



Defense Logistics Agency **REGULATION**

DLAR 1000.22
Effective December 2, 2011

DS-E

ENVIRONMENTAL CONSIDERATIONS IN DEFENSE LOGISTICS AGENCY ACTIONS

Subpart A - Introduction

Section 1 – Purpose.

a. This part implements the National Environmental Policy Act of 1969 (NEPA) by establishing Defense Logistics Agency (DLA) policy and responsibilities for the early integration of environmental considerations into planning and decision-making.

b. This part requires environmental analysis of DLA actions that affect human health and the environment, and supplements the regulations of the Council on Environmental Quality (CEQ) in the Code of Federal Regulations (CFR) (40 CFR parts 1500-1508) and all CEQ guidance documents and implementing instructions. Additional requirements are contained in Environmental Security, Department of Defense Instruction (DODI) 4715.9, Environmental Planning and Analysis, Department of Defense Directive (DODD) 5000.1, Defense Acquisition, and DOD Directive 6050.7, Environmental Effects Abroad of Major Department of Defense Actions. To comply with NEPA, the CEQ Regulations and this part must be used together.

c. All DLA Activities abroad will comply with Subpart D of this DLAR, Executive Order (EO) 12114, Environmental Effects Abroad of Major Federal Actions, dated January 4, 1979, 3CFR, 1979 Comp., p. 356, and DOD Directive 6050.7, Environmental Effects Abroad of Major Department of Defense Actions.

d. This DLAR supersedes DLAR 1000.22, June 1, 1981, and DLA Instruction (DLAI) 4103, Environmental Considerations in DLA Actions Abroad, effective October 18, 2004.

Section 2 - Terms.

With the exception of the list below, the terms used in this publication are defined in 40 CFR Section 1508.

(1) CEQ. Council on Environmental Quality in the Executive Office of the President.

(2) CEQ Regulations. Regulations for Implementing the Procedural Provisions of the NEPA, 40 CFR 1500-1508.

(3) Environmental Documents. Those documents that must be prepared at specified stages of the DLA Environmental Review Process including an Environmental Assessment (EA), a Finding of No Significant Impact (FONSI), a Notice of Intent (NOI), a Draft Environmental Impact Statement (DEIS), a Final Environmental Impact Statement (EIS), and a Record of Decision (ROD). A Record of Environmental Consideration (REC) (DLA Form 1664) is also considered an environmental document in DLAR 1000.22.

(4) Environmental Review. Those actions required by NEPA and CEQ Regulations to evaluate the environmental consequences of a proposed action.

(5) Major Federal Action. Reinforces, but does not have a meaning independent of, “significantly affecting the environment,” and will be interpreted in that context.

(6) Proponent. Any headquarters staff element or field activity that proposes to initiate an action.

(7) United States. All states, the District of Columbia, territories and possessions of the United States, and all waters and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include the Virgin Islands, American Samoa, Wake Island, Midway Island, Guam, Palmyra Island, Johnston Atoll, Navassa Island, and Kingman Reef. For the purpose of this regulation, United States also includes the Commonwealths of Puerto Rico and the Northern Marianas, the Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Palau.

Section 3 - Responsibilities.

a. Headquarters DLA

(1) The Staff Director, DLA Installation Support, Environmental Management, or successor will:

(a) Exercise primary staff responsibility for coordinating and monitoring NEPA activities within DLA.

(b) Serve as the DLA primary point of contact on matters pertaining to this DLAR.

(c) Monitor DLA proposed decisions that have environmental implications to ensure that environmental considerations are integrated into the decision making process.

(d) Resolve issues regarding the need for formal environmental documents.

(e) Staff, approve, and publish all changes to the DLA list of Categorical Exclusions (CX).

(f) Provide assistance and advice on the preparation and processing of environmental documents, and ensure that DLA documents fulfill the requirements of the CEQ Regulations.

(g) Prepare environmental documents on actions for which DLA HQ is the proponent.

(h) Review and provide comments on environmental documents submitted by other DOD components and other federal agencies on actions that could affect DLA operations.

(i) Maintain copies of FONISs, EAs, NOIs, Draft and Final EISs, RODs and RECs.

(j) Designate primary responsibility in preparing, processing and publishing environmental documents.

(k) Serve as DLA representative on the Federal Interagency NEPA Working Group.

(2) The DLA General Counsel will provide legal advice and assistance in the interpretation of NEPA and CEQ Regulations, and will participate in the preparation and review of environmental documents.

(3) The DLA Director of Strategic Communications will:

(a) Make DLA environmental documents available to the public, except for portions that are classified.

(b) Coordinate the public release of DLA environmental documents with the Office of the Secretary of Defense to ensure that appropriate security procedures are observed.

(4) The Heads of DLA J codes and Staff Directors will:

(a) Apply the policies and procedures set forth in this DLAR to programs and actions within their areas of responsibility.

(b) Determine the need for environmental documentation early in the planning of an action.

(c) Review and provide comments on environmental documents covering actions within their areas of functional responsibility.

(d) Coordinate with DLA Installation Support, Environmental Management, or successor on proposed Headquarters Staff Instructions, regulations, manuals, and other policy publications that have environmental implications.

b. *Field Activities.* Commanders/Site Directors will:

(1) Develop and implement, as necessary, internal procedures for assessing environmental consequences of proposed actions for which they are the proponent. In addition, they will prepare, coordinate, and process environmental documents required for such actions within their areas of responsibility.

(2) Ensure that adequate funds are applied to comply with the provisions of this DLAR.

(3) Designate to DLA Installation Support, Environmental Management, or successor an environmental staff officer for coordinating and implementing environmental matters pertaining to this DLAR.

(4) Establish an Environmental Coordination Committee or expand the functions of an existing committee for the purpose of identifying issues having potential adverse environmental consequences and recommending possible courses of action.

(5) Establish a continuing program to assure that sufficient personnel are properly trained in the requirements of NEPA, the CEQ Regulations, and the provisions of this DLAR.

Section 4 - Policy.

a. It is the continuing policy of DLA to carry out its mission in a manner consistent with NEPA and implementing regulations. All practicable means not in conflict with statutory authority will be employed to minimize or avoid adverse environmental consequences and to attain the following objectives:

(1) Provide safe, healthful, productive, and aesthetically and culturally pleasing surroundings.

(2) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other unintended adverse consequences.

(3) Preserve important historic, cultural, and natural resources, and maintain an environment that supports diversity and variety of individual choices, where possible.

(4) Achieve a balance between resource use and development within the carrying capacity of the ecosystem involved.

(5) Enhance the quality of renewable natural resources by promoting conservation and recycling of depletable resources.

b. To accomplish these objectives, DLA activities will integrate the requirements of NEPA with other planning and review procedures so that all such procedures run concurrently rather than consecutively. Planners and decision makers will consider environmental values and amenities with economic and technical considerations at the earliest possible time during the planning process. In particular, DLA activities will:

(1) Use a systematic, interdisciplinary approach in developing environmental documents and conducting environmental review processes.

(2) Include environmental considerations in planning and decision making to the greatest extent practicable, even when specific environmental documents are not required. Engage DLA Installation Support, Environmental Management, or successor at the earliest possible stage of the planning process.

(3) Consider all reasonable alternative courses of action in the planning of any proposed action where there is the potential for environmental controversy over the proposed use of resources.

(4) Make decisions based on an understanding of environmental consequences.

(5) Encourage public involvement in actions that affect the quality of the human environment and, where appropriate, invite cooperation and assistance from federal, state, regional, and local authorities, and the public.

(6) Use tiered (40 CFR 1502.20) environmental documents and environmental documents prepared by other agencies to eliminate repetitive discussions of the same issue so to focus on the issues relating to specific actions.

(7) Assess direct and indirect impacts of the proposed actions on human health and the environment of DLA employees and others at a work site affected by a proposed action. The environmental documents should discuss impacts that require a change in work practices to achieve an adequate level of health and protection of the environment.

c. Several statutes, regulations and EOs require analyses, consultation, documentation and coordination with regulatory agencies and the public that duplicate various elements and/or analyses required by NEPA and the CEQ regulations. This often leads to confusion, duplication of effort, omission and, ultimately, unnecessary cost and delay. DLA proponents are encouraged to identify early in the NEPA process, opportunities for integrating those requirements into proposed programs, policies and projects. The NEPA process does not replace the procedural or substantive requirements of other environmental statutes and regulations. Rather, it addresses them in one place so the decision maker has a concise and comprehensive view of the major environmental issues and understands the interrelationships and potential conflicts among the environmental components. These statutes include but are not limited to: The Clean Air Act, as amended (General Conformity Rule, 40 CFR parts 51 and 93); Endangered Species Act; National Historic Preservation Act, Sections 106 and 110; Clean Water Act, including Section 404(b) (1); Comprehensive Environmental Response, Compensation and Liability Act; Resource Conservation and Recovery Act; Pollution Prevention Act; and The Sikes Act, 16 USC 670a-670o.

Section 5 - Changes from DLAR 1000.22, 1 Jun 81.

This revision provides all DLA components with a revised and updated list of CXs that identifies types of DLA actions that require neither an EA nor an EIS. The list of CXs meets the requirements of CEQ Guidance, Establishing, Revising, and Using Categorical Exclusions Under the National Environmental Policy Act, November 23, 2010.

Subpart B – NEPA Decision Process

Section 1 - Actions Requiring Environmental Analysis.

a. Examples of the types of actions subject to environmental review include but are not limited to:

- (1) Policies, regulations, and procedures (e.g. regulations, manuals, instructions, mission changes).
- (2) New management and operational concepts and programs, including logistics; Research Development Test & Evaluation; procurement; personnel management; real property and facility management (to include master plans); and environmental programs such as Integrated Natural Resource Management Plan (INRMP), Integrated Cultural Resources Management Plan (ICRMP), and Integrated Pest Management Plan. NEPA requirements may be incorporated into other DLA plans in accordance with 40 CFR 1506.4.
- (3) Projects involving facilities construction.
- (4) Operations and activities including individual and unit training, overall operation of installations, or facility test and evaluation programs.
- (5) Materiel development, operation and support, disposal, and/or modification.
- (6) Major changes in the mission or facilities either affecting environmentally sensitive resources or causing significant environmental impact.
- (7) Lease, permit, license or other entitlements for use of real property (e.g. grant of easement for utilities).
- (8) Request for approval to use or store materials, radiation sources, hazardous and toxic materials or wastes that belong to DOD components, other than DLA, on DLA permitted property.

b. In addition to the above, an environmental review may be required for non DLA actions that are facilitated through DLA contracts and equipment loans. Preliminary planning for such support shall include review of environmental analyses and documentation that has been conducted by the requesting agency to determine compliance with NEPA.

Section 2 - Classified Actions.

a. Limited exceptions to the procedural provisions of this regulation for proposed classified actions are found in 40 CFR 1507.3(c).

b. Classified information will be kept separate from unclassified matter whenever possible to enable environmental documents to be processed routinely in accordance with this regulation. Classified portions will only be provided to reviewers and decision makers with a need-to-know in accordance with current security regulations. Questions on the application of these provisions should be referred to DLA General Counsel.

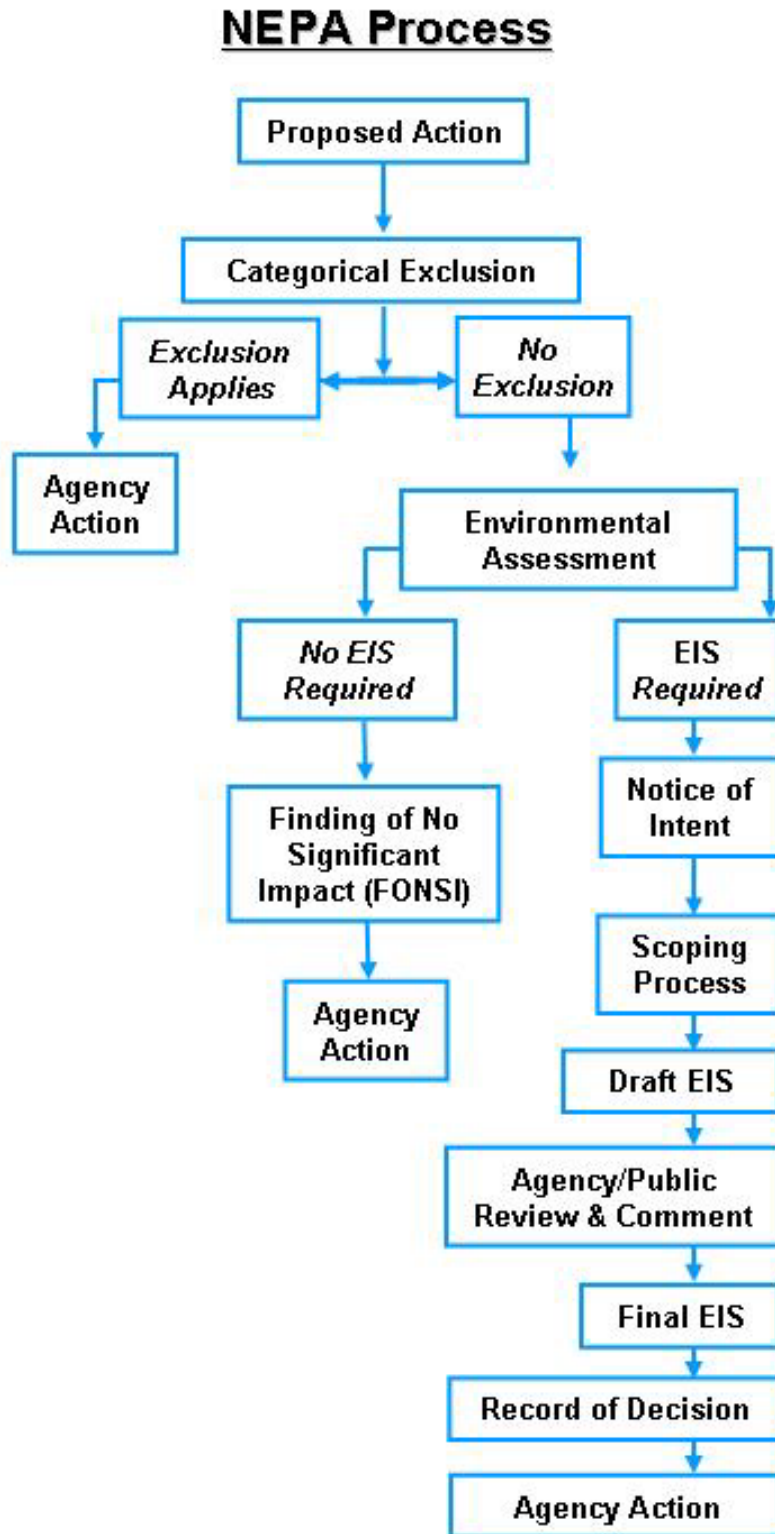
Section 3 - Environmental Review Procedures.

a. The environmental review procedures to be used within DLA are depicted in Figure 1. This diagram identifies a series of sequential decisions to be made by the proponent early in the planning of an action, and the follow-on actions with the associated documentation needed to complete the environmental review process. An explanation of these decision points and the content and format of each of the action documents identified in the diagram is provided herein.

b. The initial decisions in this process are to determine what level of environmental review is required for a proposed action. As indicated by the diagram, no further review is required when the proposed action is exempt by law, an emergency action, designated a CX, or has been adequately evaluated in an existing EA or EIS. A REC, DLAR Form 1664, is required to document the decisions above. The REC should include sufficient information to ensure that the action considered for a CX fits within the CX or CX's stated in the REC. When the foregoing conditions do not apply, a determination as to the type of environmental analysis is then considered. If it is known from the outset that the proposed action being considered will have a significant impact on the human environment, a DEIS will be prepared directly without an EA.

c. When a proposed action is one not usually requiring an EIS but is not categorically excluded, the proponent prepares an EA (40 CFR 1508.9). Every EA must lead to either a FONSI, a decision to prepare an EIS, or no action on the proposal.

Figure 1. NEPA Process



Section 4 - Determining appropriate level of NEPA analysis.

a. Actions Exempt by Law

The applicability of a law to this type of exemption must be obtained from available counsel. Following approval, a REC will be completed by the responsible official for inclusion in the activity project file administrative record.

b. Emergency Actions

(1) In an emergency, DLA may be required to take immediate action having significant environmental impact. However, these actions will be initiated only for reasons of national defense or for the protection of life or property. Emergency situations do not exempt DLA from complying with NEPA, but do allow emergency response while completing the environmental analysis (40 CFR 1506.11). CEQ guidance on preparing concise and timely environmental documentation should be followed as practicable.

(2) Any DLA official, at any level, believing that a situation is an emergency within the meaning of this part, will advise DLA Installation Support, Environmental Management, or successor without delay, preferably by memorandum or electronic mail message. DLA (DLA Installation Support, Environmental Management, or successor) will, in turn, promptly notify the Deputy Under Secretary of Defense, Installations and Environment (DUSD (I&E)), of the emergency action. DUSD (IE) will consult with CEQ as required in 40 CFR 1506.11. An emergency action will not be delayed for the purpose of complying with this DLAR or CEQ Regulations. However, DLA activities will coordinate emergency actions having significant environmental impact with affected agencies and members of the public to the extent that time allows and will complete the required NEPA analysis as soon as is practicable.

c. Categorically Excluded (CX) Actions

(1) CXs are recurring type actions that do not individually or cumulatively have a significant impact on the environment and do not require preparation of an EA or EIS. The types of DLA actions that normally qualify for CXs are listed in Appendix A.

(2) The DLA list of CXs is subject to periodic review and modification. Requests for changes may be made to DLA by submitting recommendations along with adequate justification to DLA Installation Support, Environmental Management, or successor. Field activities are prohibited from modifying the list through supplements to this regulation.

d. Actions to be Covered in an EA

(1) An EA may be either a programmatic or an individual assessment. The programmatic assessment is prepared for broad-scope actions, such as policies, regulations or Agency-wide programs. These are actions that normally affect all or most field activities and have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, or subject matter. Under these circumstances, one rather than a series of

individual assessments covering a number of installations or activities should be prepared. DLA should use tiered (40 CFR 1502.20) environmental documents to eliminate repetitive discussions of the same issues whenever practicable.

(2) The following are types of DLA actions that normally require preparation of an individual EA include, but are not limited to:

(a) Construction that may significantly alter land use, or that may result in significant environmental consequences when completed and operated.

(b) Change in installation land use that may alter environmental conditions.

(c) Repair or alteration projects affecting historical or culturally significant sites, structures or areas.

(d) Actions that could affect prime and unique agricultural land, wetlands, floodplains, coastal zones, rivers in the Nationwide Inventory and similar sensitive areas.

(e) Development of installation master plans, and land and natural resources management plans.

(f) Actions involving the excessing of real property with significant environmental impact.

(g) Development of Installation Pest Management Plans.

(h) Personnel actions requiring notification of Congress under 10 U.S.C. 2687.

e. Actions Requiring an EIS

(1) An EIS is a public document designed to ensure that NEPA is incorporated into the programs and actions of federal agencies. An EIS is intended to provide a full, open and balanced discussion of significant environmental impacts that may result from a proposed action and alternatives, allowing public review and comment on the proposal and providing a basis for informed decision making.

(2) An EIS is required (40 CFR 1501.4) when a proponent, preparer, or approving authority determines that the proposed action has the potential to:

(a) Significantly affect the environmental quality or public health or safety.

(b) Significantly affect historic (listed or eligible for listing in the National Register of Historic Places) or cultural, archaeological, or scientific resources; public parks and recreation areas; wildlife refuge or wilderness areas; wild and scenic rivers; and aquifers.

(c) Result in significant or uncertain environmental effects, or unique or unknown environmental risks.

(d) Significantly affect a federally listed threatened or endangered plant or animal species; a federal candidate species; a species proposed for federal listing; or critical habitat.

(e) Create substantial environmental controversy concerning the significance or nature of the environmental impact of a proposed action.

(3) DLA actions that normally, but not always, require preparation of an EIS include but are not limited to:

(a) Construction or major expansion of a facility that would significantly alter land use or result in environmental consequences when operational.

(b) Major construction and operation of a facility in or near wetlands, inland waterways, floodplains, coastal zones, or within otherwise ecologically sensitive areas, to include endangered species habitat.

(c) Major land acquisition, outleasing, or land excessing actions that may be expected to result in a significant change in land use.

(d) Closure of a major installation, except where the only significant impacts are socioeconomic or action is otherwise exempt by law.

Subpart C – Records and Documents

Section 1 - Introduction.

a. Any environmental document prepared in accordance with this DLAR shall accompany the appropriate staffing document in the DLA decision making process. Alternative courses of action should be presented within these documents, with relevant supporting correspondence.

b. The manner in which environmental considerations are to be integrated into DLA will occur through planning and staffing of major Agency actions and through coordination with DLA executive boards and review panels.

c. Decisions reached on the appropriate level of environmental review required for a proposed action determine the nature and scope of the actions required to complete the environmental documentation process. The following describes the procedures to be employed in the preparation of documents for actions exempt from further environmental analysis and those required for the preparation and processing of an EA or EIS.

Section 2 - Record of Environmental Consideration (REC) (DLA Form 1664).

a. DLA Form 1664 (Appendix B) is a written record for the file prepared by the action proponent or representative environmental staff officer indicating that no further environmental

analysis is required prior to implementation of an action. It includes a brief description of the proposed action and cites projected implementation and completion dates and should document the CX or the supporting EA or EIS relied upon.

b. When a proposed action qualifies for a CX, the proponent of the action may proceed with implementation. However, if the action has associated unusual circumstances, the activity environmental staff officer or proponent representative shall be requested to make the decision as to whether further environmental review is necessary. Similarly, the environmental staff officer or proponent representative shall determine whether a proposed action falls within the scope of an existing approved EA or EIS, and is hereby exempt from further evaluation. Such decisions shall be recorded by completing DLA Form 1664, and only when it is concluded that further environmental review is not required may the proponent proceed to accomplish the action. The REC and validating information shall be retained by the proponent in the administrative record.

Section 3 - Environmental Assessment (EA).

a. An EA is a concise public document that briefly provides sufficient evidence and analysis to identify the nature and scope of environmental impacts of a DLA action and aids in determining whether to prepare an EIS or Finding of No Significant Impact (FONSI) (40 CFR 1508.9). It enables DLA to comply with NEPA when no EIS is necessary and it can facilitate preparation of an EIS when one is required. An EA is prepared when the action does not qualify for a CX or it is not apparent that an EIS is required. CEQ guidance for preparing concise and timely environmental assessments shall be used when practicable.

b. Involvement by environmental organizations and the public in the preparation of an EA is not mandatory, but is considered desirable. Some of the factors to be considered in making such a determination include: magnitude of the proposed action; extent of anticipated public interest; urgency of the proposal; extent of classified information involved.

c. DLA activities shall cooperate with state and local agencies to the fullest extent practicable to reduce duplication between NEPA and comparable state and local requirements when required. Such cooperation may include the preparation of a joint EA, participating as a cooperating agency, and holding joint public hearings.

d. Environmental Assessment (EA) Content and Format: Preparation of an EA generally does not require the extensive research or detailed documentation required for an EIS. However, the EA shall contain a brief discussion of the following:

- (1) Signature (Review and Approval) page
- (2) Purpose and Need for the action.
- (3) Description of the proposed action
- (4) Alternatives considered

- (5) Affected environment.
- (6) Environmental consequences
- (7) Conclusion regarding the impacts of the proposed action
- (8) Listing of preparers, agencies and persons consulted
- (9) References

e. The portion of the EA covering the elements (a) through (i) above will normally not exceed 25 typed pages in length. All EAs over 15 pages in length shall contain a summary of up to 5 pages, a table of contents, and be bound with an appropriate cover.

f. A supplement to an existing EA shall follow the above format. However, applicable information and analyses already provided in the EA need only be briefly summarized and or appropriately referenced in the supplement rather than be fully repeated.

g. Distribution of EA

(1) Copies of each approved EA will be forwarded by the proponent to DLA Installation Support, Environmental Management, or successor. In addition, a copy of each EA will be posted on DLA web site in coordination with DLA Strategic Communications or successor.

(2) Copies of an EA should be provided to local officials and organizations that may be affected by the proposed action. In addition, copies may be made available to the public and others outside DLA upon request at no charge. Electronic versions of the EA are preferred to bound, paper copies whenever possible.

Section 4 - Finding of No Significant Impact (FONSI).

a. The FONSI is a document (40 CFR 1508.13) that briefly presents the reasons why a proposed action will not have a significant impact on the human environment and thus, will not require an EIS. It summarizes the EA and is normally no more than two typewritten pages in length. It must contain the following:

- (1) The name of the action
- (2) A brief description of the action (including any alternatives considered)
- (3) A short discussion of the anticipated environmental effects
- (4) The facts and conclusions that have led to the FONSI
- (5) A deadline and POC for further information or receipt of public comment

b. Each FONSI will be submitted to DLA Installation Support, Environmental Management, for headquarters review and comment, and then made available to the potentially affected or interested public. Those covering actions of national concern will be published by the DLA proponent in the Federal Register in consultation with DLA Installation Support, Business Office, DLA General Counsel and DLA Strategic Communications. In addition, local publication of a FONSI will be made by the proponent, but not before publication in the Federal Register. In such instances, the text of both announcements must be identical. A FONSI on actions of only local or regional interest will be published by the DLA proponent after headquarters review in accordance with 40 CFR 1506.6(b)(3). Copies may also be distributed to appropriate agencies, organizations, and individuals.

c. FONSI will be signed, after receipt of and incorporation of comments, as appropriate, by the senior official responsible for oversight and control of the proponent, with the signatory official at the flag officer or civilian equivalent level.

Section 5 - Environmental Impact Statement (EIS)

a. An EIS is a public document designed to ensure that NEPA policies and goals are incorporated early into the programs and actions of federal agencies. It is a detailed written statement that fully discloses those actions or projects determined to be major federal actions having a significant impact on the human environment. It differs from an EA in that an EIS contains more detailed analysis, requires positive public participation, and involves more formal preparation and processing. Detailed guidance on the preparation of an EIS is contained in 40 CFR Section 1501. CEQ guidance should be followed; establishing a page limit of 150 pages (300 pages for complex projects) and should incorporate, by reference, any material that is reasonably available to inspection by potential interested persons within the time allowed for comment.

b. Lead and Cooperating Agency Responsibilities

(1) When DLA and other federal agencies are involved in a proposed action, or for such other reasons as identified in 40 CFR 1501.5, DLA Installation Support, Environmental Management, or successor will consult with DUSD(IE) or appropriate federal agencies involved to reach an agreement on who will assume lead and cooperating agency responsibilities in the preparation of the EIS.

(2) DLA HQ or a field activity may be designated a lead or cooperating agency. In such instances, the responsibilities set forth in 40 CFR, Section 1501.6 shall be observed.

c. Public Participation

(1) Participation by the public is required in the preparation of an EIS. Public involvement will be accomplished by publishing a Notice of Intent in the Federal Register (40 CFR 1508.22), through the scoping process (40 CFR 1501.7 and 1508.25), soliciting comments on the Draft EIS (40 CFR 1503 and 1506.6), and holding public hearings (40 CFR 1506.6(c) and (d)).

(2) Announcement of a scoping meeting shall normally be included in the Notice of Intent that will be prepared in accordance with National Archives and Records Administration, Office of the Federal Register, Federal Register Document Drafting Handbook (October 1998 Revision) or successor. The proponent will submit the Notice of Intent to DLA Installation Support, Environmental Management, or successor for review and publication in the Federal Register. Arrangements for distribution of a Draft EIS for comment and the scheduling of public hearings will be developed by the proponent in consultation with DLA Installation Support, Environmental Management, and the other primary staff elements involved.

(3) A written record shall be prepared of scoping meetings and public hearings for use in preparing the Draft or Final EIS.

d. Preparation and Distribution of EIS

(1) A proposed Draft EIS will be prepared by the proponent and forwarded to DLA Installation Support, Environmental Management, or successor for internal DLA review and comment. Staff comments will be provided to the proponent within 30 days to make revisions as necessary and produce a Draft EIS.

(2) After revision by the proponent, copies of the Draft EIS will be forwarded to DLA Installation Support, Environmental Management, or successor for re-staffing as necessary, filing with EPA, and distribution to appropriate federal agencies and to interested national organizations for comment. The preparing activity will be notified to distribute the Draft EIS to state, regional and local agencies, and to interested members of the public.

(3) At the conclusion of the comment period, the EIS will be revised as necessary and forwarded to DLA Installation Support, Environmental Management, or successor for filing with EPA.

e. EIS Preparation and Processing Time Relationships. Refer to the provisions set forth in 40 CFR 1506.10 to determine the steps and normal time relationships involved in the preparation and processing of an EIS from the time a decision is reached on the need for a statement to the implementation of a proposed action.

f. Implementation of Proposed Action. After a decision is made, the proponent shall prepare a ROD in accordance with 40 CFR 1505.2. If required, a monitoring and enforcement program will be developed in accordance with 40 CFR 1505.3. DLA Installation Support, Environmental Management, will be kept advised of the results of monitoring.

g. An extensive administrative record shall be prepared during the EIS process and shall be maintained in accordance with applicable laws, DOD and DLA record keeping requirements.

h Review of External EIS

(1) General. Review and comment by DLA on an EIS prepared by other federal agencies affecting DLA activities is permitted. Comments should be consolidated and forward to the proper proponent by DLA Installation Support, Environmental Management.

(2) References. Guidance pertaining to the review of external EISs is contained in 40 CFR, 1503.2 and 1503.3.

Subpart D – Environmental Effects of DLA Actions Abroad

Section 1 -- Introduction.

a. Protection of the environment is a DLA priority, both within the United States and abroad. DLA will pursue an active role in addressing environmental quality issues in DLA actions with neighboring communities and foreign partners. This section assigns responsibilities for review of environmental effects abroad of major DLA actions, as required by EO 12114, Environmental Effects Abroad of Major Federal Actions, dated January 4, 1979, 3 CFR, 1979 Comp., p. 356. This section applies to DLA HQ and agencies' actions that have the potential to adversely affect the quality of human environment outside the United States.

b. EO 12114 and DODD 6050.7 or successor provide guidance for analyzing the environmental impacts of Army actions abroad and in the global commons. DLA will, consistent with diplomatic factors (including applicable Status of Forces Agreements (SOFAs) and stationing agreements), national security considerations, and difficulties of obtaining information, document the review of potential environmental impacts of DLA actions abroad and in the global commons as set forth in DODD 6050.7 or successor. The analysis and documentation of potential environmental impacts of DLA actions abroad and in the global commons should, to the maximum extent practicable, be incorporated into existing decision-making processes; planning for military exercises, training plans and military operations.

c. The list of CXs in Appendix A of this part may be used in reviewing potential environmental impacts of major actions abroad and in the global commons, in accordance with DODD 6050.7 or successor and EO 12114, section 2-5(c). An action apparently fitting within a CX in the Appendix A does not automatically mean an action is exempt under DODD 6050.7 or successor. The proponent still needs to coordinate with DLA Installation Support, Environmental Management.

Section 2 -- Responsibilities.

a. The HQ DLA Installation Support, Environmental Management, or successor will:

(1) Exercise primary staff responsibility for coordinating and monitoring activities subject to environmental review procedures and environmental matters abroad.

(2) Maintain liaison with DUSD (I&E) on matters concerning EO 12114, DODD 6050.7 or successor and this part.

(3) Coordinate actions with other DLA Staff Directors as appropriate.

b. The DLA General Counsel will provide advice and assistance, as requested, on the requirements of E.O. 12114, this subpart, and other pertinent laws and regulations.

c. The Director, DLA Strategic Communications will:

(1) Make DLA environmental documents available to the public, except for portions that are classified.

(2) Coordinate the public release of DLA environmental documents with the Office of the Secretary of Defense (SECDEF) to ensure that appropriate security procedures are observed.

d. The DLA J-codes and Staff Directors will:

(1) Ensure the regulations and other policy issuances are reviewed for consistency with this subpart.

(2) Determine the need for environmental documents on proposed DLA actions that may adversely affect the global commons, a protected global resource, or the environment of another nation.

e. The Heads of DLA Field Activities will:

(1) Ensure that regulations and other policy issuances are reviewed for consistency with this subpart.

(2) Prepare and process environmental documents on proposed field activity actions that will adversely affect the global commons, a protected global resource, or the environment of another nation.

BY ORDER OF THE DIRECTOR


Phyllisa Goldenberg
Director, Strategic Plans and Policy

2 Enclosures

1. Appendix A, Categorical Exclusions
2. Appendix B, DLA Form 1664

APPENDIX A
Categorical Exclusion

1 . Screening Criteria:

a. To use a CX, the proponent must satisfy the following screening conditions:

(1) The action has not been segmented

(2) No “extraordinary” circumstances exist (see paragraph b of this section)

(3) One (or more) CX applies to the proposed action. If no CX is appropriate and the project is not exempted by statute or emergency provisions (see Section 4b of Subpart B), an EA or and EIS must be prepared before a proposed action may proceed.

(4) The proposed action cannot adversely affect “environmentally sensitive” resources unless the impact has been resolved through another environmental process. These resources include proposed and/or federally listed, threatened or endangered species or their designated critical habitats; properties listed or eligible for listing on the National Register of Historic Places; unique agricultural lands; costal zones; National Historic Landmarks; 100-year floodplains; wetlands; sole source aquifers.

b. Extraordinary circumstances that preclude the use of a CX are:

(1) Reasonable likelihood of significant effects on public health, safety or the environment. Environmental effects can be direct, indirect, and cumulative.

(2) Greater scope or size than is normal for this category of action.

(3) Reportable releases of hazardous or toxic substances as specified in 40 CFR part 302, Designation, Reportable Quantities and Notification.

(4) When a review of an action that might otherwise qualify for a Record of Non-applicability (RONA) reveals that air emissions exceed de minimis levels or otherwise that a formal Clean Air Act conformity determination is required.

(5) Reasonable likelihood of violating any federal, state or local law or requirement imposed for the protection of the environment.

(6) Effects on the environment which are likely to be highly controversial, uncertain or involve unique or unknown risks.

(7) Establishes a precedent for future or subsequent actions that are reasonably likely to have a future significant effect.

(8) Potential for degradation of already existing poor environmental conditions.

2 . Record of Environmental Consideration (REC) (DLA Form 1664).

For those CXs that require a DLA Form 1664, the document shall be completed as shown in Appendix B. Copies of appropriate correspondence and information used to determine appropriateness of the use of a CX shall be attached and maintained for the record.

3 . Revision Procedures.

The DLA list of CXs is subject to periodic review and may be modified only by DLA Installation Support, Environmental Management, or successor in accordance with CEQ Guidance. Requests for modification may be submitted, along with appropriate justification to DLA Installation Support, Environmental Management, for review and staffing. Field activities are not authorized to modify the list of CXs through supplements to this regulation.

4. DLA Categorical Exclusions.

Administrative and Contractual Activities

1. Normal personnel, fiscal, and administrative activities (recruiting, processing, pay, and recordkeeping). These activities include preparation of administrative or personnel-related studies, reports, and investigations.
2. Routine law and order activities performed by military, military police, physical plant protection, and security personnel and civilian natural resources and environmental law officers.
3. Studies, inspections, surveys, and investigations or other planning documents involving manpower and/or funding resources not having an environmental impact. (DLA Form 1664 Required)
4. Reductions and realignments of civilian and/or military personnel that do not require notification of Congress under 10 U.S.C. 2687. This includes reorganizations and reassignments with no changes in force structure, unit re-designations, and routine administrative reorganizations or consolidations. (DLA Form 1664 required)
5. Preparation of regulations, procedures, manuals and other guidance documents that implement without substantive change, the applicable DLA, higher headquarters or other federal agency regulations, procedures, manuals and other guidance documents.
6. Actions to suspend or debar contractors or individuals from doing business with DOD and to determine what actions should be taken with respect to such contractors and individuals.
7. Determinations on mistakes in bid and requests for extraordinary contractual relief.

8. Financial management activities, including budgeting, finance, and accounting, development of performance standards and manpower requirements, operation of Management Information System, and evaluation of performance.

9. Contract administration services, including pre-award surveys, production surveillance, quality assurance, and other activities related to the administration of defense contracts if conducted in accordance with applicable contract and environmental laws and regulations.

10. Activities of contractors under the administrative control of the DLA

11. Conversion of commercial activities under the provision of OMB Circular A-76. This includes only those actions that do not change the actions or the missions of DLA or alter the existing land-use patterns. (DLA Form 1664 Required)

12. [Reserved.]

Operational, Business and Logistical Activities

13. Recreation and welfare activities other than fish and wildlife management operations.

14. Commissary, Post Exchange, and Officer and Non-Commissioned Officers' (NCO) Club operations.

15. Routine procurement of goods and services.

16. Management, including transportation, storage, control, and disposition of military articles/items/property/equipment requiring demilitarization, mutilation, or special handling to prevent unauthorized transfer or use in accordance with applicable agency regulatory requirements.

17. Routine management, to include transportation, distribution, use, reuse, recycling, return to manufacturer, storage, treatment, sale, and disposal of solid waste, medical waste, radiological and hazardous/toxic materials or wastes, provided that routine management is performed in accordance with applicable DOD, DLA, federal, state, local and international requirements or those approved by the EPA Administrator under applicable statutes and regulations.

18. Management of assigned items, including procurement, related engineering support, storage, distribution, and transportation.

19. Technical and logistical services, including development and maintenance of the federal cataloging program, standardization programs, other technical information and analysis programs, and related activities operated or maintained by DLA.

20. Reutilization, transfer, donation or sale of DOD excess or surplus personal property.

21. Abandonment or destruction of surplus DOD personal property that is not hazardous or toxic.

22. Adoption of industry specifications for products and services in lieu of military standards and specifications.

23. Normal or routine basic and applied scientific research in compliance with all applicable safety, environment, and natural resource conservations laws.

24. Immediate responses to the release or discharge of oil or hazardous materials in accordance with an approved Spill Prevention and Response Plan or Spill Contingency Plan or that are otherwise consistent with the requirements of the National Contingency Plan. (DLA Form 1664 Required)

25. Normal activities related to contingency operations, including deployment of forces, opening and closing of military facilities, and disposal of property according to applicable regulations and theater guidance. (DLA Form 1664 Required)

26. Emergency or disaster assistance provided to federal, state, or local entities. (DLA Form 1664 required)

Repair and Maintenance and Real Estate Activities

27. Routine repair and maintenance of buildings, roads, grounds, administrative vehicles, and operating and materials handling equipment.

28. Construction performed in accordance with an approved installation master plan that does not significantly alter land use when the operation of the completed project would not have significant environmental consequences and would disturb no more than 5.0 cumulative acres of new surface. This does not include construction of facilities for transportation, distribution, use, storage, treatment and disposal of solid waste, medical waste, and hazardous waste. (DLA Form 1664 required)

29. Acquisition, installation, operation or privatization of utility (e.g., water, sewer, electrical) and communication systems (e.g., data processing, cable and similar electronic equipment) that use existing rights of way, easements, and distribution systems. (DLA Form 1664 required)

30. Grants of easements for the use of existing rights-of-way for roads, electrical power, telephone, and other transmission and communication lines; water, sewage, storm water, and irrigation pipelines, pumping stations, and related facilities; and for other similar, public utility, and transportation uses. (DLA Form 1664 required)

31. Grant of leases, licenses, inter-service support agreements, and permits to utilize DLA-managed real property (e.g., classroom, office, warehouse, or administrative space). (DLA Form 1664 required)
32. Reporting the availability of excess real property to the General Services Administration and the owning Military Service. (DLA Form 1664 required)
33. Actions to negotiate the acquisition of rights, inventions, patents, and copyrights. Actions to negotiate licenses and other documents granting rights in inventions, patents, and copyrights owned and controlled by the government.
34. Demolition of non-historic buildings, structures or other improvements and removal and disposal of debris in accordance with applicable regulations including regulations which apply to asbestos, polychlorinated biphenyls, and lead-based paint. (DLA Form 1664 required)
35. Application of pesticides in accordance with an Installation Pest Management Plan.
36. Sampling, surveying, well drilling and installation, analytical testing, site preparation, and intrusive testing to determine if hazardous wastes, contaminants, pollutants, or special hazards (for example asbestos, polychlorinated biphenyls, lead-based paint, or unexploded ordnance) are present. (DLA Form 1664 required)
37. Replacement of existing energy sources with alternative, renewable, or synthetic energy sources that comply with existing permit conditions. (DLA Form 1664 required)
38. Analysis and assessment of the natural environment without altering it (inspections, audits, surveys, investigations), to include granting of permits necessary for such surveys, provided the technology or procedure involved is well understood and there are no adverse environmental impacts anticipated from it.
39. Undertaking of specific investigatory activities to support remedial action activities for the purpose of cleanup of corrective action sites. These activities include soil borings and sampling, installation, and operation of test or monitoring. (DLA Form 1664 required)
40. Final cleanup actions when conducted in accordance with legal agreements, administrative orders, or work plans previously agreed to by EPA or state regulators. (DLA Form 1664 required)
41. Removal of bulk containers (drums, barrels) that contain or may contain hazardous substances, pollutants, contaminants, Comprehensive Environmental Restoration Compensation Liabilities Act-excluded petroleum or natural gas products, or hazardous waste (designated in 40 CFR part 261 or applicable state requirements), if such actions would reduce the likelihood of spillage, leakage, fire, explosion, or exposure to humans, animals, or the food chain. (DLA Form 1664 required)

42. Removal of an underground storage tank including its associated piping and underlying containment systems in compliance with RCRA, subtitle I; 40 CFR part 265, subpart J; and 40 CFR 280, subparts F and G, and similar provisions of state law and regulation if such action would reduce the likelihood of spillage, leakage, or spread of, or direct contact with contamination. (DLA Form 1664 required)

43. Repair or replacement of leaking containers.

Training and Testing Activities

44. On-the-job training activities and training entirely of an administrative or classroom nature.

45. Deployment of military and civilian personnel on a temporary duty or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission.

APPENDIX B

DLA Form 1664

RECORD OF DETERMINATION ENVIRONMENTAL EVALUATION		<i>REPORT CONTROL SYMBOL DD-M(AR) 1327</i>
TITLE OR DESCRIPTION OF PROPOSED ACTION (Brief statement of proposed action)		
DATE OF PROPOSED ACTION (Month and Year)		
BASED ON ANALYSIS, IT HAS BEEN DETERMINED THAT THE ACTION (Select one of the following):		
<input type="checkbox"/> 1a. Is covered in an existing EA or EIS, or is essentially identical to a previous action covered by an EA or EIS which revealed no significant environmental impact, and needs no further environmental analysis. TITLE OF EA OR EIS: _____ DATE: _____		
<input type="checkbox"/> 1b. Is partially covered in an existing EA or EIS and required preparation of a supplement. TITLE OF EA OR EIS: _____ DATE: _____		
<input type="checkbox"/> 2a. Is a categorically excluded action (CX), and there are no special circumstances that require further evaluation. DLA CX NUMBER: _____ (See attachment 1)		
<input type="checkbox"/> 2b. Has special circumstances associated with the action that disqualifies it as a CX. Consequently, an EA (EIS) is required.		
REMARKS		
TYPED NAME OF ENVIRONMENTAL STAFF OFFICER	SIGNATURE	DATE