



NEPA, Public Review, and ESA Compliance



Sikes Act Training: NEPA, Public Review, and ESA Compliance





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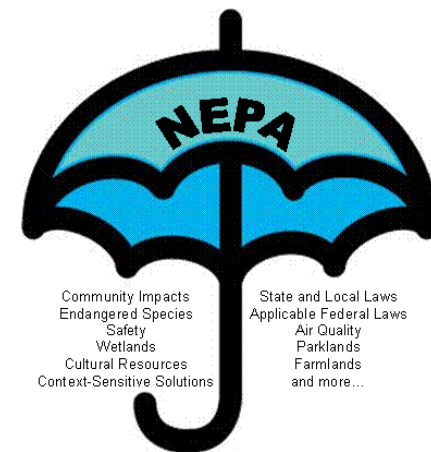


DoD Policy on NEPA for INRMPs

Sikes Act is silent on NEPA

2002 DoD Guidance:

- Public comment shall be invited in conjunction with NEPA
 - If limiting revisions to an existing INRMP are required, then no NEPA analysis is necessary
 - If more substantial revisions to INRMP are required, then NEPA analysis must be prepared





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Navy Policy on NEPA for INRMPs

- Council on Environmental Quality (CEQ) defines an INRMP as a major Federal action requiring NEPA analysis
- 1998 ASN and CNO Memo/2006 Navy INRMP Guidance on preparing NEPA documents for INRMPs: Navy Office of General Counsel (I&E) determined that Sikes requirements for INRMP implementation necessitate the preparation of NEPA documentation prior to INRMP approval
- OPNAVINST 5090.1C CH-1 : An action, no action, and one other alternative is required otherwise **proper rationale must be provided**



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Navy Policy on NEPA for INRMPs Continued

- NEPA documents should include relevant environmental issues and, if necessary, reasonable alternatives:
 - Each alternative should describe the general geographical extent where each management objective/program element would occur
 - Each reasonable alternative might only reflect a difference in the intensity in one of the management objectives/program elements over another (i.e. forest management, fish and wildlife management, or outdoor recreation)
 - Variations in compliance/implementation projects are not acceptable alternatives
 - No action alternative
- If there are problems or issues associated with INRMP NEPA documents please contact CNIC to discuss alternatives





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Navy Policy on NEPA for INRMPs Continued

- While it is not required that specific projects be analyzed in the NEPA document, there must be a complete project list with a description, cost estimate, funding priority designation, and implementation schedule in the INRMP in order to provide a basis for the NEPA proposed action
- A ROD, FONSI, or CATEX must be achieved before an INRMP may be signed





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Navy Policy on NEPA for INRMPs Continued

- Processing INRMP NEPA documents
 - Flow chart in 2006 Navy INRMP Guidance
- Environmental Assessment (EA) may suffice for most installation INRMPs
 - Environmental Impact Statement (EIS) is required if INRMP has significant impact on environment
- Annual updates are covered under the original NEPA documentation unless there is a major change in installation mission or program scope





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2006 Navy INRMP Guidance

Section 6.1 (NEPA Compliance)

- INRMP and associated NEPA documentation should be prepared as individual documents
- INRMP outlines projects that fulfill U.S. Navy compliance and stewardship obligations
- NEPA documentation analyzes impacts of the various program management options outlined within the INRMP
- Physically separate documents, but prepared simultaneously

Section 7.1.6 (Coordination Timelines)

- The installation shall provide the public an opportunity to review and comment upon the initial draft INRMP and initial draft INRMP revision (other than minor technical amendments)
- The public should be afforded a minimum of 30 days to review and comment



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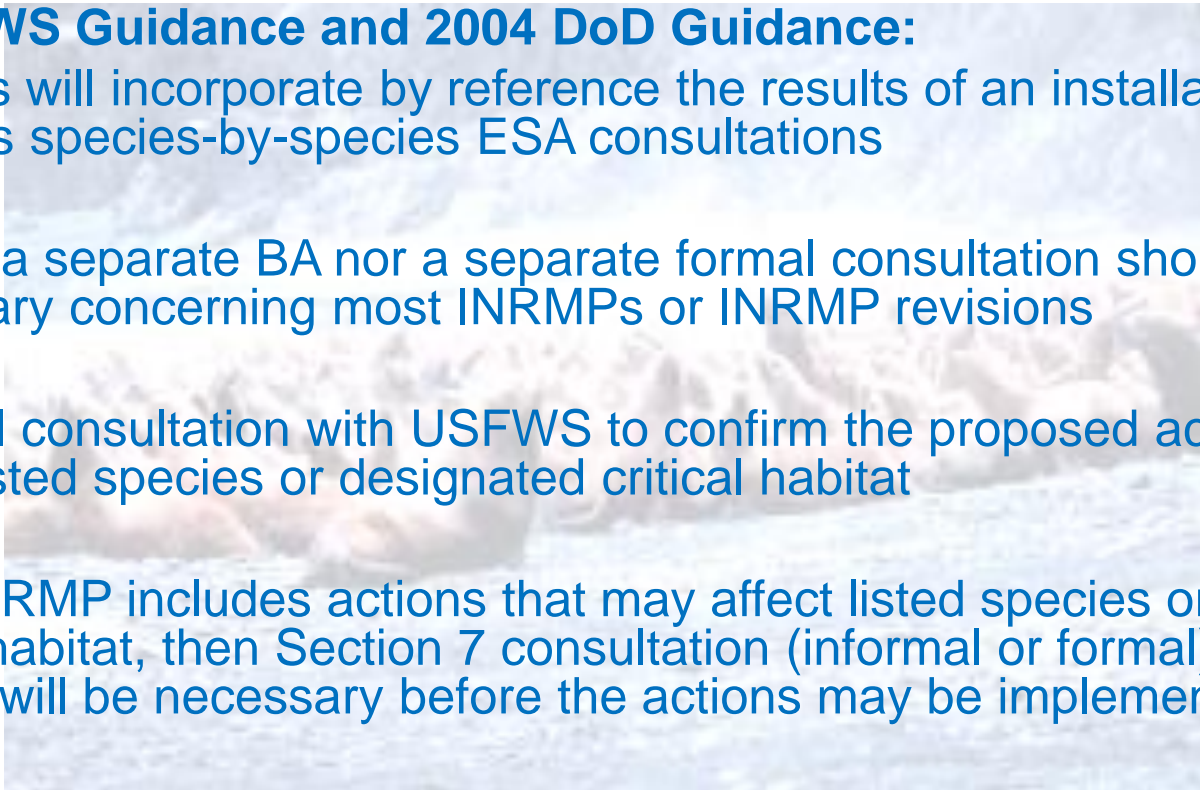


INRMP ESA Section 7 Consultations

Sikes Act is silent on Section 7 consultation requirements

2001 USFWS Guidance and 2004 DoD Guidance:

- INRMPs will incorporate by reference the results of an installation's previous species-by-species ESA consultations
- Neither a separate BA nor a separate formal consultation should be necessary concerning most INRMPs or INRMP revisions
- Informal consultation with USFWS to confirm the proposed actions will not affect listed species or designated critical habitat
- If the INRMP includes actions that may affect listed species or designated critical habitat, then Section 7 consultation (informal or formal) on these actions will be necessary before the actions may be implemented





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