



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY  
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WASHINGTON, D.C. 20350-1000

SECNAVINST 5090.6A  
ASN (I&E)  
April 26, 2004

SECNAV INSTRUCTION 5090.6A

From: Secretary of the Navy  
To: All Ships and Stations

Subj: ENVIRONMENTAL PLANNING FOR DEPARTMENT OF THE NAVY ACTIONS

Ref: (a) DoD Instruction 4715.9 of 3 May 96, Environmental Planning and Analysis  
(b) DoD Directive 6050.7 of 31 Mar 79, Environmental Effects Abroad of Major Department of Defense Actions  
(c) SECNAV Instruction 5430.104 of 7 Aug 95, Charter for the Position and Office of the Assistant Secretary of the Navy (Installations and Environment)  
(d) SECNAV Instruction 5000.2B of 6 Dec 96, Implementation of Mandatory Procedures for Major and Non-major Defense Acquisition Programs and Major and Non-major Information Technology Acquisition Programs  
(e) Council on Environmental Quality Regulations for Implementing the National Environmental Policy Act of 1969, 40 CFR Parts 1500-1508

Encl: (1) Policies and Responsibilities for Implementation of the National Environmental Policy Act Within the Department of the Navy

1. Purpose

a. To revise previously established policy for environmental planning in the Department of the Navy (DON); to provide for a comprehensive program of environmental planning and stewardship consistent with, and in support of, the readiness of the naval forces of the United States; and to supplement references (a) and (b).

b. This instruction has been revised substantially and should be read in its entirety.

2. Cancellation. SECNAVINST 5090.6.

3. Scope. This instruction applies to the DON, including the Office of the Secretary of the Navy, as defined at 10 U.S. Code Section 5014 and in Article 0310 of Navy Regulations, and Navy/Marine Corps commands, operating forces, shore

APR 26 2004

establishments, and reserve components. This instruction addresses all environmental planning for actions, including classified actions, both within the United States and abroad, including effects on the global commons. Enclosure (1) addresses specific policies and responsibilities under the National Environmental Policy Act (NEPA).

4. Definition. For purposes of this instruction, the term environmental planning means any systematic process undertaken to identify, facilitate, and/or ensure compliance with the substantive and procedural requirements of laws, Executive Orders, and regulations of the United States or the several States addressing environmental matters.

5. Policy. It is the DON policy, consistent with its mission and the environmental laws and regulations of the United States and applicable international treaties and agreements, to:

a. Prevent or reduce adverse impacts on the environment through effective environmental planning.

b. Consider environmental factors concurrently with mission effectiveness, cost, and other relevant factors.

c. Commence a systematic examination of the environmental implications of proposed actions at the earliest possible time.

d. Understand and comply with all environmental legal requirements; anticipate and control associated costs; and avoid delays caused by inadequate preparation and planning.

e. Provide environmental training commensurate with the responsibilities of the trainee and consistent with the mission of the DON through courses on environmental planning and by integrating instruction in environmental planning into other courses of training for military members and civilian employees.

f. Encourage effective and practical public participation in environmental planning.

g. Include appropriate consideration of socioeconomic issues in environmental planning matters where the potential for disproportionately high and adverse impacts on minority and low-income populations exists.

APR 26 2004

h. Include appropriate provisions for environmental planning in instructions, orders, plans or other guidance.

i. Include the costs of environmental planning in planning, programming and budgeting for the proposed action.

j. Prepare, safeguard, review and disseminate required planning, analysis and environmental documents, if any, for classified actions in accordance with applicable security instructions and requirements.

6. Responsibilities

a. The Assistant Secretary of the Navy (Installations and Environment) (ASN(I&E)) shall:

(1) In accordance with reference (c), act as the principal advisor to the Secretary of the Navy for environmental planning.

(2) Establish policy and issue specific policy guidance for environmental planning matters.

(3) Act as the principal liaison with the Office of the Secretary of Defense, the Council on Environmental Quality, the Environmental Protection Agency and other Federal agencies, Congress, State governments, and the public with respect to significant environmental planning matters.

(4) In accordance with reference (d), advise the Assistant Secretary of the Navy (Research, Development, and Acquisition) (ASN(RD&A)) on environmental issues.

b. ASN(RD&A) shall ensure that DON acquisition programs, science and technology actions, and procurements comply with environmental laws, Executive Orders, regulations and applicable Department of Defense (DoD) and DON environmental planning policies.

c. The General Counsel of the Navy and the Judge Advocate General of the Navy shall:

APR 26 2004

(1) Ensure that legal advice for compliance with environmental planning requirements is available to all action proponents.

(2) Advise the Secretary of the Navy, the Chief of Naval Operations (CNO), and the Commandant of the Marine Corps (CMC) as to the legal requirements that must be met, and the conduct and disposition of all legal matters arising in the context of environmental planning.

(3) Ensure that adequate training is available to DON lawyers to provide action proponents and decision-makers with competent legal advice and counsel on environmental planning matters.

d. CNO and CMC shall:

(1) Implement effective environmental planning throughout their respective Services.

(2) Prepare and issue instructions or orders to implement SECNAVINST 5090.6A and environmental planning policies of the DON. Forward proposed CNO/CMC environmental planning instructions or orders to ASN(I&E) and, when appropriate, ASN(RD&A) for review and comment prior to issuance.

(3) Plan, program and budget for environmental planning requirements at the headquarters' level and ensure that subordinate commands, when appropriate, plan, program and budget for the funding of training, environmental planning requirements, associated studies, and necessary mitigation.

(4) Make decisions on Environmental Assessments (EA) as to whether a Finding of No Significant Impact is appropriate or preparation of an Environmental Impact Statement (EIS) is required.

(5) Bring environmental planning matters that involve controversial issues or which may affect environmental planning policies or their implementation to the attention of ASN(I&E) and, where appropriate, ASN(RD&A) for coordination and determination.

(6) Notify ASN(I&E) and, where appropriate, ASN(RD&A) of

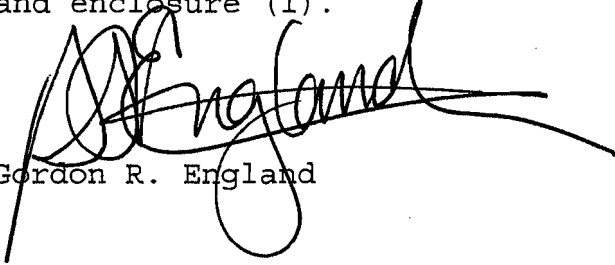
APR 26 2004

any proposed EIS, and of any EA that may involve potentially sensitive public interest issues. EIS notification shall occur prior to commencing NEPA document preparation or receiving any public or regulatory agency involvement. EA notification shall be made as soon as it becomes apparent that potentially sensitive public interest issues are involved.

(7) Provide for necessary technical and legal staffing to assist action proponents in carrying out environmental planning responsibilities.

(8) Develop procedures for participation of other Federal agencies, State and local agencies, and private groups and individuals in DON environmental planning documents.

7. Delegation of Authority. ASN(I&E), ASN(RD&A), CNO and CMC may delegate responsibilities assigned in this instruction consistent with reference (d) and enclosure (1).



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APR 26 2004

## POLICIES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT WITHIN THE DEPARTMENT OF THE NAVY

1. Purpose. To provide for compliance with the provisions of the National Environmental Policy Act (NEPA), 42 U.S. Code Section 4321 et seq., reference (e), and other regulations, laws, Executive Orders and treaties and agreements that direct environmental planning procedures, and to assign responsibilities within the Department of the Navy (DON) for preparation, review, and approval of environmental documents prepared under NEPA.
2. Scope. The policies and responsibilities set out in this enclosure apply to the DON, including the Office of the Secretary of the Navy, and Navy and Marine Corps commands, operating forces, shore establishments, and reserve components. This enclosure addresses environmental planning under NEPA.
3. Definitions. The following definitions apply to those terms used in this instruction:
  - a. Action Proponent. The commander, commanding officer, or civilian director of a unit, activity, or organization who initiates a proposal for action, as defined in section 1508.23 of reference (e), and who has command and control authority over the action once it is authorized. For some actions, the action proponent will also serve as the decision-making authority for that action. In specific circumstances, the action proponent and decision maker may be identified in Navy Regulations, other SECNAV Instructions, operational instructions and orders, acquisition instructions, and other sources which set out authority and responsibility within the DON.
  - b. Environmental Impact Statement (EIS). An environmental document prepared according to the requirements of reference (e) for a major action which will have a significant effect on the quality of the human environment.
  - c. Environmental Assessment (EA). A concise document prepared according to the requirements of reference (e), which briefly provides sufficient evidence and analysis for

Enclosure (1)

APR 26 2004

determining whether to prepare an EIS. An EA aids compliance with NEPA when no EIS is necessary and facilitates preparation of an EIS when one is necessary.

d. Categorical Exclusion (CATEX). A published category of actions which do not individually or cumulatively have a significant impact on the human environment under normal circumstances, and, therefore, do not require either an environmental assessment or an environmental impact statement.

e. Record of Decision (ROD). An environmental document signed by an appropriate official of the DON. A ROD sets out a concise summary of the final decision and selected measures for mitigation (if any) of adverse environmental impacts of the alternative chosen from those considered in an EIS.

f. Finding of No Significant Impact (FONSI). A document which sets out the reasons why an action not otherwise categorically excluded will not have a significant impact on the human environment, and for which an EIS will not therefore be prepared. A FONSI will include the EA or a summary of it and shall note any other environmental documents related to it. A FONSI may be one result of review of an EA.

#### 4. Policy

a. In addition to the general policies regarding environmental planning set out in the basic instruction, it is the DON policy regarding NEPA, consistent with its mission and the environmental laws and regulations of the United States, to:

(1) Initiate the NEPA processes at the earliest possible time to be an effective decision making tool in the course of identifying a proposed action.

(2) Develop and carefully consider a reasonable range of alternatives for achieving the purpose(s) of proposed actions.

(3) Assign responsibility for preparation of action specific environmental analysis under NEPA to the action proponent. The action proponent should understand the plans, analyses, and environmental documents related to that action.

APR 26 2004

b. NEPA is intended to ensure that environmental issues are fully considered and incorporated into the Federal decision-making process. Consequently, actions for which the DON has no decision making authority and no discretion in implementing the action, such as those carried out under a non-discretionary mandate from Congress (e.g., congressional direction to transfer Federal property to a particular entity for a particular purpose that leaves DON no discretion in how the transfer will be implemented) or as an operation of law (e.g., reversionary interests in land recorded at the time the property was obtained and that provide no discretion in whether to trigger the reversion or how the reversion will be implemented), require no analysis or documentation under NEPA or its implementing regulations.

#### 5. NEPA Documentation

a. An EIS must be prepared for proposed major Federal actions that clearly will have significant impacts on the human environment. The agency decision in the case of an EIS is reflected in a ROD.

b. Where a proposed major Federal action has the potential for significantly affecting the human environment, but it is not clear whether the impacts of that particular action will in fact be significant, or where the nature of an action precludes use of a CATEX, an EA may be used to assist the agency in determining whether to prepare an EIS. If the agency determination in the case of an EA is that there is no significant impact on the environment, the findings will be reflected in a FONSI. If the EA determines that the proposed action is likely to significantly affect the environment (even after mitigation), then an EIS will be prepared. An EA also may be used where it otherwise will aid compliance with NEPA.

c. A CATEX, as defined and listed in this regulation, may be used to exclude a proposed action from further analysis. Even though a proposed action generally is covered by a listed CATEX, a CATEX will not be used if the proposed action:

- (1) Would adversely affect public health or safety;
- (2) Involves effects on the human environment that are



APR 26 2004

highly uncertain, involve unique or unknown risks, or which are scientifically controversial;

(3) Establishes precedents or makes decisions in principle for future actions that have the potential for significant impacts;

(4) Threatens a violation of Federal, State, or local environmental laws applicable to the DON; or

(5) Involves an action that, as determined in coordination with the appropriate resource agency, may:

(a) Have an adverse effect on Federally-listed endangered/threatened species or marine mammals;

(b) Have an adverse effect on coral reefs or on Federally-designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands;

(c) Adversely affect the size, function or biological value of wetlands and is not covered by a nation-wide or regional permit;

(d) Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels and equipment) listed or determined eligible for listing on the National Register of Historic Places; or

(e) 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.

e. Subject to the criteria in paragraph 5c, the following categories of action are excluded from further analysis under NEPA. The CNO and CMC shall determine whether a decision to forego preparation of an EA or EIS on the basis of one or more categorical exclusions must be documented in an administrative record and the format for such record.

f. Categorical Exclusions:

APR 26 2004

- (1) Routine fiscal and administrative activities, including administration of contracts;
- (2) Routine law and order activities performed by military personnel, military police, or other security personnel, including physical plant protection and security;
- (3) Routine use and operation of existing facilities, laboratories, and equipment;
- (4) Administrative studies, surveys, and data collection;
- (5) Issuance or modification of administrative procedures, regulations, directives, manuals, or policy;
- (6) Military ceremonies;
- (7) Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies;
- (8) Routine repair and maintenance of buildings, facilities, vessels, aircraft and equipment associated with existing operations and activities (e.g., localized pest management activities, minor erosion control measures, painting, and refitting);
- (9) Training of an administrative or classroom nature;
- (10) Routine personnel actions;
- (11) Routine movement of mobile assets (such as ships and aircraft) for homeport reassignments, for repair/overhaul, or to train/perform as operational groups where no new support facilities are required;
- (12) Routine procurement, management, storage, handling, installation, and disposal of commercial items, where the items are used and handled in accordance with applicable regulations (e.g., consumables, electronic components, computer equipment and pumps);

APR 26 2004

(13) Routine recreational/welfare activities;

(14) Alteration of and additions to existing buildings, facilities, structures, vessels, aircraft, and equipment to conform or provide conforming use specifically required by new or existing applicable legislation or regulations (e.g., hush houses for aircraft engines, scrubbers for air emissions, improvements to stormwater and sanitary and industrial wastewater collection and treatment systems, and installation of fire fighting equipment);

(15) The modification of existing systems or equipment when the environmental effects will remain substantially the same, and the use is consistent with applicable regulations;

(16) Routine movement, handling and distribution of materials, including hazardous materials/wastes that when moved, handled, or distributed are in accordance with applicable regulations;

(17) New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non-ionizing radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable Federal, State, and local laws and regulations;

(18) Studies, data, and information-gathering that involve no permanent physical change to the environment (e.g., topographic surveys, wetlands mapping, surveys for evaluating environmental damage, and engineering efforts to support environmental analyses);

(19) Temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) in fresh, estuarine, and marine waters for the purpose of non-explosive military training exercises or research, development, test and evaluation;

(20) Installation and operation of passive scientific measurement devices (e.g., antennae, tide gauges, weighted

APR 26 2004

hydrophones, salinity measurement devices, and water quality measurement devices) where use will not result in changes in operations tempo and is consistent with applicable regulations;

(21) Short term increases in air operations up to 50 percent of the typical operation rate, or increases of 50 operations per day, whichever is greater. Frequent use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts;

(22) Decommissioning, disposal, or transfer of Navy vessels, aircraft, vehicles, and equipment when conducted in accordance with applicable regulations, including those regulations applying to removal of hazardous materials;

(23) Non-routine repair, renovation, and donation or other transfer of structures, vessels, aircraft, vehicles, landscapes or other contributing elements of facilities listed or eligible for listing on the National Register of Historic Places which will result in no adverse effect;

(24) Hosting or participating in public events (e.g., air shows, open houses, Earth Day events, and athletic events) where no permanent changes to existing infrastructure (e.g., road systems, parking and sanitation systems) are required to accommodate all aspects of the event;

(25) Military training conducted on or over nonmilitary land or water areas, where such training is consistent with the type and tempo of existing non-military airspace, land, and water use (e.g., night compass training, forced marches along trails, roads and highways, use of permanently established ranges, use of public waterways, or use of civilian airfields);

(26) Transfer of real property from DON to another military department or to another Federal agency;

(27) Receipt of property from another Federal agency when there is no anticipated or proposed substantial change in land use;

(28) Minor land acquisitions or disposals where anticipated or proposed land use is similar to existing land use

APR 26 2004

and zoning, both in type and intensity;

(29) Disposal of excess easement interests to the underlying fee owner;

(30) Renewals and minor amendments of existing real estate grants for use of government-owned real property where no significant change in land use is anticipated;

(31) Land withdrawal continuances or extensions that merely establish time periods and where there is no significant change in land use;

(32) Renewals and/or initial real estate ingrants and outgrants involving existing facilities and land wherein use does not change significantly (e.g., leasing of Federally-owned or privately-owned housing or office space, and agricultural outleases);

(33) Grants of license, easement, or similar arrangements for the use of existing rights-of-way or incidental easements complementing the use of existing rights-of-way for use by vehicles (not to include significant increases in vehicle loading); electrical, telephone, and other transmission and communication lines; water, wastewater, stormwater, and irrigation pipelines, pumping stations, and facilities; and similar utility and transportation uses;

(34) New construction that is similar to existing land use and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges/runoff within existing handling capacities);

(35) Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls, and other hazardous materials;

(36) Acquisition, installation, and operation of utility (e.g., water, sewer, electrical) and communication systems, (e.g., data processing cable and similar electronic equipment)

APR 26 2004

which use existing rights of way, easements, distribution systems, and/or facilities;

(37) Decisions to close facilities, decommission equipment, and/or temporarily discontinue use of facilities or equipment, where the facility or equipment is not used to prevent/control environmental impacts;

(38) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site;

(39) Relocation of personnel into existing Federally-owned or commercially-leased space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase);

(40) Pre-lease upland exploration activities for oil, gas or geothermal reserves (e.g., geophysical surveys);

(41) Installation of devices to protect human or animal life (e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas);

(42) Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved;

(43) Temporary closure of public access to DON property in order to protect human or animal life;

(44) Routine testing and evaluation of military equipment (1) on a military reservation or an established range, restricted area, or operating area; (2) similar in type, intensity and setting, including physical location and time of year to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and (3) conducted in accordance with all applicable standard operating procedures protective of the environment;

APR 26 2004

(45) Routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems (1) conducted at the unit or minor exercise level; (2) similar in type, intensity and setting, including physical location and time of year to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and (3) conducted in accordance with all applicable standard operating procedures protective of the environment.

6. Responsibilities. In addition to the responsibilities and actions set out in the basic instruction regarding environmental planning:

a. The Assistant Secretary of the Navy (Installations and Environment) (ASN(I&E)) shall:

(1) As necessary to ensure effective and consistent environmental planning throughout the DON, direct the preparation of appropriate environmental documents and, with respect to those matters governed by reference (d), advise the Assistant Secretary of the Navy (Research Development and Acquisition (ASN(RD&A))) concerning environmental issues and concerning the appropriate level of NEPA documentation needed in any particular circumstance.

(2) Except for proposed acquisition, science and technology, and procurement actions addressed in paragraph 6(b), review, sign, and approve for publication, as appropriate, EISs prepared under NEPA.

(3) In accordance with reference (e), establish and publish a list of categorical exclusions for the DON.

b. ASN(RD&A) shall ensure that DON acquisition, science and technology, and procurement actions comply with NEPA and, in accordance with reference (d), review, sign, and approve for publication, as appropriate, EISs prepared under NEPA for those proposed actions.

APR 26 2004

c. CNO and CMC shall:

(1) Ensure that subordinate commands establish procedures for implementing mitigation measures described in NEPA documents.

(2) Provide coordination as required for the preparation of NEPA documents for actions initiated by non-DON/DoD entities, State or local agencies and/or private individuals for which Service involvement may be reasonably foreseen.

7. Delegation of Authority

a. ASN(I&E) may delegate his/her responsibilities under this instruction for review, approval and/or signature of EISS and RODs to appropriate Executive Schedule/Senior Executive Service civilians or flag/general officers. All other responsibilities assigned in this instruction may be delegated as deemed appropriate.

b. ASN(RD&A) delegation of authority for approval and signature of documents under NEPA is contained in reference (d).

c. Previously authorized delegations of authority under OPNAVINST 5090.1B and MCO P5090.2A are continued until revised or withdrawn.

8. Completed Documents. This instruction does not invalidate, alter, or amend any NEPA documents already completed. Where only draft NEPA documents have been completed under previous guidance, final documents shall be completed in accordance with this instruction.