or in part on the mitigation in question, the Proponent considers whether it is still appropriate to sustain the NEPA/E.O. 12114 decision without the identified mitigation. The Proponent must consider whether it is necessary to supplement the NEPA/E.O. 12114 document to reflect the new circumstances.
- c. If a supplement is necessary, the Proponent completes a supplemental NEPA/E.O. 12114 document and provides appropriate public notice on the supplemental document, as appropriate. After that, the action may proceed.

4. Include a Mitigation Matrix in Environmental Planning Documents. Proponents must include a mitigation matrix or table (which Proponents may document in a separate mitigation chapter) in all environmental planning documents that contain mitigation commitments. Normally “environmental planning documents” as used in this Section means EA/OEA, FONSI/FONSH, EIS/OEIS, ROD/OD, and ER/ES since it is not appropriate to use mitigation to CATEX an action that has the potential for significant impacts; such an action would require an EA at a minimum. In rare cases where some sort of mitigation commitment was built into an action from the beginning, then any associated REC must also have a mitigation matrix. The mitigation matrix must provide the following information:

- a. Specific detailed description of the mitigation measure(s), including any compensatory mitigation;
- b. Description of the anticipated benefit of the mitigation. Environmental planning documents must identify those measures that result from regulatory compliance requirements such as ESA consultation or MMPA permitting;
- c. Criteria for evaluating the efficacy of mitigation applied to avoid significance or reduce the severity or intensity of the impacts of an action;
- d. Description of how the mitigation measures will be implemented and monitored;
- e. Assignment of command/program responsibility for implementing mitigation measures and determining their effectiveness (i.e., through monitoring); and

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- f. Estimated completion date for implementation of the mitigation, as applicable.
5. Inquiries about the Status of Mitigation and Monitoring. Proponents respond to inquiries from the public or other agencies regarding the status of any environmental mitigation measures and the results of any monitoring committed to in an environmental planning document. If post-action monitoring finds that mitigation has been ineffective in mitigating the adverse impacts of the action, Proponents consult promptly with Commandant (CG-LMI-E) and Commandant (CG-47) to determine the necessary course of action.
6. Legal Responsibility for Implementing Mitigation Commitments. Proponents are legally responsible for implementing all mitigation committed to as part of their final environmental planning documents whether undertaken for environmental planning purposes or to satisfy a regulatory requirement. Failure to implement, document, and/or monitor mitigation may undermine the integrity of the environmental planning analysis, and may compromise the adequacy of the compliance effort. Once Proponents have committed to mitigation measures, Proponents make all decisions to change or suspend those measures in consultation with the appropriate Commandant (CG-LMI-E) and Commandant (CG-47).
7. Reporting and Tracking of Mitigation and Monitoring. "Mitigation" reduces or avoids potentially significant adverse effects of an action on the environment. "Monitoring" provides information on the effects of the action on the environment and the effectiveness of the mitigation measures themselves. Commandant (CG-47) will use the results from mitigation and monitoring reporting to: support future negotiations with the regulatory agencies, ensure Proponents only employ effective mitigation measures, and to track completion of mitigation commitments in final NEPA/E.O. 12114 decision documents.
- a. Inputting Mitigation and Monitoring Requirements to the Commandant (CG-47) Mitigation Tracking Portal Site.
- (1) Proponents must input mitigation and monitoring requirements committed to in approved environmental planning or decision documents into the Commandant (CG-47) Mitigation Commitment Tracking Form on the following mitigation tracking portal site: <https://cg.portal.uscg.mil/units/cg47/EPHP/EnvPlanning/SitePages/Home.aspx> as soon as possible after completion of the environmental planning document (but in any case, no later than 30 working days after the signing of the applicable decision document).
- (2) In general, Proponents must report all mitigation committed to within the applicable environmental planning or decision document until project completion. In addition to the information required in the mitigation and monitoring matrix, the Mitigation Commitment Tracking Form requires information on the direct financial cost (present value) of implementing the mitigation (beginning with estimated future mitigation and monitoring costs, where applicable), and actual costs at project completion.
- b. Actions Spanning a Period of Years. For implementation of those actions that span a period of years, Proponents must, at a minimum, annually review and revise the mitigation and monitoring data submitted to the Commandant (CG-47) mitigation tracking portal site. Proponents may discontinue this review and revision requirement upon completion of all

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mitigation measures committed to in their final environmental planning or decision document.

N. Pre-Planning Process Requirement.

1. For EAs/OEAs EISs/OEISs, ERs, and ESs, Proponents are required to establish a written pre-planning process to identify environmental planning requirements and notional timelines as early as possible when developing a proposed action. The written pre-planning process must have elements that:
 - a. Ensure environmental planning begins as early as possible in developing a proposed action and results in a clearly defined purpose and confirmation of the need for the proposed action;
 - b. Establish a process for communication and development of consensus among internal Coast Guard stakeholders;
 - c. Provide adequate information for cost-effective contracting and document preparation and review; and
 - d. Ensure collection and development of current information, data, statistics, and best available science that are the foundation of sound analysis and high quality environmental planning documents.
2. The pre-planning process must culminate in a common understanding and consensus among Coast Guard stakeholders as to why the proposed action is necessary, when and where it will occur, how it will be carried out, what requirements are essential to achieving the proposed action's purpose, and what reasonable alternatives could achieve this purpose. This information is particularly necessary in preparing a preliminary description of the proposed action and alternatives (DOPAA), which is a component of the Notice of Intent (NOI) package for an EIS/OEIS. (See Chapter 3, Table 3-3 of this IP for more information).

O. Proponent Responsibility to Produce Adequate, High Quality, Documents. Coast Guard Proponents must ensure environmental planning documents are consistent with the requirements of Reference (f) and this IP and are legally defensible if challenged.

1. Comprehensive and Logical. Proponents must ensure that environmental planning documents are comprehensive and logical. Proponents must ensure that environmental planning documents consider all relevant data and provide conclusions that are clearly supported by appropriate data outlined in the document.
2. Consistent Across Coast Guard. Proponents must ensure that environmental planning documents are consistent across the Coast Guard. The discussions of purpose and need, proposed action, and environmental setting; and analysis of environmental consequences, mitigation measures, and cumulative impacts analysis must be internally consistent, to the extent practicable, with other environmental planning documents prepared by the same command and by other Coast Guard commands.

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3. Legally Sufficient. Proponents must ensure with the assistance of legal counsel that environmental planning documents are legally sufficient. Environmental planning documents must be consistent with applicable laws and regulations and not create unacceptable litigation risk as determined by legal counsel.
4. Technically Sufficient. Proponents must ensure that each environmental planning document is based on the best available scientific information and data. Subject matter experts knowledgeable about the resource at issue must prepare the evaluation of potentially affected areas of the environment. Furthermore, the analyses must be objective and unbiased, take a "hard look" at the issues, and anticipate and respond to potentially opposing views;
5. Understandable. Each document must be understandable. Each document must be as brief as possible, use clear, concise writing, an easy-to-use format, effective graphics and visual elements, discuss issues and impacts in proportion to their significance; and include highly technical information in an appendix. Proponents must write environmental planning documents so a member of the public who has no advanced education or knowledge of the Coast Guard, can easily understand the purpose and need for the project, how each alternative would meet the project's goals, and the strengths and weaknesses associated with each alternative; and
6. Correctly Reviewed, Approved, and Signed with All Required Signatures. Proponents must ensure that Coast Guard NEPA/E.O.12114 documents are correctly reviewed, approved, and signed as required by Reference (f). The Coast Guard NEPA/E.O.12114 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 Environmental Planning and Historic Preservation Decision Support System (DSS). (For more information on the DSS, see Reference (l) and this Chapter, Section T.) NEPA/E.O.12114 documents are not final unless all required and correct signatures are present. (See Sections 10.e.(3), 10.f, and 10.g(2) and (3) of Reference (f) for review, approval, and signature requirements for NEPA/E.O.12114 documents, and see also the Enclosures to this IP for appropriate signature pages for these documents.)

Note: If a Senior Environmental Professional or a Legal Reviewer comments that a NEPA/E.O.12114 document is seriously deficient with regard to compliance with Coast Guard environmental policy, law, regulation, or other environmental mandate, 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).

P. Systems Acquisition Programs.

1. Per References (j) and (k), proposed major and minor system acquisitions represent a federal action, and as such, Proponents for system acquisitions must comply with NEPA/E.O. 12114.
 - a. It is prudent for the Proponent to consider environmental compliance at the earliest stages of the acquisition process to avoid potential schedule delays and unexpected cost, as well as to ensure efficient introduction of systems to Coast Guard use.

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- b. The level of analysis required for each acquisition can vary greatly depending on the potential for: significant impacts to the human environment or significant harm to the physical environment from the acquisition, research, development, testing and evaluation (RDT&E), and eventual operation of the new system.
2. Major and minor acquisition programs must engage Commandant (CG-47) after Acquisition Decision Event 1 (ADE-1), in preparation for the Study Plan Review (SPR), to develop an initial environmental compliance plan.
 - a. As the Deputy Warranting Officer for Environmental Management, Commandant (CG-47) provides guidance on environmental planning and compliance, including the requirements for each acquisition.
 - b. If an existing DHS or Coast Guard CATEX does not appropriately cover a proposed acquisition, or the proposed acquisition may significantly impact/harm the environment, the acquisition may require significant environmental analysis and documentation such as an EA/OEA or EIS/OEIS. (See Chapter 3, Section B.7 of this IP for extraordinary circumstances that could make the use of a NEPA CATEX inappropriate, and see this Chapter, Section N of this IP for more information on pre-planning and notification requirements for preparation of EAs/OEAs or EISs/OEISs.)
3. Once the acquisition program manager (program manager) and Commandant (CG-47) agree on an initial environmental compliance plan, Commandant (CG-47) will provide the program manager with an environmental compliance memo.
 - a. The environmental compliance memo will outline the expected environmental compliance activities and define the roles and responsibilities for achieving compliance throughout a proposed acquisition process.
 - b. Early engagement between the Proponent and Commandant (CG-47) will inform the Alternatives Analysis or Business Case Analysis and help integrate environmental compliance into each phase of the Coast Guard-Acquisition Life Cycle Framework (CG-ALF).
4. Throughout the CG-ALF, the environmental compliance memo will be updated, as needed and appropriate, to align environmental compliance to the evolving design. Since Commandant (CG-47) will issue the initial environmental compliance memo early in the acquisition process, the Proponent can anticipate an updated memo following the completion of the Alternatives Analysis or Business Case Analysis in support of the Solutions Engineering Review (SER).
5. The program manager must integrate the requirements contained in the environmental compliance memo into applicable acquisition documents. Specific acquisition documents that require a discussion of environmental requirements include the Program Systems Engineering Tailoring Plan (PSTP), the Acquisition Plan (AP), and the Test and Evaluation Master Plan (TEMP).

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6. The PSTP defines the specific System Engineering Life Cycle (SELC) stages and activities that the program will complete, as well as the team structures the program will employ to identify technical risk and promote successful completion. Each acquisition may have additional compliance requirements. The program manager must tailor the PSTP to incorporate the compliance requirements specific to the acquisition.
 7. The program manager will use the completed environmental compliance memo to support the SPR (and validated at the SER to inform the environmental and energy objectives section of the AP). The environmental and energy objectives section of the AP must discuss the overall strategy and plan to comply with applicable environmental laws, regulations, Executive Orders, and policy. Commandant (CG-47) will assist the program manager in developing this section of the AP and with determining compliance requirements and associated timelines. The program manager must complete NEPA/E.O. 12114 compliance by ADE-2C or at a time designated through coordination with Commandant (CG-47).
 8. The test and evaluation (T&E) activities in a TEMP may trigger additional environmental analysis requirements not addressed in the environmental compliance memo. The program manager must work with Commandant (CG-47) as necessary to develop a section for the TEMP that outlines any environmental compliance activities that the program manager must complete prior to the commencement of T&E actions. The program manager must complete, review, and validate NEPA/E.O. 12114 compliance for testing at the Developmental Test Readiness Review (DTRR) and Operational Test Readiness Review (OTRR).
- Q. NEPA/E.O. 12114 Actions Requiring Written Notification or Document Submittal to the DHS SEP. Project Proponents are responsible for contacting Commandant (CG-47) via email or memo as early as possible on any NEPA/E.O. 12114 actions that require DHS notification and/or review and approval. This Section outlines which actions require DHS notification and/or review and approval. If a Proponent is unsure whether their action requires a notification to (or document review and approval by) DHS SEP through Commandant (CG-47), Proponents should contact Commandant (CG-47) for advice and assistance.
1. Responsibility for Document Notification or Submittal to DHS SEP. Unless Commandant (CG-47) grants approval to do otherwise in writing (via email or memo), Commandant (CG-47) must execute NEPA/E.O. 12114 document notification and submittal to DHS SEP.
 2. Types of Actions that Require Notification. Coast Guard Proponents must notify DHS SEP of the following types of NEPA/E.O. 12114 activities:
 - a. NEPA/E.O. 12114 Actions, Analysis, or Documents Likely to Receive High-Level Executive Branch and/or National Attention. DHS SEP notification requirements include NEPA/E.O. 12114 actions likely to require the attention of the Coast Guard Commandant, DHS Deputy Secretary, or DHS Secretary. DHS SEP will provide a response to Commandant (CG-47) on their desired level of participation within five (5) working days or as soon as possible for emergency actions. Commandant (CG-47) will forward the DHS SEP response to the appropriate Proponent as soon as possible after receipt from DHS SEP.

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- b. Emergency Actions with the Potential for Significant Environmental Effects/Harm but No Time for EA/OEA Preparation. For emergency actions where there is the potential for significant environmental effects/significant harm, or where the effects are unknown and there is not sufficient time to prepare a detailed EA/OEA, Proponents will notify Commandant (CG-47) as soon as possible, and Commandant (CG-47) will notify DHS SEP by any practical means. Under NEPA, Commandant (CG-47), the Proponent, and DHS SEP will coordinate with CEQ as soon as possible regarding completing a concise EA. Under E.O. 12114, Commandant (CG-47) and the Proponent will determine if any of the exemptions in Section B.1. of Chapter 4 of this IP apply. If no exemptions in Section B.1 of Chapter 4 of this IP apply, Commandant (CG-47) and the Proponent will request a written activity specific exemption from Commandant (CG-DCO) or Commandant (CG-DCMS) under Section B.2. a or c of Chapter 4 of this IP.
- c. Emergency Actions with Significant Environmental Effects/Harm. Coast Guard Proponents will notify Commandant (CG-47) as soon as possible by any practical means of any emergency actions that will have significant effects/harm. Commandant (CG-47) will notify DHS SEP as soon as possible. Under NEPA, DHS SEP, the Proponent, and Commandant (CG-47) will consult with CEQ, as soon as possible to develop alternative arrangements for completing an EIS. (See Chapter 3, Section E of this IP for additional information on NEPA and emergency circumstances.) Under E.O.12114, the Proponent and Commandant (CG-47) will determine if any of the exemptions in Section B.1. of Chapter 4 of this IP apply. If no exemptions in Section B.1 of Chapter 4 apply, Commandant (CG-47) and the Proponent will request a written activity specific exemption from Commandant (CG-DCO) or Commandant (CG-DCMS) under Section B.2. a or c of Chapter 4 of this IP.
- d. NEPA/E.O. 12114 Disputes. If a Proponent cannot resolve a NEPA/E.O. 12114 dispute (includes both internal and external disputes) within the Coast Guard, Commandant (CG-47) will notify DHS SEP. Find additional information on the NEPA/E.O. 12114 dispute resolution process in this Chapter, Section S.
- e. Requests for Review/Comment on Environmental Planning Documents of Other Agencies Where Coast Guard has a Mission Related Interest in the Document.
 - (1) Headquarters program offices and field commands under Commandant (CG-DCO) and Commandant (CG-DCMS) will notify Commandant (CG-47) via email if they receive a NEPA/E.O. 12114 document from outside agencies for review and comment where the Coast Guard has a mission-related interest in the proposed action addressed in the document.
 - (2) Commandant (CG-47) will notify DHS SEP via email and provide the NEPA/E.O. 12114 document to DHS SEP so that they can coordinate the request among the other DHS components to determine whether others have a mission-related interest and need to be involved in reviewing the document and preparing comments.
 - (3) DHS SEP will acknowledge receipt of Commandant (CG-47) notification and receipt of the NEPA/E.O.12114 document for review and will coordinate with the other

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components within five (5) working days of notification, or as soon as possible for emergency actions.

- (4) If another component has a mission-related interest in the proposal, DHS SEP will normally prepare a single departmental response with input from the interested components.
 - (5) If only the Coast Guard has a mission-related interest in the proposal, the Coast Guard Proponent will respond directly to the requesting agency.
- f. Circumstances that Impair Coast Guard Ability to Comply with DHS and Coast Guard Environmental Planning Policy. Commandant (CG-47) will notify DHS SEP of any circumstances that may substantially impair the Coast Guard's ability to fulfill the substantive requirements of DHS NEPA policy and this IP (e.g., the departure of the Chief, Office of Environmental Management or a significant proportion of Coast Guard staff who perform environmental planning activities).
 - g. Pattern of Non-Compliance with Coast Guard and/or DHS NEPA policy. Commandant (CG-47) will notify DHS SEP if Commandant (CG-47) becomes aware of a pattern of non-compliance in the Coast Guard with the substantive requirements of References (a)–(g) and/or this IP.
3. Types of Actions that Require DHS SEP Review and Approval.
 - a. Coast Guard NEPA/E.O. 12114 Documents/Notices Proposed for Publishing in the Federal Register. The Proponent will provide, prior to public disclosure, notice to Commandant (CG-47) that their program or office is the lead or joint lead on a NEPA/E.O. 12114 document and that they intend to prepare any of the following: an NOI, or a Notice of Availability (NOA) for an EA/OEA, EIS/OEIS, or a ROD/OD to be published in the Federal Register. NOIs, NOAs, and any associated environmental planning documents must be received by Commandant (CG-47) and transmitted to DHS SEP for review and approval. DHS SEP will provide Commandant (CG-47) written comments within ten (10) working days of notification for EAs/OEAs and EISs/OEISs and five (5) working days of notification for NOIs and NOAs. Commandant (CG-47) will then notify the Proponent of DHS SEP questions, comments, or concurrence on the documents.
 - b. New or Substantially Revised Supplemental Instructions, Instruction Manuals, or Requests for Delegation of Authority. When Commandant (CG-47) substantially updates or revises Reference (f) or this IP, Commandant (CG-47) will send it to DHS SEP for review and approval following the process described in Reference (e), Section IV, Part K(2). Commandant (CG-47) will be responsible for preparing any requests for DHS delegated authority to sign Coast Guard environmental planning documents and associated supporting documents. Letters to DHS SEP requesting authority (interim or final) to sign Coast Guard environmental planning documents must be signed by Commandant (CG-4D). Commandant (CG-47) will provide DHS SEP with copies of non-substantive changes to our existing approved Supplemental Coast Guard Environmental Planning Instruction and IP; DHS SEP approval of such changes is not required.

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- c. All Other NEPA/E.O. 12114 Documents that Require Approval by Director SEP. For all other NEPA/E.O.12114 documents that require approval by Director SEP, DHS SEP provides written comments to Components within ten (10) working days of notification for EAs/OEAs and EISs/OEISs and five (5) working days of notification for RECs. (See Section IV, Part C.(9) of Reference (e)).
- d. Proposals for New or Revised Categorical Exclusions under NEPA. **At present there are no DHS or Coast Guard CATEXs developed for actions triggering compliance with E.O. 12114 (OCATEXs).** (See Section D of Chapter 4 of this IP for more information on the procedures for the development of OCATEXs.)
 - (1) Coast Guard program office proposals for substantive revisions to, deletions of, or establishment of, new Coast Guard CATEXs must be reviewed and approved by Commandant (CG-47).
 - (2) Proponents must submit appropriate justification and/or an administrative record to Commandant (CG-47) to support a proposed new or substantively revised CATEX. Proponents must send submittals of proposed new or revised CATEXs via email to the following mailbox: HQS-SMB-CG-47-POLICYREVIEW@uscg.mil.
 - (3) Proponents must follow the CEQ guidance, “Final Guidance for Federal Departments and Agencies on Establishing, Applying, and Revising, Categorical Exclusions under the National Environmental Policy Act,” 75 FR 75628, Monday, 6 December 2010, on how to appropriately support a new or substantively revised CATEX.
 - (4) Once Commandant (CG-47) approves the CATEX proposal, Commandant (CG-47) will submit the CATEX proposal and justification to DHS SEP for review and approval. DHS SEP will review and provide written comments to Commandant (CG-47) within ten (10) working days or begin coordination with Commandant (CG-47) and CEQ as appropriate.
 - (5) Requests for non-substantive changes to Coast Guard CATEXs must go to Commandant (CG-47) at HQS-SMB-CG-47-POLICYREVIEW@USCG.mil. Commandant (CG-47) will then request that DHS SEP appropriately revise their CATEX list in Reference (e), Appendix A, Table 1.
4. DHS SEP’s Preferred Method of Notification or Submittal. Where this IP requires notifications and/or documents and other information to be sent to DHS SEP, Commandant (CG-47) will transmit such information to DHS SEP via electronic submission (normally via email) to the maximum extent possible, unless otherwise indicated (classified, PII, and other controlled unclassified information or information that Coast Guard or DHS otherwise would not disclose pursuant to FOIA (5 U.S.C. § 552) is excepted.)
5. Notification or Submittal via Mail or Commercial Carrier. If Commandant (CG-47) cannot transmit written notifications or NEPA/E.O. 12114 documents to DHS SEP via electronic means, the Proponent will work with Commandant (CG-47) to fund the least costly service type to meet the required delivery date and/or security requirements unless otherwise specified.

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6. Electronic Submittal of Large Documents. For electronic transmittal of documents to DHS SEP that are too large to be sent via Coast Guard email, Commandant (CG-47) will transmit such documents via the AMRDEC Secure Access File Exchange (ARMDEC SAFE) website at <https://safe.amrdec.army.mil/safe/>, or the ARL Secure Access File Exchange (ARL SAFE) website at <https://safe.arl.army.mil/>, or by placing them on a disc and hand carrying the disc, or by sending the disc via U.S. mail.
- R. Collaboration. Commandant (CG-47) will lead and facilitate Coast Guard participation in DHS SEP collaborative efforts among DHS personnel to promote effective and efficient development and growth of environmental planning across the DHS. Commandant (CG-47) will encourage the sharing of new and innovative ways the Coast Guard has used to improve environmental planning, policy development, and other environmental best practices that benefit and improve the Coast Guard's ability to be a good environmental steward. Other programs within the Coast Guard are encouraged to make Commandant (CG-47) aware of any environmental planning initiatives, best practices, or training that might benefit environmental staff DHS-wide.
1. Notification on Coast Guard Environmental Training. Commandant (CG-47) will keep DHS SEP apprised of plans for Coast Guard environmental planning training and will inform DHS SEP when additional seats are available and such training may benefit either the DHS staff or staff of other DHS components.
 2. Sharing Exemplary Environmental Documents and Programs. Commandant (CG-47) will ensure that DSS is used to upload NEPA/E.O. 12114 documents and other supporting materials that might be of benefit DHS-wide. Innovative Coast Guard Memoranda of Agreement, guidance documents, quality assurance/quality control (QA/QC) programs that might benefit other components will also be shared with DHS SEP.
- S. Dispute Resolution.
1. Attempt Dispute Resolution at Lowest Coast Guard Organization Level. If a Coast Guard Proponent and another federal agency do not agree on significant issues or aspects of the Coast Guard NEPA/E.O. 12114 process or a Coast Guard NEPA/E.O. 12114 document, Commandant (CG-47) must be notified as soon as possible and will work with the program or Proponent to resolve the dispute at the lowest Coast Guard organizational level possible.
 2. Elevation of Disputes to Higher Organizational Levels. However, if the dispute cannot be resolved at the lowest Coast Guard level, the Proponent or the program office will request that Commandant (CG-47) elevate the dispute resolution to Commandant (CG-4D) and Commandant (CG-4). When the issue(s) of conflict are beyond the authority of Commandant (CG-4) to resolve, the dispute may be elevated to higher levels of the Coast Guard, following established chains of command.
 3. Elevation of Disputes to DHS. If the dispute cannot be resolved within the Coast Guard, then Commandant (CG-47) requests the involvement of Director DHS SEP for resolution. When the issue(s) of conflict are beyond the authority of Director DHS SEP to resolve, the dispute is elevated to higher levels of DHS for resolution, following established organizational lines of authority.

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4. Disputes Under Inter-Agency Agreements. If an external dispute arises in the context of a memorandum of agreement or similar interagency agreement which includes a dispute resolution provision, the terms of that dispute resolution provision will be followed.
5. The CEQ Formal Referral Process. The CEQ regulations provide a formal referral process that may be used for referring interagency disagreements to CEQ. The CEQ referral process is only used after there have been concerted but unsuccessful attempts to resolve the differences between the Coast Guard and another federal agency, including elevation of the dispute to Director DHS SEP. When the CEQ referral process is used, the Proponent prepares the referral package according to the requirements in 40 C.F.R. § 1504.3 and submits the package to Commandant (CG-47). Commandant (CG-47) works with the Director DHS SEP to submit the referral to CEQ.
6. Alternative Dispute Resolution Using Another Mediation Service. Use of a mediation service (e.g., Institute for Environmental Conflict Resolution-see <http://www.ecr.gov/>) or a different mediation service, is another option that may be used for resolving interagency disputes. Additional information on environmental collaboration and conflict resolution is provided in the CEQ and Office of Management and Budget (OMB) "Memorandum on Environmental Collaboration and Conflict Resolution," 7 September 2012 (https://ceq.doe.gov/docs/ceq-regulations-and-guidance/OMB_CEQ_Env_Collab_Conflict_Resolution_20120907.pdf). If the Proponent chooses to use such mediation services, the Proponent will notify Commandant (CG-47) who will notify Commandant (CG-4) and Commandant (CG-4D) and Director, DHS SEP. The Proponent will also notify Commandant (CG-47) of the final outcome of such mediation. Commandant (CG-47) will then notify Commandant (CG-4), Commandant (CG-4D), and Director, DHS SEP, as appropriate.

T. DSS.

1. DSS Purpose and Description.
 - a. The DSS is an automated DHS system designed to standardize and improve the efficiency and effectiveness of reviews of proposed actions for compliance with NEPA requirements. The system is available at <http://ephpdss.dhs.gov/> to any Coast Guard employee or contractor who has access to the Coast Guard computer network and has a Coast Guard-issued Common Access Card (CAC) card. Reference to the DSS in this IP includes future versions of the system and any successors.

Note: Contractors must NOT act as Preparers, Environmental Reviewers, Senior Environmental Professionals, or Proponents or sign DSS NEPA/E.O. 12114 documents. Contractors may participate in the DSS process as either Collaborator-Preparers or Collaborator-Reviewers. (See Reference (I) for definitions of all these roles in the DSS.)
 - b. With regard to compliance with NEPA, the DSS provides a series of questions to assist the Proponent in determining whether a proposed Coast Guard action may significantly impact the quality of the human environment or whether the application of a DHS or Coast Guard CATEX from the list in Chapter 3, Table 3-1 of this IP is appropriate. The DSS helps users ensure that the appropriate level of NEPA documentation is prepared. If the application of a

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DHS or Coast Guard CATEX is appropriate, the system allows electronic development of a REC to document CATEXs that require a REC or an optional MFR for CATEXs that do not require a REC.

- c. With regard to compliance with E.O. 12114, the DSS is not currently set up to generate documentation of the use of CATEXs developed under E.O. 12114. (Currently there are no Coast Guard E.O. 12114 OCATEXs developed yet.) However, use of the DSS to store completed E.O. 12114 compliance documents is mandatory.
- d. Unless the DSS is not accessible or is not functioning properly (e.g., system is down, contains major errors prohibiting timely use, or a Coast Guard technology issue temporarily or permanently prohibits use), RECs and all signatures on RECs will normally be completed electronically. The DSS will be used as the primary electronic repository for Coast Guard NEPA/E.O. 12114 and other environmental compliance documents, and will be used to gather information necessary for meeting internal and external environmental planning and historic preservation (EP&HP) reporting requirements. The DSS will enable knowledge sharing across DHS and the Coast Guard regarding environmental planning activities and requirements.

2. DSS Use within the Coast Guard.

NOTE: Proponents must not assume that placement of NEPA and related compliance documents in the DSS is the same as, or a substitute for, creating an administrative record. The Proponent must maintain a separate and complete administrative record outside the DSS that includes all documentation related to the NEPA/E.O. 12114 process. (See this Chapter, Section X for specific information and requirements associated with the administrative record under NEPA/E.O. 12114.)

- a. Mandated Use of the DSS. The DSS is mandated for use in the preparation, storage, and tracking of applicable Coast Guard or DHS NEPA documentation related to the CATEXs listed in Chapter 3, Table 3-1 of this IP. CATEXs marked with an asterisk require a REC. An optional MFR may also be prepared, stored, and tracked in the DSS for CATEXs that do not require a REC. Proponents must ensure information concerning a proposed action they believe is eligible for a CATEX is entered in the DSS as soon as they begin considering the proposed action.
- b. Mandated Upload of Environmental Planning Compliance Documents. Proponents must also use the DSS to track and store (upload) electronic versions of other final official documentation of Coast Guard compliance with environmental mandates. Environmental planning compliance documents that must be loaded to the DSS include **but are not limited to** items listed in Paragraphs (1)–(10) of this Section. Only the DHS System Administrator has permission to upload NEPA/E.O. 12114 documents or other environmental compliance documents created outside the DSS (and not uploaded with a related NEPA document prepared within the DSS).
 - (1) NEPA. Place basic information on EAs/EISs into the DSS as soon as it is known that an EA or EIS is required. Upload RECs created outside the DSS (e.g., DSS was not

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functioning), upload NOAs, NOIs, FEAs, DEISs and FEISs, and RODs, to the DSS. Also, upload Coast Guard memos or letters declining cooperating agency invitations from other agencies.

- (2) E.O. 12114. Place basic information on OEAs/OEISs into the DSS as soon as it is known that an OEA or OEIS is required. Upload final NDs, OEAs, FONSHs, OEISs, ODs, ERs, and ESs.
- (3) Section 7 of the ESA. Upload final Coast Guard requests to FWS/NMFS for informal or formal consultation, concurrence letters on Coast Guard Section 7 findings of no adverse effect, Biological Evaluations (BEs), Biological Assessments (BAs), and FWS/NMFS final BOs.
- (4) Section 106 of the NHPA. Upload official final Coast Guard letters to SHPOs/THPOs initiating consultation and transmitting Coast Guard effects findings, SHPO/THPO and ACHP concurrence letters on Coast Guard Section 106 effects findings, MOAs, PAs, Exempted Categories, Standard Treatments, and Program Comments.
- (5) ARPA. Upload final permits issued under ARPA.
- (6) CZMA. Upload final Consistency Determinations (CDs), Negative Determinations, concurrence or non-concurrence (objection) notifications from the applicable State Coastal Zone Management Office, any written agreement document to change the time periods required for compliance, Consistency Certificates along with any necessary data or information required by 15 C.F.R. § 930.58 (federal permits/licenses only), appeals to the Secretary of Commerce over a state objection and Secretary's response (federal permits/licenses only.)
- (7) MMPA. Upload LOAs, IHAs, and Plans of Cooperation (POCs). Upload final applications for LOAs and IHAs.
- (8) NMSA. Upload final sanctuary resource statements, ONMS determinations that sanctuary resources are not likely to be injured, ONMS recommended alternatives, and the Coast Guard response to ONMS on the recommended alternatives.
- (9) Magnuson-Stevens Act. Upload final EFH assessments, NMFS's EFH conservation recommendations, and Coast Guard responses to NMFS's EFH conservation recommendations.
- (10) MBTA. Upload final applications for depredation orders, permits, copies of such orders or permits, and letters or emails or other documents showing coordination with FWS on a Coast Guard proposed action that will or could have negative effects to migratory birds.
- (11) Bald and Golden Eagle Protection Act (BGEPA). Upload final applications for permits, copies of such orders or permits, and letters or emails or other documents showing

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coordination with FWS on Coast Guard proposed actions that will or could have negative effects to bald or golden eagles.

- (12) CWA. Upload final permits issued under Section 402 and 404 of the CWA (NPDES or Section 404 permits).
 - (13) CAA. Upload final Conformity Determinations and air permits.
 - (14) Formal Agreements (e.g., MOAs, Memorandum of Understanding [MOUs], or formal written correspondence). Upload final formal agreements related to compliance with environmental mandates.
- c. Timeframe for Uploading Final Environmental Documents. Upload final environmental documents and formal agreements (such as those listed in Paragraphs 2.b.(1)-(14) of this Section) within 30 calendar days of finalization or final signature.
 - d. Timing of Initial Entry of a Proposed Action into the DSS. Proponents must ensure that they (or their Preparer) enter actions that require either preparation in the DSS (or entry into the DSS for tracking purposes) as soon as it is known that an action will require a REC, EA/OEA, or EIS/OEIS or as soon as they or the Preparer know they wish to document their action with an optional MFR.
 - e. Proposed Actions that Fall Under a CATEX Requiring a REC.
 - (1) Create, sign, and store a REC in the DSS. CATEXs that have an asterisk next to them require a REC.
 - (2) Reference all documents that explain and justify the application of a CATEX and were considered in the CATEX process (if any) in the REC, and upload the referenced documents to the DSS.
 - (3) If the DSS is unavailable for use (not functioning or down for repair), complete the Coast Guard version of the REC (Enclosure (13)), and request that Commandant (CG-47) send it to the DHS System Administrator who will then upload it into the DSS via the DSS toolbox. (See Enclosure (14) for assistance in filling out the Coast Guard REC questions in Sections A–J of the REC.) Send RECs completed outside the DSS that need uploading to the DSS, to this mailbox: HQS-SMB-NEPADSS@uscg.mil. Commandant (CG-47) will make sure that they are sent to the DHS System Administrator for uploading to the DSS.
 - f. Proposed Actions That Fall Under a CATEX Not Requiring a REC.
 - (1) An MFR is an optional internal administrative document that records the application of a non-asterisked CATEX to a specific proposal. Proponents may produce an optional MFR in the DSS or by filling out the Coast Guard hard copy version of the MFR found in Enclosure (15). Preparers may also use Enclosure (15) if the DSS is not functioning properly or is down for repair. There is no requirement to produce an MFR or any other

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environmental documentation for actions covered by a DHS or a Coast Guard non-asterisked CATEX. CATEXs allowed for Coast Guard use are listed in Chapter 3, Table 3-1 of this IP.

- (2) While not required, it is strongly recommended that Preparers produce an optional MFR in the DSS if there is any uncertainty about whether an action might have the potential for extraordinary circumstances (situations where environmental impacts of potential significance could exist despite the availability of a CATEX that does not require a REC). If extraordinary circumstances exist for your proposed action (e.g., endangered species, historic properties, or other environmental concerns), the use of a CATEX may be inappropriate.
 - (3) Create an optional MFR in the DSS by picking the appropriate general project type, and then picking the specific project type in the DSS called “Other,” (or for the Bridge Program, picking “bridge permits requiring full environmental review”). These project types will generate a DSS MFR that has the minimum three signatures required: the Preparer, the Senior Environmental Professional, and the Proponent. The Environmental Reviewer’s name will appear in the DSS MFR project details pages as the Environmental Reviewer. Picking specific project type “Other” (or for the Bridge Program, picking “bridge permits requiring full environmental review”) in the DSS will require that you answer the DSS environmental and cultural (environmental/cultural) resources questions.
 - (4) If the optional MFR hard copy form is used, the DSS Preparer and the environmental reviewers/Proponent must ensure that all four signatures are included on the Coast Guard optional MFR form. Although not required, if a Proponent wishes to upload the completed MFR hard copy form to the DSS, they must send it and any supporting environmental compliance documents to the DSS mailbox at HQS-SMB-NEPADSS@uscg.mil, and Commandant (CG-47) will send the document(s) to the DHS System Administrator for upload.
- g. Proposed Actions that Require EAs/OEAs, EISs/OEISs, FONSI/FONSHs, and EISs/OEISs, and RODs/ODs. These documents are not created or signed in the DSS.
- (1) EAs/OEAs and EISs/OEISs. Even though EAs/OEAs and EISs/OEISs are not created or signed in the DSS, Preparers must initiate EAs/OEAs and EISs/OEISs in the DSS by entering basic information on these documents into the system. Official FEAs/FOEAs, DEISs/DOEISs, FEISs/FOEISs and must be sent to the Environmental Reviewer for upload to the DSS. Preparers must upload any related and supporting environmental compliance documents into the DSS during their initial entry of basic information on the EAs/OEAs, or EISs/OEISs. If a Preparer does not upload related environmental compliance documents at the time the basic information on the EAs/OEAs, or EISs/OEISs is entered into the DSS, then any related compliance documents must be sent to the Environmental Reviewer for upload with the final signed EAs/OEAs, or EISs/OEISs. Documents that must be uploaded by the Environmental Reviewer with the FEAs/FOEAs, DEISs/DOEISs or FEISs/FOEISs are as follows:

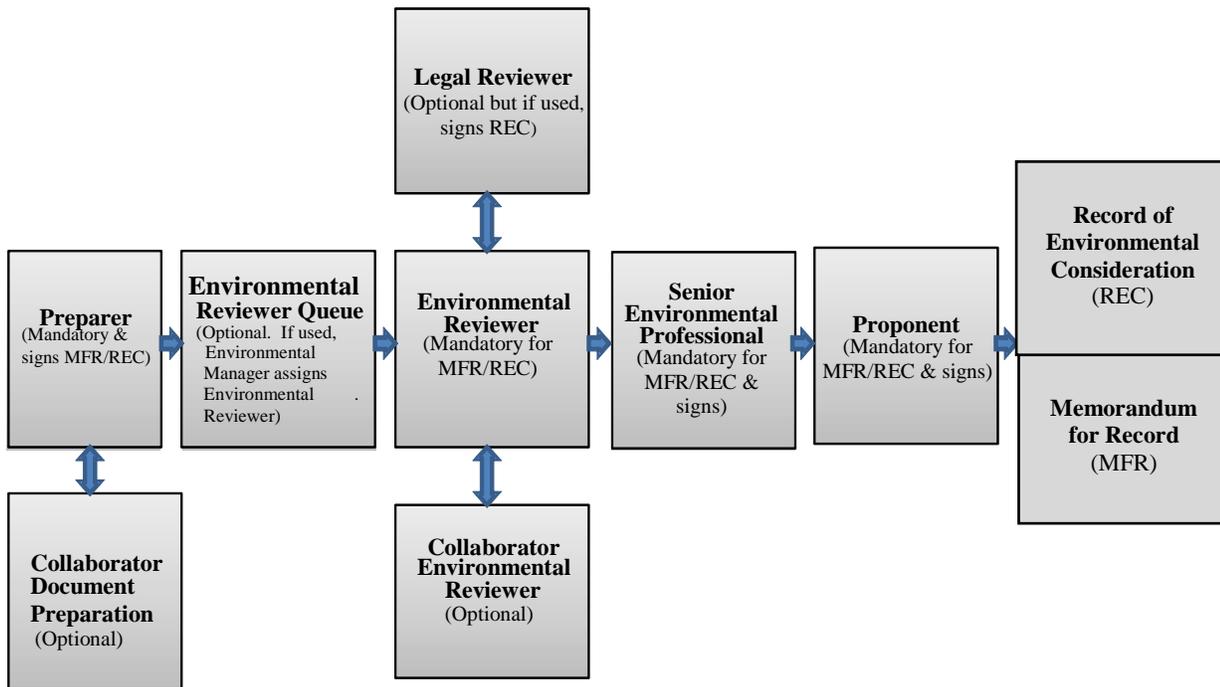
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- (a) Notices of Availability for EAs/OEAs and EISs/OEISs (required if they were used);
 - (b) Final signed FONSI/FONSHS;
 - (c) Notices of Intent for EISs/OEISs;
 - (d) Final RODs/ODs; and
 - (e) Compliance documents for other related environmental mandates that support the NEPA/E.O. 12114 analysis.
- (2) NDs, ERs, and ESs. Complete NDs, ERs, and ESs outside the DSS, and once they are final documents, send them and any supporting or related environmental compliance documents to the DSS mailbox at HQS-SMB-NEPADSS@uscg.mil, and Commandant (CG-47) will send the documents to the DHS System Administrator for upload. The DSS stores these documents but does not track information on them.
- h. Upload of Environmental Compliance Documents by the DHS System Administrator. Documents listed in this Section in Paragraph 2.b that are not related to a NEPA/E.O. 12114 document created or entered into the DSS may also be loaded into the DSS by sending them to this mailbox: HQS-SMB-NEPADSS@uscg.mil, and Commandant (CG-47) will send the document(s) to the DHS System Administrator for upload.
- i. Upload of Large Documents by the DHS System Administrator. If your documents are too large to send directly to HQS-SMB-NEPADSS@uscg.mil via email, please send them via the ARMDEC SAFE website at <https://safe.amrdec.army.mil/safe/> or the ARL SAFE website at <https://safe.arl.army.mil/>, or provide or mail a disc to Commandant (CG-47). (See Reference (1), Section XI for more information on uploading documents to the DSS.)
- j. Workflow of Actions Entered into the DSS.
- (1) Actions entered into the DSS are required to go from the Coast Guard Preparer to the EP-warranted Environmental Reviewer, to the EP-warranted Senior Environmental Professional and finally to the Proponent for final approval.
 - (2) Other reviews allowed by the DSS are optional but must follow the order presented in Figure 2-1 below, DSS User Work Flow.
 - (3) Requests for Coast Guard personnel that need to be assigned or unassigned to any of the following rolls: the Environmental Reviewer role, the Senior Environmental Professional role, the Legal Reviewer role in the DSS must be submitted to the appropriate Coast Guard DSS System Administrator. (See Reference (1) for more information on System Administrators.)
 - (4) For detailed information on how to enter a project into the DSS, a description of each of the roles in the DSS and more see Reference (1).

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NOTE: Important! While the DSS system will allow the Preparer to be the same individual as the environmental reviewers, it is Coast Guard policy that only the Coast Guard Bridge Program may have the same individual act as the Preparer and the environmental reviewers. For a detailed chart showing, which DSS roles DSS users can hold simultaneously, see Appendix C of Reference (1).

Figure 2-1 DSS User Workflow (Mandatory for MFR/REC & signs)



U. Use of Contractors or Applicants in the NEPA/E.O. 12114 Process.

1. When a Coast Guard Proponent uses contractors or allows federal permit applicants to develop documents, conduct analyses, solicit and collect public comments in a Coast Guard NEPA/E.O. 12114 process, it is important to remember that federal NEPA/E.O. 12114 compliance is an inherently governmental requirement. Therefore, the Coast Guard Proponent remains fully responsible for any Coast Guard NEPA/E.O. 12114 activities performed by a contractor or applicant. If a contractor or an applicant prepares the document, the Coast Guard Proponent must furnish guidance, participate in document preparation, independently evaluate the document prior to its approval, and take responsibility for its scope and contents.
2. Only a Coast Guard employee can sign as Preparer, Environmental Reviewer, Senior Environmental Professional, or Proponent on NEPA/E.O. 12114 documents prepared for proposed Coast Guard actions. Contractors cannot hold Coast Guard EP-Warrants.
3. If a contractor or applicant prepares a NEPA/E.O. 12114 document for the Coast Guard, the Proponent must select/approve the contractor, or where appropriate allow a cooperating or joint lead agency to select/approve the contractor to avoid any conflict of interest. Contractors must

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execute a disclosure statement prepared by the Coast Guard Proponent, or where appropriate by the joint lead or cooperating agency, specifying that they have no financial or other interest in the outcome of the project.

4. The presence of contractor names and logos in documents prepared for the Coast Guard, including NEPA/E.O. 12114 documents, must be minimized or avoided, unless otherwise required or specified in the terms of a particular contract. Proprietary information used by contractors in performance of NEPA/E.O.12114 activities is subject to public disclosure and must be avoided. If proprietary information must be included in a NEPA/E.O.12114 document, the proprietary information will be segregated in an appendix where its distribution may be more carefully controlled.
5. Proponents, not contractors, must sign and send all formal written communications transmitting official draft or final NEPA/E.O. 12114 documents for review and comment outside the Coast Guard.

V. Performance Metrics and Reporting Requirements.

1. Performance metrics are indicators of compliance with NEPA/E.O. 12114, and this IP as well as References (b) and (d)–(g). Per the pre-planning and notification requirements in Chapter 3, Sections C.3.d and D.3.b.(3) of this IP, Commandant (CG-47) will periodically choose to review and comment on Coast Guard EAs/OEAS and/or EISs/OEISs prior to their completion in order to assess the adequacy of the documents in meeting required DHS and Coast Guard environmental policies and procedures. DHS SEP and Commandant (CG-47) will also use the DSS to obtain information on overall environmental compliance performance. Commandant (CG-47) will periodically conduct random evaluations of RECs and MFRs and other environmental compliance documentation entered into the DSS to determine quality and consistency of such compliance Coast Guard-wide.
2. Commandant (CG-47) and other Coast Guard program offices with environmental responsibilities participate in other internal environmental performance programs and metrics, such as the periodic DHS Office of the Chief Readiness Support Officer (OCRSO) Coast Guard Environmental Program Management Reviews (DHS Coast Guard Environmental PMRs), the OCRSO Scorecard, and in DHS environmental planning committees and work groups. Periodic PMRs are a requirement of the DHS policy, Office of Chief Readiness Support Officer Program Management Reviews, DHS Directive 107-02. Commandant (CG-47) collects and submits environmental planning and other environmental compliance information under its purview for use in the DHS Coast Guard Environmental PMR and Scorecard to DHS SEP in accordance with established requirements and timeframes. Responses and recommendations relating to environmental planning coming out of such reporting requirements are evaluated by Commandant (CG-47) and DHS SEP.
3. Coast Guard Headquarters Directorates and field commands must respond to Congressional and federal interagency NEPA reporting requirements (e.g., the annual CEQ Cooperating Agencies Report). DHS SEP issues data calls to Commandant (CG-47) to obtain the information required by these external reporting requirements and ensures a consolidated response from DHS. Commandant (CG-47) in turn issues a data call to other Coast Guard Headquarters program

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directorates with NEPA programs and to the Shore Infrastructure Logistics Center, Environmental Management Division (SILC, EMD) for compilation of field-level NEPA data within the Commandant (CG-4) chain of command.

4. Coast Guard offices must respond, in a timely fashion, to requests by the SILC or Commandant (CG-47) for environmental planning compliance data or related information such as information required for CEQ Cooperating Agency Reports.

W. Coast Guard's Delegation of Authority and Revisions to Reference (f) and this IP. The Coast Guard retains its own delegation of authority from DHS to sign as reviewers on Coast Guard NEPA/E.O. 12114 documents and maintains a supplemental Environmental Planning Policy, COMDTINST 5090.1 (Reference (f)) and this IP— both of which align with References (d) and (e).

1. Commandant (CG-47) is responsible for ensuring that the Coast Guard meets and continues to meet DHS requirements for delegation of environmental review authority found in Reference (e), Section IV.K.(3) and that the Coast Guard meets the DHS requirements for appropriate alignment of Reference (f) and this IP with References (d) and (e).
2. Commandant (CG-47) is responsible for ensuring that Reference (f) and this IP align with any current or future versions of References (d)–(g). Commandant (CG-47) will submit any future new or substantially revised versions of Reference (f) and this IP to DHS SEP for review and approval prior to final approval by Commandant (CG-4).
3. Additionally, if Commandant (CG-47) determines that a revision to Reference (f) and/or this IP needs CEQ and public review and comment, DHS SEP will be notified so that they can help coordinate these efforts. Issues that cannot be resolved between DHS SEP and Commandant (CG-47) within 10 working days of receiving DHS SEP comments will be elevated to the respective OCRSOs (or equivalent) for resolution. If necessary, Commandant (CG-47) will elevate issues further to higher levels of the Coast Guard and DHS for resolution, following established organizational lines of authority.
4. Minor revisions to Reference (f) and/or this IP that are administrative in nature and do not need DHS SEP approval must follow appropriate internal Coast Guard procedures found in the Coast Guard Directives System, COMDTINST Manual 5215.6 (series).

X. Administrative Record Requirements. The Proponent, with assistance from the appropriate environmental reviewers and (where necessary) legal counsel, must ensure that an appropriate administrative record of its compliance with NEPA/E.O. 12114 is maintained. The administrative record is a compilation of all documents and materials that were examined in the NEPA/E.O. 12114 processes (even if examined and then not used) by a Proponent at the time their final decision on a proposed action was made; this includes documents and materials that support a contrary decision.

1. Documents Included in the Administrative Record.
 - a. A Coast Guard administrative record includes any draft and final NEPA/E.O. 12114 documents, and any communications with, and comments from, federal, tribal, state, and

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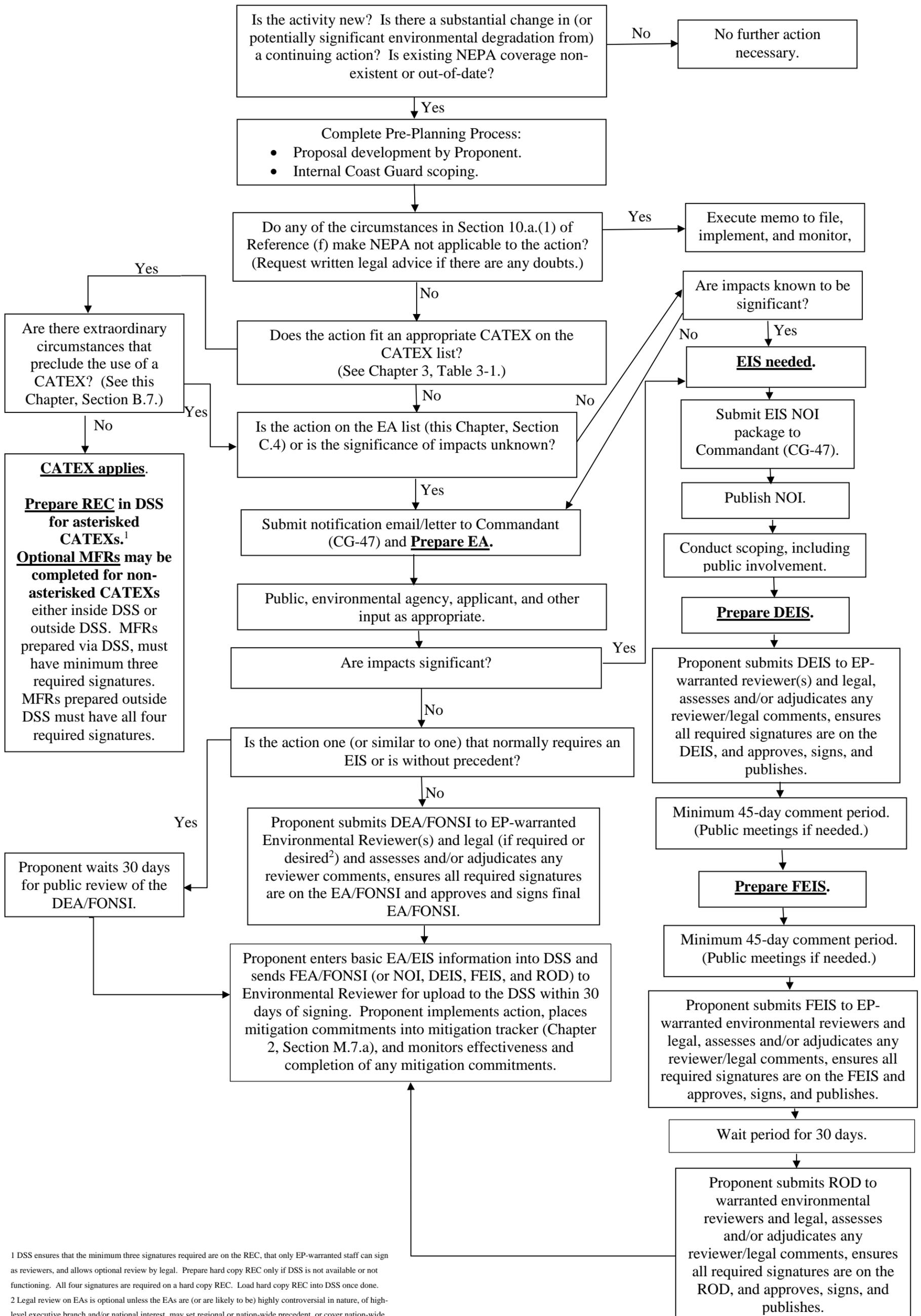
local agencies, federal assistance applicants, and the public; and Proponent responses to those comments.

- b. Materials such as data, reports, studies, computer modeling, maps, photographs, etc., considered by Coast Guard staff and found relevant to the decision (these can be especially broad with regard to the choice of alternatives and which alternatives were ruled out and which were considered for NEPA/E.O. 12114 analysis) are also part of the record, whether or not they support the decision made in NEPA/E.O. 12114 documents and whether or not they are generally available to the public.
 - c. Information that is restricted from public disclosure under FOIA but is examined in the NEPA/E.O. 12114 process, may appropriately be a part of the administrative record. Internal memoranda regarding issues related to a NEPA/E.O. 12114 analysis that were prepared prior to the Proponent's decision on a proposed action are also part of the record.
2. Documents Not Included in the Administrative Record. Draft Coast Guard environmental planning documents that merely clean up typographical errors do not need to be retained as part of the Administrative Record.
 3. Legal Assistance. Proponents must compile a thorough administrative record and should obtain advice from their servicing legal command if they are unsure whether to include something (or leave something out) of the administrative record. Questions about whether certain parts of the administrative record are releasable under FOIA after a Coast Guard decision is final, must be directed to the appropriate servicing legal command. The appropriate servicing legal command must then coordinate with Commandant (CG-LMI-E) who will consult with DHS Office of General Counsel (OGC) as necessary.

CHAPTER 3. PROCEDURES FOR IMPLEMENTING NEPA

- A. Environmental Planning Compliance under NEPA. The NEPA process helps decision-makers (Proponents) systematically identify and evaluate the potential environmental effects of proposed actions and make informed decisions. Proponents must complete the NEPA process before making a final decision on a proposed action. When NEPA applies to a proposed action, one of three levels of evaluation (CATEX, EA, or EIS) is necessary. These levels correspond to the increasing potential for proposed actions to have significant environmental effects. (See this Chapter, Figure 3-1 of this IP, Coast Guard NEPA Process Flowchart). Evaluation and documentation requirements under NEPA are described below.
1. Determine if NEPA Applies. The Proponent determines whether NEPA applies. (See Chapter 1, Section C.2 of this IP for more information on when NEPA does and does not apply to an action.) If there is a question on whether NEPA applies, Proponents should contact their servicing legal command. Proponents should obtain written advice from their servicing legal command prior to making any final determination that their action does NOT require NEPA compliance. Proponents are strongly encouraged to document any decision that an action/operation does NOT require NEPA compliance with a memo to file that summarizes or attaches the written legal advice. Proponents are not required to load such documentation into the DSS.
 2. Determine Access to EP-Warranted Staff. If a Proponent is lacking EP-warranted environmental staff to assist with NEPA compliance, conduct NEPA document reviews, and sign as Environmental Reviewer or Senior Environmental Professional, it is their responsibility to establish a written agreement with a command or office where the EP-warranted staff reside to conduct such work. Such agreements must be via formal correspondence or MOA and contain the content described in Section 11.b.(4) of Reference (f). (See Enclosure (16) of this IP for a template agreement and Reference (g) for a description of the Coast Guard EP-warrant program.)
 3. CATEXs. For all proposed actions to which NEPA applies, Proponents review the list of DHS and Coast Guard CATEXs in consultation with their respective servicing EP-warranted environmental staff and servicing legal command, as appropriate. (See this Chapter, Table 3-1). The CATEXs in Section L of Table 3-1 apply only to the Coast Guard. CATEXs in Sections A–G or N apply to all DHS components. Proponents may use CATEXs in Sections A–G or N if there is not a CATEX in Section L that applies or if a CATEX in Sections A–G or N is a better fit and is not less restrictive than the similar Coast Guard CATEX. **Proponents must not use a CATEX in Sections A–G or N that does not require a REC when there is an appropriate CATEX in Section L that does require a REC.**
 4. EAs. If the proposed action cannot be categorically excluded, the Proponent begins the process to prepare an EA. If the EA process is concluded by a FONSI, the action may proceed. However, in some circumstances it is appropriate to begin the process to prepare an EIS instead of an EA. The EA process ends with either a FONSI or NOI to prepare an EIS.
 5. EISs. If the proposed action clearly would have significant environmental impacts which cannot be mitigated to level of insignificance, or the EA process for the proposed action could not be concluded by a FONSI, the Proponent must prepare an EIS. The EIS process ends with a ROD.

Figure 3-1 NEPA Process Flow Chart



1 DSS ensures that the minimum three signatures required are on the REC, that only EP-warranted staff can sign as reviewers, and allows optional review by legal. Prepare hard copy REC only if DSS is not available or not functioning. All four signatures are required on a hard copy REC. Load hard copy REC into DSS once done.
 2 Legal review on EAs is optional unless the EAs 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. These types of EAs require submittal to Commandant (CG-47) and Commandant (CG-LMI-E) for detailed review and comment prior to transmittal to DHS SEP for review and approval.

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Until the ROD is issued no action on the proposal can be taken that would have an adverse environmental impact or limit the choice of reasonable alternatives (40 C.F.R. § 1506.1(a)). Once a ROD is issued, the action may proceed.

6. Posting NEPA Documents Online for Public Notice. Posting documents on the Coast Guard internet NEPA webpage at the following site: <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management/> is for providing public notice on the document and is a separate and different requirement from the requirement to upload such documents to the DSS. Proponents upload documents to the DSS for internal DHS and component use and storage only. The DSS is not accessible to the public.
 - a. In order to provide appropriate public notice, Proponents are required to post the following Coast Guard NEPA documents on the Coast Guard NEPA webpage and supply the link to DHS SEP via Commandant (CG-47):
 - (1) EISs/RODs; and
 - (2) EAs/FONSIIs that have effects of national concern.
 - b. The DHS SEP NEPA webpage, <https://www.dhs.gov/national-environmental-policy-act>, serves as the internet site for posting Coast Guard web links to the actual Coast Guard EISs/RODs, and EAs/FONSIIs for proposed actions with effects of national concern. When a Component has information to be posted on the DHS NEPA webpage (e.g. the Coast Guard web link to a Coast Guard NEPA document), the information is provided to SEP for posting on the DHS NEPA webpage a minimum of seven (7) calendar days in advance of the date the Component seeks to make the information publicly available.
 - c. Use of the Coast Guard NEPA webpage and providing the link to DHS SEP is optional for posting EAs/FONSIIs for proposed actions with effects of regional or local concern, as long as Proponents implement another form of public notice or ensure public input to the EA during its preparation. Where the Coast Guard is a joint lead agency, the joint lead agencies determine the appropriate host in the Federal Government domain.
 - d. Proponents requiring posting of NEPA documents on the Coast Guard NEPA webpage, provide a copy of the document via email or for large files via the ARMDEC SAFE website at <https://safe.amrdec.army.mil/safe/> or the ARL SAFE website at <https://safe.arl.army.mil/> or by providing or mailing a disc to Commandant (CG-47).
 - e. Documents proposed for posting must be reviewed and approved by Commandant (CG-47) as compliant with Coast Guard and DHS requirements for posting on the internet. After review, Commandant (CG-47) will post the document on the NEPA website and supply the link to DHS SEP, where appropriate. Commandant (CG-47) manages web content in accordance with the guidelines established by OPA and OMB Policies for Federal Agency Public Websites (OMB M-05-04). (See the following website for more information: <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2005/m05-04.pdf>) Commandant (CG-47) will return documents not meeting OPA requirements to the Proponent. For content submitted to Commandant (CG-47) for posting on the Coast Guard

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NEPA webpage, the following requirements apply:

- (1) Documents meet OPA web publishing guidance and standards, DHS and Coast Guard branding requirements, and Section 508 of the Rehabilitation Act requirements;
 - (2) Documents are in .pdf format, inclusive of figures, appendices, and documents or hyperlinks incorporated by reference; and
 - (3) If applicable, the Proponent includes a point of contact, start and end date of the public comment period, and information on where and how interested persons may submit comments.
- f. Proponents provide content to Commandant (CG-47) a minimum of seven (7) calendar days in advance of the date the Proponent is seeking to make the information publicly available. For NEPA documents related to emergency actions, or in other time-sensitive situations as appropriate, the Proponent must specifically request expedited review, approval, and posting by Commandant (CG-47).

B. CATEXs.

1. Definition and Purpose of CATEXs.

- a. As defined by the CEQ regulations for implementing NEPA, a CATEX means a category of actions that do not individually or cumulatively have a significant effect on the human environment.
- b. CATEXs are developed for specific actions which are usually repeated over time, and the agency has determined through studies that the action does not have the potential for significant effect on the human environment. The CEQ encourages the use of the CATEX process, where appropriate, to reduce paperwork and conserve resources.

2. Documentation of CATEXs.

- a. Proponents evaluating environmental impacts must complete a REC for CATEXs annotated with an asterisk in this Chapter, Table 3-1. CATEXs in this Chapter, Table 3-1 that do not have asterisks do not require RECs. Examples of CATEXs that do not require preparation of a REC include: issuing administrative personnel procedures, making minor renovations to facilities, and conducting classroom training.
- b. Proponents may complete an optional MFR for non-asterisked CATEXs. If a Proponent, in consultation with their respective servicing EP-warranted environmental staff and servicing legal command, as appropriate, believes there is or may be the potential for a significant environmental impact from an extraordinary circumstance for an action that falls under a non-asterisked CATEX, preparation of an optional MFR is recommended.
- c. RECs and MFRs must have all required signatures present in order to be considered final NEPA documentation. (See Sections 10.e.(3), 10.f, and 10.g(2) and (3) of Reference (f) and

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Sections T.e. and T.f this IP for signature requirements, and see Enclosures (13) and (15) for hard copy REC and MFR templates.)

3. CATEX Organization. Coast Guard and DHS CATEXs are divided into the following functional groupings:
 - a. Administrative and Regulatory Activities;
 - b. Operational Activities;
 - c. Real Estate Activities;
 - d. Repair and Maintenance Activities;
 - e. Construction and Maintenance;
 - f. Hazardous/Radioactive Materials Management and Operations; and
 - g. Training and Exercises.
4. Changes to CATEXs. The CATEXs found in this Chapter at Table 3-1 of this IP are subject to future review and modification. Unique Coast Guard CATEXs may be added, deleted, or revised.
 - a. Commandant (CG-47) must review and approve any proposed changes to the unique Coast Guard CATEX list.
 - b. Commandant (CG-47) may develop new Coast Guard CATEXs when it becomes clear, through Proponent preparation of EAs, that FONSI results after numerous analyses of similar types of actions, and/or Proponents provide other appropriate environmental documentation to justify the creation of new CATEXs.
 - c. Commandant (CG-47) in consultation with DHS SEP will review all Coast Guard CATEXs and the list of extraordinary circumstances discussed in this IP (see this Chapter, this Section, Paragraph 7) every seven years to ensure they are still appropriate, and to identify any changes needed in light of additional experience gained in applying the CATEXs to proposed Coast Guard actions. Commandant (CG-47) will complete such review in conjunction with any major revisions to Reference (f) and/or this IP, or when seven years have passed since the last major revision.
 - d. Proponents must submit proposals to substantively revise or establish new Coast Guard CATEXs to Commandant (CG-47). Approval of proposed substantially revised or new CATEXs requires:
 - (1) An administrative record that meets CEQ standards;
 - (2) Review and approval by Commandant (CG-47) and DHS SEP; and
 - (3) CEQ and public review and comment.

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Table 3-1 Categorical Exclusions Allowed for Use by the Coast Guard

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| <p>*An asterisk next to a CATEX in this table denotes classes of actions that have a higher possibility of involving extraordinary circumstances. When Proponents use a CATEX identified by an asterisk, they must prepare a REC to document the consideration of extraordinary circumstances.</p> |
| <p>ADMINISTRATIVE AND REGULATORY ACTIVITIES</p> |
| <p>A1 Personnel fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel.</p> |
| <p>A2 Reductions, realignments, or relocation of personnel that do not result in exceeding the infrastructure capacity or changing the use of space. An example of a substantial change in use of the supporting infrastructure would be an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase.</p> |
| <p>A3 Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature:</p> <ul style="list-style-type: none"> (a) Those of a strictly administrative or procedural nature; (b) Those that implement, without substantive change, statutory or regulatory requirements; (c) Those that implement, without substantive change, procedures, manuals, and other guidance documents; (d) Those that interpret or amend an existing regulation without changing its environmental effect; (e) Technical guidance on safety and security matters; or (f) Guidance for the preparation of security plans. |
| <p>A4 Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include but are not limited to:</p> <ul style="list-style-type: none"> (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions. Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities. (b) Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities. |
| <p>A5 Awarding of contracts for technical support services, ongoing management and operation of government facilities and professional services that do not involve unresolved conflicts concerning alternative uses of available resources.</p> |

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A6 Procurement of non-hazardous goods and services, and storage, recycling, and disposal of non-hazardous materials and wastes, that complies with applicable requirements and is in support of routine administrative, operational, or maintenance activities. Storage activities must occur on previously disturbed land/or in existing facilities. Examples include but are not limited to:

- (a) Office supplies,
- (b) Equipment,
- (c) Mobile assets,
- (d) Utility services,
- (e) Chemicals and low level radio nuclides for laboratory use,
- (f) Deployable emergency response supplies and equipment, and
- (g) Waste disposal and contracts for waste disposal in established permitted landfills and facilities.

A7 The commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature. If any of these commitments result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include, but are not limited to:

- (a) Activities designed to support the improvement or upgrade management of natural resources, such as surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties, and archeological sites; wetland delineations; timber stand examination; minimal water, air, waste, material and soil sampling; audits, photography, and interpretation.
- (b) Minimally-intrusive geological, geophysical, and geo-technical activities, including mapping and engineering surveys.
- (c) Conducting Facility Audits, Environmental Site Assessments and Environmental Baseline Surveys, and
- (d) Vulnerability, risk, and structural integrity assessments of infrastructure.

A8 Review of and comment on documents that did not originate in DHS.

OPERATIONAL ACTIVITIES

B1 Research, development, testing, and evaluation activities, or laboratory operations conducted within existing enclosed facilities consistent with previously established safety levels and in compliance with applicable federal, tribal, state, and local requirements to protect the environment when it will result in no, or de minimus change in the use of the facility. If the operation will substantially increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.

B2 Transportation of personnel, detainees, equipment, and evidentiary materials in wheeled vehicles over existing roads or jeep trails established by Federal, Tribal, State, or Local Governments, including access to permanent and temporary observation posts.

B3 Proposed activities and operations to be conducted in an existing structure that would be compatible with and similar in scope to its ongoing functional uses and would be consistent with previously established safety levels and in compliance with applicable federal, tribal, state, or local requirements to protect the environment.

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B4 Provision of on-site technical assistance to non-DHS organizations to prepare plans, studies, or evaluations. Examples include, but are not limited to:

- (a) General technical assistance to assist with development and enhancement of Weapons of Mass Destruction (WMD) response plans, exercise scenario development and evaluation, facilitation of working groups, etc.
- (b) State strategy technical assistance to assist States in completing needs and threat assessments and in developing their domestic preparedness strategy.

B5 Support for or participation in community projects that do not involve significant physical alteration of the environment. Examples include, but are not limited to:

- (a) Earth Day activities,
- (b) Adopting schools,
- (c) Cleanup of rivers and parkways, and
- (d) Repair and alteration of housing.

B6 Approval of recreational or public activities or events at a location typically used for that type and scope (size and intensity) of activity that would not involve significant physical alteration of the environment. Examples include, but are not limited to:

- (a) Picnics,
- (b) Encampments, and
- (c) Interpretive programs for historic and cultural resources, such as programs in conjunction with State and Tribal Historic Preservation Officers, or with local historic preservation or re-enactment groups.

B7 Initial assignment or realignment of mobile assets, including vehicles, vessels and aircraft, to existing operational facilities that have the capacity to accommodate such assets or where supporting infrastructure changes will be minor in nature to perform as new homeports or for repair and overhaul.

***B8** Acquisition, installation, maintenance, operation, or evaluation of security equipment to screen for or detect dangerous or illegal individuals or materials at existing facilities and the eventual removal and disposal of that equipment in compliance with applicable requirements to protect the environment. Examples of the equipment include, but are not limited to:

- (a) Low-level x-ray devices,
- (b) Cameras and biometric devices,
- (c) Passive inspection devices,
- (d) Detection or security systems for explosive, biological, or chemical substances, and
- (e) Access controls, screening devices, and traffic management systems.

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***B9** Acquisition, installation, operation, or evaluation of physical security devices, or controls to enhance the physical security of existing critical assets and the eventual removal and disposal of that equipment in compliance with applicable requirements to protect the environment. Examples include, but are not limited to:

- (a) Motion detection systems,
- (b) Use of temporary barriers, fences, and jersey walls on or adjacent to existing facilities or on land that has already been disturbed or built upon,
- (c) Impact resistant doors and gates,
- (d) X-ray units,
- (e) Remote video surveillance systems,
- (f) Diver/swimmer detection systems, except sonar,
- (g) Blast/shock impact-resistant systems for land based and waterfront facilities,
- (h) Column and surface wraps, and
- (i) Breakage/shatter-resistant glass.

B10 Identifications, inspections, surveys, or sampling, testing, seizures, quarantines, removals, sanitization, and monitoring of imported products that cause little or no physical alteration of the environment. This CATEX would primarily encompass a variety of daily activities performed at the borders and ports of entry by various elements of the Customs and Border Protection and Transportation Security Administration.

B11 Routine monitoring and surveillance activities that support law enforcement or homeland security and defense operations, such as patrols, investigations, and intelligence gathering, but not including any construction activities (construction activities are addressed in Subsection E of these CATEX). This CATEX would primarily encompass a variety of daily activities performed by the components of U.S. Coast Guard, Immigration and Customs Enforcement, Customs and Border Protection, Transportation Security Administration, and the U.S. Secret Service.

REAL ESTATE ACTIVITIES

C1 Acquisition of an interest in real property that is not within or adjacent to environmentally sensitive areas, including interests less than a fee simple, by purchase, lease, assignment, easement, condemnation, or donation, which does not result in a change in the functional use of the property.

C2 Lease extensions, renewals, or succeeding leases where there is no change in the facility's use and all environmental operating permits have been acquired and are current.

C3 Reassignment of real property, including related personal property within the Department (e.g., from one Departmental element to another) that does not result in a change in the functional use of the property.

C4 Transfer of administrative control over real property, including related personal property, between another federal agency and the Department that does not result in a change in the functional use of the property.

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| <p>C5 Determination that real property is excess to the needs of the Department and, in the case of acquired real property, the subsequent reporting of such determination to the General Services Administration or, in the case of lands withdrawn or otherwise reserved from the public domain, the subsequent filing of a notice of intent to relinquish with the Bureau of Land Management, Department of Interior.</p> |
| <p>*C6 Congressionally-mandated conveyance of DHS controlled real property to a non-federal entity.</p> |
| <p>*C7 The initial lease of, or grant of an easement interest in, DHS-controlled real property to a non-federal entity or the amendment, renewal, or termination of such lease or easement interest where the proposed type and intensity of real property use is similar to existing uses.</p> |
| <p>*C8 The grant of a license to a non-federal entity to perform specified acts upon DHS-controlled real property or the amendment, renewal, or termination of such license where the proposed type and intensity of real property use is similar to existing uses.</p> |
| <p>C9 Allowing another federal agency to use DHS-controlled real property under a permit, use agreement, or similar arrangement or the amendment, renewal, or termination of such permit or agreement where the proposed type and intensity of real property use is similar to existing uses.</p> |
| <p>C10 Real property inspections to ensure compliance with deed or easement restrictions.</p> |
| <p>REPAIR AND MAINTENANCE ACTIVITIES</p> |
| <p>D1 Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (e.g., realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an EA or EIS for the installation).</p> |
| <p>D2 Routine upgrade, repair, maintenance, or replacement of equipment and vehicles, such as aircraft, vessels, or airfield equipment that does not result in a change in the functional use of the property.</p> |
| <p>D3 Repair and maintenance of Department-managed buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use or an impact on a historically significant element or setting (e.g., replacing a roof, painting a building, resurfacing a road or runway, pest control activities, restoration of trails and firebreaks, culvert maintenance, grounds maintenance, existing security systems, and maintenance of waterfront facilities that does not require individual regulatory permits)</p> |
| <p>*D4 Reconstruction and/or repair by replacement of existing utilities or surveillance systems in an existing right-of-way or easement, upon agreement with the owner of the relevant property interest.</p> |
| <p>*D5 Maintenance dredging activities within waterways, floodplains, and wetlands where no new depths are required, applicable permits are secured, and associated debris disposal is done at an approved disposal site. This CATEX encompasses activities required for the maintenance of waterfront facilities managed primarily within the U.S. Coast Guard and Customs and Border Protection.</p> |

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D6 Maintenance of aquatic and riparian habitat in streams and ponds, using native materials or best natural resource management practices. Examples include, but are not limited to:

- (a) Installing or repairing gabions with stone from a nearby source,
- (b) Adding brush for fish habitat,
- (c) Stabilizing stream banks through bioengineering techniques, and
- (d) Removing and controlling exotic vegetation, not including the use of herbicides or non-native biological controls.

This CATEX would primarily involve property management activities at larger properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Center.

CONSTRUCTION, INSTALLATION, AND DEMOLITION ACTIVITIES

E1 Construction, installation, operation, maintenance, and removal of utility and communication systems (such as mobile antennas, data processing cable, and similar electronic equipment) that use existing rights-of-way, easements, utility distribution systems, and/or facilities. This is limited to activities with towers where the resulting total height does not exceed 200 feet and where the FCC would not require an EA or EIS for the acquisition, installation, operation or maintenance.

***E2** New construction upon or improvement of land where all of the following conditions are met:

- (a) The structure and proposed use are compatible with applicable federal, tribal, state, and local planning and zoning standards and consistent with federally-approved state coastal management programs,
- (b) The site is in a developed area and/or a previously-disturbed site,
- (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area,
- (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and,
- (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

***E3** Acquisition, installation, operation, and maintenance of equipment, devices, and/or controls necessary to mitigate effects of the Department's missions on health and the environment, including the execution of appropriate real estate agreements. Examples include but are not limited to:

- (a) Pollution prevention and pollution control equipment required to meet applicable federal, tribal, state, or local requirements,
- (b) Noise abatement measures, including construction of noise barriers, installation of noise control materials, or planting native trees and/or native vegetation for use as a noise abatement measure, and,
- (c) Devices to protect human or animal life, such as raptor electrocution prevention devices, fencing to restrict wildlife movement on to airfields, fencing and grating to prevent accidental entry to hazardous or restricted areas, and rescue beacons to protect human life.

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| <p>*E4 Removal or demolition, along with subsequent disposal of debris to permitted or authorized off-site locations, of non-historic buildings, structures, other improvements, and/or equipment in compliance with applicable environmental and safety requirements.</p> |
| <p>E5 Natural resource management activities on Department-managed property to aid in the maintenance or restoration of native flora and fauna, including site preparation, landscaping, and control of non-indigenous species. This CATEX would encompass property management activities primarily at properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Center.</p> |
| <p>E6 Reconstruction of roads on Departmental facilities, where runoff, erosion, and sedimentation issues are mitigated through implementation of best management practices. This CATEX would encompass property management activities primarily at properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Center.</p> |
| <p>E7 Construction of physical fitness and training trails for non-motorized use on Department facilities in areas that are not environmentally sensitive, where run-off, erosion, and sedimentation are mitigated through implementation of best management practices. This CATEX would encompass property management activities primarily at properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Center.</p> |
| <p>*E8 Construction of aquatic and riparian habitat in streams and ponds on Department-managed land, using native materials or best natural resource management practices. Examples include, but are not limited to:</p> <ul style="list-style-type: none">(a) Installing or repairing gabions with stone from a nearby source,(b) Adding brush for fish habitat,(c) Stabilizing stream banks through bioengineering techniques, and,(d) Removing and controlling exotic vegetation, not including the use of herbicides or non-native biological controls. <p>This CATEX would encompass property management activities primarily at properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Center.</p> |
| <p>HAZARDOUS/RADIOACTIVE MATERIALS MANAGEMENT AND OPERATIONS</p> |
| <p>F1 Routine procurement, transportation, distribution, use, and storage of hazardous materials that comply with all applicable requirements, such as Occupational Safety and Health Act (OSHA) and National Fire Protection Association (NFPA).</p> |

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F2 Reuse, recycling, and disposal of solid, medical, radiological, and hazardous waste generated incidental to Department activities that comply with applicable requirements such as Resource Conservation and Recovery Act (RCRA), Occupational Safety and Health Act (OSHA), and State hazardous waste management practices. Examples include but are not limited to:

- (a) Appropriate treatment and disposal of medical waste conducted in accordance with all federal, tribal, state, and local laws and regulations,
- (b) Temporary storage and disposal of solid waste, conducted in accordance with all federal, tribal, state, and local laws and regulations,
- (c) Disposal of radiological waste through manufacturer return and recycling programs, and
- (d) Hazardous waste minimization activities.

F3 Use (that may include the processes of installation, maintenance, non-destructive testing, and calibration), transport, and storage of hand-held, mobile or stationary instruments, containing sealed radiological and radioactive materials, to screen for or detect dangerous or illegal individuals or materials in compliance with commercial manufacturers' specifications, as well as applicable federal requirements to protect the human environment. Examples of such instruments include but are not limited to:

- (a) Gauging devices, tracers, and other analytical instruments,
- (b) Instruments used in industrial radiography,
- (c) Systems used in medical and veterinary practices; and
- (d) Nuclear Regulatory Commission (NRC) approved, sealed, small source radiation devices for scanning vehicles and packages where radiation exposure to employees or the public does not exceed 0.1 rem per year and where systems are maintained within the NRC license parameters at existing facilities.

TRAINING AND EXERCISES

G1 Training of homeland security personnel, including international, Tribal, State, and local agency representatives using existing facilities where the training occurs in accordance with applicable permits and other requirements for the protection of the environment. This exclusion does not apply to training that involves the use of live chemical, biological, or radiological agents except when conducted at a location designed and constructed to contain the materials used for that training. Examples include but are not limited to:

- (a) Administrative or classroom training,
- (b) Tactical training, including but not limited to training in explosives and incendiary devices, arson investigation and firefighting, and emergency preparedness and response,
- (c) Vehicle and small boat operation training,
- (d) Small arms and less-than-lethal weapons training,
- (e) Security specialties and terrorist response training,
- (f) Crowd control training, including gas range training,
- (g) Enforcement response, self-defense, and interdiction techniques training, and
- (h) Techniques for use in fingerprinting and drug analysis.

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| <p>G2 Projects, grants, cooperative agreements, contracts, or activities to design, develop, and conduct national, State, local, or international exercises to test the readiness of the Nation to prevent or respond to a terrorist attack or a natural or manmade disaster and where conducted in accordance with existing facility or land use designations. This exclusion does not apply to exercises that involve the use of chemical, biological, radiological, nuclear, or explosive agents/devices (other than small devices such as practice grenades/flash bang devices used to simulate an attack during exercise play).</p> |
| <p>UNIQUE CATEGORICAL EXCLUSIONS FOR THE COAST GUARD</p> |
| <p>*L1 Personnel and other administrative actions associated with consolidations, reorganizations, or reductions in force resulting from identified inefficiencies, reduced personnel or funding levels, skill imbalances, or other similar causes.</p> |
| <p>L2 Routine procurement activities and actions for goods and services, including office supplies, equipment, mobile assets, and utility services for routine administration, operation, and maintenance.</p> |
| <p>L3 Routine personnel, fiscal, and administrative activities, actions, procedures, and policies which clearly do not have any environmental impacts, such as military and civilian personnel recruiting, processing, paying, and record keeping.</p> |
| <p>L4 Review of documents, such as studies, reports, and analyses, prepared for legislative proposals that did not originate in DHS and that relate to matters that are not the primary responsibility of the Coast Guard.</p> |
| <p>L5 Preparation of guidance documents that implement, without substantive change, the applicable Commandant Instruction or other federal agency regulations, procedures, manuals, and other guidance documents.</p> |
| <p>L6 Approval of recreational activities or events (such as a Coast Guard Unit picnic) at a location developed or created for that type of activity.</p> |
| <p>*L7 The initial lease of, or grant of, an easement interest in, Coast Guard-controlled real property to a non-federal party or the amendment, renewal, or termination of such lease or easement interest where the reasonably foreseeable real property use will not change significantly and is similar to existing uses.</p> |
| <p>*L8 The grant of a license to a non-federal party to perform specified acts upon Coast Guard-controlled real property or the amendment, renewal, or termination of such license where the proposed real property use is similar to existing uses.</p> |
| <p>*L9 Allowing another federal agency to use Coast Guard-controlled real property under a permit, use agreement, or similar arrangement or the amendment, renewal, or termination of such permit or agreement where the real property use is similar to existing uses.</p> |
| <p>*L10 The lease of a Coast Guard controlled historic lighthouse property to a non-federal party as outlined in the Programmatic Memorandum of Agreement between the Coast Guard, Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.</p> |

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| <p>*L11 Acquisition of real property (including fee simple estates, leaseholds, and easements) improved or unimproved, and related personal property from a non-federal party by purchase, lease, donation, or exchange where the proposed real property use is similar to existing uses for the foreseeable future (acquisition through condemnation not covered).</p> |
| <p>*L12 Acquisition of real property and related personal property through transfer of administrative control from another DHS component or another federal agency to the Coast Guard where title to the property remains with the United States including transfers made pursuant to the Defense Base Closure and Realignment Act of 1990, Pub. L. 101-510, as amended, (10 U.S.C. § 2687 note) and where the proposed Coast Guard real property use is similar to existing uses.</p> |
| <p>*L13 Coast Guard use of real property under the administrative control of another DHS component or another federal agency through a permit, use agreement, or similar arrangement where the proposed real property use is similar to existing uses.</p> |
| <p>*L14 Coast Guard new construction upon, or improvement of, land where all of the following conditions are met:</p> <ul style="list-style-type: none">(a) The structure and proposed use are substantially in compliance with prevailing local planning and zoning standards.(b) The site is on heavily developed property and/or located on a previously disturbed site in a developed area.(c) The proposed use will not substantially increase the number of motor vehicles at the facility.(d) The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings. |
| <p>L15 Real property inspections for compliance with deed or easement restrictions.</p> |
| <p>*L16 Transfer of administrative control over real property from the Coast Guard to another DHS component or another federal agency (title to the property remains with the United States) that results in no immediate change in use of the property.</p> |
| <p>*L17 Determination by the Coast Guard that real property is excess to its needs, pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 471 et seq.), and the subsequent reporting of such determination to the Administrator of the General Services Administration or the subsequent filing of a notice of intent to relinquish lands withdrawn or reserved from the public domain with the Bureau of Land Management, Department of Interior, in accordance with 43 C.F.R. § 2370.</p> |
| <p>*L18 Congressionally mandated conveyance of Coast Guard controlled real property to another federal agency or non-federal entity.</p> |
| <p>L19 Relocation of Coast Guard personnel into existing federally owned or leased space where use does not change substantially and any attendant modifications to the facility would be minor.</p> |
| <p>*L20 Decisions to temporarily or permanently decommission, disestablish, or close Coast Guard shore facilities including any follow-on connected protection and maintenance needed to maintain the property until it is no longer under Coast Guard control.</p> |

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| <p>*L21 Demolition of buildings, structures, or fixtures and disposal of subsequent building, structure, or fixture waste materials.</p> |
| <p>*L22 Determination by the Coast Guard that Coast Guard controlled personal property, including vessels and aircraft, is “excess property”, as that term is defined in the Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 472(e)), and any subsequent transfer of such property to another federal agency’s administrative control or conveyance of the United States’ title in such property to a non-federal entity.</p> |
| <p>L23 Decisions to decommission or temporarily discontinue use of equipment:</p> <p>*L23(a) Decisions to decommission or temporarily discontinue use of vessels and aircraft. This does not preclude the need to review decommissioning under Section 106 of the National Historic Preservation Act.</p> <p>L23(b) Decisions to decommission or temporarily discontinue use of equipment, not including vessels or aircraft. This does not preclude the need to review decommissioning under Section 106 of the National Historic Preservation Act.</p> |
| <p>*L24 Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g., realigning interior spaces of an existing building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.).</p> |
| <p>*L25 Installation of devices to protect human or animal life, such as raptor electrocution prevention devices, fencing to restrict wildlife movement on to airfields, and fencing and grating to prevent accidental entry to hazardous areas.</p> |
| <p>*L26 Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an existing approved disposal site.</p> |
| <p>L27 Routine repair, renovation, and maintenance actions on aircraft and vessels.</p> |
| <p>L28 Routine repair and maintenance of buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use, or an impact on a historically significant element or setting.</p> |
| <p>L29 Routine repair and maintenance to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables.</p> |
| <p>*L30 Minor renovations and additions to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables, which do not require special, site-specific regulatory permits.</p> |
| <p>L31 Routine grounds maintenance and activities at units and facilities. Examples include localized pest management actions and actions to maintain improved grounds (such as landscaping, lawn care and minor erosion control measures) that are conducted in accordance with applicable federal, state, and local directives.</p> |

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| <p>*L32 Defense preparedness training and exercises conducted on Coast Guard controlled property that do not involve undeveloped property or increased noise levels over adjacent property and that involve a limited number of personnel, such as exercises involving primarily electronic simulation or command post personnel.</p> |
| <p>L33 Defense preparedness training and exercises conducted on other than Coast Guard property, where the lead agency or department is not Coast Guard or DHS and the lead agency or department has completed its NEPA analysis and documentation requirements.</p> |
| <p>L34 Simulated exercises, including tactical and logistical exercises that involve small numbers of personnel.</p> |
| <p>L35 Training of an administrative or classroom nature.</p> |
| <p>*L36 Realignment or initial homeporting of mobile assets, including vessels and aircraft, to existing operational facilities that have the capacity to accommodate such assets or where supporting infrastructure changes will be minor in nature to perform as new homeports or for repair and overhaul.</p> <p>Note: If the realignment or homeporting would result in more than a one for one replacement of assets at an existing facility, then the checklist required for this CE must specifically address whether such an increase in assets could trigger the potential for significant impacts to protected species or habitats before use of the CE can be approved.</p> |
| <p>L37 Operations to carry out maritime safety, maritime law enforcement, search and rescue, domestic ice breaking, and oil or hazardous substance removal programs.</p> |
| <p>L38 Actions performed as a part of USCG operations and the Aids to Navigation Program to carry out statutory authority in the area of establishment of floating and minor fixed aids to navigation, except electronic sound signals.</p> |
| <p>L39 Coast Guard participation in disaster relief efforts under the guidance or leadership of another federal agency that has taken responsibility for NEPA compliance.</p> |
| <p>L40 Routine movement of personnel and equipment, and the routine movement, handling, and distribution of non-hazardous and hazardous materials and wastes in accordance with applicable regulations.</p> |
| <p>*L41 Contracts for activities conducted at established laboratories and facilities, to include contractor-operated laboratories and facilities, on Coast Guard-owned property where all airborne emissions, waterborne effluents, external radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable federal, state, and local laws and regulations.</p> |

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| <p>L42 Environmental site characterization studies and environmental monitoring including: Siting, constructing, operating, and dismantling or closing of characterization and monitoring devices. Such activities include but are not limited to the following:</p> <ul style="list-style-type: none"> (a) Conducting geological, geophysical, geochemical, and engineering surveys and mapping, including the establishment of survey marks. (b) Installing and operating field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools. (c) Drilling wells for sampling or monitoring of groundwater, well logging, and installation of water-level recording devices in wells. (d) Conducting aquifer response testing. (e) Installing and operating ambient air monitoring equipment. (f) Sampling and characterizing water, soil, rock, or contaminants. (g) Sampling and characterizing water effluents, air emissions, or solid waste streams. (h) Sampling flora or fauna. (i) Conducting archeological, historic, and cultural resource identification and evaluation studies in compliance with 36 C.F.R. § 800 and 43 C.F.R. § 7. (j) Gathering data and information and conducting studies that involve no physical change to the environment. Examples include topographic surveys, bird counts, wetland mapping, and other inventories. |
| <p>L43 Natural and cultural resource management and research activities that are in accordance with inter-agency agreements and which are designed to improve or upgrade the Coast Guard’s ability to manage those resources.</p> |
| <p>L44 Planning and technical studies which do not contain recommendations for authorization or funding for future construction, but may recommend further study. This includes engineering efforts or environmental studies undertaken to define the elements of a proposal or alternatives sufficiently so that the environmental effects may be assessed and does not exclude consideration of environmental matters in the studies.</p> |
| <p>L45 Modification or replacement of an existing bridge on essentially the same alignment or location. Excluded are bridges providing access to undeveloped barrier islands and beaches.</p> |
| <p>L46 Construction of pipeline bridges for transporting potable water.</p> |
| <p>L47 Construction of pedestrian, bicycle, or equestrian bridges and stream gauging cableways used to transport people.</p> |
| <p>L48 Temporary replacement of a bridge immediately after a natural disaster or a catastrophic failure for reasons of public safety, health, or welfare.</p> |
| <p>L49 Promulgation of operating regulations or procedures for drawbridges.</p> |
| <p>L50 Identification of advance approval waterways under 33 C.F.R. § 115.70.</p> |
| <p>L51 Any Bridge Program action, which is classified as a CE by another federal agency acting as lead agency for such an action.</p> |

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| <p>L52 Regulations concerning vessel operation safety standards (e.g., regulations requiring: certain boaters to use approved equipment which is required to be installed such as an ignition cut-off switch, or carried on board, such as personal flotation devices (PFDS), and/or stricter blood alcohol concentration (BAC) standards for recreational boaters, etc.), equipment approval, and/or equipment carriage requirements (e.g., PFDs and visual distress signals (VDS's)).</p> |
| <p>*L53 Congressionally mandated regulations designed to improve or protect the environment (e.g., regulations implementing the requirements of the Oil Pollution Act of 1990, such as those requiring vessels to have the capability to transmit and receive on radio channels that would allow them to receive critical safety and navigation warnings in U.S. waters, regulations to increase civil penalties against persons responsible for the discharge of oil or hazardous substances into U.S. waters, etc.).</p> |
| <p>*L54 Regulations which are editorial or procedural, such as those updating addresses or establishing application procedures.</p> |
| <p>*L55 Regulations concerning internal agency functions or organization or personnel administration, such as funding, establishing Captain of the Port boundaries, or delegating authority.</p> |
| <p>*L56 Regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel.</p> |
| <p>*L57 Regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels.</p> |
| <p>*L58 Regulations concerning equipment approval and carriage requirements.</p> |
| <p>L59 Regulations for Special Anchorage Areas or anchorage grounds:</p> <p>*L59(a) Regulations establishing or increasing the size of Special Anchorage Areas or anchorage grounds.</p> <p>L59(b) Regulations disestablishing or reducing the size of Special Anchorage Areas or anchorage grounds.</p> |
| <p>L60 Regulations for Regulated Navigation Areas and security or safety zones:</p> <p>*L60(a) Regulations establishing or increasing the size of Regulated Navigation Areas and security or safety zones.</p> <p>L60(b) Regulations for actions that disestablish or reduce the size of the area or zone.</p> <p>L60(c) Regulations for temporary areas and zones that are established to deal with emergency situations and that are less than one week in duration.</p> <p>*L60(d) Regulations for temporary areas and zones that are established to deal with emergency situations and that are one week or longer in duration REC will be prepared and submitted after issuance or publication.</p> |

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| <p>L61 Special local regulations issued in conjunction with a regatta or marine parade; provided that, if a permit is required, the environmental analysis conducted for the permit included an analysis of the impact of the regulations.</p> |
| <p>*L62 Regulations in aid of navigation, such as those concerning rules of the road, International Regulations for the Prevention of Collisions at Sea (COLREGS), bridge-to-bridge communications, vessel traffic services, and marking of navigation systems.</p> |
| <p>L63 Approvals of regatta and marine parade event permits for the following events:</p> <p>L63(a) Events that are not located in, proximate to, or above an area designated environmentally sensitive by an environmental agency of the Federal, state, or local government. For example, environmentally sensitive areas may include such areas as critical habitats or migration routes for endangered or threatened species or important fish or shellfish nursery areas.</p> <p>*L63(b) Events that are located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, state, or local government and for which the USCG determines, based on consultation with the Governmental agency, that the event will not significantly affect the environmentally sensitive area.</p> |
| <p>*L64 Disposal of real property (including facilities) by the Coast Guard where the reasonably foreseeable use will not change significantly or where the reasonably foreseeable use is similar to existing surrounding properties (e.g., commercial store in a commercial strip, warehouse in an urban complex, office building in downtown area, row house or vacant lot in an urban area).</p> |

- e. Commandant (CG-47) will add any approved new or substantially revised CATEXs to Table 3-1 of this Chapter. DHS SEP must determine whether an approved CATEX is appropriate for inclusion in the DHS-wide list or just the Coast Guard-specific list. DHS SEP will then revise Reference (e), Appendix A, Table 1 to include any approved new or substantially revised CATEXs.
- f. Commandant (CG-47) must notify DHS SEP of any non-substantive revisions to, or deletions of, Coast Guard-specific CATEXs so that DHS SEP can amend Reference (e), Appendix A, Table 1 accordingly.

5. Limitations on Using CATEXs.

- a. Some actions that fall under a CATEX may have extraordinary circumstances or conditions and may require a more detailed environmental review; for this reason, Proponents must be alert for circumstances that dictate the need to prepare an EA or EIS. Extraordinary circumstances are listed in this Chapter, this Section, at Paragraph 7 and identify unusual situations where an action that would normally be categorically excluded might have the potential for a significant effect on the environment. Use of the DSS or hard copy REC assists Proponents in identifying extraordinary circumstances. (For information on when it is appropriate within the Coast Guard to use a hard copy REC instead of the DSS, see Chapter 2, Section T.1.d of this IP.)

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- b. In order to apply a CATEX to an action, Proponents must satisfy the three conditions in this Section at Paragraphs 6.a–c. If a review of the extraordinary circumstances discloses no potential for significant environmental impacts, then Proponents may apply the appropriate CATEX, and the action can proceed.
 - c. Proponents must not use a CATEX if their proposed action has significant impacts, or has the potential for significant impacts, regardless of whether the impacts are beneficial or adverse.
6. Conditions for CATEX Use. Proponents may categorically exclude an action if all of the following conditions are satisfied:
- a. The action clearly fits within one or more of the categories of excludable actions listed in this Chapter, Table 3-1 of this IP;
 - b. The action is not a piece of a larger action. For the purposes of NEPA, Proponents must consider actions that are interdependent or the proximate cause of one another in the same NEPA review/document. It is important to note that Proponents cannot divide large actions into smaller pieces for the purpose of analyzing the environmental impacts and applying separate CATEXs to each action unless each action has independent utility, and none is dependent on the other; and
 - c. No extraordinary circumstances exist with the potential for significant effects. It is not appropriate to categorically exclude an action when there are extraordinary circumstances present that would create the potential for a normally excluded action to have a significant environmental effect. In those cases where a specific action that might otherwise be categorically excluded is associated with one or more extraordinary circumstances, a REC, must be prepared to document the determination that the proposed action is appropriately categorically excluded or requires further analysis through an EA or EIS process.
7. Extraordinary Circumstances. A determination of whether an action that is normally excluded requires additional analysis because of extraordinary circumstances must focus on the action’s potential environmental impacts and consider the environmental significance of those impacts in terms of both context (whether local, state, regional, tribal, national, or international) and intensity. This determination is made by considering whether the specific action is likely to involve one or more of the following circumstances:
- a. A potentially significant effect on public health or safety;
 - b. A potentially significant effect on species or habitats protected by the ESA, MMPA, MBTA, or Magnuson-Stevens Act;
 - c. A potentially significant effect on a district, site, highway, structure, or object that is listed in or eligible for listing in the National Register of Historic Places, affects a historic or cultural resource or traditional and sacred sites, or the loss or destruction of a significant scientific, cultural, or historical resource;
 - d. A potentially significant effect on an environmentally sensitive area;

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- e. A potential or threatened violation of an applicable federal, state, or local law or administrative determination imposed for the protection of the environment. Some examples of administrative determinations to consider are a local noise control ordinance; the requirement to conform to an applicable State Implementation Plan (SIP); and federal, state, or local requirements for the control of hazardous or toxic substances;
 - f. An effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks;
 - g. Employment of new technology or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity;
 - h. Extent to which a precedent is established for future actions with significant effects;
 - i. Significantly greater scope or size than normally experienced for a particular category of action;
 - j. Potential for significant degradation of already existing poor environmental conditions. Also, initiation of a potentially significant environmental degrading influence, activity, or effect in areas not already significantly modified from their natural condition; and/or
 - k. Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts.
8. If a CATEX is Inappropriate or Unavailable. If a Proponent's proposed action does not meet the conditions listed in this Chapter, this Section, Paragraphs 6.a–c, and it is not exempt by a statute or subject to emergency provisions for alternative compliance with NEPA, then Proponents must prepare an EA or an EIS before the action may proceed. Where it may not be clear whether an existing CATEX is appropriate for a proposed action, the Proponent should ensure that the administrative record reflects consideration of these conditions. Proponents must document CATEXs annotated with an asterisk using the DSS to create a REC, or complete a hard copy of the REC if the DSS is not functioning. Proponents must then load the hard copy REC to the DSS, once the DSS is functioning again.
- C. EAs. An EA is a concise public document prepared for proposed actions that have the potential for significant impacts on the quality of the human environment (40 C.F.R. § 1508.9). An EA is a public document that provides sufficient evidence and analysis to determine the significance of potential environmental effects of the proposed action and its alternatives. The EA documents, in summary fashion, consideration of environmental effects in planning for the action. A FONSI document is prepared if the Proponent concludes that the proposed action would not have significant environmental impacts. If during the preparation of an EA, a Proponent determines significant impacts will occur from a proposed action (that they cannot mitigate to an insignificant level), then an EIS is required.

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1. When to prepare an EA. A Proponent prepares an EA when there is no DHS or Coast Guard specific CATEX that applies or is appropriate for the proposed action (i.e. an extraordinary circumstance makes use of the CATEX inappropriate), significance of impacts from the proposed action is unknown, or as an optional best practice planning tool to help Coast Guard Proponents and inform the public.
2. Coast Guard Actions Normally Requiring an EA. Actions for which a Coast Guard EA are normally completed include; but are not limited to:
 - a. Proposed construction, land use, activity, or operation that has the potential to significantly affect environmentally sensitive areas;
 - b. Projects impacting wetlands or waters of the United States that do not meet the criteria of the USACE's Nationwide Permit Program;
 - c. New or revised regulations for activities that have the potential to significantly affect environmentally sensitive areas;¹⁵
 - d. Proposal of new, low-altitude aircraft routes wherein over-flights have the potential to significantly affect persons, endangered species, or property;
 - e. Security measures that involve permanent closure or limitation of access to any area that was previously open to public use (e.g., roads and recreational areas) where there is a potential for significant environmental impacts;
 - f. New law enforcement field operations for which the environmental impacts are unknown, for which any potentially significant environmental impacts could be mitigated to the level that they are no longer significant, or for which the potential for significant environmental controversy is likely.
 - g. Dredging projects that increase water depth over the previously dredged or natural depths, and/or requiring new spoil designations except where prior negotiations with the USACE indicate no EIS or EA is required for the purposes of permit authorization;
 - h. Changes in mission, base closures, relocations, consolidations, and deployments that will have long-term population increases or decreases in affected areas;
 - i. Proposed utilization of tidelands and freshwater wetlands;
 - j. Exercises conducted at the request of a state(s) (such as ship sinking for artificial reefs) where the potential for significant environmental impacts might be expected; or
 - k. Construction or any other action affecting an EPA designated aquifer or recharge zone (as specified by Section 1424(e) of the Safe Drinking Water Act, 42 U.S.C. § 201, et seq.). The above referenced Section states that, "no commitment for federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into, for any project which the Administrator (of the EPA) determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for

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federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.”

3. Pre-Planning and Notification.

- a. Pre-planning. The pre-planning process described in Chapter 2, Section N of this IP must be used in initiating or conducting pre-planning activities during the environmental planning process for EAs.
- b. Notification. Notification to Commandant (CG-47) facilitates overall awareness of internal Coast Guard environmental planning activities and proposed projects, ensures consistent application of policy, and avoids planning conflicts and delays. Notification also facilitates awareness by the chain of command of potentially controversial issues, actions that may receive high-level executive branch and/or national interest, may set regional or nation-wide precedent, cover nation-wide actions or actions occurring over multiple Coast Guard Districts, and/or the Proponent's intent to release a document for public review.
- c. Notification Memos or Emails. **BEFORE** beginning to draft an EA, the Proponent must notify Commandant (CG-47) in writing (via email or memo). Send the notification to this mailbox: HQS-SMB-CG-47-POLICYREVIEW@uscg.mil.
 - (1) Length of Notification Memo or Email. Notification memos or emails must not exceed 5 pages (not counting attachments).
 - (2) Contents of the Notification Memo or Email. The contents of a notification memo or email for an EA must be as brief as possible but sufficient to provide the reader with a clear understanding of the proposed action and its elements, as well as the alternatives proposed for analysis. Notification memos or emails on proposed EAs must be based on current knowledge and address the information identified below (if available and applicable):
 - (a) A brief description of the proposed action and the need for the action;
 - (b) Location(s) of the proposed action;
 - (c) Date(s) of proposed action;
 - (d) A brief explanation of how a reasonable range of alternatives will be generated and evaluated. If screening criteria will be used (e.g., operational or location needs), they must be listed. Alternatively, a summary of the basis for identifying reasonable alternatives for analysis must be provided;
 - (e) An identification of important or potentially significant environmental issues that will be analyzed in the document (e.g., wetlands, endangered species, high noise levels, presence of marine mammals);
 - (f) An identification of whether the action is (or is likely to be) highly controversial in nature, of high-level executive branch and/or national interest, may set regional or

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nation-wide precedent, or cover nation-wide actions or actions occurring over multiple Coast Guard districts;

- (g) An identification of federal or state agencies or elected officials or tribal governments with whom the Proponent anticipates coordination, and the identity of the agency(ies) with whom a cooperating agency or joint lead relationship is being considered;
- (h) For EAs requiring Commandant (CG-47) review and signature as Senior Environmental Professional, transmittal to DHS SEP for review and approval, or coordination with Commandant (CG-47) for permits, consultations, or other authorization involving Headquarters federal agencies, include:

[1] Anticipated arrival date of the document at Commandant (CG-47);

[2] Projected target date for document approval or signature—the schedule must be flexible enough to allow the scheduling of briefings if requested by Commandant (CG-47); and

[3] Any time sensitive considerations (e.g., expiring funds).

- d. Commandant (CG-47) Response to Notification. Within 10 working days Commandant (CG-47) must respond to the notification by sending an email or memo requesting or declining to review and comment on the proposed EA. The response must also indicate whether Commandant (CG-47) intends to sign as Senior Environmental Professional and whether a briefing to Commandant (CG-47) is required.
 - e. Cancellation Memo or Email. If a Proponent submits a notification to Commandant (CG-47) for a proposed activity requiring an EA but then cancels the activity, then the Proponent must submit a timely cancellation memo or email to Commandant (CG-47) as soon as possible.
4. Content of Coast Guard EAs.
- a. Each EA must be prepared in accordance with the general procedures outlined in Chapter 2 of this IP and include, as applicable, appropriate regulatory and statutory conclusions as supported by the analysis (refer to Chapter 2, Section E, and Table 2-1 of this IP for further guidance on regulatory and statutory conclusions). EAs prepared by Proponents must contain the components listed in this Chapter, Table 3-2 of this IP.
 - b. CAA General Conformity Rule. The Proponent must determine if the CAA General Conformity Rule applies to the proposed action as defined in the EA.
 - (1) Although not required by the General Conformity Regulations at 40 C.F.R. 93 Subpart B, Proponents may find it helpful to include in their files an optional “record of non-applicability” (RONA) documenting the analysis that the action was below the *de minimis* level or was otherwise exempt. (See Enclosure (17) of this IP for a template of an optional RONA document.) Such documentation is helpful when the annual

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Table 3-2 Required Components of an EA

| EA Component | Requirement |
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| Cover Page | The EA cover page, in the format outlined in Enclosure (18), and evidencing the date attested to be in conformance with References (a) and (b) and (d)–(g) and this IP by signature and title of the Preparer, the Environmental Reviewer, the Senior Environmental Professional, (and any Legal Reviewer—if required or desired) and the Proponent having direct or delegated responsibility and authority for implementing the proposed action. |
| Body of EA | |
| Purpose and Need for the Action | A description of the proposed action which concisely and objectively explains the need for and purpose of the proposed action, setting out the essential requirements that must be satisfied. |
| Alternatives Including the Proposed Action | A description and comparative analysis of the proposed action and alternatives, including a description of alternatives considered but rejected. The number of alternatives identified and carried through the analysis must be determined by the level of unresolved conflicts concerning alternative uses of available resources and identified issues. EAs must at a minimum, include the proposed action, no action, and at least one other reasonable action alternative. If the EA is written with just the proposed action and the no action alternatives, the rationale for not including an action alternative in addition to the proposed action and no action must be explained in detail. |
| Existing Environment of the Proposed Action | A concise description of the human environment and natural resources that would be affected by implementation of the proposed action. This baseline is used to compare the impacts of the various alternatives. The amount of detail provided must be commensurate with the extent and impact of the action (i.e., context and intensity) and with the amount of information required at the particular level of decision-making. |
| Environmental Consequences | <p>A Description of the environmental impacts of reasonable alternatives in terms of direct and indirect effects and cumulative impacts, including their significance (i.e., an assessment of the positive and negative effects of the proposed action), giving primary attention to the discussion of those factors most evidently affected by the proposed action.</p> <p>Compliance with other applicable environmental regulatory processes must be addressed in the analysis, and conclusions reached must be consistent with the guidance in Chapter 2, Section E, and Table 2-1 of this IP. For example:</p> <ul style="list-style-type: none"> • Address federal consistency under CZMA; • Discuss the effect on any threatened or endangered animal or plant species and designated critical habitat; • Address effects on cultural and historic resources; • Discuss climate change if applicable; and • Include discussion of the means to mitigate and monitor adverse environmental impacts (include this in a mitigation matrix as required in Chapter 2, Section M, of this IP). |

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| List of Agencies and Persons Consulted | A list of any non-Coast Guard agencies, organizations, groups, and persons consulted in the development of the EA. |
| List of Preparers (1-2 pages) | A list of the names, expertise, experience, and professional disciplines of the persons who were primarily responsible for preparing the documents or significant background papers, including Coast Guard personnel directly responsible for review. |
| Appendix | An appendix to substantiate impact analysis and to verify that any applicable environmental consultation and coordination were completed. Each FEA must include in an appendix, as appropriate, associated correspondence, memos to file, associated e-mails, studies, biological evaluations or assessments and biological opinions, permits, and final rules. |
| References | A list of references (only if appropriate). |

emissions are close to the *de minimis* level or for controversial actions that outside parties may challenge. When an optional RONA is prepared for a proposed action occurring in a non-attainment or maintenance area, the Proponent should sign the record and may include it, along with the supporting analysis, in the EA as an appendix;

- (2) Where a conformity evaluation is required for a proposed action, the Proponent must distribute a "review EA" (with the draft conformity evaluation as an appendix to the EA) to the appropriate review agencies listed in the conformity rule and interested parties for a 30 working day comment period. Concurrently, the Proponent must publish a public notice on the availability of a draft conformity evaluation in the local newspaper.

Note: The EA, supported by necessary appendices and technical data, must be concise for meaningful review and decision.

5. PEAs. Following the procedures in Chapter 2, Section G of this IP, Proponents may prepare a PEA on a broad federal action, such as a program or plan for which only very general environmental or project information is known, and the anticipated environmental impacts are either unknown or may have the potential for significant impacts. Proponents may prepare a site or activity-specific MFR, REC, EA, or SEA tied to the PEA, and incorporate and reference the environmental analysis discussed in the broader PEA in the site-specific MFR, REC, or EA or SEA. In some cases the PEA may be specific enough or contain sufficient information to require no or very little tiered analysis.
6. SEAs. Following the procedures laid out in Chapter 2, Section H of this IP, Proponents must prepare an SEA when there are substantial changes to a proposed action that are relevant to environmental concerns or if Proponents become aware of significant new circumstances or information relevant to environmental concerns. The Proponent can incorporate the original EA by reference into the SEA. The SEA only needs to focus on the issues that triggered the additional environmental impact evaluation.

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7. Public Involvement and EAs/FONSIs.

- a. The CEQ regulations at 40 C.F.R. § 1501.4(b), DHS NEPA policy, and this IP require public input, to the extent practicable,¹⁵ in the development of EAs. The Proponent must involve environmental agencies, applicants, and the public to the extent practicable in preparing EAs. Where the Proponent has involved environmental agencies, applicants, and the public in the drafting of an EA and identified no significant impacts, the Proponent may complete an EA/FONSI without circulating a draft EA/FONSI document for public review.
- b. When a Proponent drafts an EA without opportunity for public input, or when the Proponent receives public input during EA development that indicates the need for further public review, the Proponent may, absent emergency circumstances, make the draft EA (DEA) available to the public for review and comment. Proponents that publish **DEAs for a public comment period must have a completed cover page with all required signatures as specified in Enclosure (18)**. A minimum timeframe of 30 calendar days for review and comment is required with 45 calendar days being optimal. If public comments reveal the potential for significant impacts to the human environment, the Proponent determines whether it is appropriate to complete a FONSI, revise or supplement the EA, or prepare an EIS.
- c. For EAs prepared for proposed actions with environmental effects of national concern, the Proponent must publish a public notice or NOA of the DEA and FEA in the Federal Register as required by 40 C.F.R. § 1506.6. (See Enclosure (12) for an NOA template and see Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register). Prior to placing the public notice/NOA in the Federal Register, the Proponent must submit the DEA or FEA and draft public notice/NOA to Commandant (CG-47) for submittal to DHS SEP for their review and approval. DEAs (and draft FONSI) and FEAs (and FONSI) of national concern also require the Proponent to post the DEA or FEA and FONSI to the Commandant (CG-47) webpage (<https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management>). Commandant (CG-47) will provide the Commandant (CG-47) webpage link to DHS SEP.
- d. If a proposed action is unprecedented or one that normally requires an EIS or is closely similar to one that normally requires an EIS, the Proponent must, whenever feasible, provide an opportunity for public input in the drafting of the EA and make the DEA and draft FONSI available for public review, as described in 40 C.F.R. § 1501.4(e)(2).
- e. When seeking input to EAs from Indian tribes, Proponents must remember that the United States has a unique relationship with Indian tribal governments and recognizes them as having inherent sovereign powers over their members and territory. Proponents must conduct coordination and consultation with tribes on a government-to-government basis that may require more formal consultation measures. Proponents must contact tribes as early as

¹⁵ Practicable means capable of being put into practice or of being done or accomplished.

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possible and be aware that depending on the location of an action, the tribes could also be a low income or minority population under E.O. 12898.

- f. A synopsis of the public comments received and how the Proponent addressed those comments, rather than a response to each individual comment, is normally prepared, and may be included as an appendix in the FEA.
 - g. If the Proponent decides a FONSI is appropriate, the Proponent modifies the EA to reflect the consideration of any public comments, as appropriate, completes the FONSI, and makes the FONSI available to the public.
 - h. After the Proponent makes the FONSI publicly available, the Proponent can take immediate action, unless there is another environmental planning requirement that requires a waiting period before an action can proceed.
8. EA Decision Document: FONSI (40 C.F.R. § 1508.13).
- a. FONSI. A FONSI is a document of one to five pages that states a proposed action has been environmentally assessed (EA completed) and determined not to “significantly affect the quality of the human environment.” An EA process concludes with a FONSI when (1) the EA indicates that the environmental effects would not be significant, or (2) the Proponent commits to including measures in the proposed action that mitigate impacts to a level of insignificance. The FONSI must briefly present the reasons why the action will not have a significant impact on the quality of the human environment.
 - b. Format. For Coast Guard purposes, a FONSI must be a separate document to which an EA is attached and that notes any other environmental document related to it. When a FONSI is based on a Coast Guard-prepared EA, the format must be as outlined in Enclosure (6). When a FONSI is based on an adopted EA or an applicant or contractor-prepared EA, the format must be as outlined in Enclosure (10).
 - c. Mitigation. The inclusion of mitigation measures as part of the proposed action may bring impacts below the threshold of significance. Proponents are legally responsible for implementing all mitigation committed to as part of their final environmental planning documents whether undertaken for environmental planning purposes or to satisfy a regulatory requirement. Failure to implement, document, and/or monitor mitigation may undermine the integrity of the environmental planning analysis, and may compromise the adequacy of the compliance effort.
 - d. Consultation and Authorization Processes Required by Law. Proponents must make a reasonable attempt to complete all consultation and authorization processes required by other environmental mandates, including but not limited to, those set forth in ESA, MMPA, NHPA, Magnuson-Stevens Act, MBTA, CZMA, CAA, and CWA before Proponents sign a FONSI. Proponents must request a risk assessment (and acknowledge receipt of such) from Commandant (CG-47) and Commandant (CG-LMI-E) per Chapter 2, Section E.2.h of this IP if they wish to sign a FONSI or FONSH for an action prior to completion of compliance with other applicable environmental laws and regulations.

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9. Reviews, Approvals, and Signatures for EAs/FONSIs. In order for EAs/FONSI to be considered final and ready for publication, they must have all required and correct reviews, approvals, and signatures as specified Sections 10.e.(3), 10.f, and 10.g(2) and (3) of Reference (f). (See the Enclosures to this IP for the appropriate signature pages for EAs/FONSI.)
 - a. Review Requested by Commandant (CG-47). If, based on the contents of a notification memo or email, Commandant (CG-47) requests review of an EA/FONSI, the Proponent must forward the draft EA/FONSI and preliminary final EA/FONSI to Commandant (CG-47) who must review and comment on the documents. Commandant (CG-47) must provide comments to the Proponent within 10 working days of receipt and prior to the Proponent's final approval of the documents. If Commandant (CG-47) requested signature as Senior Environmental Professional, Commandant (CG-47) must also sign the EA/FONSI as Senior Environmental Professional.
 - b. Publication in the Federal Register. EAs/FONSI that Proponents intend to publish notice of in the Federal Register require submittal to Commandant (CG-47) for transmittal to DHS SEP for their review and approval prior to placing a notice of the EA/FONSI into the Federal Register or issuing the EA/FONSI for public comment. Commandant (CG-47) must facilitate between the Coast Guard Proponent and DHS SEP with regard to any DHS SEP questions or comments and Proponent responses. (See Enclosures (12) and (19) for a template NOA, and for directions on preparing and processing notices for publication in the Federal Register.)
 - c. EAs/FONSIs Requiring Commandant-Level Review and Signature. EAs/FONSI 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, require submittal to Commandant (CG-47) and Commandant (CG-LMI-E) for review, comment, and signature prior to transmittal to DHS SEP for review and approval. If these types of EAs/FONSI are field-initiated, an appropriate Proponent in the associated headquarters' program office must sign as Proponent.
 - (1) Commandant (CG-47) must facilitate between the Coast Guard Proponent and DHS SEP with regard to any DHS SEP questions or comments and Proponent responses.
 - (2) When these types of NEPA documents are for rulemakings and/or regulatory projects, DHS-OGC (GLD-Environmental) may also review the documents. If DHS-OGC (GLD-Environmental) will review, that legal review is also coordinated through Commandant (CG-LRA) and Commandant (CG-LMI-E).
10. Repository. When the EA/FONSI are completed, the Proponent must ensure that the EA/FONSI and all applicable environmental compliance documents related to the action covered in the EA are uploaded into the DSS within 30 calendar days. This provides the opportunity for the document to be shared and serves as a permanent record.
11. Administrative Record. Entry of an EA/FONSI and related compliance documents into the DSS does not constitute completion of the administrative record. The Proponent must complete the administrative record related to the EA/FONSI within thirty days of signing the FONSI. The Proponent must keep the hard copy or electronic version of the administrative record with the

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associated project files indefinitely. (See Section X of Chapter 2 of this IP for more information on compiling an administrative record.)

D. EISs. In an EIS, the Proponent must provide full and unbiased analysis of significant environmental impacts and inform the decision-makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Follow the procedural requirements applicable to NEPA, as indicated in Chapter 2 of this IP, in the preparation of EISs. These include requirements to: include regulatory and statutory conclusions in environmental planning documents, address mitigation measures and their implementation, and upload the NOI, DEIS, FEIS, and the ROD to the DSS.

1. When to Prepare an EIS.

- a. Proponents must prepare an EIS when their proposed action does not qualify for a CATEX or an EA, and their proposed action would constitute a federal action significantly affecting the quality of the human environment.
- b. Proponents always have the option to prepare an EIS even when it is not specifically required by policy, law, or regulation. Proponents must not move forward with any EIS alternative, in whole or in part, that would limit the choice of reasonable alternatives, involve a conflict in the use of available resources, or have an adverse environmental impact, until Proponents sign the ROD and make it publicly available. Proponents must publish a Notice of Availability of the ROD in the Federal Register with a link to the signed ROD. (See Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register.)
- c. If a Proponent is primarily responsible for a legislative proposal that involves significant environmental impacts, the Proponent must prepare and circulate a legislative EIS as specified by the CEQ NEPA regulations at 40 C.F.R. § 1506.8.

2. Coast Guard Actions Normally Requiring EISs. Coast Guard actions normally requiring an EIS include, but are not limited to:

- a. Activities where the effects on the human environment are likely to be highly controversial in terms of environmental impacts or involve unique or unknown environmental risks;
- b. Construction projects that would have a significant effect on environmentally sensitive areas;
- c. Federal actions occurring in the United States known to cause significant environmental harm on the global commons (high seas or Antarctica);
- d. Change in area, scope, type, and/or tempo of operations that would result in significant environmental effects;
- e. Where an action is required by statute or treaty to develop an EIS; and,
- f. Actions having a significant effect on wetlands or floodplains, endangered species; or significant archaeological, cultural, or historical resources.

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3. Pre-Planning and Notification for EISs.

- a. Pre-Planning. The pre-planning process described in Chapter 2, Section N of this IP must be used in initiating or conducting pre-planning activities during the environmental planning process for EISs.
- b. Notification. Notification to Commandant (CG-47) facilitates overall awareness of internal Coast Guard environmental planning activities and proposed projects, ensures consistent application of policy, and avoids planning conflicts and delays. Notification also facilitates awareness by the chain of command of potentially controversial issues, actions that may receive high-level executive branch and/or national interest, may set regional or nation-wide precedent, cover nation-wide actions or actions occurring over multiple Coast Guard Districts, and/or the Proponent's intent to release a document for public review.

(1) BEFORE beginning to draft an EIS, the Proponent must notify Commandant (CG-47) via an NOI package of their intent to publish a NOI (40 C.F.R. § 1508.22) in the Federal Register, and provide a copy of the draft NOI. Table 3-3 below provides guidelines for preparing an NOI in accordance with the NOI template in Enclosure (20). Send the NOI package to this mailbox: HQS-SMB-NEPADSS@uscg.mil.

Table 3-3 Elements of the NOI Package

| Elements of an NOI Package | |
|---|---|
| 1. Cover Memo or Email: | <ul style="list-style-type: none"> a. Identify the Proponent; b. Identify any cooperating agency or joint lead relationships being considered, if any. Where there are host or tenant relationships, there must be an explanation about how this project will be coordinated and approved, as described for EAs; c. Identify any required permits, consultations, or authorizations that must be undertaken as part of the proposed action and the agencies with regulatory jurisdiction; d. Identify technical, environmental review, and legal points of contact; e. State anticipated date of NOI publication; f. Identify dates for scoping meetings; g. List key dates for submittal of permit applications, consultation packages, proposed and final rules, and biological opinions, as appropriate; h. State anticipated date for completion of a DEIS; and i. State the target date for completion of the FEIS and ROD signature. |
| 2. Draft Timeline for EIS Completion | <p>Ensure the timeline delineates key milestones, including but not limited to:</p> <ul style="list-style-type: none"> a. Anticipated publication of the NOI; b. Dates for scoping meetings; c. Key dates for submittal of permit applications, consultation packages, proposed and final rules, and biological opinions, as appropriate; d. Anticipated date for completion of the DEIS; e. Comment periods (include dates for any public hearings if applicable); f. Target date for completion of FEIS and ROD signature; and g. Internal Coast Guard and DHS reviews. |

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3. Preliminary DOPAA

Include the following:

- a. A cover page with the identity of the Proponent and, if applicable, the cooperating agency(ies);
- b. A summary and scope of the proposed action including locations to be affected (with maps or charts);
- c. A summary of purpose and need (including mission and background, as appropriate);
- d. A brief explanation of how a reasonable range of alternatives will be generated and evaluated. If screening criteria will be used (e.g., operational or location needs), they must be listed. Alternatively, provide a summary of the basis for identifying reasonable alternatives for analysis;
- e. Proposed alternatives;
- f. Regulatory considerations (e.g., potential permitting, consultations);
- g. Based on current knowledge, a summary of anticipated issues of concern, including Congressional issues, public interest issues, and issues of other interested parties;
- h. A summary of the public involvement; and
- i. A summary of the project schedule.

4. Draft NOI: Prepare a draft NOI using the NOI template in Enclosure (20).

- (2) Since DHS SEP must review documents sent to the Federal Register, Commandant (CG-47) must transmit the draft NOI to DHS SEP for their review and approval. The Proponent must not publish the final NOI until DHS SEP approves the document. Where there is a lengthy period between the decision to prepare an EIS and the time of actual preparation, the NOI may be published at a reasonable time in advance of preparation of the DEIS to notify agencies and the public of scoping activities.
- (3) Commandant (CG-47) must review the NOI package and respond (via memo or email) to the notification within 10 working days with any comments on the NOI. The response must also indicate whether Commandant (CG-47) intends to review and comment on the proposed EIS/ROD and/or intends to sign as Senior Environmental Professional on the EIS/ROD (if such review and signature is not already required), and whether Commandant (CG-47) requires a brief.
- (4) The Proponent must publish the NOI in the Federal Register, mail the NOI directly to concerned agencies and persons, and may publish the NOI in local newspapers. (See Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register.) The Proponent must also post the NOI on the Coast Guard NEPA website. Whenever practicable and appropriate, the Proponent must translate the NOI and scoping meeting announcement for non-English speaking communities or interested persons.
- (5) If the Proponent cancels an activity that is the subject of an NOI package transmitted to Commandant (CG-47), then the Proponent must submit a cancellation memo or email to Commandant (CG-47) as soon as possible after the decision to cancel the proposed action.

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4. Scoping.

- a. CEQ NEPA regulations at 40 C.F.R. Part 1501.7 require an early and open process for determining the scope of issues that Proponents need to address in an EIS (scoping). Proponents are required to invite the participation of affected federal, state, and local agencies, any affected Indian tribes and other interested persons in determining the appropriate issues for EIS analysis. Scoping determines which issues to analyze in depth in the EIS and eliminates from detailed study the issues that are not significant or were covered in prior environmental reviews.
- b. When seeking input to EISs from Indian tribes, Proponents must remember that the United States has a unique relationship with Indian tribal governments and recognizes them as having inherent sovereign powers over their members and territory. Proponents must conduct coordination and consultation with tribes on a government-to-government basis that may require more formal consultation measures. Proponents must contact tribes as early as possible and be aware that depending on the location of an action, a tribe could also be a low income or minority population under E.O. 12898.
- c. Proponents may hold public scoping meetings whenever practicable, but they are not mandatory. There is no authority for the payment of expenses incurred by any private person(s) in the preparation and presentation of information at these meetings. If no meeting is to occur, the cognizant command or program office must address the issues based upon responses to notices processed and documented.
- d. If a public scoping meeting is to occur, a notice of the meeting must be included as part of the NOI. Proponents must hold scoping meetings at least 15 calendar days following the publication of the NOI. The Proponent must refer to this Chapter, this Section, Paragraph 13.b of this IP for procedures on conducting public meetings and hearings. Proponents must use public input received during scoping to identify and eliminate from detailed study insignificant issues or those previously covered by other environmental planning documents.

5. EIS Content. Proponents must prepare EISs considering the following:

- a. EISs must be analytic rather than encyclopedic. The Proponent must make every effort to restrict the document only to pertinent facts, excluding material not directly applicable to the expected impact and ensure there is sufficient information and baseline data to support the conclusions reached. If desired, the Proponent may include additional data in appendices to the EIS; and
 - b. Before making a final decision, cognizant commands/program offices must not make irreversible commitments of resources that change the physical environment.
- (1) Core Components of EISs. EISs must be prepared as directed in 40 C.F.R. § 1502. Proponents must follow the format laid out in Table 3-4 for EISs unless there is a compelling reason to use a different format. Relevant resource areas must be addressed in the description of the existing environment and the analysis of environmental consequences. In addition, where appropriate, the EIS must identify the effects of climate change that may occur from executing the proposed action. Green House Gas

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(GHG) emissions must be analyzed where applicable. Prior to finalizing analysis, the Proponent must consult the latest guidance on GHGs from CEQ.

(2) **Document Formatting.** Proponents must format the documents such that the public can readily reproduce them. Accordingly, to the extent practicable, Proponents must prepare all pages of the original document on 8 1/2 by 11-inch bond, although it is permissible to use foldout sheets as long as they retain the 11-inch vertical dimension.

6. **PEISs.** Following the procedures laid out in Chapter 2, Section G of this IP, Proponents may prepare a PEIS on a broad federal action, such as a program or plan for which only very general environmental or project information is known, and the anticipated environmental impacts are either unknown or may have the potential for significant impacts. Proponents may prepare a site or activity-specific MFR, REC, EA, EIS, or SEIS tiered to the PEIS, and incorporate and reference the environmental analysis discussed in the broader statement in the site-specific MFR, REC, EA, EIS, or SEIS. In some cases the PEIS may be specific enough or contain sufficient information to require no or very little tiered analysis.

Table 3-4 Core Components of an EIS

| EIS Component | Content |
|--|--|
| Inside Cover Sheet | Use the EIS cover page template found at Enclosure (21) to this IP evidencing the date attested to be in conformance with References (a) and (b) and (d)–(g) and this IP by signature and title of the Preparer, the Environmental Reviewer, the Senior Environmental Professional, the Legal Reviewer, and the Proponent having direct or delegated responsibility and authority for implementing the proposed action. |
| Executive Summary (Preferably less than 20 pages) | Place immediately after the cover sheet and before the table of contents to include the: <ol style="list-style-type: none"> 1. Name of the action; 2. Description of the action and the affected geographical region (state and county, as applicable); 3. Description of alternatives considered; 4. Summary of the environmental impacts and major mitigating actions required; and 5. Summary of significant environmental impacts of the proposed action and the alternatives in comparative (matrix) form (no more than five pages). |
| Body of EIS | |
| Purpose of and Need for the Action | Briefly describe the proposed action and explain the purpose of, and need for, the proposed action concisely and objectively. Set out the justification for the action (its purpose, goal, or objective to be achieved by the proposed action) and the essential requirements that must be satisfied to achieve the purposes of the action (its need or why the requirement is essential to the Coast Guard). |

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| | |
|--------------------------|--|
| | <p>separate chapter or at a minimum in a mitigation matrix).</p> <p>h. Compliance with applicable regulatory processes must be addressed in the analysis per Chapter 2, Section E of this IP.</p> <p>2. For FEISs, discuss and provide responses to substantive public comments received on the DEIS.</p> <p>3. Summarize the significant environmental impacts of the proposed action and the alternatives in comparative (matrix) form (no more than five pages) (same matrix as used in the executive summary).</p> |
| List of Preparers | List the names, expertise, experience, and professional disciplines of the persons who were primarily responsible for preparing the documents or significant background papers, including Coast Guard personnel directly responsible for review. |
| Distribution List | List the names and addresses of all federal, state, and local organizations and persons to whom the EIS is distributed. |
| Appendix | <p>1. Include any of the following information as appendices to the EIS:</p> <p>a. Material prepared in connection with an EIS (as distinct from material that is not so prepared or bulky documentation that is incorporated by reference).</p> <p>b. Analytic and relevant material to the decision to be made (e.g., biological evaluations or assessments and biological opinions; coastal consistency or negative determinations; archaeological, historical, or cultural evaluations).</p> <p>c. Material that substantiates any analysis fundamental to the impact statement (permits, final rules).</p> <p>d. The results of the conformity evaluation as an appendix to the EIS if the proposed action is in a non-attainment or maintenance area.</p> <p>2. To substantiate impact analysis and to verify consultation and coordination has been completed, each FEIS must include, as appropriate and preferably in an appendix, associated correspondence, memos to file, associated e-mails, studies, permits, and final rules, etc.</p> <p>3. For FEISs, provide comment letters received on the DEIS and responses.</p> |

7. **SEISs.** Following the procedures laid out in Chapter 2, Section H of this IP, Proponents must prepare an SEIS when there are substantial changes to a proposed action that are relevant to environmental concerns or if Proponents become aware of significant new circumstances or information relevant to environmental concerns. The Proponent can incorporate the original EIS by reference into the SEIS. The SEIS only needs to focus on the issues that triggered the additional environmental impact evaluation.

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8. Reviews, Approvals, and Signatures for EISs and RODs. In order for EISs/RODS to be considered final and ready for publication, they must have all required and correct reviews, approvals, and signatures as specified in Sections 10.e.(3), 10.f, and 10.g(2) and (3) of Reference (f). (See the Enclosures to this IP for the appropriate signature pages for EISs/RODs).
 - a. Review Requested by Commandant (CG-47). If based on the contents of a Proponent's notification memo or email, Commandant (CG-47) requests review of an EIS, the Proponent must forward the preliminary DEIS or FEIS/ROD to Commandant (CG-47) who must review the DEIS or FEIS/ROD and provide comments to the Proponent within 10 working days of receipt and prior to the Proponent's final approval of the documents. If, based on the contents of a notification memo or email, Commandant (CG-47) also requested to sign the DEIS and FEIS/ROD, Commandant (CG-47) must sign the DEIS and FEIS/ROD as Senior Environmental Professional prior to publication of a notice of the DEIS, FEIS, and ROD in the Federal Register or issuing the DEIS or FEIS for public comment.
 - b. Publication in the Federal Register. Proponents must submit DEISs, FEISs, and RODs to Commandant (CG-47) for transmittal to DHS SEP for review, comment, and approval prior to placing a notice of the EIS or ROD into the Federal Register or issuing the EIS for public comment. (See Chapter 2, Section Q.3.a of this IP.) Commandant (CG-47) must facilitate between the Coast Guard Proponent and DHS SEP with regard to any DHS SEP questions or comments and Proponent responses. (See Enclosures (12) and (19) for a template NOA, and for directions on preparing and processing notices for publication in the Federal Register.)
 - c. EISs and RODs Requiring Commandant-Level Review and Signature. EISs/RODs 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 require submittal to Commandant (CG-47) and Commandant (CG-LMI-E) for review, comment, and signature prior to transmittal to DHS SEP for review and approval. If these types of EISs/RODs are field-initiated, an appropriate Proponent in the associated headquarters' program office must sign as Proponent.
 - (1) Commandant (CG-47) must facilitate between the Coast Guard Proponent and DHS SEP with regard to any DHS SEP questions or comments and Proponent responses.
 - (2) When these types of EISs/RODs are for rulemakings and/or regulatory projects, DHS-OGC (GLD-Environmental) may also review the documents. If DHS-OGC (GLD-Environmental) will review, that legal review is also coordinated through Commandant CG-LRA) and Commandant (CG-LMI-E).
9. Process Timeline for DEISs. DEISs must be prepared in an expeditious manner taking into consideration timelines required for compliance with all applicable environmental mandates and this IP.
10. Filing of the DEIS. The Proponent files the final DEIS with the EPA through the e-NEPA electronic filing system and informs EPA via e-mail of the Coast Guard NEPA website where the document is posted. In accordance with an MOA between CEQ and EPA, EPA is responsible for the receipt and filing of EISs prepared by federal agencies. Every week in the

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Federal Register, EPA publishes NOAs for EISs filed during the previous week. The Coast Guard follows the steps for preparation and filing of an EIS as prescribed in the CEQ regulations (40 C.F.R. § 1506.9 and § 1506.10) and additional information provided in CEQ and EPA guidance. (See EPA's e-NEPA Guide on Registration and Preparing an EIS for Electronic Submission). The EPA published NOA is the official public notification of an EIS. The Proponent must ensure the DEIS is posted electronically on the Coast Guard NEPA website the same day as the DEIS is filed with EPA.

11. Public Distribution of the DEIS.

- a. Proponents must distribute electronic copies of the DEIS and must post the DEIS on the Coast Guard NEPA webpage. Proponents must only distribute paper copies upon request. Coast Guard distribution of NEPA documents may be via U.S. mail or commercial carrier, but the Proponent must utilize the least costly service type to meet the required delivery date and/or security requirements.
- b. Proponents must publicly distribute DEISs no later than the time the DEIS is filed with EPA. Proponents must coordinate closely with their environmental and legal reviewers (and Commandant (CG-47) and DHS SEP if applicable) to ensure the DEIS is approved for release early enough to enable the Proponent to make the required distribution.
- c. Proponents must send copies of the DEIS to the appropriate state, regional, and metropolitan clearinghouses (unless otherwise designated) at the same time (same day) that the DEIS is distributed.
- d. Proponents must make the DEIS available for public review in local outlets such as libraries or county commissioners' offices, whenever possible. Whenever practicable and appropriate, the Proponent must translate the DEIS executive summary into languages other than English.

12. Public Review Period for DEIS.

- a. The Proponent must plan for a minimum of 45 calendar days for agency and public review, beginning with the date on which EPA publishes the NOA of the DEIS in the Federal Register. That date must be the Friday following the week that the DEIS is filed with EPA.
- b. As appropriate, the Proponent must coordinate with Commandant (CG-0921), Congressional and Governmental Affairs, on notification to affected Congressional representatives prior to the publication of the NOA in the Federal Register.
- c. The Proponent may extend the review time in response to a timely written request for additional comment time. An interested party's failure to file timely comments is not a sufficient reason for the Coast Guard to extend the review period.
- d. Where the action requires a conformity evaluation, the Proponent must publish a notice on the availability of a draft conformity evaluation in the local newspaper when the DEIS is filed with EPA, and ensure the comment period runs concurrently with the 45-day DEIS review period.

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13. Public Involvement for DEIS.

- a. Public Involvement Plans. Proponents must prepare a public involvement plan when undertaking preparation of an EIS. In this plan, the Proponent must consider distributing the DEIS for review and conducting other outreach efforts, as appropriate, to:
 - (1) Any federal agency that has jurisdiction by law or special expertise regarding any environmental impact involved or one authorized to develop and enforce standards applicable to the proposed action;
 - (2) Appropriate state and local agencies that are authorized to develop and enforce standards applicable to the proposed action;
 - (3) Tribal governments when the effects of Coast Guard proposed actions may impact their rights in any manner, on or off reservations;
 - (4) Any agency that has requested that it receive EISs on actions of the kind proposed;
 - (5) The public, affirmatively soliciting comments from those persons or organizations that may reasonably be interested or affected; or
 - (6) Minority populations and/or low-income populations if such populations may experience disproportionately high and significantly adverse environmental or health impacts (see E.O. 12898).
- b. Conducting Public Meetings and Hearings for the DEIS.
 - (1) General. Proponents may conduct public meetings and hearings to fulfill the public involvement requirements of NEPA. Public meetings and hearings are appropriate in the following situations:
 - (a) Where a Proponent's proposed action will have a direct or unique environmental impact on the people living in a particular geographic area;
 - (b) Where public organizations or members of the public possess expertise concerning the environmental impact of the action that may not otherwise be available;
 - (c) Where no overriding consideration of national security or time makes it illegal or impractical to involve such organizations or members of the public in the consideration of a proposed action in which there is evidence of wide public interest;
 - (d) When another agency with jurisdiction over the action submits a request for a hearing and supports its reasons why a hearing will be helpful; or
 - (e) Where the proposed action may have high and adverse disproportionate effects on a minority population and/or low-income population (see E.O. 12898).

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(2) Formats for Public Meetings or Hearings.

- (a) The format for a public meeting or hearing must be tailored to meet the Proponent's objectives. The formats available to Coast Guard environmental planners include town hall meetings, public information or poster sessions, and combinations thereof. These formats share the same basic premise, which is to open up lines of communication to increase knowledge and understanding, enhance trust and credibility, and resolve conflict.
- (b) Whenever practicable and appropriate, the Proponent must translate crucial meeting materials (e.g., factsheets, summaries, displays) into languages other than English and provide interpreters at public meetings to ensure all citizens can provide comments.

(3) Timing and Notice of Public Meeting or Hearing.

- (a) If the Proponent decides to hold a public meeting or hearing, the Proponent is responsible for publishing the Notice of Public Hearing (NOPH) in the Federal Register. The Proponent must schedule the meeting or hearing at least 15 calendar days after the publication of the NOA by EPA in the Federal Register and preferably no less than 10 calendar days before the close of the public comment period to allow adequate time for the submission of written comments.
- (b) The Proponent must include information listed in this Chapter, Table 3-5 (see below) as appropriate, in the NOPH submitted for publication. (See Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register.)

Table 3-5 Information Required in NOPHs

- | |
|---|
| <ol style="list-style-type: none">1. The Coast Guard point of contact with a mailing address of who is designated to receive all written comments or answer questions.2. The location, date, and time for the public hearing or meeting.3. A summary of the proposed action.4. A summary of the findings contained in the environmental planning document.5. Any limitations on the length of oral statements and a suggestion that technical statements or statements of considerable length be submitted in writing.6. The date by which comments must be received or postmarked.7. The location(s) where the environmental planning document is available for examination. |
|---|

- (c) The Federal Register notice is in addition to publication of a NOPH in local newspapers. Public meetings not required under NEPA need not be announced in the Federal Register; announcement in local newspapers is sufficient.
- (d) Wherever practicable and appropriate, announce public meetings in local foreign language newspapers.

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- (e) If the Proponent receives formal written requests from federal, state, or local elected officials, agencies, tribal governments, nongovernmental organizations, or individuals to extend public comment periods, and the Proponent agrees to extend the comment period, the Proponent must arrange for a public comment period extension notice to be published in the Federal Register and in local newspapers.
 - (f) When practicable and appropriate, the Proponent must translate the DEIS executive summary into languages other than English.
 - (g) Proponents must keep a record of the names and addresses of meeting attendees to ensure a complete administrative record and for purposes of creating mailing lists. The Proponent must take the necessary steps to protect the names and address information of private citizens from disclosure to the extent allowable by law.
14. Errata Sheets and DEIS in lieu of FEIS. A Proponent's use of errata sheets attached to a DEIS in-lieu of a traditional FEIS is allowed under 40 C.F.R. § 1503.4(c)). Use of an errata sheet is appropriate when comments received on a DEIS are minor, and the Proponent's responses to those comments are limited to factual corrections or explanations of why the comments do not warrant further response. When applying this provision, the errata sheets and the information required in an FEIS (described below) are attached to the DEIS, and the document is filed with EPA and provided to the public following the CEQ requirements for an FEIS. When using errata sheets, they must include at minimum the following information:
- a. A list of the factual corrections made to the DEIS with references to the relevant page numbers in the DEIS;
 - b. A synopsis of the comments received on the DEIS and an explanation of why the comments do not warrant further response in the FEIS, citing the sources, authorities, or reasons that support the Proponent's position;
 - c. If appropriate, an indication of the specific circumstances that would trigger reappraisal or further response, particularly information that could lead to a re-evaluation or an SEIS;
 - d. Identification of the preferred alternative and a discussion of the reasons why it was selected;
 - e. List of commitments for mitigation measures for the preferred alternative; and
 - f. A copy or summary of comments received on the DEIS and responses, including any coordination activities since the DEIS.
15. Process Timeline for FEISs. The Proponent may announce availability of the FEIS no less than 45 days from the date the announcement of the DEIS appears in the Federal Register.
16. Content of FEISs. In addition to the core components of an EIS identified in this Chapter, Table 3-4, the Proponent must:
- a. Identify a preferred alternative in the FEIS if not previously identified in the DEIS.

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- b. If appropriate, include the final conformity evaluation in the FEIS.
 - c. Incorporate into the FEIS relevant comments received on the DEIS. Where comments reveal previously unrecognized impacts or changes to identified impacts, Proponents must include sufficient analysis thereof. Proponents must reproduce in the FEIS the relevant individual comments received from agencies and the public, followed by an appropriate response. Including verbatim transcripts of public hearings in the FEIS is not required or desired but must be included in the administrative record. Proponents must also include a meaningful response to reasonable opposing views that have not been adequately addressed in the DEIS. Possible types of comment response strategies that the Proponent may employ in preparing the FEIS may include:
 - (1) Develop and evaluate alternatives not previously given serious consideration;
 - (2) Supplement, improve, or modify the analyses;
 - (3) Make factual corrections;
 - (4) Provide explanations of why the comments do not warrant further response, citing the sources, authorities, or reasons that support such a position, and, if appropriate, indicate those circumstances that would trigger a reappraisal or further response; and
 - (5) Where a Proponent's response to comments can be accomplished by referencing sections contained in the DEIS, the Proponent must clearly identify pertinent sections in the response.
17. Completion of Consultation and Authorization Processes Related to the FEIS. To the greatest extent possible complete all consultation and authorization processes required by law, including but not limited to those set forth in ESA, MMPA, NHPA, Magnuson-Stevens Act, MBTA, CZMA, CAA, and CWA, completed prior to FEIS publication. (Refer to Chapter 2, Section E of this IP for details on timing requirements).
- a. In situations where completion of the required consultation, coordination, or authorization processes cannot be completed in time to support the completion of the FEIS, a detailed justification for moving forward with the FEIS must be submitted to Commandant (CG-47) and Commandant (CG-LMI-E) with a request for a risk assessment; and
 - b. If applicable, the Proponent must include the final conformity evaluation in the FEIS.
18. FEIS Processing.
- a. The Proponent files the FEIS with the EPA through the e-NEPA electronic filing system, informs EPA via e-mail of the NEPA website where the document is posted, and distributes the FEIS to recipients of the DEIS and to any person, organization, or agency that submitted substantive comments on the DEIS.
 - b. Proponents publicly distribute FEISs no later than the time the FEIS is filed with EPA. Proponents, Environmental Reviewers, Senior Environmental Professionals, (and DHS SEP

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where applicable) must coordinate closely to ensure the FEIS is approved for release early enough to enable the Proponent to make the required distribution.

- c. As appropriate, the Proponent must coordinate with Commandant (CG-0921), Congressional and Governmental Affairs, on notification to affected Congressional representatives prior to the publication of the NOA in the Federal Register. Congressional notification must take place no later than 3 days prior to publication of the NOA in the Federal Register.
 - d. The FEIS must be made available for public review in the same local outlets as the DEIS.
 - e. Unless there is a specific request for paper copies, the Proponent must post the FEIS on the Coast Guard specific website and distribute electronic copies of the document.
 - f. The Proponent must ensure the FEIS is posted electronically on the Coast Guard NEPA website no later than when the FEIS is filed with EPA.
19. ROD. The signing of a ROD completes the EIS process. RODs must be prepared using the template identified in Enclosure (8) of this IP except for RODs prepared for major infrastructure projects as defined by “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” E.O.13807. Per E.O. 13807, one joint ROD is required for all federal agencies involved in a major infrastructure project. (See Enclosure (1) of this IP for a definition of major infrastructure project under the E.O.) RODs prepared for major infrastructure projects may differ in format from Enclosure (8) but must have all the signatures required by Enclosure (8) and meet the CEQ regulations on required content found at 40 C.F.R. § 1505.2. As a matter of special emphasis, the ROD must be totally consistent with information presented in the EIS (i.e., every factual assertion in the ROD must be supported by specific analysis or discussion in the EIS). It must also be written in Standard English and avoid the use of overly technical terms or jargon. As required by 40 C.F.R. § 1505.2, the ROD must:
- a. Clearly state the decision;
 - b. Identify all alternatives that met the purpose and need for the action, that the Coast Guard considered and specify the alternative(s), which were considered to be environmentally preferable;
 - c. Discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. (The Proponent must identify and discuss all such factors including any essential considerations of national policy which were balanced by the Proponent in making the decision and state how these considerations entered into the final decision);
 - d. State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not;
 - e. Provide a description of all mitigation or protective measures to be implemented as part of the action; and
 - f. Summarize any monitoring and enforcement program, where applicable, for any mitigation.

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The Proponent must publish a notice of availability for the ROD in the Federal Register with a link to the final ROD. (See Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register.) The Proponent must distribute a ROD notice to all interested parties, and, if appropriate, publish an NOA of the final conformity evaluation in local newspapers and distribute it to agencies and interested parties within 30 calendar days of the approval of the ROD.

20. Implementing the Action.

a. Proponents must delay committing resources irreversibly for a proposed action until the later of the following dates:

(1) Ninety calendar days after publication of the Federal Register notice announcing the filing of the DEIS with EPA; or

(2) Thirty calendar days after publication of the Federal Register notice of the filing of the FEIS with EPA (wait period).

b. Within 30 days of ROD signature, the Proponent must upload the final ROD to the DSS.

21. Repository. When the FEIS/ROD are completed, the Proponent must ensure that the NOI, NOA, DEIS, FEIS, and all applicable environmental compliance documents related to the action covered in the EIS are uploaded into the DSS within 30 calendar days. This provides the opportunity for the document to be shared and serves as a permanent record.

22. Administrative Record. Entry of the NOI, NOA, DEIS, FEIS and the ROD and related compliance documents into the DSS does not constitute completion of the administrative record. The Proponent must complete the administrative record related to the FEIS/ROD within thirty days of signing the ROD. The Proponent must keep the hard copy or electronic version of the administrative record with the associated project files indefinitely. (See Section X of Chapter 2 of this IP for more information on compiling an administrative record.)

E. Emergency Circumstances. As Coast Guard Proponents develop their response to situations involving immediate threats to human life, public safety, public health, national security, property, or the environment, they must consider whether there is sufficient time to follow the procedures established in the CEQ regulations. (See Enclosure (22) for environmental compliance requirements triggered by emergency actions under other environmental laws commonly addressed in NEPA analysis and documentation.) The following five phases apply when performing NEPA activities during an emergency. Proponents must implement the following five steps to determine appropriate compliance with NEPA for proposed emergency actions in consultation with Commandant (CG-47), their servicing legal command, and DHS SEP, where appropriate.

Note: Per Section 10.a.(1)(c) of Reference (f), this Section does not apply to emergency spill response taken by the FOSC or actions expressly exempt by law or an executive branch waiver. (See also Chapter 1, Sections C.2.c.(3) and (4) of this IP.)

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1. Determine NEPA Applicability. The Proponent determines if NEPA applies to the emergency action. If the Proponent is uncertain if an emergency action requires NEPA compliance (and time allows), the Proponent should seek advice and counsel from their servicing legal command.
2. Determine the Necessity for Immediate Verses Delayed Emergency Action. When a Proponent becomes aware of a disaster or emergency that requires action, they must exercise judgement as quickly as possible to determine whether their action is in response to that situation and:
 - a. Needs to be carried out immediately to preserve human life, public safety, public health, national security, property, or the environment. NEPA compliance is not required prior to taking such emergency action; or
 - b. Can be delayed (to allow notification and some level and type of NEPA compliance) without endangering human life, public safety, public health, national security, property, or the environment. Some type and level of NEPA compliance is required prior to taking such emergency action.

Examples of emergency actions to save lives and/or property that do not require prior NEPA compliance are: replacement of collapsed bridges in an active evacuation route, any actions to stop or slow down an existing fire from spreading; and removal of debris or portions of a building to reach trapped persons.

Examples of likely responses that require NEPA prior to taking emergency action are: cleanup activities after a hurricane has passed; permanent replacement of utilities damaged by a disaster; and repair of buildings and structures that have been damaged by a disaster but are not endangering people or other properties. If the Proponent is uncertain if an emergency action requires prior NEPA compliance (and time allows), the Proponent should seek advice and counsel from their servicing legal command.

3. Secure Lives and Property. In no event must Proponents delay an immediate emergency action necessary for the preservation of human life, public safety, public health, national security, property, or the environment for the purposes of complying with References (a)–(f), (h), and (i) and this IP. This is only applicable to emergency actions described in this Chapter, this Section, Paragraph 2.a. For emergency actions described in this Chapter, this Section, Paragraph 2.a., the Proponent must still consider the probable environmental consequences of immediate emergency actions and attempt to mitigate them to the maximum degree practicable.
4. Notification to DHS SEP. Proponents follow the criteria in Chapter 2, Section Q.2.b and c for when to notify or seek approval from Commandant (CG-47) and DHS SEP during an emergency.
5. Determine Level of NEPA. For emergency actions in Paragraph 2.b of this Section, the Proponent determines and completes the appropriate level and type of NEPA analysis and follows the process in Paragraphs a–d below prior to implementing the action.
 - a. Use of a CATEX. If the proposed emergency action qualifies for a CATEX and no extraordinary circumstances exist that would preclude the use of the CATEX, follow the procedures in this IP for completing a CATEX. **Proponents may apply existing CATEXs**

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for actions caused by an emergency as long as the emergency action is the type of action covered by the CATEX. The fact that the CATEX might not state anything about emergency actions or that a CATEX uses the word “routine” or “minor” does not necessarily preclude a Proponent from using an existing CATEX for an emergency action. Whether a CATEX is appropriate is not based on what caused the necessity for the action (the emergency), it is based on whether the action type fits the CATEX and whether there are any extraordinary circumstances). For example, if a hurricane causes damage to a Coast Guard facility and only minor renovations are needed to fix the damage, use of CATEX *L24 is appropriate.

b. Use of an Existing EA or EIS.

- (1) If the proposed emergency action does not qualify for a CATEX, consideration of the potential for environmental effects must be documented in either an EA or EIS. The Proponent checks to see if any existing Coast Guard FEA/FONSI or FEIS/ROD already cover both the scope of the proposed activities and the environmental impacts. If the environmental impact evaluation remains current, then no further evaluation under NEPA is necessary. Proponents must record the use of the pre-existing NEPA document via a memo to file. (See Chapter 2, Section F.2 of this IP for information on the content of the memo to file.)
- (2) If an already completed Coast Guard NEPA document cannot be used, the Proponent must determine if the proposed emergency action is covered by an existing EA or EIS of another DHS component or federal agency. If an existing EA or EIS of another federal agency fully covers both the scope of the proposed activities and the environmental impacts and the environmental impact evaluation remains current, then the Coast Guard may adopt the document. Follow the procedures in Chapter 2, Section L.3 of this IP on adopting environmental planning documents.
- (3) If an existing completed NEPA document does not fully cover the proposed emergency action, Proponents should consider whether they can adopt and supplement an existing Coast Guard EA or EIS or DHS or other federal agency EA or EIS to address the proposed emergency action. Proponents must follow the procedures in Chapter 2, Section L.3 of this IP on adopting existing environmental planning documents and Chapter 2, Section H of this IP on supplementing existing environmental planning documents.

- c. Preparation of a New Concise EA. If neither adoption nor supplementation of existing NEPA documents is possible, no CATEX applies, and/or the expected environmental impacts are unknown or potentially significant, complete a new concise EA. (See Attachment 1 of the CEQ guidance, “Emergencies and the National Environmental Policy Act.”) When sufficient time exists, the Proponent must prepare a focused and concise EA, including consideration of appropriate public involvement. If the new concise EA supports a conclusion that the proposed emergency action will not have significant environmental effects, a FONSI is prepared and made available to interested parties.

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- d. Alternative Arrangements. If NEPA applies to a proposed emergency action, is expected to have “significant” environmental impacts, and is not already covered by an existing NEPA analysis, then the agency must contact CEQ via Commandant (CG-47) and DHS SEP to determine if alternative arrangements can take the place of an EIS.
- (1) To the maximum extent feasible, the alternative approach must ensure public notification and involvement and focus on minimizing the adverse environmental consequences of the proposed emergency action.
 - (2) Commandant (CG-47) and DHS SEP must inform CEQ of the alternative approach to the preparation of an EIS at the earliest opportunity.
 - (3) If, at any time during the emergency, including during preparation of an EA, the Proponent determines that the emergency action appears to be a federal action significantly affecting the quality of the human environment, the Proponent must contact Commandant (CG-47) to seek the involvement of CEQ through DHS SEP.
 - (4) Factors to address when crafting alternative arrangements include:
 - (a) Nature and scope of the emergency;
 - (b) Actions needed to control the immediate impacts of the emergency;
 - (c) The potential adverse effects;
 - (d) Aspects of the NEPA process that can be followed and add value to the decision-making process (such as coordination with resource and regulatory agencies and the public);
 - (e) Duration of the emergency; and
 - (f) Potential adverse impact mitigation measures.

F. Review of Other Agency NEPA Documents.

1. Proponents, when requested, may review and comment on NEPA documents provided by non-DHS agencies (federal, tribal, state, or local) when the proposed action may impact Coast Guard missions, operations, or facilities, or when the Coast Guard has subject matter expertise or legal authorities relevant to the proposed action.
2. When Proponents receive requests for their review and comment on NEPA documents from non-DHS agencies, Proponents must provide Commandant (CG-47) with written notification prior to issuing comments to the requesting agency. Commandant (CG-47) must then assess the appropriate method and Coast Guard Command and/or Program Office that must respond on behalf of the Coast Guard. Commandant (CG-47) must provide notification to DHS SEP that the Coast Guard has received a non-DHS-prepared NEPA document for review, and must state whether any program in the Coast Guard wishes to comment, and must notify DHS SEP of

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requests for comment on NEPA documents from non-DHS agencies that meet the criteria in Chapter 2, Section Q.2.e. of this IP.

3. Proponents must confine their comments on other agency NEPA documents to matters within the jurisdiction or expertise of the Coast Guard. Proponents must not provide formal written comments to other federal agencies for the public record. Proponents must communicate their interests to other federal agencies using methods determined on a case-by-case basis that are appropriate for the nature and level of their interest in another agency's NEPA activity. If needed, Proponents must follow the dispute resolution process described in Chapter 2, Section S of this IP.

G. Additional NEPA Procedures for Specific Program Areas.

1. Acquisitions. (See Chapter 2, Section P of this IP.)
2. Shore Facilities Management. (See also Chapters 3, 4, and 10 of Reference (m).)
 - a. Real Estate Actions and Shore Planning. Complete appropriate NEPA analysis and documentation for real estate actions (e.g., leases, permits, etc.) and shore planning efforts (e.g., Master Plans, Area Development Plans, cutter homeporting plans, etc.).
 - b. Shore Organizational Level Maintenance Program (Shore OLM) (Primarily Allotment Fund Control Code-30 and 34 Funded (AFC 30 and 34). The Shore OLM program sustains the optimal life cycle of Coast Guard real property assets, to include buildings, structures, utility systems, and associated equipment. Proponents must complete appropriate NEPA analysis (and documentation if applicable) prior to award of contracted Shore OLM projects or execution of in-house Shore OLM projects and prior to limiting any viable project alternatives.
 - c. Shore Depot Level Maintenance Program (AFC-43 Funded). The AFC-43 program supports Depot Level Maintenance (DLM) activities of the Coast Guard Civil Engineering (CE) Program to ensure attainment of the required service life and intended purpose of all shore infrastructure assets. The AFC-43 program funds overhead costs in support of DLM, to include design and planning services, analyses and studies, inspections, and project travel. The program also supports limited improvements to the shore plant, referred to as Minor Construction Authority. Congress provides the Coast Guard with authority to use AFC-43 funds for minor construction projects not exceeding \$1,000,000 in total cost at any location. Project Development Submittal packages must include completed NEPA analysis (and documentation if applicable) and be completed prior to contract award.
 - d. Acquisition, Construction, and Improvement (AC&I)/Major Acquisition Systems Infrastructure (MASI) Funded Projects.
 - (1) DD1391 Planning Proposal (PP).
 - (a) The PP identifies and fully assesses potential alternatives to address the shore infrastructure need identified in the DD1391 Problem Statement (PS). (PSs do not

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require completed NEPA as they are simply establishing that the need for a project/action exists.)

- (b) The PP provides a detailed, comprehensive business case analysis of alternatives and provides a detailed recommended alternative. Recommendations may range from renovation, relocation, or acquisition/construction of new facilities. The PP marks the decision stage for the preferred alternative in the planning process and, thus, requires completed NEPA prior to limiting any viable alternatives. (See this Chapter, this Section, Paragraph (4) for procedures allowing completion of NEPA after PP submittal in limited circumstances.)

(2) DD1391 Execution Proposal (EP).

- (a) Congress may occasionally initiate legislation/appropriations that require the Coast Guard to spend previously unsolicited/unrequested funding for a specific purpose. Often Congress directs this earmarked and/or supplemental funding for specific shore AC&I use. In order to execute the use of earmarked funds, use of an abbreviated planning process through the EP is acceptable to identify an engineering solution and a plan for executing funds quickly to meet Congressional intent.
- (b) An EP limits the assessment of alternatives to only what is required to define a solution that meets the intent of the of the Congressional earmark language. The EP directed through specific legislation with accompanying funding, marks the decision stage in the planning process. Therefore, the EP must include completed NEPA documentation. (See this Section, Paragraph (4) for procedures allowing completion of NEPA after EP submittal in limited circumstances.)

(3) DD1391 Project Proposal Report (PPR).

- (a) The DD1391 (PPR) develops the approved recommended alternative in the DD1391 (PP) and DD1391 (EP) by identifying a detailed engineering scope and estimated cost. The information in the DD1391 (PPR) is used at the field level to initiate an RFP for solicitation of either an Architect/Engineer design (for a Design-Bid-Build contract) or for solicitation of a Design-Build contract. The DD1391 (PPR) provides headquarters with the justification to support a budget request through the Resource Proposal process.
- (b) Major AC&I PPRs and other design stages must incorporate the recommendations and mitigation measures adopted and committed to by the Coast Guard in any applicable REC, FONSI, or ROD. If the original plans change significantly at this stage of the process, then the Proponent must ensure completion of a new, revised, or supplemental NEPA analysis.

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(4) Special Procedures for Completing NEPA after PP or EP Submittal.

(a) Design-Build Projects.

- [1] If a proposed shore facilities construction project requires execution under a design-build contract but does not allow adequate determination of the significance of impacts under other environmental compliance laws (such as but not limited to the CZMA, and Section 106 of the NHPA) at the PP or EP submittal stage, Proponents must provide notification/justification to Commandant (CG-43) with the PP or EP submission.
- [2] When Proponents do not submit completed NEPA at the PP or EP stage for proposed shore facilities construction projects executed under a design-build contract, Proponents must complete all NEPA associated documentation for these projects prior to completing 65% design with the design-build firm.

(b) Design-Bid-Build Projects.

- [1] If a proposed shore facilities construction project requires execution under a design-bid-build contract but does not allow adequate determination of the significance of impacts under other environmental compliance laws (such as but not limited to the CZMA, and Section 106 of the NHPA) at the PP or EP submittal stage, Proponents must provide notification/justification to Commandant (CG-43) with the PP or EP submission.
- [2] When Proponents do not submit completed NEPA at the PP or EP stage for proposed shore facilities construction projects executed under a design-bid-build contract, Proponents must complete all NEPA associated documentation for these projects prior to construction contract award.

(c) Notification/Justification for Not Completing NEPA at PP or EP Stage.

- [1] Proponents' notification/justification must address how the inability to determine significance of impacts under other environmental and historic management compliance laws would render a completed NEPA document inadequate if completed at the PP or EP stage. Proponents must base inadequacy on whether the completed NEPA document would supply an appropriate level of environmental information to the decision-maker and the public if completed at the PP or EP stage.
- [2] Proponents notification/justification must address why adequate NEPA could not be completed at the PP or EP stage by utilizing the timing strategies listed in Chapter 2, Section E, Paragraph 3 of this IP.

(d) NEPA Completed after PP or EP Submittal and Compliance with Other Environmental and Historic Management Laws. If Proponents complete NEPA after PP or EP submittal per the timeframes allowed in this Section, at Paragraphs (a)[2] and (b)[2], and the NEPA document would still be completed prior to completion of

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other important environmental or historic management mandates, then the Proponent must follow the requirements of Chapter 2, Section E, Paragraph 2 of this IP regarding notification to Commandant (CG-47), requests for risk assessment, language needed in the NEPA document on supplementing, and other additional requirements.

3. Other NEPA Procedures for Specific Coast Guard Program Areas. For detailed NEPA procedures specific to the Real Property Program, the Bridge Administration Program, the permitting of regattas and marine parades, and the Regulatory Development Program, see References (n), (o), (p) and (q) respectively.

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CHAPTER 4 PROCEDURES FOR IMPLEMENTING E.O. 12114

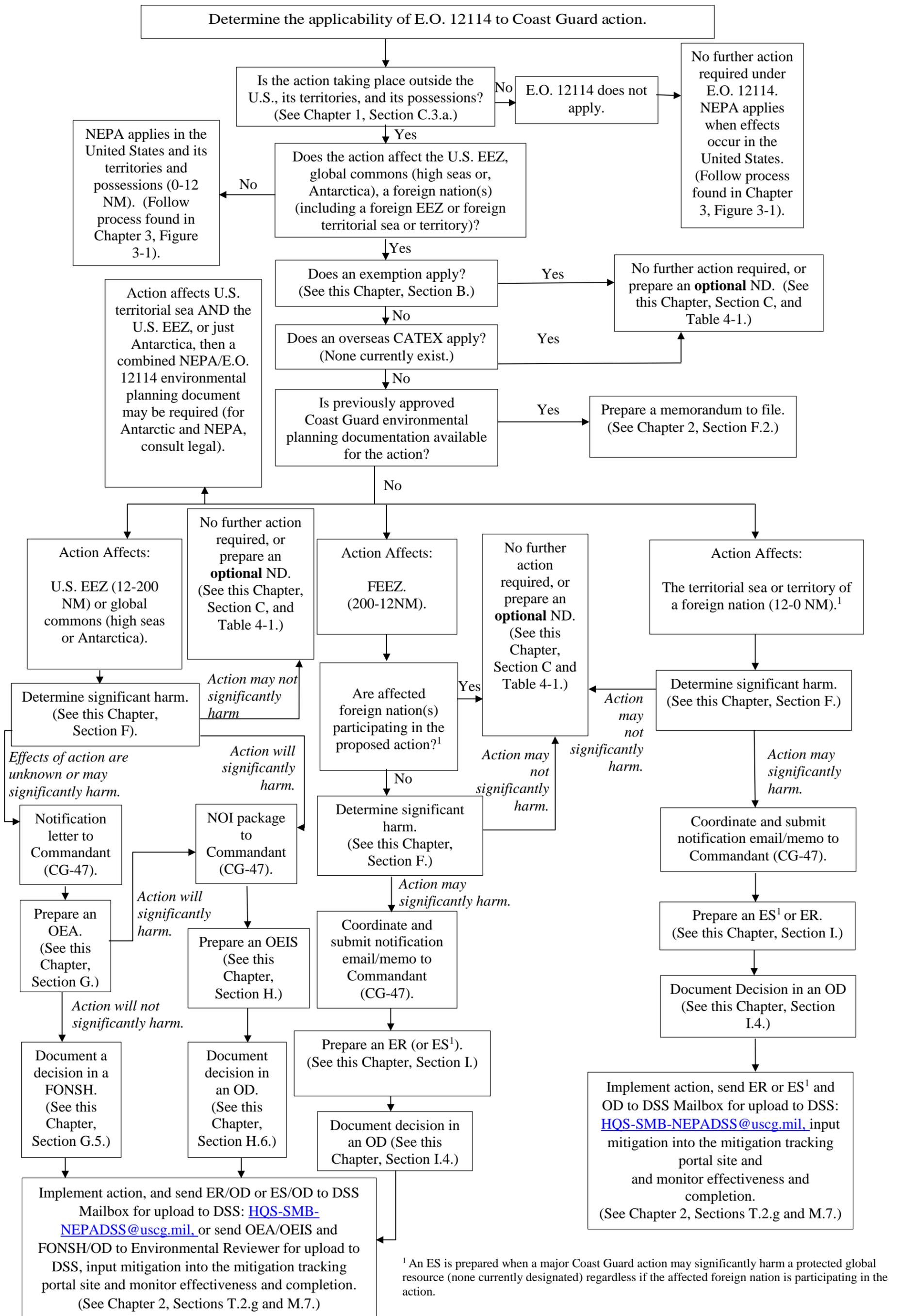
A. Environmental Planning Compliance under E.O. 12114.

1. E.O. 12114 provides the exclusive and complete set of the requirements for assessing the effects of Coast Guard actions abroad that may significantly harm the environment of places outside the United States. This Chapter describes environmental policy and procedures for carrying out the purpose of E.O. 12114 in the U.S. EEZ, the global commons (high seas and Antarctica), FEEZs, and foreign territorial seas and territory. Nothing in this Chapter is intended to conflict with international legal requirements in an EEZ of a foreign nation.
2. A Coast Guard action is NOT a major federal action abroad unless it meets the definition stated in Chapter 1, Section C.5.b(1) of this IP.
3. For each proposed Coast Guard action abroad that meets the definition in Chapter 1, Section C.5.b(1) of this IP, is not exempt per the list of exemptions in E.O. 12114 Section 2.5(a) and (c), and is not categorically excluded per E.O. 12114 Section 2.5(c) from compliance with E.O. 12114, the Proponent must complete environmental planning analysis and documentation per this Chapter, as appropriate. (See this Chapter, Sections B and D for detailed information and procedures related to exemptions and overseas categorical exclusions under E.O. 12114.) Figure 4-1 illustrates the E.O. 12114 environmental planning process.
4. If a Proponent is lacking EP-warranted environmental staff to assist with E.O. 12114 compliance, conduct document reviews, or sign as Environmental Reviewer or Senior Environmental Professional, the Proponent may only request assistance from EP-warranted staff outside their command or office if the Proponent establishes a written agreement with the command or office where the EP-warranted staff resides. Such agreements must be via formal correspondence or MOA and contain the content described in Section 11.b.(4) of Reference (f). (See Enclosure (16) of this IP for a template agreement and Reference (g) for a description of the Coast Guard EP-warrant program.)

B. Exemptions to the Requirement to Prepare Environmental Planning Documentation under E.O. 12114. E.O. 12114 establishes a number of exemptions from E.O. 12114 applicability when a Coast Guard action would affect the U.S. EEZ, the global commons (high seas or Antarctica), an FEEZ, a foreign territorial sea, or a foreign territory. Proponents may prepare an optional ND to document reliance on an exemption. (See this Chapter, Section C for more information on NDs.)

1. General Exemptions. E.O. 12114 establishes general exemptions that Proponents may use without approval from a higher authority. The general exemptions most commonly applicable to Coast Guard actions are as interpreted below:
 - a. Actions that lack any potential to cause significant harm to the environment outside the United States;

Figure 4-1 E.O. 12114 Environmental Planning Flow Chart for Coast Guard Actions



¹ An ES is prepared when a major Coast Guard action may significantly harm a protected global resource (none currently designated) regardless if the affected foreign nation is participating in the action.

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- b. Actions taken or directed by the President or a cabinet officer during armed conflict.¹⁶ This exemption applies to actions during armed conflict and as long as the armed conflict continues;
 - c. Actions taken or directed by the President or a cabinet officer when national security or national interests are involved that the Under Secretary of Defense or Deputy Secretary of DHS has determined, in writing, to involve national security or national interest;
 - d. Activities applicable to Coast Guard Intelligence;
 - e. Activities of the Director of International Affairs & Foreign Policy, Commandant (CG-DCO-I) and other activities pertaining to arms transfer. Arms transfer includes granting, loaning, leasing, exchanging, and selling defense articles and services to foreign governments or international organizations, and extending or guaranteeing credit in connection therewith;
 - f. Coast Guard participation in disaster and emergency relief, or providing assistance to, relief efforts; and
 - g. Actions involving nuclear activities and nuclear material, excluding actions providing "nuclear production," a "utilization facility," or a "nuclear waste management facility" to a foreign nation.
2. Activity Specific Exemptions. If a proposed action does not fall under one of the general exemptions in this Chapter, this Section, Paragraph 1 and falls under one of the categories of activities in this Chapter, this Section, Paragraphs 2.a–c below, Commandant (CG-DCO) or Commandant (CG-DCMS) may grant an exemption in writing (via email or memo) for the proposed action. Upon receipt of written approval from Commandant (CG-DCO) or Commandant (CG-DCMS), no further action is necessary, but the Proponent may choose to prepare an optional ND to document use of the exemption (refer to this Chapter, Section C, and Table 4-1).
- a. Emergencies. This exemption applies to actions to promote national defense or security that must be taken immediately and to actions necessary to protect life or property. Commandant (CG-DCO) or Commandant (CG-DCMS) must report the granting of this exemption to the Deputy Secretary of DHS through DHS SEP who working through Commandant (CG-DCO-I) must inform and consult with DOS. Commandant (CG-4) must work through DHS SEP who will notify and confer with CEQ as soon as it is feasible.
 - b. **Imminent Danger. Immediate actions necessary to either preserve lives or protect national security assets from imminent danger must not be delayed to accommodate**

¹⁶ This exemption applies to actions during armed conflict and as long as the armed conflict continues. Armed conflict includes: a state of war declared by Congress and hostilities for which Congress has authorized the use of armed force; hostilities or situations for which a report is prescribed by Section 4(a)(1) of the War Powers Resolution (Section 1543 (a)(1) of 50 U.S.C. § 1543 et seq.); and other actions by U.S. Armed Forces involving defensive use or introduction of weapons into situations in which hostilities have occurred or are reasonably expected.

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identified consultation and coordination requirements.

- c. Special Circumstances. National security considerations, exceptional foreign policy interests, and other special circumstances not identified in the general exemptions listed in this Chapter, Section B.1., of this IP may preclude or be inconsistent with preparation of environmental planning documentation. In such cases, Commandant (CG-DCO) or Commandant (CG-DCMS) may exempt an action from the environmental planning requirements of E.O. 12114. Before granting approval, Commandant (CG-DCO-I) working through Commandant (CG-4) and DHS SEP, must consult with DOS and CEQ.
- d. Class Exemptions for Related Actions. At present, there are no class exemptions. Commandant (CG-DCO) or Commandant (DCMS) may submit a request for a class exemption for groups of related actions to DHS SEP through Commandant (CG-4), who is the approval authority for such exemptions. Working through Commandant (CG-4) and DHS SEP, Commandant (CG-DCO-I), must consult with DOS and CEQ on such requests.

C. NDs. NDs are optional documents prepared to document the use of exemptions. Per Reference (f), Section 10.e(3), the Preparer, the Environmental Reviewer, the Senior Environmental Professional, and the Proponent sign the ND. An ND should include the elements identified in Table 4-1.

Table 4-1 Elements of an ND

| Element | Action Applicable To |
|--|---|
| Element (1): Describe or provide a reference to the proposed action, including its location (foreign nation, foreign nation's territorial sea, or FEEZ). | All NDs. |
| Element (2): Identify whether or not the action is a Coast Guard action abroad. | All NDs. |
| Element (3): Identify how or where the affected foreign nation (or other foreign nations) is participating. | When the affected foreign nation is participating. |
| Element (4): Identify the exemption or OCATEX (none currently listed) being applied. | Only when an exemption or OCATEX applies (there are currently no approved OCATEXs). |
| Element (5): Briefly discuss the facts supporting the ND (such as how the action is exempt from the requirement to prepare environmental documentation under E.O. 12114.) | Only when an exemption or OCATEX applies. (There are currently no approved overseas OCATEXs). |

D. OCATEXs. At present, there are no approved OCATEXs. Should OCATEXs be established by DHS SEP, Commandant (CG-47) will provide policy and implementation procedures. Commands and/or program offices may develop white papers with recommendations for OCATEXs with

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supporting rationale signed and approved by their chains of command for submission to Commandant (CG-47). Commandant (CG-47) must submit such recommendations for consideration and coordination with other Headquarters program offices, DHS, CEQ, and DOS as necessary. Any final OCATEXs must be published in this Chapter as a revision to this IP.

- E. Determining Type of E.O. 12114 Documentation Based on Location of Effects. Proponents must prepare the appropriate environmental planning documentation for a proposed Coast Guard action under E.O. 12114 by determining where the effects on the physical environment occur rather than where the action takes place. Table 1-2 provides a summary of the required environmental planning documents. Proponents must prepare to comply with the requirements of E.O. 12114 based on location of effects.
1. Environmental Planning Documentation for Actions Affecting the U.S. EEZ or Global Commons. Proponents prepare an OEA or OEIS when their action may or will significantly harm the environment of the U.S. EEZ or the global commons (high seas or Antarctica). NEPA and E.O. 12114 hybrid documents (e.g., EA and OEA or EIS and OEIS) may be prepared depending on the location of effects. A Proponent may not prepare a hybrid document where one component is a REC.
 2. Complying with E.O. 12114 Environmental Planning Requirements for Actions Affecting an FEEZ. Procedures for compliance are as follows:
 - a. When the affected foreign nation is participating in the Coast Guard action, the Coast Guard Proponent is exempt from E.O. 12114 but may prepare an optional ND; or
 - b. When the affected foreign nation is not participating in a Coast Guard action, the Coast Guard Proponent must first determine if the action may significantly harm the environment of that nation. If the Proponent determines the action may not significantly harm the environment of the foreign nation affected by the action, the action is exempt and the Proponent may prepare an optional ND. If the Proponent determines the action may significantly harm the environment of the affected foreign nation, an ER must be prepared. If the Proponent determines that a proposed action may significantly harm a protected global resource (none currently designated), Proponents must prepare an ES. Proponents must not prepare Hybrid documents (e.g., OEA and ER/ES or OEIS and ER/ES).
 3. Environmental Planning Documentation for Actions Affecting a Foreign Nation or Foreign Territorial Seas. An optional ND may be prepared when a Coast Guard action may not significantly harm the environment of a foreign nation's territorial sea or the foreign nation itself. If the action may significantly harm the environment of the affected foreign nation or foreign territorial sea, an ER or ES must be prepared.
 4. Actions Affecting Protected Global Resources. Upon consultation with Commandant (CG-47), Proponents prepare an ES when a Coast Guard action may significantly harm a protected global resource regardless of whether there is foreign nation participation. There are currently no designated protected global resources.

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F. Determining Significant Harm.

1. An action significantly harms the environment if it does significant harm to the natural and/or physical environment even though on balance the action may be beneficial.
2. "Significant harm" also occurs when a Coast Guard action will introduce to a foreign nation's territory, territorial sea, or EEZ the following:
 - a. A product, or involve a physical project, that produces a principal product, emission, or effluent that is prohibited or strictly regulated by federal law in the United States because its toxic effects on the environment create a serious public health risk (i.e., a "toxic product"); or
 - b. A physical project that is prohibited or strictly regulated in the United States by federal law to protect the environment against radioactive substances (i.e., a "radioactive substance").

G. OEAs.

1. General.

- a. Type of Analysis and Objective. An OEA is an environmental analysis similar to an EA under NEPA. The objective of an OEA is to document the environmental consequences of a proposed action, allowing the reviewing authority to determine whether or not the effects of the action will significantly harm the environment. E.O. 12114 does not define the term significantly. Per Reference (f), Section 10.a.(2)(b), the Coast Guard as a matter policy uses a definition of significantly for E.O. 12114 similar to the definition in the CEQ NEPA regulations, but it is not the same. The definition of significantly under E.O. 12114 is based on determining the level of effects to the natural and physical (not human) environment abroad.
- b. When to Prepare OEAs. If the action will affect the environment in the U.S. EEZ and the global commons (high seas or Antarctica) (refer to Figure 1-1 and Table 1-1), and it is unknown whether the action will significantly harm the environment, the Proponent must prepare an OEA. If it is known that the proposed action will significantly harm the environment, an OEIS must be prepared. Figure 4-1 is a flowchart illustrating the logic flow for determining the proper E.O. 12114 document to prepare.

2. Pre-Planning and Notification.

- a. Pre-Planning and Other Procedural Requirements. Proponents must follow the general procedural requirements for preparing environmental planning documents, as indicated in Chapter 2 of this IP in the preparation of OEAs. These requirements include, but are not limited to, correct regulatory and statutory conclusions (where applicable), inclusion of mitigation measures and their implementation, and the upload of final environment planning documents to the DSS.

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b. Notification.

- (1) BEFORE beginning to draft an OEA, the Proponent must notify Commandant (CG-47), via the chain of command, of the intent to prepare an OEA.
- (2) The contents of the notification letter for an OEA are generally the same as for an EA. (Refer to Chapter 3, Section C.3.c of this IP for procedures on preparing a notification memo or email and Chapter 2, Section T.2.g of this IP and Reference (1) for information on the use of the DSS to enter basic OEA information). Note in the case of an OEA where the proposed action will affect the U.S. EEZ (12 to 200 NM), the analysis of two reasonable action alternatives is required, in addition to the no action alternative. If an additional action alternative is not practical, the notification letter and the OEA must explain in detail the rationale for not including an additional alternative.

3. OEA Core Content.

- a. An OEA must be brief and concise and not encyclopedic. For example, detailed descriptions of potentially affected species must not be included in the body of the document (but could be included in appendices depending on the needs of cooperating or reviewing federal agencies).
- b. The size of an OEA must be commensurate with the complexity of the proposed action and may range in size from 10 pages to 150 pages.
- c. OEAs must contain sufficient information and analysis upon which to make a determination on whether it is reasonably likely that an action will significantly harm the natural and physical environment abroad. Accordingly, an OEA must be in accordance with the general procedures outlined in Chapter 2 of this IP and include, as applicable, appropriate regulatory and statutory conclusions as supported by the analysis (refer to Chapter 2, Section E and Table 2-1 of this IP for further information on regulatory and statutory conclusions) and the core components identified in Table 4-2.

4. OEA Internal Reviews, Approvals, and Signatures. An OEA must be submitted for internal reviews, approvals, and signatures via the chain of command in the same manner as described for an EA in Chapter 3, Section C.9 of this IP. **Unlike EAs under NEPA, an OEA is an internal Coast Guard document and public participation during its preparation is not required.** It is releasable under the Freedom of Information Act, 5 U.S.C. § Section 552, as amended, subject to restrictions on records that are classified or exempt. Proponents must use the template cover page found in Enclosure (23) for OEAs.

5. Decision (FONSH).

- a. After considering the documented effects of the proposed action on the physical and/or natural environment, Proponents must decide whether a FONSH is appropriate using the criteria described in this Chapter, Section F. If appropriate, Proponents must prepare a FONSH using the template at Enclosure (7) for Coast Guard-prepared OEAs, or the template at Enclosure (11) for applicant or contractor-prepared OEAs. FONSHs must be submitted for internal reviews, approvals, and signatures via the chain of command in the same manner as described for a FONSI in Chapter 3, Section C.9 of this IP.

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Table 4-2. Core Components of an OEA.

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| <ol style="list-style-type: none">1. OEA cover page (Enclosure (23)) evidencing the date attested to be in conformance with References (c) and (f) and this IP by signature and title of the Preparer, the Environmental Reviewer, the Senior Environmental Professional, (and any Legal Reviewer—if required or requested) and the Proponent having direct or delegated responsibility and authority for implementing the proposed action.2. Description of the proposed action in sufficient detail to allow a reader unfamiliar with it to understand fully what is proposed, the location of the proposed action, the timing of the action, and any other pertinent details.3. Discussion of the need for the action.4. Identification and analysis of alternative means to accomplish the proposed action. For actions affecting the environment of the U.S. EEZ (12 to 200 NM), the analysis of two reasonable action alternatives is required, in addition to the no action alternative. If an additional action alternative is not practical, the notification letter and the OEA must explain in detail the rationale for not including an additional alternative.5. The OEA must address all potential effects to the natural and physical environment, including but not limited to underwater acoustics, water quality, air quality, marine biology, EFH (where applicable, refer to Table 1-1), marine geology, etc.6. A description of the mitigation measures (planned or taken) to avoid or reduce environmental effects (may be in a matrix or separate chapter).7. Identification of the preparers of the document, including their names and areas of expertise.8. To substantiate impact analysis and to verify that consultation and coordination have been completed, include as appropriate and preferably in an appendix, associated correspondence, memos to file, e-mails, studies, biological evaluations and assessments |
|---|

- b. The inclusion of mitigation measures as part of the proposed action may bring impacts below the threshold of significance. The Proponent must implement all mitigation committed to in the FONSH.
- c. The FONSH must contain a conclusion that the proposed action will not significantly harm the environment and that an OEIS will not be prepared.
- d. Within 30 days of FONSH signature, the OEA/FONSH must be uploaded to the DSS, and the Proponent must complete the administrative record related to the OEA/FONSH.

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H. OEISs.

1. General.

- a. Type of Analysis and Objective. An OEIS is an environmental analysis similar to an EIS under NEPA. The objective of an OEIS is to document the environmental consequences of a proposed action that will cause significant harm to the natural and physical environment abroad.
- b. When to Prepare an OEIS. Proponents must prepare an OEIS for proposed Coast Guard actions that significantly harm the environment in the U.S. EEZ and/or the global commons (high seas or Antarctica) (refer to Figure 1-1 and Table 1-1, and refer to Enclosure (1) of this IP for the definition of significantly).

2. Pre-Planning and Notification.

- a. Pre-Planning Process and Other Procedural Requirements. The pre-planning process described in Chapter 2, Section N of this IP must be used in initiating or conducting pre-planning activities during the environmental planning process for OEISs. Other procedural requirements as indicated in Chapter 2 of this IP must be followed in the preparation of OEISs as applicable. These requirements include, but are not limited to, correct regulatory and statutory conclusions in environmental planning documents, inclusion of mitigation measures and their implementation, and the upload of final environmental planning documents to the DSS.
 - b. NOI. The Proponent must notify Commandant (CG-47), via the chain of command, of its intent to prepare an OEIS. The contents of the NOI package for an OEIS are generally the same as for an EIS. The Proponent must then publish the NOI in the Federal Register. (See Enclosure (20) for an NOI template and Enclosure (19) for directions on how to prepare and process a notice for Federal Register publication.)
3. Scoping. There is no requirement for conducting public scoping under E.O. 12114, but scoping may be appropriate depending on the reason for the OEIS and if public interest is indicated. Such scoping would be conducted within the United States. If the environment of any foreign nation is potentially affected, Commandant (CG-47), must assist Commandant (CG-DCO-I) in executing any necessary coordination with DOS.

4. DOEISs.

a. Core Content.

- (1) The OEIS must consist of concise and analytical discussions (rather than encyclopedic and descriptive) of the reasonably foreseeable environmental effects of the proposed action.
- (2) The core content and format of an OEIS must include the same information as listed in Table 3-4 for an EIS, except that the OEIS cover page must follow the template at

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Enclosure (24), and the OEIS must focus only on potential effects to the natural and physical environment. (See definition of environment for E.O. 12114 in Enclosure (1).)

- (3) The OEIS must evaluate reasonably foreseeable significant effects using the best scientific information available.
- b. Process Timeline. A preliminary DOEIS must be submitted to Commandant (CG-47) via the chain of command as soon as it is available for review.
- c. Internal Review, Approvals, and Signatures. A DOEIS must be submitted for internal review, approvals, and signatures via the chain of command in the same manner as described for a DEIS in Chapter 3, Section D.8 of this IP.
- d. Distribution and Public Review.
 - (1) A DOEIS must be made available for public comment in the United States. The public comment period must be for a period of 45 calendar days unless the Commandant (CG-DCO) determines that a lesser period is required to enable Coast Guard Proponents to make a timely decision or to take effective action.
 - (2) Consideration must be given to whether any foreign government must be informed of the availability of the document and any notifications to foreign governments must be coordinated with DOS. Commandant (CG-47) must assist Commandant (CG-DCO-I) in executing any necessary coordination with DOS.
 - (3) Once approved, Commandant (CG-47) must assist the Proponent by forwarding the DOEIS to DHS SEP, CEQ, and other interested federal agencies, as appropriate.
 - (4) In addition, if the environment of any foreign nation is potentially affected, Commandant (CG-47), in conjunction with the Commandant (DCO-I), must execute any necessary coordination with DOS. Commandant (CG-47) must be responsible for publication of the NOA for the DOEIS in the Federal Register. (See Enclosure (19) for directions on how to prepare and process a notice for publication in the Federal Register.) The Proponent must provide a draft NOA to Commandant (CG-47) no less than 3 weeks prior to the preferred date of publication in the Federal Register. (See Enclosure (12) for a template NOA.) The date of publication in the Federal Register must signify the first day of the public comment period.
 - (5) Public hearings or meetings are not required, but may be held in the United States, if directed by Commandant (CG-4), after consultation with Commandant (CG-DCO-I), DOS, and CEQ.
 - (6) Factors to be considered in determining if public hearings must be held include:
 - (a) Foreign relations sensitivities;
 - (b) Whether the hearings would be an infringement or create the appearance of infringement on the sovereign responsibilities of another government;

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- (c) Requirements of domestic and foreign governmental confidentiality;
- (d) Requirements of national security;
- (e) Whether meaningful information could be obtained through hearings;
- (f) Time considerations; and
- (g) Requirements for commercial confidentiality.

Note: There is no requirement that all of the listed factors be considered when one or more factors indicate public hearings would not produce a substantial net benefit to those responsible for authorizing or approving the proposed action.

- (7) If a public hearing(s) or meeting(s) is to be held, the Proponent must prepare a draft notice (which must be combined with the NOA for the DOEIS and identify the schedule for hearing(s) or meeting(s)). Commandant (CG-47) must be responsible for publication of the notice in the Federal Register. The Proponent must provide the draft notice to Commandant (CG-47) at least 3 weeks in advance of the preferred date of publication in the Federal Register. The preferred date for publication must take into account the need to publish the notice in the Federal Register no less than 15 calendar days prior to the first scheduled hearing(s) or meeting(s). (See Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register and Enclosure (12) for a template NOA.)
- (8) Refer to Chapter 3, Section D.13.b of this IP for general procedures on conducting a public hearing(s) or meeting(s).

5. FOEISs.

- a. An FOEIS must be prepared that considers, individually or collectively, all substantive comments on the DOEIS. FOEISs, including drafts submitted for action, concurrence, or endorsement must identify the responsible technical and legal points of contact involved in their preparation and review.
- b. An FOEIS must be submitted for internal review, approvals and signatures via the chain of command in the same manner as described for an FEIS in Chapter 3, Section D.8 this IP.
- c. The FOEIS must be made available to the public in the United States. Commandant (CG-47) must publish the NOA for the FOEIS in the Federal Register. A draft NOA must be provided to Commandant (CG-47) by the Proponent no less than 3 weeks prior to the preferred date of publication in the Federal Register. (See Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register and Enclosure (12) for a template NOA.)

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6. ODs.

- a. Proponents must not take any action that would cause or result in significant harm to the environment or limit choice among reasonable alternatives until a decision document is signed for the FOEIS. No decision may be made until the later of 90-calendar days after the DOEIS has been made available and notice thereof published in the Federal Register, or a 30-calendar day wait period after the FOEIS has been made available and notice thereof published in the Federal Register. (See Enclosure (19) for directions on preparing and processing notices for publication in the Federal Register.) The 90-day period and the 30-day wait period may run concurrently.
- b. The OD (see Enclosure (9) to this IP) prepared on the proposed action must indicate that the FOEIS has been considered in the decision-making process. An OD must be submitted for internal reviews, signatures, approvals, and processing via the chain of command in the same manner as described for a ROD. Within 30 days of signing the OD, the DOEIS, FOEIS, NOA, NOI, the OD, and related environmental compliance documents must be uploaded to the DSS. The Proponent must complete the administrative record related to the FOEIS/OD within thirty days of signing the OD.

I. ERs or ESs.

1. Pre-Planning and Notification.

- a. Pre-Planning Process and Other Procedural Requirements. Procedural requirements applicable to E.O. 12114 planning, as indicated in Chapter 2 of this IP, must be followed and tailored to the preparation of ERs or ESs. These requirements include, but are not limited to, correct inclusion of regulatory and statutory conclusions, inclusion of mitigation measures and their implementation, and the upload of the final ERs or ESs to the DSS.

b. Notification.

- (1) Before drafting an ER or ES, the Proponent must notify Commandant (CG-47) via the chain of command, of the intent to prepare an ER or ES. The notification process generally follows that of an EA with the exception of Paragraph (2) below. The contents of the notification letter for an ER or ES are generally the same as for an EA. (See Chapter 3, Section C.3.c of this IP.)
- (2) Because an ES is a cooperative, bilateral, or multilateral effort, Commandant (CG-47) must elevate ES notification letters to Commandant (CG-4) who will coordinate with Commandant (CG-DCO) or Commandant (CG-DCMS) and DOS through DHS SEP. Commandant (CG-4) and the Proponent must decide for Coast Guard on whether to participate in an ES after consultation with Commandant (CG-DCO-I) and DHS SEP. Once the Proponent makes the decision to conduct an ES, the Proponent must not take any action that would significantly harm the environment until the ES is completed and reviewed by Commandant (CG-47).

2. ER or ES Content. The contents of an ER and ES must be commensurate with the complexity of the proposed action. These documents are intended to be concise surveys of important

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environmental issues and effects to be used in the decision-making process. Generally, an ER must include the core components identified in Table 4-3. However, the precise content of an ES must be flexible because of such considerations as the sensitivity of obtaining information from foreign governments, the availability of useful and understandable information, and other national security factors.

3. Processing an ER or ES. An ER or ES must be submitted for review, approval, signature, and decision-making via the chain of command in the same **manner as that of an EA where Commandant (CG-47) requested to sign as Senior Environmental Professional.** (See Chapter 3, Section C.9.a of this IP.) ERs and ESs do not require legal review. **ERs and ESs are internal Coast Guard documents; public participation during their preparation is not required.** An ER or ES is releasable under the Freedom of Information Act subject to restrictions on records that are classified or exempt.

Table 4-3 Core Components of an ER or ES

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|--|
| <ol style="list-style-type: none">1. ER or ES cover page evidencing the date attested to be in conformance with References (c) and (f) and this IP by signature and title of the Preparer, the Environmental Reviewer, the Senior Environmental Professional, (and any Legal Reviewer—if requested) and the Proponent having direct or delegated responsibility and authority for implementing the proposed action.2. A statement of the action to be taken, including its timetable, physical features, general operating plan, and other similar broad-gauge descriptive factors.3. Identification of the important environmental issues involved including whether any protected global resource will be affected.4. The aspects of the actions taken or to be taken by the Coast Guard Proponent that ameliorate or minimize the impact on the environment.5. Identification of the actions known to have been taken or to be planned by the government of any participating and affected foreign nations that will affect environmental considerations.6. Identification of the preparers of the document, including their names and areas of expertise. |
|--|

4. Review and Decision. The Senior Environmental Professional for an ER/OD or ES/OD is Commandant (CG-47). The Proponent for an ER/OD or ES/OD is Commandant (CG-DCMS) or Commandant (CG-DCO). The Proponent must evaluate the analysis prepared for the proposed action and the proposed mitigation documented in the ER or ES. If appropriate, he or she must prepare and sign an OD. Within 30 days of signing the OD, the ER or ES and the OD, and related environmental compliance documents must be uploaded to the DSS. The Proponent must complete the administrative record for the ER or ES and OD within thirty days of OD signature.

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GLOSSARY

Abroad: Abroad means:

- The U.S. exclusive economic zone (EEZ) but outside the U.S. territorial sea (12–200 NM off coast);
- The global commons (high seas or Antarctica);
- The foreign nation's EEZ (FEEZ) (200–12 NM off coast);
- The foreign nation's territorial sea (12–0 NM off coast), and/or
- Foreign nations (landward of their coasts).

Action: As defined in 40 C.F.R. § 1508.18 actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals. Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as an agency action.

Actions do not include 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. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

Best Management Practices: Generally accepted and applied measures or practices to lessen the adverse effects of actions on the environment (e.g., control storm water flowing through a construction site to reduce impacts to water quality).

CATEXs (NEPA): Categorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a federal agency in implementation of the CEQ regulations (40 C.F.R. § 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. Also, refer to the CATEX (E.O.12114) OCATEX definition.

Coastal Zone: Per the definition in the Coastal Zone Management Act at 16 U.S.C. §1453, the term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shore lands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of State title and ownership under the Submerged Lands Act (43 U.S.C. 1301 et seq.), the Act of March 2, 1917 (48 U.S.C. 749) [48 U.S.C. 731 et seq.], the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as approved by the Act of March 24, 1976 [48 U.S.C. 1801 et seq.], or Section 1 of the Act of November 20, 1963 (48 U.S.C. 1705), as

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applicable. The zone extends inland from the shorelines only to the extent necessary to control shore lands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers, or agents.

Component: As defined in DHS Directive 252-01, Organization of the Department of Homeland Security found at this site: <http://dhsconnect.dhs.gov/org/comp/mgmt/policies/Directives/252-01.pdf#search=Directive%20252%2D01> any organization which reports directly to the Office of the Secretary of DHS when approved as such by the Secretary. The list of major components making up DHS is available on the DHS website at <https://www.dhs.gov/department-components>.

Cooperating Agency: As defined in 40 C.F.R. § 1508.5, “Cooperating agency” means any federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major federal action significantly affecting the quality of the human environment. The selection and responsibilities of a cooperating agency are described in 40 C.F.R § 1501.6. A state or local agency of similar qualifications or, when the effects are on a reservation, an Indian tribe, may by agreement with the lead agency, become a cooperating agency.

Council on Environmental Quality (CEQ): Title II of NEPA established a council in the Executive Office of the President to oversee implementation of the Act. The Council is appointed by the President with the advice and consent of the Senate. The President designates the Chairman. CEQ’s responsibilities include appraising Federal Government programs and activities in light of the policy set forth in Title I of NEPA and formulating and recommending national policies to promote improvement of the quality of the environment.

Cumulative Impact (NEPA): As defined in 40 C.F.R. § 1508.7, the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Decision-Maker: See Proponent.

Department: The Department of Homeland Security, which, unless otherwise specified includes all components thereof.

Effects: See Impacts.

Effects of National Concern: Effects that because of the high quality or function of the affected resource or because of the wide geographic range of effects (e.g., climate change) could create concern beyond the locale or region of a proposed action, as well as effects that may occur in multiple geographic regions of the United States from a program of proposed actions.

Emergency: A natural or human-made disaster or other phenomenon of an exceptional, inevitable, and irresistible character demanding immediate action for the protection of human life, public safety,

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public health, national security, or the environment, and the avoidance of the destruction of property if it relates to one of the other factors. This includes but is not limited to situations triggering emergency and major disaster declarations by the President under the Stafford Act.

Emergency Action: Any action needed to respond to or control the impacts of an emergency as defined in this glossary. This definition does not include long-term recovery actions.

Environmental Assessment (EA): As defined in 40 C.F.R. § 1508.9, a concise public document for which a federal agency is responsible that serves to: briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact, aid an agency's compliance with NEPA when no Environmental Impact Statement is necessary, and facilitate preparation of an Environmental Impact Statement when one is necessary.

Environment (E.O. 12114): As used in the E.O. 12114 process and as defined by E.O. 12114, environment means the natural and physical environment and does not include social, economic, and other environments.

Environmental Impact Evaluation (NEPA): The process of determining the level of significance of a potential impact on the human environment. It includes all of the necessary studies, consultation, and public involvement needed to analyze the potential for environmental impact of a proposed action, assign a value to the level of impact (e.g., minor, moderate, or major), consider mitigation, and determine the level of significance; whether significant or not. An environmental impact evaluation results in either the application of a Categorical Exclusion or documentation in the form of a FEA and FONSI or an FEIS.

Environmental Impact Statement (EIS): As defined in 40 C.F.R. § 1508.11, is a detailed written statement as required by Section 102(2)(C) of NEPA.

Environmental Planning & Historic Preservation Decision Support System (DSS): An automated system to standardize and improve the efficiency and effectiveness of NEPA analyses of proposed actions within DHS. The DSS is owned and operated by OCRSO-DHS SEP for DHS-wide utilization.

Environmental Planning Process: The effort required to systematically address the environmental planning requirements set forth in NEPA and/or E.O. 12114 during program and project planning, development, and design; and prior to execution of a proposed action for the purpose of protecting, sustaining, or restoring the quality of the environment. This process consists wholly or in part of scoping, development, and consideration of the proposed action and alternatives, environmental impact evaluation, consideration of mitigation, and monitoring its success.

Environmental Planning Program Manager (EPPM): The primary point of contact in a DHS Component who is responsible for coordination with DHS SEP on environmental planning matters and who has the authority to oversee the implementation of DHS NEPA policy, per References (d) and (e), in their respective organization. As designated in Reference (f), Commandant (CG-47) is the EPPM for the Coast Guard and meets the DHS EPPM designation requirements. DHS criteria for EPPM designation are that EPPMs:

- Be in an appropriate position in the organization and have the technical authority to speak on NEPA

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matters on behalf of the Component;

- Be in an appropriate position to oversee the implementation of the Directive and Instruction Manual in the Component; and
- Have visibility on the planning, development, and implementation of actions in the Component that may require NEPA compliance.

Environmental Review (E.O. 12114): Prepared unilaterally by the United States, an ER is a survey of the environmental issues associated with a Coast Guard action that may, if authorized or approved, significantly harm the environment of a foreign nation.

Environmental Study (E.O. 12114): Prepared bilaterally or multilaterally by the United States and one or more foreign nations or an international body or organization in which the United States is a member or participant, an ES informs officials of pertinent environmental considerations when authorizing or approving certain Coast Guard actions that do significant harm to the environment of a foreign nation or to a protected global resource. (See definition of protected global resource.)

Environmentally Sensitive Area: An area designated by law, regulation, or executive order that merits special protection or stewardship because of its value as a natural, historic, or cultural resource. Examples include, but are not limited to: (1) proposed or designated critical habitat for threatened or endangered species; (2) properties listed or eligible for listing on the National Register of Historic Places; and (3) areas having special designation or recognition such as prime or unique agricultural lands, coastal zones, designated wilderness or wilderness study areas, wild and scenic rivers, 100 year floodplains, wetlands, sole source aquifers, Marine Sanctuaries, National Wildlife Refuges, National Parks, National Monuments, essential fish habitat, etc.

Exclusive Economic Zone: The exclusive economic zone is the zone where the U.S. and other coastal nations have jurisdiction over natural resources. The U.S. Exclusive Economic Zone (EEZ) extends no more than 200 nautical miles from the territorial sea baseline and is adjacent to the 12 nautical mile territorial sea of the U.S., including the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States exercises sovereignty.

Extraordinary Circumstances (NEPA): When evaluating whether or not to apply a CATEX to a proposed action, these are circumstances associated with the proposed action that might give rise to significant environmental effects requiring further analysis and documentation in an EA or EIS.

Federal Agency (NEPA): Federal agency means all agencies of the Federal Government. It does not mean the Congress, the Judiciary, or the President, including the performance of staff functions for the President in his Executive Office. It also includes states and units of general local government and Indian tribes assuming NEPA responsibilities under Section 104(h) of the Housing and Community Development Act of 1974.

Finding of No Significant Harm (E.O. 12114) (FONSH): A FONSH is a determination based on an OEA that presents the factors for a proposed action that, if implemented, would not significantly harm the natural environment and that an OEIS will not be prepared.

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Finding of No Significant Impact (FONSI): As defined in 40 C.F.R. § 1508.13, a document by a federal agency briefly presenting the reasons why an action, not otherwise excluded (40 C.F.R. § 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared.

Global Commons (High Seas or Antarctica): For purposes of Coast Guard environmental planning, the global commons are “geographical areas that are outside the jurisdiction of any nation, and include the oceans outside territorial limits and Antarctica.

Human Environment (NEPA): As it relates to the NEPA process and as defined in 40 C.F.R. § 1508.14, the natural and physical environment and the relationship of people with that environment.

Impacts (Effects): The definition of impacts as used in this IP is context sensitive depending on the applicability of NEPA or E.O. 12114 to the proposed action. Generally, impacts may include those resulting from actions, which may have both beneficial and detrimental effects, even if on balance the agency believes the effect will be beneficial. Direct impacts result from an action and occur at the same time and place as the action. Indirect impacts also result from an action, but occur later in time or at a removed location from the action, and are reasonably foreseeable. Indirect impacts include but are not limited to the following:

- Growth-inducing effects;
- Effects related to induced changes in the pattern of land use, population density, or growth rate;
- Related effects on the human environment (NEPA)/natural environment (E.O. 12114); and
- Cumulative impacts (NEPA) result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Indian Tribe: Any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which is federally-recognized by the Secretary of the Interior through listing by the Bureau of Indian Affairs.

Jurisdiction by Law: “Jurisdiction by law” means agency authority to approve, veto, or finance all or part of the proposal.

Lead Agency: As defined in 40 C.F.R. § 1508.16 “lead agency” means the agency or agencies preparing or having the primary responsibility for preparing the environmental impact statement [or environmental assessment].”

(40 C.F.R. § 1501.5) “If there is disagreement among the agencies, the following factors (which are listed in order of descending importance) shall determine lead agency designation:

- (1) Magnitude of agency’s involvement;
- (2) Project approval/disapproval authority;

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- (3) Expertise concerning the action's environmental effects;
- (4) Duration of agency's involvement; and
- (5) Sequence of agency's involvement."

Major Federal Action (E.O. 12114): Major federal actions (as defined in 40 C.F.R. § 1508.18) abroad are 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.

Major Federal Action (NEPA): Major federal action under NEPA means actions as defined in 40 C.F.R. § 1508.18 of Reference (b) that occur in or have effects within the United States and/or Antarctica unless specifically stated otherwise (i.e., where Reference (f) and/or this IP states that NEPA does not apply to a certain action, or the action is not a major federal action.) Special rules apply for NEPA assessment in Antarctica. Seek advice on applicability from your servicing legal command, and see the Antarctic Conservation Environmental Impact Assessment, 16 U.S.C. § 2403a.

The definition of major federal action in the CEQ regulations is as follows:

Actions with effects that may be major and which are potentially subject to federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (40 C.F.R. § 1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as an agency action.

Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals.

Actions do not include 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. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

Major Infrastructure Project (E.O. 13807): An infrastructure project under E.O. 13807 means a project to develop the public and private physical assets that are designed to provide or support services to the general public in the following sectors: surface transportation, including roadways, bridges, railroads, and transit; aviation; ports, including navigational channels; water resources projects; energy production and generation, including from fossil, renewable, nuclear, and hydro sources; electricity transmission; broadband Internet; pipelines; storm water and sewer infrastructure; drinking water infrastructure; and other sectors as may be determined by the Federal Permitting Improvement Steering Council (FPISC). A major infrastructure project is an infrastructure project for which multiple authorizations by federal agencies will be required to proceed with construction, the lead Federal agency has determined that it will prepare an EIS under the NEPA, 42 U.S.C. § 4321 *et seq.*, and the project sponsor has identified the reasonable availability of funds sufficient to complete the project.

Memorandum for Record (Optional): An MFR is an optional internal administrative document

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created in the DSS (or if the DSS is not functioning, by using the hard copy optional MFR found at Enclosure (15)) that records the application of a CATEX that does not require a REC to an action. Chapter 3, Table 3-1 of this IP identifies all CATEXs that require a REC by placing an asterisk next to the CATEX number.

Memorandum to File (Mandatory): A memo to file must be created when a Proponent relies on previously approved NEPA and E.O. 12114 environmental planning documentation and regulatory consultation and coordination for a proposed action. A mandatory Memo to file describes the proposed action and briefly discusses the supporting facts.

Mitigation: Mitigation includes measures identified in environmental planning documents that reduce the severity or intensity of adverse impacts of a proposed action. Such measures may include:

- Avoiding the impact altogether by not taking a certain action, or parts of an action, or by moving the project location;
- Minimizing the impact by limiting the degree or magnitude of the action and its implementation, for example by adjusting site layout;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by monitoring for the maintenance and/or replacement of equipment or structures so that future environmental degradation due to equipment or structural failure does not occur during the life of the action; and
- Compensating for the impact by replacing or providing substitute resources or environments.

National Environmental Policy Act (NEPA): Public Law 91-190, as amended, declares a national policy which encourages productive and enjoyable harmony between humans and the environment. NEPA requires federal officials to consider environmental values alongside technical and economic considerations in their decision-making.

Navigable Waters: As defined by the U.S. Army Corps of Engineers under 33 C.F.R. § 329, navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

Negative Decision (ND): An ND is an optional document prepared to document a determination that a proposed action is exempt from the environmental planning requirements of E.O. 12114.

NEPA document: An MFR, REC, EA, DEA, SEA, PEA, FONSI, NOA, NOI, EIS, DEIS, SEIS, PEIS, Legislative EIS, and ROD. This includes environmental documents as defined in 40 C.F.R. § 1508.10.

Notice of Availability (NOA): A formal notice published in the Federal Register announcing the issuance and public availability of a DEIS or FEIS and ROD. The EPA published NOA is the official public notification of an EIS. Although not required, an NOA can also be used to announce the

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issuance and public availability of an EA in the Federal Register.

Notice of Intent (NOI): An NOI is a required notice published in the Federal Register formally announcing Coast Guard's intent to prepare an EIS under NEPA. The NOI formally opens the public scoping process and usually, though not required, provides information regarding public scoping meetings to be held. Publication of an NOI and public scoping is not required for an OEIS prepared under E.O. 12114, but may be appropriate depending on the reason for the OEIS and if U.S. public interest is indicated.

Office of the Chief Readiness Support Officer (OCRSO): Office that supports the Departmental OCRSO, which is organizationally located in the Management Directorate at DHS Headquarters (HQ), as defined in DHS Directive 0100, Organization of the Office of the Under Secretary for Management, and DHS Directive 0004, Administrative Services Line of Business Integration and Management, and any successions to these Directives.

Office of the General Counsel (OGC): Office that supports the General Counsel (defined in DHS Directive 252-01), who is the chief legal officer and the final legal authority within DHS, and has the authority to participate in and decide any legal matter within DHS (except for matters within the scope of the Inspector General's authorities).

Overseas Categorical Exclusion (E.O. 12114): An overseas CATEX (OCATEX) is a category of actions that normally do not, individually or cumulatively, do significant harm to the overseas environment. At present, there are no approved OCATEXs. Should OCATEXs be established by DHS SEP, Commandant (CG-47) will provide policy and implementation procedures. Commands and/or program offices may develop white papers with recommendations for OCATEXs with supporting rationale signed and approved by their chains-of-command for submission to Commandant (CG-47). Commandant (CG-47) must submit such recommendations for consideration and coordination with other Headquarters program offices, DHS, CEQ and DOS as necessary. Any final OCATEXs must be published in this Chapter as a revision to this IP.

Overseas Environmental Assessment (E.O. 12114): An OEA is an environmental planning document that contains a concise analysis of the environmental consequences of a proposed action. The Coast Guard Proponent uses an OEA to assist in determining whether implementation of a Coast Guard action may cause significant environmental harm in the U.S. EEZ or the global commons (high seas or Antarctica), thereby requiring preparation of an OEIS.

Overseas Environmental Impact Statement (E.O. 12114): An OEIS is an environmental planning document that contains an analysis of the likely environmental consequences of the proposed Coast Guard action that may cause significant environmental harm in the U.S. EEZ or the global commons (high seas or Antarctica).

Participating or Otherwise Involved Nation: A participating or otherwise involved nation is a foreign nation whose government has expressly or implicitly given its approval of or concurrence with U.S. actions within its EEZ, territorial sea, or territory. Approval may be expressed by the conferring of rights upon the United States in a Status of Forces Agreement, or by some other affirmative statement by the foreign nation's political leadership or a defense official. A foreign nation may also be considered participating or otherwise involved when its government sponsors, controls, or otherwise

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has knowledge of a coordinated military exercise or research and development effort in which the United States is also a participant.

Preliminary Design: Preliminary design defines the general project location and design concepts. It includes, but is not limited to, preliminary engineering and other activities and analyses, such as environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, general estimates of the types and quantities of materials, and other work needed to establish parameters for the final design. Prior to completion of the NEPA review process, any such preliminary engineering and other activities and analyses must not materially affect the objective consideration of alternatives in the NEPA review process.

Proponent: 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; however, just the final decision-maker (or recommender) signs as Proponent on environmental planning documents.

The general rule is that the Proponent is responsible for defining the reason why they need a proposed action. The Proponent also has authority to establish the total estimate of resource requirements for the proposed action or, in the execution phase, has the authority to direct the use of resources.

Where multiple Coast Guard commands/organization are involved in a proposed action, it is sometimes not apparent which command/organization must be the lead Proponent. Early discussion among the participating commands/organizations is necessary in these cases to identify the appropriate lead Proponent. If multiple commands/organizations cannot agree on which command/organization is lead Proponent, the matter must be elevated promptly through their chains-of-command to Commandant (CG-47).

The Proponent does not have to personally perform the environmental impact evaluation or have NEPA expertise, but is responsible for ensuring environmental planning compliance before committing Coast Guard to a particular course of action. This includes responsibility for the coordination during the environmental planning process with respect to flow of information, document comment, review, concurrence, and approval and resolution of environmental issues.

Coordination between the Proponent and other interested parties and stakeholders, both internal and external to Coast Guard, is necessary for the preparation of accurate, consistent, timely, and cost-effective documentation that supports the mission of all interested parties and stakeholders.

The following are examples of appropriate specific Proponents for certain Coast Guard actions:

- For waterways management actions, the Proponent is normally the Sector Commander with appropriate delegated decision-making authority;

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- For planning proposals that involve shore facility assets, the Proponent is the individual with field-level approval;
- For field regulations, the Proponent is the person that has the delegated authority to issue the regulation; and
- Typically, for Commandant-initiated actions, the Proponent is the office chief for the program sponsoring the action (for Commandant-initiated regulations, the Proponent is the person with the delegated authority to issue the regulation.)

Protected Global Resource: A protected global resource is a natural or ecological resource of global importance designated for protection by the President or such a resource as designated by the Secretary of State per international agreement binding in the United States. There are currently no protected global natural or ecological resources designated by either the President or the Secretary of State.

Record of Decision (ROD): The concise public record described in 40 C.F.R. § 1505.2 that is prepared to conclude the process of preparing an Environmental Impact Statement. A ROD (or Notice of its Availability) is published in the Federal Register. The ROD need not be a unique or separate document, when a formal public record of a decision is otherwise issued, as long as the formal public record meets the requirements of 40 C.F.R. § 1505.2. For example, grant award documents or permits may suffice for a ROD if they meet the requirements of 40 C.F.R. § 1505.2.

Record of Environmental Consideration (REC): An internal administrative document that records the application of a CATEX (see Table 3-1 of this IP) to a specific proposal. A REC is required for the application of any CATEX identified with an asterisk in Table 3-1 of this IP.

Record of Non-Applicability (RONA): A RONA is an optional written determination by the Proponent that a proposed action evaluated under the CAA, General Conformity Regulations at 40 C.F.R. 93 Subpart B will have annual emissions below the *de minimis* level or was otherwise exempt from a conformity determination. Such documentation is helpful when the annual emissions are close to the *de minimis* level or for controversial actions that outside parties may challenge. Proponents may choose to include the RONA in the appendices of either an EA or EIS to justify their *de minimis* determination and show appropriate compliance with the CAA, 40 C.F.R. § 93 Subpart B regulations.

Secretary: The Secretary of the Department of Homeland Security.

Significantly: "Significantly," as used in NEPA and E.O. 12114 (the latter for actions in the U.S. EEZ and global commons), requires consideration of both context and intensity of the environmental effects of an action (for NEPA, 40 § C.F.R. 1508.27 of Reference (b) contains the complete definition). Proponents must also consider the following factors in evaluating an action's significance:

- The geographic extent of the action;
- Duration of the action's effects;
- The risk of controversial or highly uncertain or unique and unknown environmental impacts;

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- Whether the action is related to other actions with individually insignificant but cumulative significant impacts; and
- Whether the action threatens a violation of federal, state, or local laws, and regulations.

Special expertise: An agency's statutory responsibility, mission, or related program experience.

Sustainability and Environmental Programs (DHS SEP): A program management area organizationally located in OCRSO, Management Directorate, DHS Headquarters. DHS SEP is responsible for oversight of the implementation of environmental planning across DHS.

Territorial Sea: Every nation has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 NM measured from baselines as determined per the United Nations, Convention on the Law of the Sea, 10 December 1982. The United States claims a 12 NM territorial sea.

United States: The United States are the 50 states, District of Columbia, territories and possessions of the United States, and all waters and airspace subject to the territorial jurisdiction of the United States. As of the publication of this IP, territories and possessions of the United States include American Samoa, Baker Island, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Navassa Island, Commonwealth of the Northern Mariana Islands, Palmyra Atoll, Commonwealth of Puerto Rico, U.S. Virgin Islands, and Wake Island.

ENCLOSURE 2 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

LIST OF ACRONYMS

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| ACHP | Advisory Council on Historic Preservation |
| AC&I | Acquisition, Construction and Improvement |
| ADE | Acquisition Decision Event |
| ADP | Area Development Plan |
| AFC | Allotment Fund Control Code |
| AIRFA | American Indian Religious Freedom Act |
| ALF | Acquisition Life Cycle Framework |
| AP | Acquisition Plan |
| APA | Administrative Procedure Act |
| ARPA | Archeological Resources Protection Act |
| BA | Biological Assessment |
| BAC | Blood Alcohol Concentration |
| BE | Biological Evaluation |
| BGEPA | Bald and Golden Eagle Protection Act |
| BO | Biological Opinion |
| BOEM | Bureau of Ocean Energy Management |
| CAA | Clean Air Act |
| CAC | Common Access Card |
| CATEX | Categorical Exclusion |
| CD | Consistency Determination |
| CEQ | Council on Environmental Quality |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| C.F.R. | Code of Federal Regulations |
| CG | Coast Guard |
| CMP | Coastal Management Program |
| COLREGS | International Regulations for Prevention of Collisions at Sea |
| COMDTINST | Commandant Instruction |
| COMDTINST M | Commandant Instruction Manual |
| CWA | Clean Water Act |
| CZMA | Coastal Zone Management Act |
| DCMS | Deputy Commandant for Mission Support |
| DCO | Deputy Commandant for Operations |

ENCLOSURE 2 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

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| DEA | Draft Environmental Assessment |
| DEIS | Draft Environmental Impact Statement |
| DHS | Department of Homeland Security |
| DOD | Department of Defense |
| DOE | Department of Energy |
| DOEIS | Draft Overseas Environmental Impact Statement |
| DOJ | Department of Justice |
| DOPAA | Description of Proposed Action and Alternatives |
| DOS | Department of State |
| DSS | Decision Support System |
| DTRR | Developmental Test Readiness Review |
| EA | Environmental Assessment |
| EEZ | Exclusive Economic Zone |
| EFH | Essential Fish Habitat |
| EIS | Environmental Impact Statement |
| EMD | Environmental Management Division |
| E.O. | Executive Order |
| EP | Environmental Planning |
| EP (1391) | Execution Proposal |
| EPA | Environmental Protection Agency |
| EP&HP | Environmental Planning and Historic Preservation |
| EPWP | Environmental Planning Warrant Program |
| ER | Environmental Review |
| ES | Environmental Study |
| ESA | Endangered Species Act |
| ESF-10 | Emergency Support Function #10 |
| FCC | Federal Communications Commission |
| FEA | Final Environmental Assessment |
| FEEZ | Foreign Exclusive Economic Zone |
| FEIS | Final Environmental Impact Statement |
| FOEIS | Final Overseas Environmental Impact Statement |
| FOIA | Freedom of Information Act |
| FONSH | Finding of No Significant Harm |
| FONSI | Finding of No Significant Impact |
| FOSC | Federal On-Scene Coordinator |
| FR | Federal Register |
| FWS | Fish and Wildlife Service |
| GHG | Greenhouse Gas |
| HAPs | Hazardous Air Pollutant |
| IHA | Incidental Harassment Authorization |
| IP | Implementing Procedures |
| LOA | Letter of Authorization |

ENCLOSURE 2 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

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| MASI | Major Acquisition Systems Infrastructure |
| MBTA | Migratory Bird Treaty Act |
| MFR | Memorandum for the Record |
| MMPA | Marine Mammal Protection Act |
| MOA | Memorandum of Agreement |
| MOU | Memorandum of Understanding |
| MPRSA | Marine Protection, Research, and Sanctuaries Act |
| MSAM | Major Systems Acquisition Manual |
| NAGPRA | Native American Graves Protection and Repatriation Act |
| ND | Negative Determination |
| NEPA | National Environmental Policy Act |
| NHO | Native Hawaiian Organization |
| NHPA | National Historic Preservation Act |
| NM | Nautical Mile |
| NMAP | Non-Major Acquisition Process |
| NMFS | National Marine Fisheries Service |
| NMS | National Marine Sanctuary |
| NMSA | National Marine Sanctuaries Act |
| NOA | Notice of Availability |
| NOAA | National Oceanic and Atmospheric Administration |
| NOI | Notice of Intent |
| NOPH | Notice of Public Hearing |
| NOS | National Ocean Service |
| NPDES | National Pollutant Discharge Elimination System |
| NRC | Nuclear Regulatory Commission |
| NSR | New Source Review |
| OCATEX | Overseas Categorical Exclusion |
| OCS | Outer Continental Shelf |
| OCRSO | Office of the Chief Readiness Support Officer, DHS |
| OD | Overseas Decision |
| OEA | Overseas Environmental Assessment |
| OEIS | Overseas Environmental Impact Statement |
| OFR | Office of the Federal Register |
| OGC | Office of General Counsel, DHS |
| OLM | Organizational Level Maintenance |
| OMB | Office of Management and Budget |
| ONMS | Office of National Marine Sanctuaries |
| OPA | Office of Public Affairs, DHS |
| OPEA | Overseas Programmatic Assessment |
| OTRR | Operational Test Readiness Review |

ENCLOSURE 2 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

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| PA | Programmatic Agreement |
| PDS | Project Development Submittal |
| PEA | Programmatic Environmental Assessment |
| PEIS | Programmatic Environmental Impact Statement |
| PFD | Personal Floatation Device |
| PII | Personally Identifying Information |
| POC | Point of Contact |
| POC (MMPA) | Plan of Cooperation |
| POEA | Programmatic Overseas Environmental Assessment |
| POEIS | Programmatic Overseas Environmental Impact Statement |
| PP | Planning Proposal |
| PPR | Project Proposal Report |
| PSTP | Program Systems Engineering Tailoring Plan |
| QA/QC | Quality Assurance/Quality Control |
| RCRA | Resource Conservation and Recovery Act |
| RDT&E | Research, Development, Test, and Evaluation |
| REC | Record of Environmental Consideration |
| RFP | Request for Proposals |
| ROD | Record of Decision |
| RONA | Record of Non-Applicability |
| SAFE | Secure Access File Exchange |
| SEA | Supplemental Environmental Assessment |
| SEIS | Supplemental Environmental Impact Statement |
| SEP | Sustainability and Environmental Programs, DHS |
| SELC | System Engineering Life Cycle |
| SER | Solutions Engineering Review |
| SHPO | State Historic Preservation Officer |
| SILC | Shore Infrastructure Logistics Center |
| SIP | State Implementation Plan |
| SOEA | Supplemental Overseas Environmental Assessment |
| SOEIS | Supplemental Overseas Environmental Impact Statement |
| SPR | Study Plan Review |
| T&E | Test and Evaluation |
| TEMP | Test and Evaluation Master Plan |
| THPO | Tribal Historic Preservation Officer |
| U.S. | United States |
| USACE | United States Army Corps of Engineers |
| U.S.C. | United States Code |
| VDS | Visual Distress Signal |

ENCLOSURE 3 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

LIST OF RELEVANT ENVIRONMENTAL STATUTES AND EXECUTIVE ORDERS

Abandoned Shipwreck Act (43 U.S.C. § 2101, et seq.)
American Indian Religious Freedom Act (42 U.S.C. § 1996, et seq.)
Antiquities Act (16 U.S.C. § 433, et seq.)
Archaeological and Historic Preservation Act (16 U.S.C. §§ 469–469c)
Archaeological Resources Protection Act (16 U.S.C. §§ 470 aa–11, et seq.)
Architectural Barriers Act (42 U.S.C. § 4151, et seq.)
Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668–668c, et seq.)
Clean Air Act (42 U.S.C. § 7401, et seq.)
Clean Water Act of 1977 (33 U.S.C. § 1251, et seq.)
Coastal Barrier Resources Act (16 U.S.C. § 3501, et seq.)
Coastal Zone Management Act of 1972 (16 U.S.C. § 1451, et seq.)
Coral Reef Conservation Act (16 U.S.C. § 6401, et seq.)
Community Environmental Response Facilitation Act (42 U.S.C. § 9620 et seq.)
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (26 U.S.C. § 4611, et seq.)
Consultation and Coordination with Indian Tribal Governments, E.O. 13175
Coral Reef Protection, E.O. 13089
Emergency Planning and Community Right-to-Know Act (42 U.S.C. §§ 11001–11050, et seq.)
Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.)
Energy Efficiency and Water Conservation at Federal Facilities, E.O. 12902
Environmental Effects Abroad of Major Federal Actions, E.O. 12114
Environmental Quality Improvement Act (P.L. 98-581/42 U.S.C. § 4371, et seq.)
Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure, E.O. 13807
Farmlands Protection Policy Act (P.L. 97–98/7 U.S.C. § 4201, et seq.)
Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, E.O. 12898
Federal Compliance with Pollution Control Standards, E.O. 12088
Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 135, et seq.)
Federal Records Act (44 U.S.C. §§ 2101–3324, et seq.)
Federalism, E.O. 13083
Fish and Wildlife Act of 1956 (16 U.S.C. § 742, et seq.)
Fish and Wildlife Coordination Act (16 U.S.C. § 661, et seq.)
Fisheries Conservation and Recovery Act of 1976 (16 U.S.C. § 1801, et seq.)
Flood Disaster Protection Act (42 U.S.C. § 4001, et seq.)
Floodplain Management, E.O. 11988
Historic Sites Act (16 U.S.C. § 461, et seq.)
Indian Sacred Sites, E.O. 13007
Intergovernmental Review of Federal Programs (E.O. 12372)
Invasive Species, E.O. 13112
Locating Federal Facilities on Historic Properties in our Nation’s Central Cities, E.O. 13006
Magnuson-Stevens Fishery Conservation and Management Act as amended through October 11, 1996 (16 U.S.C. § 1801, et seq.)
Marine Mammal Protection Act of 1972 (16 U.S.C. § 1361, et seq.)

ENCLOSURE 3 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

Marine Protected Areas, E.O. 13158

Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. § 1431, et seq. and 33 U.S.C § 1401, et seq.)

Migratory Bird Treaty Act (16 U.S.C. §§ 703–712, et seq.)

National Environmental Policy Act of 1969 (P.L. 91–190/42 U.S.C. § 4321, et seq.)

National Historic Preservation Act of 1966 (P.L. 89–665/16 U.S.C. § 470, et seq.)

National Marine Sanctuaries Act (16 U.S.C. § 1431, et seq.)

Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001, et seq.).

Noise Control Act of 1972 (P.L. 92-574/42 U.S.C. § 4901, et seq.)

Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101–13109, et seq.)

Protection and Enhancement of Cultural Environment, E.O. 11593

Protection and Enhancement of Environmental Quality, E.O. 11514

Protection of Children from Environmental Health Risks and Safety Risks, E.O. 13045

Protection of Wetlands, E.O. 11990

Recreational Fisheries, E.O. 12962

Requiring Agencies to Purchase Energy Efficient Computer Equipment, E.O. 12845

Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901, et seq.)

Responsibilities of Federal Agencies to Protect Migratory Birds, E.O. 13186

Safe Drinking Water Act (P.L. 93–523/42 U.S.C. § 300f, et seq.)

Efficient Federal Operations, E.O. 13834

Sustainability and Greenhouse Gas Emissions Reduction, E.O. 13514

Toxic Substances Control Act (15 U.S.C. §§ 2601–2629, et seq.)

Wild and Scenic Rivers Act (16 U.S.C. § 1271, et seq.)

ENCLOSURE 4 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

EXAMPLE LANGUAGE FOR REQUESTING AN ALTERNATE SUBMITTAL SCHEDULE FOR A COAST GUARD CONSISTENCY DETERMINATION (EMAIL OR MEMO)

The U.S. Coast Guard [*Insert Proponent program office, command, or unit.*] is currently evaluating alternatives for [*Insert specific project or action.*] at [*Insert address or other location information.*]. Implementing [*Insert specific project or action.*] at [*location*] will require a Coastal Zone Management Act (CZMA) federal consistency determination. We are also in the process of completing our National Environmental Policy Act (NEPA) analysis and documentation for this proposed action. We use our NEPA process to document and ensure that we are in compliance with other applicable environmental laws. Prior to finalizing our NEPA documentation, we would like to indicate in our document that we are in [*compliance/ongoing compliance*] with CZMA and the regulations at 15 C.F.R § 930.

At this time, we are in the early stages of developing this action and analyzing alternatives and do not have sufficient information to reasonably determine the consistency of our activity with the enforceable policies of your coastal zone management program. We are unable to provide you with a consistency determination ninety days prior to award of design since the action will not be sufficiently developed at that time. Once a preferred alternative is identified, we anticipate the preliminary design process to begin [*State date or timeframe.*] and that we would have sufficient detail at the [*State design stage.*] to submit the consistency determination by [*State date range or specific date.*].

Per the CZMA regulations at 15 C.F.R § 930.36(b)(1), we are requesting your approval in writing via email or memo for the alternative notification schedule outlined above for our consistency determination. Approval of an alternative schedule will allow us to indicate [*ongoing compliance or compliance*] with CZMA in our final NEPA document. If your review of our consistency determination results in the identification of any unavoidable potentially significant or significant impacts to the coastal zone, the Coast Guard would then revise or supplement our NEPA analysis.

Please contact [*point of contact name*] at [*phone #/email address*] if you have questions or wish to discuss the details of a revised consistency submittal schedule.

ENCLOSURE 5 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

[INSERT NAME OF ACTION OR NAME OF NEPA ANALYSIS.]—[JOINT LEAD/COOPERATING] AGENCY REQUEST

5090.1
[Insert date.]

2. *[Describe the resource areas that may or will be affected by the action and that the NEPA analysis will address: e.g., water quality, air quality, threatened and endangered species, marine mammals, other protected species and natural resources, cultural and historic resources, health and safety, land use, noise, socioeconomics, etc., as applicable.]*
3. *[Explain the reason the Coast Guard is asking the other agency to be either a joint lead or a cooperating agency, e.g., is the other agency involved in/have responsibility for the same action or a part of the same action with the Coast Guard, or does the other agency have jurisdiction by law or special expertise with respect to an environmental issue(s)?]* To assist in this effort and in accordance with 40 C.F.R § 1501 of Reference (a), the Coast Guard requests that *[agency name and specific command or program office]* serve as *[a joint lead/cooperating agency]* for the development of the *[type and/or name of NEPA analysis]*.
4. The Coast Guard is *[a/the]* *[joint lead/lead]* agency for the *[State name and/or type of NEPA analysis]*. The Coast Guard shall: *[List the responsibilities that Coast Guard will assume in the NEPA analysis and process. This may vary depending on whether the Coast Guard is a joint lead or a lead agency and depending on the proposed action. Examples of responsibilities are provided below.]*
 - a. Request the participation of each cooperating agency in the NEPA process at the earliest possible time;
 - b. Use the environmental analysis and proposals of *[joint lead/cooperating]* agencies with jurisdiction by law or special expertise to the maximum extent possible consistent with its responsibility as a *[joint lead/lead]* agency;
 - c. Meet with the *[joint lead/cooperating]* agency as necessary or requested;
 - d. *[Assist with the circulation of/Circulate]* the appropriate NEPA documentation to the public and any other interested parties;
 - e. *[Assist in the scheduling or supervising of/Schedule and supervise]* any public meetings held in support of the NEPA process, and compile any comments received; and
 - f. *[Assist in maintaining/Maintain]* an administrative record and *[respond/responding]* to any Freedom of Information Act request relating to the *[State type and/or name of NEPA analysis]*, as appropriate.
5. The Coast Guard respectfully requests the *[name of agency]*, in its role as a *[joint lead/cooperating]* agency provide the following support:
 - a. Participate in the NEPA process at the earliest possible time;
 - b. Assume responsibility for developing information and preparing environmental analysis, including portions of the environmental analysis for which the *[joint lead/cooperating agency]* has *[primary responsibility/jurisdiction by law/special expertise]*;

ENCLOSURE 5 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

[INSERT NAME OF ACTION OR NAME OF NEPA ANALYSIS.]—[JOINT LEAD/COOPERATING] AGENCY REQUEST

5090.1
[Insert date.]

- c. Make available staff support to enhance the interdisciplinary capability;
- d. Participate, as necessary and appropriate, in meetings for discussion of issues related to the [type and/or name of NEPA analysis] including public hearings and meetings;
- e. Utilize [name of agency] resources (including funding) to support the Coast Guard's role as a [joint lead/lead];
- f. Adhere to the overall schedule as [agreed to by both joint lead agencies/set forth by the Coast Guard as lead agency]; and
- g. Provide a formal written response via memo or email to this request, which once received (together with this memo), will stand as the final agreement between our agencies with regard to the establishment of [joint lead/lead and cooperating] agency status and respective responsibilities for the completion of the [type and name of NEPA analysis]. We propose the following with regard to any final agreement:

(1) The date we receive your response agreeing to be a [joint lead/cooperating] agency will be deemed the agreement start date unless an alternate start date is supplied by your [command/office].

(2) We request that if and once this agreement is approved, either party to this agreement may modify or amend this agreement by mutual consent. Any amendments or modifications to this agreement must be proposed and agreed to via [email or memo].

(3) Once the agreement is in place, it will automatically expire by [date or timeframe] unless a request for an extension is received and agreed to in writing by both parties via [email or memo] prior to the expiration date.

(4) We further propose that once the agreement is in place it may be terminated in writing at will by either party via [email or memo]. Written notice of termination to the other party will be provided no less than [thirty/sixty/ninety] days prior to termination.

6. The Coast Guard views successfully finalizing this agreement with the [name of agency and specific command or office] as important to the successful completion of the environmental planning process for the [type and/or name of NEPA analysis]. It is the Coast Guard's goal to complete the NEPA analysis as expeditiously as possible, while using the best scientific information available. The draft [type of NEPA document] is scheduled for public review in [State month and year or a range.] with the final [type of NEPA document] released in [State month and year or a range.]. The Coast Guard anticipates signing the Record of Decision in [State month and year or a range.]. The assistance of [name of agency and specific command or office] is invaluable in the successful completion of the [type of NEPA analysis and/or name]. Please see Enclosure (2) for a notional schedule of the [type of NEPA analysis and/or name].

ENCLOSURE 5 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

[INSERT NAME OF ACTION OR NAME OF NEPA
ANALYSIS.]—[JOINT LEAD/COOPERATING] AGENCY
REQUEST

5090.1
[Insert date.]

7. We appreciate your consideration of our request and look forward to your response. The point of contact for this matter is [*State name and contact information of the Coast Guard primary point of contact.*].

ENCL: (1) Map of [*name and type of NEPA analysis*] Study Area
(2) Notional Schedule for the [*name and type of NEPA analysis*]

#

ENCLOSURE 6 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

**UNITED STATES COAST GUARD (COAST GUARD) FINDING OF NO SIGNIFICANT IMPACT FOR
[INSERT TITLE AND LOCATION OF ACTION.]**

| | | | |
|--|---|---|---|
| The Coast Guard proposes to: <i>[Insert description of project.]</i> | | | |
| Summary of the Results of the Environmental Impact Evaluation: <i>[Insert environmental impact summary.]</i> | | | |
| Mitigation Commitments (Including Monitoring), if Any that Will be Implemented to Reduce Otherwise Significant Impacts: <i>[Insert list of mitigation.]</i> | | | |
| This Finding of No Significant Impact (FONSI) is based on the Coast Guard prepared <i>[final/supplemental]</i> environmental assessment <i>[(FEA)/(SEA)]</i> , which has been determined to adequately and accurately discuss the environmental issues and impacts of the proposed project and provides sufficient evidence and analysis for determining that an environmental impact statement is not required. | | | |
| I reviewed the <i>[FEA/SEA]</i> , which is the basis for this FONSI, and submitted my written comments to the Proponent. | | | |
| <i>[Insert date.]</i> Date | <i>[Place signature.]</i> <i>[Print name.]</i> Environmental Reviewer ¹ | <i>[Insert title/position.]</i> Title/Position | <i>[Insert warrant level.]</i> Provisional, Interim, I, II, or III |
| I reviewed the <i>[FEA/SEA]</i> , which is the basis for this FONSI, and submitted my written comments to the Proponent. | | | |
| <i>[Insert date.]</i> Date | <i>[Place signature.]</i> <i>[Print name.]</i> Senior Environmental Professional ¹ | <i>[Insert title/position.]</i> Title/Position | <i>[Insert warrant level.]</i> Interim, II, or III |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this <i>[FEA/SEA/FONSI]</i> and considered and acknowledged the written comments submitted to me from the Environmental Reviewer(s). Based on the information in the <i>[FEA/SEA]</i> and this FONSI document, I agree that the proposed action as described above, and in the <i>[FEA/SEA]</i> , will have no significant impact on the environment. | | | |
| <i>[Insert date.]</i> Date | <i>[Place signature.]</i> Proponent ¹ | <i>[Insert title/position.]</i> Title/Position | |

¹ The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 7 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

UNITED STATES COAST GUARD (COAST GUARD) FINDING OF NO SIGNIFICANT HARM FOR [INSERT TITLE AND LOCATION OF ACTION.]

| | | | |
|--|--|--|--|
| The Coast Guard proposes to: <i>[Insert description of project.]</i> | | | |
| Summary of the Results of the Environmental Impact Evaluation: <i>[Insert environmental impact summary.]</i> | | | |
| Mitigation Commitments (Including Monitoring), if Any that Will be Implemented to Reduce Otherwise Significant Impacts: <i>[Insert list of mitigation.]</i> | | | |
| Pursuant to Environmental Effects Abroad of Major Federal Actions, E.O. 12114 this Finding of No Significant Harm (FONSH) is based on the Coast Guard prepared <i>[draft, final, or supplemental]</i> overseas environmental assessment <i>[(DOEA)/(FOEA)/(SOEA)]</i> , which has been determined to adequately and accurately discuss the environmental impacts to the natural and physical environment from the proposed action and provides sufficient evidence and analysis for determining that an overseas environmental impact statement is not required. | | | |
| I reviewed the <i>[DOEA/FOEA/SOEA]</i> , which is the basis for this FONSH, and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Environmental Reviewer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Provisional, Interim, I, II, or III |
| I reviewed the <i>[DOEA/FOEA/SOEA]</i> , which is the basis for this FONSH, and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Senior Environmental Professional ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Interim, II, or III |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this <i>[DOEA/FOEA/SOEA]</i> /FONSH and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s). Based on the information in the <i>[DOEA/FOEA/SOEA]</i> and this FONSH document, I agree that the proposed action as described above, and in the <i>[DOEA/FOEA/SOEA]</i> , will have no significant harm on the environment. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> Proponent ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |

¹ The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 8 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

UNITED STATES COAST GUARD (COAST GUARD) RECORD OF DECISION FOR [INSERT TITLE AND LOCATION OF ACTION.]

| | | | |
|---|--|---|--|
| The Coast Guard decision is: | | | |
| The purpose and need for the action is: <i>[Describe the purpose and need for the action.]</i> | | | |
| Alternatives examined are: <i>[Identify all alternatives considered and discuss preferences among alternatives based on relevant factors including environmental, economic, and technical considerations and agency statutory missions.]</i> | | | |
| The environmentally preferable alternative(s) is (are): | | | |
| I <i>[selected/did not select]</i> the environmentally preferable alternative because: | | | |
| The following are the economic, technical, Coast Guard statutory mission, national policy considerations (as applicable) that were weighed in reaching my decision: <i>[Explain how these considerations, as applicable, entered into the decision-making.]</i> | | | |
| All practicable means of avoiding or minimizing environmental harm from the selected alternative <i>[were/were not adopted]</i> because: | | | |
| The following mitigation, monitoring, and enforcement actions have been adopted (if applicable): | | | |
| I reviewed the environmental impact statement (EIS)/Record of Decision (ROD) and submitted my written comments to the Proponent. | | | |
| <u>[Insert date.]</u> Date | <u>[Place signature.]</u> [Print name.] Environmental Reviewer ¹ | <u>[Insert title/position.]</u> Title/Position | <u>[Insert warrant level.]</u> Provisional, Interim I, II, or III |
| I reviewed the EIS/ROD and submitted my written comments to the Proponent. | | | |
| <u>[Insert date.]</u> Date | <u>[Place signature.]</u> [Print name.] Senior Environmental Professional ¹ | <u>[Insert title/position.]</u> Title/Position | <u>[Insert warrant level.]</u> Interim, II, or III |
| I have reviewed the EIS/ROD and submitted my written comments to the Proponent. | | | |
| <u>[Insert date.]</u> Date | <u>[Place signature.]</u> [Print name.] Legal Reviewer ¹ | <u>[Insert title/position.]</u> Title/Position | |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this EIS/ROD and considered and acknowledge the written comments submitted to me from the Environmental and Legal Reviewers. | | | |
| <u>[Insert date.]</u> Date | <u>[Place signature.]</u> Proponent ¹ | <u>[Insert title/position.]</u> Title/Position | |

¹ A Coast Guard attorney in District Legal, Legal Services Command, or Commandant (CG-LMI-E) must sign as Legal Reviewer. The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 9 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

UNITED STATES COAST GUARD (COAST GUARD) OVERSEAS DECISION FOR *[INSERT TITLE AND LOCATION OF ACTION.]*

| | | | |
|---|---|---|---|
| The Coast Guard decision is: | | | |
| The purpose and need for the action is: <i>[Describe the purpose and need for the action.]</i> | | | |
| Alternatives examined are: <i>[Identify all alternatives considered and discuss preferences among alternatives based on relevant factors including environmental, economic and technical considerations and agency statutory missions.]</i> | | | |
| The environmentally preferable alternative(s) is (are): | | | |
| I <i>[Selected/did not select]</i> the environmentally preferable alternative because: | | | |
| The following are the economic, technical, Coast Guard statutory mission, national policy considerations (as applicable) that were weighed in reaching my decision: <i>[Explain how these considerations, as applicable, entered into the decision-making.]</i> | | | |
| All practicable means of avoiding or minimizing environmental harm from the selected alternative <i>[were/were not adopted]</i> because: | | | |
| The following mitigation, monitoring, and enforcement have been adopted (if applicable): | | | |
| I reviewed the <i>[final or supplemental]</i> overseas environmental impact statement/overseas decision <i>[(FOEIS)/(SOEIS)/(OD)]</i> and submitted my written comments to the Proponent. | | | |
| <i>[Insert date.]</i> Date | <i>[Place signature.]</i> <i>[Print name.]</i> Environmental Reviewer ¹ | <i>[Insert title/position.]</i> Title/Position | <i>[Insert warrant level.]</i> Provisional, Interim, I, II, or III |
| I reviewed the <i>[FOEIS/SOEIS]/OD</i> and submitted my written comments to the Proponent. | | | |
| <i>[Insert date.]</i> Date | <i>[Place signature.]</i> <i>[Print name.]</i> Senior Environmental Professional ¹ | <i>[Insert title/position.]</i> Title/Position | <i>[Insert warrant level.]</i> Interim, II, or III |
| I reviewed the <i>[FOEIS/SOEIS]/OD</i> and submitted my written comments to the Proponent. | | | |
| <i>[Insert date.]</i> Date | <i>[Place signature.]</i> <i>[Print name.]</i> Legal Reviewer ¹ | <i>[Insert title/position.]</i> Title/Position | |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this <i>[FOEIS/SOEIS]/OD</i> and considered and acknowledge the written comments submitted to me from the Environmental and Legal Reviewers. | | | |
| <i>[Insert date.]</i> Date | <i>[Place signature.]</i> Proponent ¹ | <i>[Insert title/position.]</i> Title/Position | |

¹ A Coast Guard attorney in District Legal, Legal Services Command, or Commandant (CG-LMI-E) must sign as Legal Reviewer. The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 10 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

**UNITED STATES COAST GUARD (COAST GUARD) FINDING OF NO SIGNIFICANT IMPACT FOR
[INSERT TITLE AND LOCATION OF ACTION.]**

| | | | |
|--|--|--|--|
| The Coast Guard proposes to: <i>[Insert description of project.]</i> | | | |
| Summary of the Results of the Environmental Impact Evaluation: <i>[Insert environmental impact summary.]</i> | | | |
| Mitigation Commitments (Including Monitoring), if any, that will be Implemented to Reduce Otherwise Significant Impacts: <i>[Insert list of mitigation.]</i> | | | |
| This Finding of No Significant Impact (FONSI) is based on the attached <i>[adopted, applicant, or contractor prepared final/supplemental]</i> environmental assessment <i>[(FEA)/(SEA)] [Reference other environmental documents as appropriate.]</i> which has been independently evaluated by the Coast Guard and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project and provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The Coast Guard takes full responsibility for the accuracy, scope, and content of the attached <i>[adopted, applicant, or contractor prepared FEA/SEA.]</i> | | | |
| I reviewed the <i>[FEA/SEA]</i> , which is the basis for this FONSI, and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Environmental Reviewer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Provisional, Interim, I, II, or III |
| I reviewed the <i>[FEA/SEA]</i> , which is the basis for this FONSI, and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Senior Environmental Professional ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Interim, II, or III |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this <i>[FEA/SEA]/FONSI</i> and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s). Based on the information in the <i>[FEA/SEA]</i> and this FONSI document, I agree that the proposed action as described above, and in the <i>[FEA/SEA]</i> , will have no significant impact on the environment. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> Proponent ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |

¹ The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 11 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

UNITED STATES COAST GUARD (COAST GUARD) FINDING OF NO SIGNIFICANT HARM FOR [INSERT TITLE AND LOCATION OF ACTION.]

| | | | |
|---|--|--|--|
| The Coast Guard proposes to: <i>[Insert description of project.]</i> | | | |
| Summary of the Results of the Environmental Impact Evaluation: <i>[Insert environmental impact summary.]</i> | | | |
| Mitigation Commitments (Including Monitoring), if Any, that Will be Implemented to Reduce Otherwise Significant Impacts: <i>[Insert list of mitigation.]</i> | | | |
| Pursuant to Environmental Effects Abroad of Major Federal Actions, E.O. 12114, this Finding of No Significant Harm (FONSH) is based on the attached <i>[adopted, applicant, or contractor prepared draft, final, or supplemental]</i> overseas environmental assessment <i>[(DOEA)/(FOEA)/(SOEA)]</i> <i>[Reference other environmental documents as appropriate.]</i> which has been independently evaluated by the Coast Guard and determined to adequately and accurately discuss the environmental impacts to the natural and physical environment from the proposed action and provides sufficient evidence and analysis for determining that an overseas environmental impact statement is not required. The Coast Guard takes full responsibility for the accuracy, scope, and content of the attached <i>[adopted, applicant, or contractor prepared]</i> <i>[DOEA/FOEA/SOEA]</i> . | | | |
| I reviewed the <i>[DOEA/FOEA/SOEA]</i> which is the basis for this FONSH, and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Environmental Reviewer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Provisional, Interim, I, II, or III |
| I reviewed the <i>[DOEA/FOEA/SOEA]</i> which is the basis for this FONSH, and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Senior Environmental Professional ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Interim, II, or III |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this <i>[DOEA/FOEA/SOEA]</i> /FONSH and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s). Based on the information in the OEA and this FONSH document, I agree that the proposed action as described above, and in the <i>[DOEA/FOEA/SOEA]</i> will have no significant harm on the environment. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> Proponent ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |

¹ The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 12 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

NOTICE OF AVAILABILITY (NOA) TEMPLATE

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

Docket Number USCG-20XX-XXXX *[Insert USCG docket number here. Request docket number by emailing: HQS-DG-1st-CG-0943-Docket.]*

[Insert a descriptive but succinct subject heading. Capitalize the first letters of principal words. Do not end the heading with a period or other punctuation.]

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability *[Replace brackets with the name of environmental planning document and add “and request for comments” if applicable.]*.

SUMMARY: The Coast Guard announces the availability of a *[Insert the type of environmental planning document e.g. environmental assessment, environmental impact statement, overseas environmental assessment, or overseas environmental impact statement.]* prepared for its proposal to *[Insert language stating what action we propose to take, why it is necessary, and what effect we intend it to have. Refer to CG in third person (in other sections of the preamble, first person references to CG are preferred). Use language a non-expert will understand. Omit legal citations, background, and details. Three concise sentences (or less) normally suffice.]*

DATES: Comments must be submitted to the online docket via <https://www.regulations.gov/>, or reach the Docket Management Facility, on or before *[INSERT DATE AND INSERT APPLICABLE NUMBER OF DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.]* *[Omit this section if you are not requesting comments and no dates or addresses are relevant.]*

ADDRESSES: *[Omit this section if you are not requesting comments and no addresses are relevant.]*

ENCLOSURE 12 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

You may submit comments identified by docket number USCG-[*Insert USCG docket number.*]
[*Request docket number by emailing: HQS-DG-1st-CG-0943-Docket.*] using the Federal eRulemaking Portal at <https://www.regulations.gov/>. See the “Public Participation and Request for Comments” portion of the SUPPLEMENTARY INFORMATION section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: [*Insert subject matter expert’s (SME’s) name, the name of SME’s office or division, and SME’s phone # and email address.*]

SUPPLEMENTARY INFORMATION: [*Adjust the number and content of your headings below to the complexity and length of your subject matter.*]

I. Public Participation and Comments. [*Omit this section if you are not requesting comments.*]

We encourage you to submit comments (or related material) on the draft [*environmental planning document type*]. We will consider all submissions and may adjust our final action based on your comments. If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov/>. If your material cannot be submitted using <http://www.regulations.gov/>, contact the person in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <http://www.regulations.gov/> and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments or related new notices or documents are posted.

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We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov/> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the Federal Register (70 FR 15086).

II. Public Meeting [*Choose the language saying we plan to hold a public meeting or choose the language saying we do not plan to hold a public meeting, as appropriate.*]

We do not plan to hold public meetings, however if sufficient requests for public comment are received, the Coast Guard will announce the dates, times, and locations in a separate document published in the *Federal Register*. To receive an email notice whenever a comment or notice—including the notice announcing when any meetings are to be held, is submitted or issued, go to the online docket and select the sign-up-for-email-alerts option. When it is published, we will place a copy of the announcement in the docket, and you will receive an email alert from www.regulations.gov.

[Use the paragraph above or below as applicable.]

We plan to hold public meetings in [*Insert location or locations.*] to receive oral comments on this notice of intent. The dates, times, and locations of the public meetings will be announced in the local papers [*State name of papers.*] and online at [*Insert website.*]. If special assistance is required to attend the meetings, such as sign language interpretation or other reasonable accommodations, contact the U.S. Coast Guard as indicated in FOR FURTHER INFORMATION CONTACT.

III. Discussion: [*This is just a sample heading. Adjust the number and content of your headings to the complexity and length of your subject matter.*]

Our [*Insert type of environmental planning document.*] is necessitated by our plan to [*Insert proposed action.*] The [*Insert type of environmental planning document.*] identifies and examines proposed action and the reasonable alternatives open to us, and assesses the potential environmental

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impact of each. We request your comments on environmental concerns that you may have related to the [Insert type of environmental planning document.] This includes suggesting analyses and methodologies for use in the [Insert type of environmental planning document.] or possible sources of data or information not included in the [Insert type of environmental planning document.] Your comments will be considered in preparing the [Insert type of environmental planning document.].

This notice is issued under authority of 5 U.S.C. § 552(a).

Dated: [This will appear on the last page, preceded by at least 3 lines of text on that page. Replace brackets with handwritten (blue ink), stamped, or typed date, using the date the document is actually signed.]

[Insert handwritten signature (blue ink). Only a person authorized to sign this document or a person “Acting” in the capacity of the authorized person may sign. No person may sign “For” another, initial another person’s signature, or sign “By direction.”]

J. Smith
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Pizzazz [Replace this with appropriate signature block.]

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COAST GUARD NATIONAL ENVIRONMENTAL POLICY ACT RECORD OF ENVIRONMENTAL CONSIDERATION FOR CATEGORICALLY EXCLUDED ACTIONS

| | |
|--|---|
| INTRODUCTION | |
| <p>The purpose of this Record of Environmental Consideration (REC)²³ is to provide a record that shows that the potential for impacts to the quality of the human environment has been considered in the decision to implement this Proposed Action, in compliance with National Environmental Policy Act (NEPA) and Department of Homeland Security (DHS) Directive 023-01, Revision (Rev) 01, <i>Implementation of the National Environmental Policy Act</i> (DHS Directive 023-01 (series)) and the U.S. Coast Guard (Coast Guard)'s <i>Environmental Planning Policy</i>, COMDTINST 5090.1 (series) (COMDTINST 5090.1). The NEPA process takes into account other environmental planning and historic preservation (EP&HP) requirements. Signature of the Coast Guard Proponent demonstrates that they have considered the potential for impacts to the human environment in their decision to implement the Proposed Action, including any conditions in Section II of this REC that may be relevant to the project.</p> | |
| SECTION I - Description of Proposed Action | |
| 1. Title of Proposed Action: | |
| 2. Identifying Number of Proposed Action (optional): | |
| 3. Project Security Type: <i>[Insert Unclassified, Classified, For Official Use Only, Law Enforcement Sensitive, Limited Official Use, Protected Critical Infrastructure Information, or Sensitive Security Information.]</i> | |
| 4. Estimated Start Date: | |
| 5. Location of Proposed Action (e.g., nationwide, regional, site-specific). (If site-specific, provide street address, city, county, state, and/or GIS coordinates where known): | |
| 6. Project Type: <i>[Insert a full or abbreviated version of the text of the CATEX you are using for your proposed action here.]</i> | |
| 7. Description of Proposed Action: <i>[Insert purpose and need and any related or connected actions.]</i> (You may include as attachments maps, photographs, diagrams, or other information that may assist with the description.) | |
| 8. Document Preparer: <i>[Print or type name here.]</i> | |
| 9. Environmental Reviewer: <i>[Print or type name here.]</i> | |
| 10. Senior Environmental Professional: <i>[Print or type name here.]</i> | |
| 11. Project Proponent: <i>[Print or type name here.]</i> | |
| SECTION II – Environmental Analysis | |
| 1. CATEX activity. (Select one box below by placing an “X” in the appropriate box on the left and insert the CATEX number if first box is checked): | |
| <input type="checkbox"/> | The entire Proposed Action clearly fits within the category of excludable actions set forth as CATEX number <i>[Insert CATEX #.]</i> in DHS Instruction Manual 023-01-001-01, (series) and/or in COMDTINST 5090.1 (series). |

²³ This form is to be used only when the DHS Environmental Planning and Historic Preservation Decision Support System is unavailable.

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| <p>The entire Proposed Action does not clearly fit within the category of excludable actions set forth in DHS Instruction Manual 023-01-001-01, (series) and/or in COMDTINST 5090.1 (series).</p> | | |
| <p>Remarks:</p> | | |
| <p>2. Larger Action (See DHS Instruction Manual 023-01-001-01 (series), Section V.B.(2)(b) for a definition). (Select one box below by placing an "X" in appropriate box on the left):</p> | | |
| <input type="checkbox"/> | <p>The Proposed Action is NOT a piece of a larger action. OR</p> | |
| <input type="checkbox"/> | <p>The Proposed Action IS a piece of a larger action.</p> | |
| <p>Remarks:</p> | | |
| <p>3. Extraordinary Circumstances (See A–J below for a list of questions on extraordinary circumstances and DHS Instruction Manual 023-01-001-01 (series), Section V.B.(2)(c)I–X for more information on extraordinary circumstances. Before selecting one answer below by placing an "X" in the appropriate box on the left, complete the next Sections A–J by placing an "X" in the appropriate box on the left for each question):</p> | | |
| <input type="checkbox"/> | <p>There are no extraordinary circumstances present that may cause significant environmental impacts. OR</p> | |
| <input type="checkbox"/> | <p>Extraordinary circumstances are present that may cause significant environmental impacts.</p> | |
| <p>Remarks:</p> | | |
| <p>Questions on Extraordinary Circumstances. Complete Sections A through J below:</p> | | |
| YES | No | <p>For A through J below, place an, "X" in the appropriate box (Yes or No) and provide supporting remarks as appropriate. (See Enclosure (14) to the NEPA IP for guidance on completing this Section.)</p> |
| | | <p>A. Will the Proposed Action have a potentially significant effect on public health or safety?</p> <p>Remarks:</p> |
| | | <p>B. Will the Proposed Action significantly affect species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, the Magnuson-Stevens Fishery Conservation and Management Act, or other law protecting a species or habitat?</p> <p>Remarks:</p> |
| | | <p>C. Will the Proposed Action significantly affect historic properties (e.g., district, sites, structures, or objects) that are listed or eligible for listing on the National Register of Historic Places, or will it significantly affect traditional cultural properties or sacred sites, or result in the loss or destruction of a significant scientific, cultural, or historic resource? Attach supporting National Historic Preservation Act Section 106 consultation</p> |

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| | | documentation or justification regarding why it is not necessary for the proposed action. Remarks: |
| | | D. Will the Proposed Action significantly affect an environmentally sensitive area defined by DHS Instruction 023-01-001-01 (series) and COMDTINST 5090.1 (series) such as prime or unique agricultural lands, coastal zones, designated wilderness or wilderness study areas, wild and scenic rivers, 100-year floodplains, wetlands, sole source aquifers, Marine Sanctuaries, National Wildlife Refuges, National Parks, National Monuments, and essential fish habitats? Attach FEMA floodplain map. Remarks: |
| | | E. Will the Proposed Action result in a potential or threatened violation of an applicable federal, state, or local law or administrative determination imposed for protection of the environment? Remarks: |
| | | F. Will the Proposed Action result in an effect on the quality of the human environment that is likely to be highly controversial, highly uncertain, or involve unique or unknown environmental risks? This also includes effects that may result from the use of new technology or unproven technology. Controversy over, including public opposition to, a proposed action absent any demonstrable potential for significant environmental impacts does not itself constitute an extraordinary circumstance. Remarks: |
| | | G. Will the Proposed Action set a precedent for future actions that have significant effects? Remarks: |
| | | H. Is the Proposed Action significantly greater in scope or size than is normally experienced for this particular category of action? Remarks: |
| | | I. Will the Proposed Action significantly degrade an already poor environmental condition at or near the project area? Will the Proposed Action initiate a significantly environmental degrading influence, activity, or effect in an area not already significantly modified from their natural condition? Remarks: |

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| | | <p>J. Is the Proposed Action related to other actions with individually insignificant, but cumulatively significant impacts?</p> <p>Remarks:</p> |
| <p>SECTION III - Summary of Required Conditions</p> | | |
| <p>Any change to the Proposed Action that may cause a physical interaction with the human environment will require re-evaluation for compliance with NEPA and other EP&HP requirements before the action can proceed. This review addresses NEPA and other EP&HP requirements as described in DHS Directive 023-01, (series) and COMDTINST 5090.1 (series). This review may identify the need for additional federal, state, and/or local permits, approvals, etc. required for the Proposed Action. However, this review may not satisfy all those requirements, and the Proponent is responsible for ensuring that all other applicable federal, state, and/or local permits, approvals, etc. have been obtained. (Add additional conditions as appropriate.)</p> | | |
| <p>SECTION IV Finding</p> | | |
| <p>This action is not expected to result in any significant adverse environmental impacts as described in NEPA. The Proposed Action has been thoroughly reviewed by the Coast Guard, and it has been determined, by the undersigned, that this action is categorically excluded under current DHS/Coast Guard CATEX [<i>Insert CATEX #.</i>] from further environmental documentation, in accordance with DHS Instruction Manual 023-01-001-01, (series) and/or COMDTINST 5090.1 (series) since implementation of this action:</p> <ol style="list-style-type: none"> 1. Clearly fits within one or more of the categories of excludable actions listed in Appendix A of DHS Instruction Manual 023-01-001-01 (series) and/or in COMDTINST 5090.1 (series); 2. Has not been segmented into smaller parts in order to avoid a more extensive evaluation of the potential for significant environmental impacts; and, 3. Does not involve any extraordinary circumstances, as defined in DHS Instruction Manual 023-01-001-01 (series) and COMDTINST 5090.1 (series) that would create the potential for a normally excluded action to have a significant environmental effect. | | |
| <p><u>[Insert Date.]</u> Date</p> | <p><u>[Place Signature.]</u> <u>[Type Name.]</u> Document Preparer²⁴</p> | <p><u>[Type Title or Position.]</u> Title/Position</p> |

² 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. The Coast Guard Preparer signs for NEPA documents prepared in-house. The Coast Guard environmental project manager signs as Preparer for NEPA documents prepared by an applicant, a contractor, or another outside party. The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

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| | | | |
|---|--|----------------------------------|---|
| I reviewed the REC and submitted my written comments to the Proponent. | | | |
| <u>[Insert Date]</u> | <u>[Place Signature.]</u> | <u>[Type Title or Position.]</u> | <u>[Warrant Level.]</u> |
| Date | <u>[Type Name.]</u> Environmental Reviewer ² | Title/Position | Provisional, Interim, I, II, or III |
| I reviewed the REC and submitted my written comments to the Proponent. | | | |
| <u>[Insert Date.]</u> | <u>[Place Signature.]</u> | <u>[Type Title or Position.]</u> | <u>[Warrant Level.]</u> |
| Date | <u>[Type Name.]</u> Senior Environmental Professional ² | Title/Position | Interim, I, II, or III |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this REC and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s). | | | |
| <u>[Insert Date.]</u> | <u>[Place Signature.]</u> | <u>[Type Title or Position.]</u> | |
| Date | <u>[Type Name.]</u> Proponent ² | Title/Position | |

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GUIDANCE ON COMPLETING SECTIONS A–J OF THE COAST GUARD RECORD OF ENVIRONMENTAL CONSIDERATIONS (REC) (EXTRAORDINARY CIRCUMSTANCES)

The ten questions listed at A–J in the DHS REC (Enclosure (13)) comprise the analysis portion of the REC. Each question calls for a judgment by the REC Preparer, the Proponent, and/or the Environmental Reviewer/Senior Environmental Professional, about the likelihood that a particular kind of environmental extraordinary circumstance will result in the potential for significant environmental impacts from a proposed action. The purpose of this REC checklist is to serve as a tool for the Preparer, the Proponent, and/or the Environmental Reviewer/Senior Environmental Professional to determine whether application of an existing U. S. Coast Guard (Coast Guard) or DHS categorical exclusion (CATEX) is the appropriate level of National Environmental Policy Act (NEPA) analysis.

Clarification and lists of things to consider for each question follow on this page and pages 2-9; however, these lists must not be considered exhaustive by any means. Every situation and proposed action will have a unique set of circumstances that you must take into account as you contemplate the possibility of extraordinary circumstances associated with the proposed action.

Based on an internal review, external review (where appropriate), and research, check “YES,” or “NO,” for each question. Explain the rationale as needed to support your answer in the remarks Section of each question.

The REC is not complete until all blocks are checked either “YES” or “NO.” Once you have done this, you need to go back, look at all the “YES” answers, and ask yourself, “Do any of these “YESs” indicate the potential for significant effects to the human environment.” Remember that the human environment includes both the natural and historic/cultural environment.

- ⇒ If it is known that significant effects will occur which cannot be avoided or mitigated to a level of insignificance, then an EIS must be prepared.
- ⇒ If it is unknown whether significant effects will occur or there is no appropriate CATEX applicable to your action, an EA must be prepared with the potential for an EIS, as necessary.

NOTE: If an EA or EIS is necessary, then you must also consider the significance of impacts on the socioeconomic environment and environmental justice. Significant impacts in either of these two realms alone are NOT enough to trigger an EA or EIS. However, if an EA or EIS is prepared due to the potential for significant environmental impacts, then these documents must include discussion of any potentially significant socioeconomic or environmental justice impacts as well.

- ⇒ If you answered “NO” to all the questions, or all “YES” responses were adequately researched and found to have no potential for significant impacts, and there is an appropriate CATEX to cover the proposed action, then you do not need to prepare either an EA or EIS.

Question A-

Will the Proposed Action have a potentially significant effect on public health or safety?

Think about whether your action is likely to:

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- Result in the use, storage, release, and/or disposal of toxic materials such as fertilizers, cleaning solvents, or laboratory wastes, or other hazardous materials such as explosives;
- Involve a facility or vessel that may contain polychlorinated biphenyls (PCBs), urea formaldehyde, or friable asbestos;
- Be on or near an EPA or State Superfund, or priority cleanup site;
- Involve construction on or near an active or abandoned toxic, hazardous, or radioactive materials generation, storage, transportation, or disposal site;
- Involve use of a site that contains underground storage tanks (USTs) as evidenced by historical data or physical evidence such as vent pipes or fill caps;
- Have a significant possibility of accidental spills of oils, hazardous, or toxic materials;
- Involve water pipes or water supply appurtenances that contain lead in excess of EPA standards;
- Involve a facility or water supply that may contain radon in excess of the EPA action level;
- Require the use or storage of explosives;
- Require the storage or transportation of a large amount of fuel; or
- Include the setting up of high voltage power lines, radio or television transmission antennae, or microwave transmission connections.

Agencies that may require consultation include the following:

- EPA
- OSHA
- Appropriate state and local authorities

Think about whether your action is likely to be inconsistent with such authorities as:

- EPA's solid waste management guidelines
- A State Implementation Plan (SIP) under the Clean Air Act
- OSHA noise standards
- Executive Order 12898 (Environmental Justice)
- Executive Order 12372 (Review of Federal Programs)

Are you in compliance with the following laws?

- Clean Air Act
- Clean Water Act
- Resource Conservation and Recovery Act
- Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)
- Toxic Substance Control Act
- Occupational Safety and Health Act
- The Noise Control Act

Question B-

Will the Proposed Action significantly affect species or habitats protected by the Endangered Species Act, Coastal Zone Management Act, National Marine Sanctuaries Act, Marine Mammal Protection Act, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, the

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Magnuson-Stevens Fishery Conservation and Management Act, or other applicable federal, state, or local law or regulation protecting a species or habitat?

In order to answer this question, you must have information on protected species or habitats in the area of potential effect of the proposed action.

Think about whether your action is likely to:

- Affect an endangered or threatened species, or its critical habitat;
- Affect the state coastal zone;
- Affect a species under consideration for listing as endangered or threatened (candidate or proposed species), or its habitat;
- Affect migratory birds;
- Affect Bald or Golden Eagles;
- Affect a protected marine mammal;
- Affect essential fish habitat protected by the Magnuson-Stevens Fishery Conservation and Management Act; or
- Affect a national marine sanctuary.

Agencies that may require consultation include:

- U.S. Fish and Wildlife Service
- National Ocean Service (NOS)
- National Marine Fisheries Service
- Appropriate state and local authorities

Are you in compliance with the following laws?

- Marine Mammal Protection Act
- Coastal Zone Management Act
- National Marine Sanctuaries Act
- Endangered Species Act
- Fish and Wildlife Coordination Act
- Magnuson-Stevens Fishery Conservation and Management Act as amended in 1996
- Migratory Bird Treaty Act
- Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds

Question C-

Will the Proposed Action significantly affect historic properties (e.g., district, sites, structures, or objects) that are listed or eligible for listing on the National Register of Historic Places, or will it significantly affect traditional cultural properties or sacred sites, or result in the loss or destruction of a significant scientific, cultural, or historic resource? Attach supporting National Historic Preservation Act, Section 106 consultation documentation or justification regarding why it is not necessary for the proposed action.

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Some preliminary investigation will be necessary to determine whether significant cultural or historic resources exist in the area of potential effect of the proposed action.

Think about whether your action is likely to affect:

- Districts, sites, buildings, vessels, aircraft, structures, or objects included in or eligible for the National Register of Historic Places;
- A National Historic Landmark;
- A building, structure, vessel, or aircraft that is over 45 years old;
- A neighborhood or commercial area; that may be important in the history or culture of the community;
- A neighborhood, commercial, industrial, or rural area that might be eligible for the National Register as a district;
- A known or probable cemetery, through physical alteration or by altering its visual, social, or other characteristics;
- A rural landscape that may have cultural or aesthetic value;
- A place of traditional cultural value in the eyes of an Indian tribe, Native Alaskan, or Native Hawaiian Organization (NHO) or community;
- A known archaeological site, or land identified by archaeologists as having high potential to contain archaeological resources;
- An area identified by archaeologists or an Indian tribe, Native Alaskan, or NHO as a sacred site or as having high potential to contain, Indian tribal, Native Alaskan, or Native Hawaiian cultural items; or
- The historic/cultural character of communities or neighborhoods.

Agencies that may require consultation include:

- Appropriate state (e.g., State Historic Preservation Officer or Tribal Historic Preservation Officer), and local authorities (e.g., local historic preservation groups)
- Applicable Indian tribe, Native Alaskan, or NHOs

Think about whether your action is likely to be inconsistent with such authorities as:

- E.O. 13006, Locating Federal Facilities on Historic Properties in Our Nations Central Cities
- E.O. 13007, Indian Sacred Sites
- E.O. 13175, Consultation and Coordination with Indian Tribal Governments
- E.O. 11593, Protection and Enhancement of the Cultural Environment

Are you in compliance with the following laws?

- National Historic Preservation Act
- Archaeological Resources Protection Act
- American Indian Religious Freedom Act
- Native American Graves Protection and Repatriation Act

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Question D-

Will the Proposed Action significantly affect an environmentally sensitive area as defined by DHS Instruction Manual 023-01-001-01, (series), *Implementation of the National Environmental Policy Act* (DHS Instruction Manual 023-01-001-01 (series)) and the Coast Guard's *Environmental Planning Policy*, COMDTINST 5090.1 (series) [COMDTINST 5090.1 (series)] such as prime or unique agricultural lands, coastal zones, designated wilderness or wilderness study areas, wild and scenic rivers, 100-year floodplains, wetlands, sole source aquifers, Marine Sanctuaries, National Wildlife Refuges, National Parks, National Monuments, and essential fish habitats? Attach FEMA floodplain map.

Think about whether your action is likely to:

- Alter a natural ecosystem;
- Cause damage to or require the removal of any terrestrial, marine, or aquatic vegetation;
- Affect a coral reef ecosystem;
- Affect the water supplies of humans, animals, or plants;
- Affect the water table;
- Be located in or near a 100 year floodplain;
- Result directly or indirectly in construction on slopes greater than 15%;
- Result in construction on or near hydric soils, wetland vegetation, or other evidence of a wetland;
- Result in construction on or near any other natural feature that could affect the safety or health of the public;
- Be located on or near a wildlife refuge, a designated wilderness, a wild and scenic river, a National Natural Landmark, or a National Monument designated under the Antiquities Act;
- Designated open space, or a designated conservation area;
- Be located on or near an area under study for any such designation;
- Be located on or near any other environmentally critical area;
- Have adverse visual, social, atmospheric, traffic, or other effects on such a critical area even though it is NOT located on or near the area;
- Change the use of park lands;
- Change the use of prime farm lands;
- Change the use of a floodplain; or
- Alter a wetland.

Find out whether there is some possible effect of your action that, while improbable, would be so serious IF it occurred that further review is appropriate. For example, you want to acquire land in a non-sensitive area that is generally unlikely to have adverse effects on the environment. However, if there is an environmentally sensitive area downstream from the land you want to acquire, and use of the land might have the potential to cause pollution as groundwater flows through the sensitive area, then you must conduct further review.

Agencies that may require consultation include:

- Army Corps of Engineers
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service

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- National Park Service
- National Ocean Service
- Federal Emergency Management Agency
- Appropriate state and local authorities

Think about whether your action is likely to be inconsistent with such authorities as:

- Executive Order 11990 (Protection of Wetlands)
- Executive Order 11988 (Floodplain Protection)
- Executive Order 13089 (Coral Reef Protection)
- Executive Order 13158 (Marine Protected Areas)

Are you in compliance with the following laws:

- Clean Water Act
- Farmland Protection Act
- Wild and Scenic Rivers Act
- Coastal Zone Management Act
- National Historic Preservation Act
- American Indian Religious Freedom Act
- Native American Graves Protection and Repatriation Act
- Archaeological Resources Protection Act
- Coastal Barriers Resource Act

Question E-

Will the Proposed Action result in a potential or threatened violation of an applicable federal, state, or local law or administrative determination imposed for protection of the environment?

Think about whether your action is likely to:

- Adversely affect the ambient air quality due to dust, vehicle or equipment emissions, open burning, etc.;
- Result in toxic or unusual air emissions;
- Adversely affect the ambient air quality due to the operation and/or maintenance of vehicles, vessels, or aircraft;
- Significantly increase the ambient noise levels of the area (includes operation and/or maintenance of machinery, vehicles, vessels, aircraft, loudspeaker systems, fog horns, alarms, etc.);
- Include the use of equipment with unusual noise characteristics; or
- Have noisy activities continue past normal working hours.

Have you obtained the necessary permits for the actions that may:

- Require dredging below the mean high water line or near the ordinary high water line;
- Require waterway construction (see Question D);
- Result in bank erosion due to vessel wake;

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- Divert the flow of a waterway or alter the stream bed or banks;
- Discharge sewage waste water or other pollutants into an adjacent waterway;
- Require the construction of a well that could potentially deplete water resources;
- Require the construction of waterway structures (docks, piers, jetties, ramps);
- Contaminate underground aquifers;
- Raise surrounding water temperature due to discharge; or
- Result in increased water turbidity due to activities related to operations or construction.

Question F-

Will the Proposed Action result in an effect on the quality of the human environment that is likely to be highly controversial, highly uncertain, or involve unique or unknown environmental risks? This also includes effects that may result from the use of new technology or unproven technology. Controversy over, including public opposition to, a proposed action absent any demonstrable potential for significant environmental impacts does not itself constitute an extraordinary circumstance.

Consider first whether your action is likely to be controversial in any way. If so, consider whether this controversy is likely to have an environmental element. For example, if the Coast Guard decides to close a unit, controversy could be generated on economic grounds; however, unless this controversy encompasses a potential significant environmental impact, it does not trigger further NEPA analysis on its own.

Environmental controversies can be about a host of things: impacts on historic buildings, archaeological sites, and other cultural resources; impacts on traffic or parking on a community or neighborhood; and, of course, impacts on natural resources such as water, air, soil, and wildlife. To avoid missing a controversial issue that must be addressed under NEPA, be sure not to interpret the word “environmental” too narrowly.

Consideration must be given to Review of Federal Programs, Executive Order 12372.

Is there a potential for effects on the human environment that are highly uncertain or involve unique or unknown risks?

Consider first whether there is anything you don't know about the action's potential impacts, and then think about whether what you don't know has any significance.

For example, the implementation of a conservation plan when the full effects of the program will not be known until after implementation and monitoring.

Question G-

Will the Proposed Action set a precedent for future actions that have significant effects?

To answer this question, you must look forward and outward, and consider the possibility that what is done with your particular action will pave the way for future actions that could have serious environmental consequences.

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For example, you decide to issue a regatta permit for a boat race in an area that at times harbors endangered species. It may be possible to issue the permit for this particular case because of the type and volume of boats used, or perhaps the endangered species does not frequent the area during that time of year. Although the nature of the particular situation may allow a CATEX to occur, if your action were taken as a precedent for allowing ALL regattas to occur in this area at ALL times of the year, then a higher level of review of the action may be in order.

Question H-

Is the Proposed Action significantly greater in scope or size than is normally experienced for this particular category of action?

Think about whether the action being proposed is unusually large in scope, complexity, or size such that a CATEX might not be appropriate.

For example, the Coast Guard wishes to use a Coast Guard CATEX for “Administrative Actions” to cover a very large and complex Coast Guard reorganization unlike any ever done by the Coast Guard before. You know that the size and scale of this proposed reorganization far exceeds reorganizations done under this CATEX before. In this scenario, you must carefully consider the potential for significant impacts from this reorganization. You must recognize that a CATEX for this large a reorganization may be inappropriate due to the higher probability of negative impacts related to the action’s extraordinary size, complexity, and scope.

Question I-

Will the Proposed Action significantly degrade an already poor environmental condition at or near the project area? Will the Proposed Action initiate a significantly environmental degrading influence, activity, or effect in an area not already significantly modified from their natural condition?

Consider the current environment where the Coast Guard is proposing to locate its action. Does the location already have significant environmental issues such as poor air or water quality, protected species, or a stressed natural environment? Does the location have natural habitat at, or near, the project area that is critical for protected species but is already in a significantly stressed condition?

For example, the Coast Guard proposes an action that would move a large number of personnel, aircraft, vehicles, and vessels to a new location/facility in an area where the air quality is already poor and is a non-attainment area for three out of the six criteria pollutants under the National Ambient Air Quality Standards. In this scenario, the move will cause additional traffic in an already congested area as all personnel will likely drive to the new location. Increased traffic from a significant number of new Coast Guard commuters and the operation and testing of large numbers of vessels and aircraft will likely significantly degrade the already poor air quality in the area. This scenario is an example of a proposed action that will “significantly degrade an already poor environmental condition at or near the project area.”

Consider whether you are introducing an action or project into an area that is of pristine natural condition (e.g., the Arctic or remote and/or rural areas of Alaska) where you will be introducing

ENCLOSURE 14 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

environmental impacts that might not be significant in a previously developed area but would be significant at this location.

For example, the Coast Guard wants to build a 400-foot Rescue 21 antenna in a remote area of Alaska. In order to build the antenna, the natural vegetation must be removed in a large area to accommodate the antenna, the ground and guy wires, and an equipment hut. There is an endangered species of bird that nests at this location. This scenario is an example of a proposed action that could “initiate a significantly environmental degrading influence, activity, or effect in an area not already significantly modified from its natural condition.”

Question J-

Is the Proposed Action related to other actions with individually insignificant, but cumulatively significant impacts?

Consider whether the action is related to other actions (by Coast Guard or others) with impacts that are individually insignificant but that may, taken together, have significant effects. For example, is the action part of an ongoing pattern of pollutant discharge, traffic generation (vehicle or vessel), economic change, or land-use change in its locality that could collectively affect human health or the condition of the environment? (For further information on cumulative effects see *Considering Cumulative Effects*, published by the Council on Environmental Quality in January 1997.)

ENCLOSURE 15 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

**COAST GUARD NATIONAL ENVIRONMENTAL POLICY ACT MEMORANDUM FOR RECORD FOR
CATEGORICALLY EXCLUDED ACTIONS THAT DO NOT REQUIRE A RECORD OF
ENVIRONMENTAL CONSIDERATION**

INTRODUCTION

The purpose of this Memorandum for the Record (MFR)¹ is to provide a record that the potential for impacts to the quality of the human environment has been considered in the decision to implement the Proposed Action described below, in compliance with National Environmental Policy Act (NEPA) and Department of Homeland Security (DHS) Directive 023-01, Revision (Rev) 01, *Implementation of the National Environmental Policy Act* (DHS Directive 023-01 (series)) and the U.S. Coast Guard (Coast Guard)'s, *Environmental Planning Policy*, COMDTINST 5090.1 (series) (COMDTINST 5090.1. (series)). The Coast Guard has previously analyzed actions of this type and concluded that there is no potential for significant impact on the human environment, that a DHS/Coast Guard categorical exclusion (CATEX) applies, and that a more detailed review and documentation in a REC is not necessary.

SECTION I - Description of Proposed Action

1. Title of Proposed Action:

2. Identifying Number of Proposed Action (optional):

3. Project Security Type: [*Insert Unclassified, Classified, For Official Use Only, Law Enforcement Sensitive, Limited Official Use, Protected Critical Infrastructure Information, or Sensitive Security Information.*]

4. Estimated Start Date:

5. Location of Proposed Action: (e.g., nationwide, regional, site-specific. If site-specific, provide street address, city, county, state, and GIS coordinates where known):

6. Project Type: [*Insert a full or abbreviated version of the text of the CATEX you are using for your Proposed Action here.*]

7. Description of Proposed Action: [*Insert purpose and need and any related or connected actions.*] (You may include as attachments maps, photographs, diagrams, or other information that may assist with the description.)

¹ This form is to be used only when the DHS Environmental Planning and Historic Preservation Decision Support System is unavailable.

ENCLOSURE 15 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

| SECTION IV Finding | | | |
|--|--|---|---|
| <p>This action is not expected to result in any significant adverse environmental impacts as described in NEPA. The Proposed Action has been thoroughly reviewed by the Coast Guard, and it has been determined, by the undersigned, that this action is categorically excluded under current DHS/Coast Guard CATEX [<i>Insert CATEX.</i>] from further environmental documentation, in accordance with DHS Instruction Manual 023-01-001-01, (series) and/or COMDTINST 5090.1 (series) since implementation of this action:</p> <ol style="list-style-type: none"> 1. Clearly fits within one or more of the categories of excludable actions listed in Appendix A of DHS Instruction Manual 023-01-001-01 (series) and/or in COMDTINST 5090.1 (series); 2. Has not been segmented into smaller parts in order to avoid a more extensive evaluation of the potential for significant environmental impacts; and, 3. Does not involve any extraordinary circumstances, as defined in DHS Instruction Manual 023-01-001-01 (series) and COMDTINST 5090.1 (series) that would create the potential for a normally excluded action to have a significant environmental effect. | | | |
| <u>[Insert date.]</u> Date | <u>[Place signature.]</u> [Print name.] Document Preparer ² | <u>[Insert title/position.]</u> Title/Position | |
| I reviewed the MFR and submitted my written comments to the Proponent. | | | |
| <u>[Insert date.]</u> Date | <u>[Place signature.]</u> [Print name.] Environmental Reviewer ² | <u>[Insert title/position.]</u> Title/Position | <u>[Insert warrant level.]</u> Provisional, Interim, I, II, or III |
| I reviewed the MFR and submitted my written comments to the Proponent. | | | |
| <u>[Insert date.]</u> Date | <u>[Place signature.]</u> [Print name.] Senior Environmental Professional ² | <u>[Insert title/position.]</u> Title/Position | <u>[Insert warrant level.]</u> Interim, I, II, or III |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this MFR and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s). | | | |
| <u>[Insert date.]</u> Date | <u>[Place signature.]</u> [Print name.] Proponent ² | <u>[Insert title/position.]</u> Title/Position | |

² 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. The Coast Guard Preparer signs for NEPA documents prepared in-house. The Coast Guard environmental project manager signs as Preparer for NEPA documents prepared by an applicant, a contractor, or another outside party. The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 16 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

Address
Staff Symbol:
Phone: (xxx) xxx-xxx
Fax: (xxx) xxx-xxx

5090.1
[Insert date]

MEMORANDUM

From: [Proponent name and office/command] Reply to [Office symbol]
Attn of: [Proponent Point of
Contact (POC)]
(555) 555-5555

To: [Name and office/command with environmental planning (EP)-warranted staff]

Subj: REQUEST FOR ENVIRONMENTAL PLANNING SUPPORT

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) Environmental Planning Policy, 5090.1 (series)
(f) [Other environmental compliance mandate or policy]

1. [I/We] request the advice, assistance, and oversight of your warranted environmental planning staff to complete compliance with References (a)–(f) for [Briefly state the project/action name and location(s)/geographic area(s). If you are looking for programmatic long-term support, briefly state the timeframe involved, and the approximate number and type of actions.].

a. [Briefly describe action(s)/project(s).]

b. [State why environmental assistance outside your command is necessary.]

2. In order to complete environmental compliance requirements associated with [name of proposed action], [my/our] office [will/is]:

a. [Provide/Providing] funding for compliance (e.g. contract support to prepare environmental compliance documentation and/or any costs associated with coordinating and conducting any required consultation with environmental regulators); and

b. [Provide/Providing] the names, roles, and responsibilities and contact information for all Proponent staff that will be involved in the compliance process as follows:

ENCLOSURE 16 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

REQUEST FOR ENVIRONMENTAL PLANNING SUPPORT
AGREEMENT

5090.1
[Insert date.]

(1) [Name and/or position] is our final signatory and decision-maker (has go–no-go authority on the proposed action) and [his/her] contact information is [contact information]. Responsibilities include the following:

(a) Funding the cost of compliance including any needed contract support and/or consultation/coordination with environmental regulators;

(b) Final approval of mitigation commitments and final approval of, and signature on, environmental compliance documents and official correspondence; and

(c) Acceptance and storage of the final Administrative Record on the environmental compliance process for the proposed action.

(2) [Name and/or position] is our technical POC (if different from final signatory) and [his/her] contact information is [contact information]. Responsibilities include the following:

(a) Serve as the project lead and technical expert on the proposed action;

(b) Actively participate in the compliance process with warranted staff and participate in meetings and/or teleconferences to discuss issues related to the completion of environmental compliance requirements;

(c) Facilitate data collection;

(d) Assist in the development of a schedule for environmental compliance document review and completion and/or consultation/coordination with regulators;

(e) Evaluate potential mitigation measures;

(f) Review environmental analysis and documentation for technical adequacy;

(g) Assist in briefing the final Proponent signatory on the results of any environmental compliance documentation and analysis, and any mitigation measures requiring approval; and

(h) Ensure implementation of any negotiated mitigation commitments.

(3) [Name/and/or position] is [other role] and [his/her] contact information is [contact information]. Responsibilities include the following:

(a) Serve as....

3. The [Proponent office/command] respectfully requests that the [office/command with EP-warranted staff] provide the following environmental planning compliance support using its EP-warranted staff, as appropriate:

a. Provision of a list of the names, roles, and responsibilities and contact information for all

ENCLOSURE 16 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

REQUEST FOR ENVIRONMENTAL PLANNING SUPPORT
AGREEMENT

5090.1
[Insert date.]

environmental staff that will be involved in the compliance process as follows:

- (1) The Environmental Reviewer;
- (2) The Senior Environmental Professional; and
- (3) Other.

b. Assistance with developing a statement of work for contractor support to achieve environmental compliance with References (a)–(f);

c. Provision of environmental planning guidance to the contractor;

d. Environmental review and signature on all environmental planning compliance documentation if and as required;

e. Participation in any required consultations with environmental regulators;

f. Assistance with the development of a schedule for environmental compliance document review and completion and/or consultation/coordination with regulators;

g. Participation in meetings and/or teleconferences, as necessary, for discussion of issues related to the completion of environmental compliance requirements;

h. Provision of a formal written response to this request which once received (together with this memo) will stand as the final agreement between our offices with regard to environmental support for [action name]. [I/We] propose the following with regard to any final agreement:

(1) The date [I/we] receive your response agreeing to supply environmental support will be deemed the agreement start date unless an alternate start date is supplied by your [office/command];

(2) [I/We] request that if and once this agreement is approved, either party to this agreement may modify or amend this agreement by mutual consent. Any amendments or modifications to this agreement must be proposed and agreed to via [email or memo].

(3) Once the agreement is in place, it will automatically expire by [date or timeframe] unless a request for an extension is received and agreed to in writing by both parties via [email or memo] prior to the expiration date.

(4) [I/We] further propose that once the agreement is in place it may be terminated in writing at will by either party via [email or memo]. Written notice of termination to the other party will be provided no less than [thirty/sixty/ninety] days prior to termination.

4. [I/we] have enclosed project information and a notional schedule for our proposed action that includes tentative dates for completion of environmental compliance requirements.

ENCLOSURE 16 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

REQUEST FOR ENVIRONMENTAL PLANNING SUPPORT 5090.1
AGREEMENT [*Insert date.*]

5. [*I/we*] appreciate your consideration of our request and look forward to your response. Please contact [*name of POC*] on [*contact information*] if you have any questions.

#

ENCLOSURE 17 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

COAST GUARD RECORD OF NON-APPLICABILITY FOR CLEAN AIR ACT CONFORMITY

The proposed action falls under the Record of Non-Applicability (RONA) category and is documented with this RONA.

Name of the Proposed Action:

Location:

Proposed Action & Emissions Summary:

Affected Air Basin(s):

Proposed Action Exemption(s):

Attainment Area Status and Emissions Evaluation Conclusion:

RONA Approval:

[Insert
date.]

Date

[Place signature.]

[Print name.]

Document Preparer

[Insert title/position.]

Title/Position

[Insert
date.]

Date

[Place signature.]

[Print name.]

Environmental Reviewer

[Insert title/position.]

Title/Position

[Insert
warrant
level.]

Provisional,
Interim, I, II,
or III

[Insert
date.]

Date

[Place signature.]

[Print name.]

Senior Environmental Professional

[Insert title/position.]

Title/Position

[Insert
warrant
level.]

Interim, I, II,
or III

[Insert
date.]

Date

[Place signature.]

[Print name.]

Proponent

[Insert title/position.]

Title/Position

ENCLOSURE 18 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

**UNITED STATES COAST GUARD (COAST GUARD) [DRAFT, FINAL, OR SUPPLEMENTAL]
ENVIRONMENTAL ASSESSMENT FOR [INSERT TITLE AND LOCATION OF ACTION.]**

This Coast Guard [draft, final, or supplemental] environmental assessment [(DEA)/(FEA)/(SEA)] was prepared in accordance with Environmental Planning Policy, COMDTINST 5090.1 (series) and is in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 to 4370h) and the Council on Environmental Quality Regulations dated 28 November 1978 (40 C.F.R. §§ 1500–1508).

This [DEA/FEA/SEA] serves as a concise public document to briefly provide sufficient evidence and analysis for determining the need to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI). This [DEA/FEA/SEA] concisely describes the proposed action, the need for the proposal, the alternatives, and the environmental impacts of the proposal and alternatives. This [DEA/FEA/SEA] also contains a comparative analysis of the action and alternatives, a statement of the environmental significance of the preferred alternative, and a list of the agencies and persons consulted during [DEA/FEA/SEA] preparation.

| | | |
|-----------------------|--------------------------------|---------------------------------|
| <u>[Insert date.]</u> | <u>[Place signature.]</u> | <u>[Insert title/position.]</u> |
| Date | [Print name.] | Title/Position |
| | Document Preparer ¹ | |

I reviewed the [DEA/FEA/SEA] and submitted my written comments to the Proponent.

| | | | |
|-----------------------|-------------------------------------|---------------------------------|---|
| <u>[Insert date.]</u> | <u>[Place signature.]</u> | <u>[Insert title/position.]</u> | <u>[Insert warrant level.]</u> |
| Date | [Print name.] | Title/Position | Provisional, Interim, I, II, or III |
| | Environmental Reviewer ¹ | | |

I reviewed the [DEA/FEA/SEA] and submitted my written comments to the Proponent.

| | | | |
|-----------------------|--|---------------------------------|--------------------------------|
| <u>[Insert date.]</u> | <u>[Place signature.]</u> | <u>[Insert title/position.]</u> | <u>[Insert warrant level.]</u> |
| Date | [Print name.] | Title/Position | Interim, II, or III |
| | Senior Environmental Professional ¹ | | |

In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this [DEA/FEA/SEA] and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s).

| | | |
|-----------------------|---------------------------|---------------------------------|
| <u>[Insert date.]</u> | <u>[Place signature.]</u> | <u>[Insert title/position.]</u> |
| Date | Proponent ¹ | Title/Position |

¹ 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. The Coast Guard Preparer signs for NEPA documents prepared in-house. The Coast Guard environmental project manager signs as Preparer for NEPA documents prepared by an applicant, a contractor, or another outside party. The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

PROCEDURES FOR PLACING NOTICES RELATED TO ENVIRONMENTAL PLANNING DOCUMENTS IN THE FEDERAL REGISTER

Purpose: These are the procedures for preparing, processing, and electronically signing (using MS Word Signer) environmental planning notices to be published in the *Federal Register*. Electronic signature of environmental planning notices reduces processing time, eliminates the need to mail such documents to Headquarters and courier them to the Office of the Federal Register (OFR), and cuts costs. For these reasons, electronic signature is strongly preferred over an ink signature and should be the default method of signing.

Prepare Notice for Signature:

1. The field unit or headquarters office prepares an MS Word version of the notice using the appropriate templates in the Enclosures section of the Environmental Planning Implementing Procedures (e.g., Notice of Intent, Notice of Availability, and Notice of Public Hearing or Meeting) with a signature block in the same format that would be used for an ink signature, including a line for the date signed.
2. The field unit or headquarters office includes the docket number and document type in the file name – for example: "USCG-2016-1234_NOI." It is not necessary to type .docx into the title; that file extension will automatically attach to the file name when saved as the default file type "Word Document." Only .docx file extensions are accepted by the OFR. The maximum file name is 75 characters and usually should be much less. CG-LRA recommends underscores instead of spaces in file names because the OFR will count spaces as three characters.
3. The field unit or headquarters office clears the notice through their chain of command and their servicing legal command.
4. As required by the Environmental Planning policy, COMDTINST 5090.1 and the related Environmental Planning Implementing Procedures, the appropriate field unit or headquarters office of the Proponent submits the draft notice and any related environmental planning documents to Commandant (CG-47) for review, and Commandant (CG-47) submits to DHS SEP for their review and approval. Environmental planning notices for placement in the Federal register and their associated environmental planning documents must be reviewed by DHS SEP prior to posting. DHS SEP will provide Commandant (CG-47) written comments within ten (10) working days of notification for EAs or EISs and five (5) working days of notification for NOIs, and NOAs. Commandant (CG-47) will then notify the Proponent of any DHS SEP questions, comments, or concurrence on the documents.
5. The field unit or headquarters program office of the Proponent sends Commandant (CG-LRA) Admin an email notice at "HQS-SMB-CG-LRA-Admin" with the notice attached. The body of the email should contain the names of the field unit or headquarters' program office and legal

ENCLOSURE 19 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

office points of contact (POCs). Also, please include the words “Pre-Review for E-signature” in the email subject line.

6. Commandant (CG-LRA) Admin makes a log entry to track the incoming notice and assigns the notice to an attorney.
7. The Commandant (CG-LRA) attorney reviews, works any changes with the appropriate legal office and field unit or headquarters program office, clears, and sends the notice back to the field unit or headquarters program office via email for signature.
8. The field unit or headquarters program office accepts all tracked changes and removes all comments in the document to prepare for e-signature and turns off track changes.
9. The field unit or headquarters program office inserts the expected date of signature above the signature block (for example, “Dated: September 30, 2016.”), changes the file name to the original short name plus the expected signature date ("USCG-2016-1234_NOI_30SEP16"), and e-mails the cleared document with a .docx file extension to the appropriate final decision-making official (Proponent) for signature. They then convey the following message in the email text: “I have inserted [today's, tomorrow's, etc.] date above the signature block. If you sign this document on a different date, ensure that you correct the signature date. This document must bear the actual date on which it is signed. If the inserted date differs from the date it is e-signed, the Office of the Federal Register will detect the discrepancy and reject the document.”
10. The below directions are in, or attached to, the email sent to the Proponent.

Sign Notice:

1. Open emailed document in MS Word and verify that the date of signature (above the signature block after the word “Dated”) is the date you are e-signing the document.
2. Choose “Save as.” Ensure the “save as type” is set to “Word Document” and NOT “Word 97-2003 Document.” Also, edit the file name to state “e-signed” at the end. Ex: “USCG-2016-1234_NOI_30SEP16_e-signed.” Click “Save.”
3. Click “File” in the top left corner of MS Word.
4. Within the “Info” tab, click “Protect Document,” then choose “Add a Digital Signature.”
5. In the pop-up, for commitment type choose “Approved this document” then click “Sign.” You do not have to add a purpose for signing this document. If prompted for your Common Access Card (CAC) PIN, please enter it. **A PIN is not always requested.**

ENCLOSURE 19 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

6. The document will automatically save with the signature. To view the signature, click “File” then choose “View Signatures.” There is no need to save the document again.
7. Exit Word and return the signed document via email to the person who requested your signature, who will then forward to LRA Admin.

Open after Signature and Transmit the Notice to the Office of the Federal Register: Field and headquarters personnel will need to open documents after e-signature to ensure they were signed and contain a date. Use the following procedure to open e-signed documents:

1. Double click the document to open it in MS Word.
2. Click the yellow highlighted prompt above the document that says “View Signatures,” or click “File” in the top right corner, then choose “View Signatures.”
3. Verify the name and date next to the signature matches the name and date in the signature block.
4. The field unit or headquarters program office saves the document to their files then emails the e-signed notice to HQS-SMB-CG-LRA-Admin including “E-Signed” in the subject line.
5. The Commandant (CG-LRA) attorney confirms the notice has a lowercase “.docx” file extension, and is not a “.doc,” “.DOCX,” or “.docx.p7m” file. The attorney also opens the e-signed document to view the signatures, ensure that there are no tracked-changes or comments, and to confirm that the signature block contains a valid date.
6. Commandant (CG-LRA) Admin transmits the notice to the OFR through their web portal, prints out a PDF version, marks the hard copy as signed, and files it.

NOTICE OF INTENT TEMPLATE

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

Docket Number USCG-20XX-XXXX *[Insert USCG docket number here. Request docket number by emailing: HQS-DG-1st-CG-0943-Docket.]*

[Name of Proposed Action]; Preparation of [Environmental Impact Statement and/or Overseas Environmental Impact Statement]

[Insert a descriptive but succinct subject heading above – an example is provided. Capitalize the first letters of principal words. Do not end the heading with a period or other punctuation.]

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent to prepare an *[Environmental Impact Statement (EIS) and/or an Overseas Environmental Impact Statement (OEIS)]*; *[Add “and notice of public meeting; and request for comments” if applicable.]*

SUMMARY: Pursuant to *[Section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the regulations implemented by the Council on Environmental Quality (CEQ) (§§ 1500–1508 of title 40 C.F.R.) and/or Environmental Effects Abroad of Major Federal Actions, Executive Order 12114 (E.O. 12114)* the United States Coast Guard (Coast Guard) announces its intent to prepare an *[EIS and/or OEIS]* to evaluate the potential environmental consequences of *[summary of proposed action and its components. Refer to CG in third person (in other sections of the preamble. First person references to CG are preferred). Use language a non-expert will understand. Omit legal citations, background, and details. Three concise sentences (or less) normally suffice.]*

DATES: Comments must be submitted to the online docket via <https://www.regulations.gov/>, or reach

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the Docket Management Facility, on or before *[INSERT DATE AND INSERT APPLICABLE NUMBER OF DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.] [Omit this section if you are not requesting comments and no dates or addresses are relevant.]*

ADDRESSES: *[Omit this section if you are not requesting comments and no addresses are relevant.]*

You may submit comments identified by docket number USCG-*[Insert USCG docket number. Request docket number by emailing: HQS-DG-1st-CG-0943-Docket.]* using the Federal eRulemaking Portal at <https://www.regulations.gov/>. See the “Public Participation and Request for Comments” portion of the SUPPLEMENTARY INFORMATION section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: *[Insert subject matter expert’s (SME’s) name, the name of SME’s office or division, and SME’s phone # and email address.]*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations *[Paragraphs I-IV are sample headings. Adjust the number and content of your headings to the complexity and length of your subject matter.]*

II. Background and Purpose

III. Scoping Process

IV. Information Requested

V. Public Participation and Request for Comments

Pursuant to the CEQ regulations *[and/or the requirements of E.O. 12114]*, the U. S. Coast Guard invites public participation in the NEPA *[and/or E.O. 12114]* process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

We encourage you to submit comments through the Federal portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions. In your

ENCLOSURE 20 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

submission, please include the docket number for this notice of intent and provide a reason for each suggestion or recommendation.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacyNotice>.

Documents mentioned in this notice of intent as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website's instructions.

II. Public Meeting *[Choose the language saying we plan to hold a public meeting or use the language saying we do not plan to hold a public meeting as appropriate.]*

We do not plan to hold public meetings, however if sufficient requests for public comment are received, the Coast Guard will announce the dates, times, and locations in a separate document published in the *Federal Register*. To receive an email notice whenever a comment or notice—including the notice announcing when any meetings are to be held, is submitted or issued, go to the online docket and select the sign-up-for-email-alerts option. When it is published, we will place a copy of the announcement in the docket, and you will receive an email alert from www.regulations.gov.

[Use the paragraph above or below as applicable.]

We plan to hold public meetings in *[insert location or locations]* to receive oral comments on this notice of intent. The dates, times, and locations of the public meetings will be announced in the local papers *[State name of papers.]* and online at *[Insert website.]*. If special assistance is required to attend the meetings, such as sign language interpretation or other reasonable accommodations, contact the U.S. Coast Guard as indicated in FOR FURTHER INFORMATION CONTACT.

Dated: *[This will appear on the last page, preceded by at least 3 lines of text on that page. Replace*

ENCLOSURE 20 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

brackets with handwritten (blue ink), stamped, or typed date, using the date the document is actually signed.]

[Insert handwritten signature (blue ink). Only a person authorized to sign this document or a person “Acting” in the capacity of the authorized person may sign. No person may sign “For” another, initial another person’s signature, or sign “By direction.]

J. Smith
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Pizzazz *[Replace this with appropriate signature block.]*

ENCLOSURE 21 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

**UNITED STATES COAST GUARD (COAST GUARD) [DRAFT, FINAL, OR SUPPLEMENTAL]
 ENVIRONMENTAL IMPACT STATEMENT FOR [INSERT TITLE AND LOCATION OF ACTION.]
 [INSERT VOLUME #/TOTAL # OF VOLUMES.]**

| | | | |
|---|--|--|--|
| DOCUMENT NUMBER: <i>[Insert document number.]</i> | | | |
| PREPARED BY: <i>[Insert responsible Coast Guard command/or office and specify any joint-lead, or cooperating agency(ies).]</i> | | | |
| CONTACT INFORMATION: <i>[State name, address, telephone/fax/e-mail, as appropriate.]</i> | | | |
| ABSTRACT: <i>[Insert one paragraph abstract of the draft, final, or supplemental Environmental Impact Statement (EIS)] [(DEIS)/(FEIS)/(SEIS).]</i> | | | |
| DATE OF PUBLICATION: | | | |
| DATE COMMENTS MUST BE RECEIVED: <i>[For DEIS: allow at least 45 days from date of publication.]</i> <i>[For FEIS: allow at least 30 days from date of publication.]</i> | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Document Preparer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |
| I reviewed the <i>[draft/final/supplemental]</i> environmental impact statement <i>[DEIS/FEIS/SEIS]</i> and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Environmental Reviewer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Provisional, Interim, I, II, or III |
| I reviewed the <i>[DEIS/FEIS/SEIS]</i> and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Senior Environmental Professional ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Interim, II, or III |
| I reviewed the <i>[DEIS/FEIS/SEIS]</i> and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Legal Reviewer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this <i>[DEIS/FEIS/SEIS]</i> and considered and acknowledge the written comments submitted to me from the Environmental and Legal Reviewers. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> Proponent ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |

¹ 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. The Coast Guard Preparer signs NEPA documents prepared in-house. The Coast Guard environmental project manager signs as Preparer for NEPA documents prepared by an applicant, a contractor, or another outside party. A Coast Guard attorney in District Legal, Legal Services Command, or Commandant (CG-LMI-E) must sign as legal reviewer. The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 22 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

ENVIRONMENTAL COMPLIANCE FOR EMERGENCY RESPONSE ACTIVITIES

This document provides Coast Guard personnel with general guidance for complying with environmental **mandates**¹ during emergency response operations. Also, please note the differing definitions of emergency for each law. This list is not all encompassing and certain situations may involve other environmental laws. **NOTE: Some environmental/historic resource laws/regulations allow for agreement documents or consultation documents to substitute or supplement the normal regulatory requirements for emergency activities; where this is the case for your program area, you must follow those agreement/consultation documents. We have included in the resource column of the table below those major agreement documents that may apply to specific program areas; however, be aware that there may be others that are applicable to your actions.** Servicing legal and environmental staff is available to provide additional guidance.

General Guidance:

- 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/25512>. 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 compliance mandates.
- Generally, “emergency actions” that are exempt from environmental compliance, or where compliance may be postponed, are immediate actions necessary for the protection of human life, public safety, public health, national security, or the environment, and the avoidance of the destruction of property. If there is any doubt what constitutes such emergency actions, consult with your chain of command, legal staff, and servicing environmental staff. When you must take immediate action necessary for the protection of human life, public safety, public health, national security, or the environment, and the avoidance of the destruction of property and there is no time for you to consult such staff, the on-scene personnel and the operational commander make the determination that an action meets the criteria of an “immediate emergency action” based on their best judgment.
- During emergency situations, make every effort to minimize environmental impacts. Although each law discussed below has differing requirements for an “emergency,” nothing in this document precludes on-scene commanders from taking action to address immediate dangers to life, public safety, public health, national security, the environment, and/or property. However, not all actions related to disaster response or other emergency response are exempt from compliance with environmental laws. Even in the aftermath of a disaster, you have a responsibility to comply with the various laws to the best of your ability.
- Make note of the condition of environmental and potentially historic resources before and after the action if possible. You may need to use the before and after information for after-the-fact consultations and for input into any other required analysis.
- Keep records of all consultations, calls, or emails concerning environmental compliance during emergency operations. For phone calls and verbal consultations, document the names of those consulted, the content of the consultations, and the dates and times such conversations occurred. All documents, notes, and information related to environmental compliance for emergency decision-making is part of the administrative record.
- Review the table below for specifics of each environmental law. In most cases, emergency operations are either exempt, subject to emergency notification, follow streamlined procedures, or allow for after-the-fact consultations.

¹In relatively rare instances, environmental/historic mandates may not apply to actions for which the Coast Guard has no decision-making authority and no discretion in implementing the action. Two examples of such non-discretionary actions are as follows: actions carried out under a non-discretionary mandate from Congress such as congressional direction to transfer federal property to a particular entity for a particular purpose that leaves the Coast Guard no discretion in how to implement the transfer, and actions carried out as an operation of law, such as reversionary interests in land recorded at the time the property was obtained and that provide the Coast Guard no discretion in whether to trigger the reversion or how to implement the reversion. Further, oil and chemical spill response activities that are undertaken pursuant to the National Contingency Plan (NCP) are actions on behalf of the President, and do not require NEPA compliance. Consult your servicing legal command before assuming you are taking an action that allows no discretion or falls under the NCP.

ENCLOSURE 22 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

| Law | Regulation | Definition of Emergency | Guidance | Resources |
|---|-------------------------------------|---|--|--|
| National Environmental Policy Act (NEPA)² | 40 C.F.R. § 1506.11 | <p>Neither NEPA nor the Council on Environmental Quality (CEQ) regulations have an official definition of emergency. Use the definition in the glossary to the Environmental Planning IP as follows.</p> <p>A natural or human-made disaster or other phenomenon of an exceptional, inevitable, and irresistible character demanding immediate action for the protection of human life, public safety, public health, national security, or the environment, and the avoidance of the destruction of property if it relates to one of the other factors. This includes but is not limited to situations triggering emergency and major disaster declarations by the President under the Stafford Act.</p> | Do not delay immediate actions necessary for the protection of human life, public safety, public health, national security, or the environment, and the avoidance of the destruction of property. Consult with environmental staff as soon as feasible. If there is an applicable categorical exclusion (CE) and no extraordinary circumstances, proceed with the action. If there is no applicable CE, or there are extraordinary circumstances, prepare a concise EA as described in attachment two of the CEQ guidance. If the action will result in a significant impact, consult with Commandant (CG-47) to determine alternative arrangements. | <p>COMDTINST 5090.1 (series)</p> <p>CEQ Guidance</p> <p>DHS Manual Ch VI</p> |
| Endangered Species Act (ESA) | 50 C.F.R. § 402.05 | Situations involving acts of God, disasters, casualties, national defense or security emergencies, etc. and includes response activities that must be taken to prevent imminent loss of human life or property. | For emergency response actions that may impact listed species or critical habitat, contact local National Marine Fisheries Service (NMFS) or Fish and Wildlife Service (FWS) field office for guidance on minimizing impacts. Complete action and conduct consultation as soon as practical after emergency response. | <p>ESA Handbook CH 8</p> <p>Oil Spill MOA</p> <p>NMFS Contacts</p> <p>USFWS Contacts</p> |

² NEPA does not apply to oil spill response activities carried out by the FOSC.

ENCLOSURE 22 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

| Law | Regulation | Definition of Emergency | Guidance | Resources |
|---|-------------------------------------|---|--|--|
| Marine Mammal Protection Act (MMPA) | 16 U.S.C. § 31 109(h) | None. | There are no specific exemptions for emergency circumstances, but depending on the specific emergency response or recovery activities, incidental taking of marine mammal may be permitted. Federal employees are permitted to take marine mammals in the course of official duties if such action is for the protection of public health and welfare. The action must be directly related to safety of life or public health. | NMFS Contacts USFWS Contacts |
| National Historic Preservation Act (NHPA) | 36 C.F.R. § 800.12 | Disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life or property. | Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106. Prior to taking other actions, including non-immediate repairs that may impact a historic resource, allow seven days for comments by the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), and Native Hawaiian/Alaskan/tribal parties. If seven days are not available, notify applicable parties and invite comments in available time. These streamlined consultation timelines are only applicable for 30 days after formal declaration of disaster or emergency unless an extension is granted by ACHP. | ACHP FAQ State Historic Preservation Officer Directory Tribal Historic Preservation Officers : Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan |
| Magnuson-Stevens Fishery Conservation and Management Act (MSA) | 50 C.F.R. § 600.920 | Situations involving acts of God, disasters, casualties, national defense or security emergencies, etc. and includes response activities that must be taken to prevent imminent loss of human life or property. | Consultation is required for emergency federal actions that may adversely affect essential fish habitat (EFH), such as hazardous material clean up, response to natural disasters, or actions to protect public safety. Federal agencies must contact NOAA Fisheries early in emergency response planning, but may consult after-the-fact if consultation on an expedited basis is not practicable before taking the actions. | Specific regions have additional guidance. Regional Contacts |

ENCLOSURE 22 TO ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

| Law | Regulation | Definition of Emergency | Guidance | Resources |
|---|---|--|--|--|
| Migratory Bird Treaty Act (MBTA) | 50 C.F.R. § 13.4 | None. | Regulations allow for variations from normal permitting procedures when USFWS determines an emergency exists. Contact the applicable USFWS regional office and in emergent circumstances, USFWS will provide a written notice that a variation is authorized. | Standard Conservation Measures Regional Contacts |
| National Marine Sanctuaries Act (NMSA) | 15 C.F.R. § 922 F-R | Situation that requires immediate and urgent action for the protection of life, property, or the environment. | Each sanctuary contains a provision that stipulates the Coast Guard may conduct activities immediately and urgently necessary for the protection of life, property or the environment. Specific sanctuaries may have additional guidance. | Contact Info |
| Coastal Zone Management Act (CZMA) | 15 C.F.R. § 930.32 | An unexpected situation requiring a federal agency to take quick or immediate action | A federal agency may deviate from full consistency with an approved management program when such deviation is justified because of an emergency or other similar unforeseen circumstance (“exigent circumstance”), which presents the federal agency with a substantial obstacle that prevents complete adherence to the approved program. Any deviation must be the minimum necessary to address the exigent circumstance. The federal agency must also provide the state with a description of their actions after they are complete or the emergency has ended. | CZMA Instruction State Federal Consistency Lists Links to Each State |
| Clean Water Act Section 404 | 33 C.F.R. § 325.2(e)(4) | A situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures. | Contact local Army Corps office immediately upon recognizing the need for a 404 permit in an emergency situation. Even in an emergency, the Army Corps must make reasonable effort to receive comments from the public and federal, state, and local agencies. If due to the circumstances special procedures are required, they are published as soon as possible after the emergency has ended. | Emergency Guidance from Fort Worth Area Office Locator |

ENCLOSURE 23 TO THE ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

UNITED STATES COAST GUARD (COAST GUARD) OVERSEAS [DRAFT, FINAL, OR SUPPLEMENTAL] ENVIRONMENTAL ASSESSMENT FOR [INSERT TITLE AND LOCATION OF ACTION.]

| | | | |
|---|--|--|--|
| <p>This Coast Guard <i>[draft/final/supplemental]</i> overseas environmental assessment <i>[(DOEA)/(FOEA)/(SOEA)]</i> was prepared in accordance with Environmental Planning, COMDTINST 5090.1 (series) and is in compliance with Environmental Effects Abroad of Major Federal Actions, E.O. 12114.</p> <p>This <i>[DOEA/FOEA/SOEA]</i> serves as a concise document to briefly provide sufficient evidence and analysis for determining the need to prepare an overseas environmental impact statement (EIS) or a finding of no significant harm (FONSH). This OEA concisely describes the proposed action, the need for the proposal, the alternatives, and the environmental impacts of the proposal and alternatives on the natural and physical environment. This <i>[DOEA/FOEA/SOEA]</i> also contains a comparative analysis of the action and alternatives, a description of any mitigation measures, and a list of the <i>[DOEA/FOEA/SOEA]</i> preparers.</p> | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Document Preparer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |
| <p>I reviewed the <i>[DOEA/FOEA/SOEA]</i> and submitted my written comments to the Proponent.</p> | | | |
| <u><i>[Insert date]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Environmental Reviewer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Provisional, Interim, I, II, or III |
| <p>I reviewed the <i>[DOEA/FOEA/SOEA]</i> and submitted my written comments to the Proponent.</p> | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Senior Environmental Professional ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Interim, II, or III |
| <p>In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this <i>[DOEA/FOEA/SOEA]</i> and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s).</p> | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> Proponent ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |

¹ 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. The Coast Guard Preparer signs NEPA/E.O. 12114 documents prepared in-house. The Coast Guard environmental project manager signs as Preparer for NEPA/E.O. 12114 documents prepared by an applicant, a contractor, or another outside party. The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

ENCLOSURE 24 TO THE ENVIRONMENTAL PLANNING IMPLEMENTING PROCEDURES

**UNITED STATES COAST GUARD (COAST GUARD) [DRAFT, FINAL, OR SUPPLEMENTAL]
OVERSEAS ENVIRONMENTAL IMPACT STATEMENT FOR [INSERT TITLE AND LOCATION OF ACTION.]
[INSERT VOLUME #/TOTAL # OF VOLUMES.]**

| | | | |
|---|--|--|--|
| DOCUMENT NUMBER: <i>[Insert document number.]</i> | | | |
| PREPARED BY: <i>[Insert responsible Coast Guard command/or office and specify any joint-lead, or cooperating agency(ies).]</i> | | | |
| CONTACT INFORMATION: <i>[State name, address, telephone/fax/e-mail, as appropriate]</i> | | | |
| ABSTRACT: <i>[Insert one paragraph abstract of the OEIS.]</i> | | | |
| DATE OF PUBLICATION: | | | |
| DATE COMMENTS MUST BE RECEIVED: (For draft overseas environmental impact statement (DOEIS): allow at least 45 days from date of publication.) (For final overseas environmental impact statement (FOEIS): allow at least 30 days from date of publication.) | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Document Preparer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |
| I reviewed the draft, final, or supplemental overseas environmental impact statement [(DOEIS)/(FOEIS)/(SOEIS)] and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Environmental Reviewer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Provisional, Interim, I, II, or III |
| I reviewed the [DOEIS, FOEIS, SOEIS] and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Senior Environmental Professional ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | <u><i>[Insert warrant level.]</i></u> Interim, II, or III |
| I reviewed the [DOEIS, FOEIS, SOEIS] and submitted my written comments to the Proponent. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> <i>[Print name.]</i> Legal Reviewer ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |
| In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this [DOEIS, FOEIS, SOEIS] and considered and acknowledge the written comments submitted to me from the Environmental and Legal Reviewers. | | | |
| <u><i>[Insert date.]</i></u> Date | <u><i>[Place signature.]</i></u> Proponent ¹ | <u><i>[Insert title/position.]</i></u> Title/Position | |

¹ 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. The Coast Guard Preparer signs NEPA/E.O.12114 documents prepared in-house. The Coast Guard environmental project manager signs as Preparer for NEPA/E.O.12114 documents prepared by an applicant, a contractor, or another outside party. A Coast Guard attorney in District Legal, Legal Services Command, or Commandant (CG-LMI-E) must sign as legal reviewer. The individual that signs as the Proponent cannot also sign as Environmental Reviewer or Senior Environmental Professional. All signatories must be Coast Guard military or federal employees. Contractors must not sign Coast Guard environmental planning documents.

