

Definitions

Action: A proposed or continuing project, program, policy or formal plan that is entirely or partly financed, assisted, regulated, or approved by a federal agency.

Action Proponent: The general rule is that the action proponent is the most junior element in the chain of command that “controls” the entire proposed action.

Categorical Exclusion (CATEX): A published category of actions for a specific organization that, under normal conditions, are excluded from further documentation requirements under NEPA. Mitigations may be applied to a project to allow the application of a CATEX.

Environmental Assessment (EA): An analysis of the potential environmental impact of a proposed action. An EA will result in either a Finding of No Significant Impact (FONSI), or preparation of an EIS.

Environmental Impact Statement (EIS): A comprehensive document providing a discussion of environmental impacts to inform decision makers and the public of the alternatives and impacts on the quality of the human environment.

Environmental Planning: A systematic process undertaken to identify, facilitate, and/or ensure compliance with the substantive and procedural requirements of laws, Executive Orders, and regulations addressing environmental matters.

Mitigation: Measures identified in environmental planning documents that reduce the severity or intensity of impacts of a proposed action.

References

National Environmental Policy Act
42 USC 4321

Council on Environmental Quality Regulations
CFR 1500-1508
<http://ceq.hss.doe.gov/>

OPNAVINST 5090.1C
Navy Environmental Program Manual
Chapter 5 Jul 2011

**Please contact the NSA
Monterey Environmental
Division for more information
or assistance:**

**Installation Environmental
Program Director (IEPD)**
Johanna Turner 656-7746

NEPA Coordinator
Vicki Taber 656-3639



NSA Monterey

NEPA Primer



The National Environmental Policy Act (NEPA) is a procedural law requiring full disclosure of possible environmental impacts of federal actions to decision makers and to the public, prior to a decision being made and action taken.

NEPA analysis is how the federal government accomplishes and documents environmental planning. Environmental planning ensures that environmental laws and regulations that apply to an action are taken into account before a decision is made and resources expended.

NEPA is required for every proposed or continuing project, program, policy or formal plan that is entirely or partly financed, assisted, regulated, or approved by a federal agency. Repercussions from not applying or insufficiently applying NEPA include project delays, lawsuits, and harm to the Navy and facility's reputation.

Early coordination with the Environmental Division is key to ensuring projects and processes comply with relevant laws and regulations and that delays in execution due to environmental requirements are kept to a minimum.

The NEPA Process

The Action Proponent initiates an environmental review of a proposed action or change in an established program by contacting the Installation Environmental Program Director (IEPD). After reviewing the proposal and any documentation provided, the IEPD may:

- Draft a Record of CATEX and route to the NSA Monterey CO for signature; or
- Decide the action was addressed in a previous NEPA document; or
- Determine that a Record of CATEX is inappropriate and that more in depth analysis or consultation is required.

CATEX Explained

Over the years, some actions or projects have repeatedly been shown to not harm the environment. These have been captured in agency-specific lists of “Categorical Exclusions” or “CATEXs”.

The Navy has 45 CATEXs. Before being applied as a method of satisfying NEPA requirements, actions on the CATEX list generally require preparation of a “Record of CATEX”, a 2-5 page document which may be signed by the CO.

Kickout Criteria

Even if a proposed action fits the description of a particular CATEX, a Record of CATEX may not be used to satisfy NEPA if the action would meet any of the “Kickout Criteria” listed in the OPNAVINST 5090.1C:

- Would adversely affect public health or safety;
- Involve effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial;
- Establish precedents or make decisions in principle for future actions that have the potential for significant impacts;
- Threaten a violation of Federal, State, or local environmental laws applicable to DON; or
- Involve an action that, as determined in coordination with the appropriate resource agency, may:
- Have an adverse effect on Federally-listed endangered and threatened species or marine mammals;
- Have an adverse effect on coral reefs or on Federally-designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands;
- Have an adverse effect on the size, function, or biological value of wetlands and is not covered by a nationwide or regional permit;
- Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels and equipment) listed or determined to be eligible for listing in the National Register of Historic Places; or
- Result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under the standards of the Clean Air Act General Conformity Rule.

