

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

SECNAVINST 5090.6
ASN(I&E)
26 July 1991

SECNAV INSTRUCTION 5090.6

From: Secretary of the Navy

Subj: EVALUATION OF ENVIRONMENTAL EFFECTS FROM DEPARTMENT OF
THE NAVY ACTIONS

Ref: (a) DoD Directive 6050.1 of 30 Jul 79; Environmental
Effects in the United States of DoD Actions(NOTAL)
(b) DoD Directive 6050.7 of 31 Mar 79; Environmental
Effects Abroad of Major Department of Defense
Actions (NOTAL)
(c) Council on Environmental Quality(CEQ) Regulations
for Implementing the Procedural Provisions of the
National Environmental Policy Act(40 CFR Parts
1500- 1508) (NOTAL)
(d) Executive Order 12114 of 4 Jan 79; Environmental
Effects Abroad of Major Federal Actions(NOTAL)
(e) Department of the Navy Procedures for Implementing
the Natural Environmental Policy Act(32 CFR Part
775) (NOTAL)

1. Purpose

a. To establish policy and assign responsibilities to the Navy and Marine Corps for the evaluation of environmental effects from continuing and future Department of the Navy(DoN) actions. Additionally, to supplement references(a) and (b) and to implement the procedural provisions of the National Environmental Policy Act(NEPA), 42 U. S. C. 4321 et. seq., and references(c), (d) and (e).

b. To renumber the instruction following current Standard Subject Identification Codes.

c. This instruction has been revised substantially and should be reviewed in its entirety.

2.Cancellation. SECNAVINST 6240.10.

3.-"The policies and responsibility assignments of this instruction apply to the Office of the Secretary of the Navy, and the Navy and Marine Corps operating forces and shore establishments. This instruction addresses actions of these elements with respect to environmental effects both within the United States and abroad to include effects on the global commons.

4.Definitions. The following definitions are provided to clarify terminology used in this instruction:

a. Action. New and continuing activities, programs, and projects which are potentially subject to federal control and review, as further defined in references(c), (d) and (e).

b. Categorical Exclusion. A category of actions which have been determined not to have, individually or cumulatively, a significant effect on the human environment and for which, therefore, no further environmental documentation is required.

c. Environmental Documentation. Any specific document prepared to comply with this instruction.

d. Environmental Impact Statement[EIS]. An environmental document prepared according to the requirements of references

(c), d) and (e) for an action which has significant impact on the quality of the human environment. A Draft EIS is prepared for public review and is followed by a published Final EIS incorporating all changes made to the Draft EIS.

e. Environmental Assessment (EA). A concise document which provides sufficient evidence and analysis for determining whether to prepare a Draft EIS or a Finding of No Significant Impact. Preparation of an EA may include public participation.

f. Finding of No Significant Impact [FONSI]. A document in which the Navy briefly presents the reasons why an action will not have a significant impact on the environment and for which, therefore, no EIS will be prepared.

g. "Record of Decision (ROD). A concise summary for publication of the decision and selected measures for mitigation (if any) made by Navy from alternatives presented in an EIS.

h. Environmental Study/Environmental Review. Environmental analyses prepared under the requirements of reference(d).

5. Policy

a. The DoN must act with care to ensure that in carrying out its mission of providing for the national defense, it does so in a manner consistent with national environmental policies. The DoN recognizes that the NEPA process includes the systematic examination of the likely environmental consequences of implementing a proposed action. To be an effective decisionmaking tool, this process is to be integrated with other Navy/Marine Corps actions at the earliest possible time, thus ensuring that proposals and decisionmaking reflect applicable environmental values, avoid the potential for conflict, and prevent delays in completing the contemplated action. Care must be taken, consistent with the mission of the DoN, other declarations of national policy and security requirements, that practical means and measures are utilized to protect, enhance, and restore the quality of the environment. Accordingly, the goals of the DoN, consistent with national goals, will be to:

- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health and safety, or other undesirable and unintended consequences;
- (4) Preserve historic, cultural and natural aspects of our national heritage, and maintain, where possible, an environment that supports ecological variety and diversity;
- (5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

b. The DoN shall:

- (1) Assess, at the earliest possible time, the consequences of actions that could affect the quality of the environment in the United States and abroad under references (a), (b), (c), (d) and (e) as applicable.
- (2) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and environmental considerations in planning proposals and decisionmaking where there may be an impact on the environment;
- (3) Consider the reasonable alternatives to actions proposed; and

(4) Ensure that decisions made for maintenance, enhancement and restoration of the environment are carried out.

6.Responsibilities

a. The Assistant Secretary of the Navy(Installations and Environment) (ASN(I&E)) or his/ her designee shall:

(1) Advise the Secretary of the Navy on Navy policy regarding NEPA and E. O. 12114 compliance including, where required, matters to be coordinated through the Department of State;

(2) Be the principal point-of-contact, in matters dealing with the implementation of NEPA, with the CEQ, Environmental Protection Agency (EPA), Deputy Assistant Secretary of Defense (Environment) (DASD(E)), other Department of Defense (DoD) components, federal agencies and with private environmental interest groups as appropriate;

(3) Direct and/or, upon recommendation, approve the preparation of EISS; and after preparation approve and forward said statements to the DASD(E), EPA and other appropriate agencies, states, components and individuals;

(4) Approve for publication in the Federal Register any FONSI for those actions of national concern that the Navy/ Marine Corps has determined will not have a significant effect on the quality of the human environment and for which no EIS will be prepared;

(5) Approve for publication in the Federal Register any ROD summarizing for the public the decisions made by the Navy/ Marine Corps among the alternatives presented in EISS;

(6) Maintain liaison with the Chief of Naval Information (CHINFO), who will coordinate with the Assistant Secretary of Defense(Public Affairs), those environmental matters which have significant public affairs implications; and

(7)Maintain liaison with the Office of Legislative Affairs(OLA), who will coordinate with the Assistant Secretary of Defense(Legislative Affairs) and Congress, those environmental matters which have significant legislative implications.

b. The Chief of Naval Operations and the Commandant of the Marine Corps shall be responsible for NEPA and E.O. 12114 compliance within their respective Services, and shall prepare and issue specific instructions and orders to implement the requirements of the NEPA, Executive Order 12114, and applicable regulations and shall accomplish or direct subordinates to:

(1) Serve as points of contact and coordinate, in matters dealing with the NEPA, as appropriate, with designated Executive Branch offices, DoD, Navy, Federal, state, local agencies organizations or private individuals;

(2) Ensure that all appropriate instructions and orders implement Department of the Navy policy regarding protection of the environment;

(3) Under NEPA, E. O. 12114, and the applicable regulations, evaluate the impacts on the environment at the time of the initial proposal and at each subsequent, significant step or decision milestone in the development of a project or program;

(4) Ensure that relevant environmental documentation accompanies all proposals for action through the designated review process so that such information is available to the ultimate decision maker;

(5) Review and determine the appropriate disposition of Environmental Assessments prepared for proposed actions, i.e., approval of a FONSI or a recommendation to ASN(I&E) that preparation of an EIS is required;

(6)Plan, program and budget for funding of the appropriate environmental documentation and associated studies;

(7) Encourage and mandate where required by law, citizen participation in evaluations of projects or programs having the potential for environmental impact;

(8) Coordinate with CHINFO for the release of NEPA and other environmental documentation under the Freedom of Information Act and other applicable federal laws;

(9) Coordinate with OLA for comments on proposed legislative actions that will or could affect the accomplishment of the mission and responsibilities of the DoN;

(10) Provide assistance as required in the preparation of environmental documentation for actions initiated by other non-DoN/DoD entities, state or local agencies and private individuals for which DoN involvement may be reasonably foreseen; and

(11) Provide appropriate training for personnel whose duties require the preparation, review, or approval of environmental documentation.

7. Classified Actions. The fact that a proposed action is classified does not relieve the proponent-of-the action from compliance with the law. In such cases the required documentation shall be prepared, safeguarded and disseminated following OPNAVINST 5510.1H, "DoN Information and Personnel Security Program Regulation". If the action involves the presence of nuclear weapons and the associated storage, handling and transfer of those weapons, the existence of the environmental documentation may require classification per OPNAVINST S5513.9B, enclosure(2), "DoN Security Classification Guidance for Nuclear Warfare ProgramsC8 (NOTAL).

8. Procman Planning Considerations

a. When implementing NEPA/ E.O. 12114 environmental analysis process either from within or outside of the United States, addressees will determine as early as possible the form of documentation required based on the following criteria:

(1) Potential for a significant effect on the quality of the human environment;

(2) Potential for threat or hazard to the public health or safety;

(3) Potential for significant impact on protected natural, cultural or historic resources;

(4) Potential for controversy concerning environmental effects; or

(5) Other legally applicable considerations.

b. For proposed actions to take place within the United States, proponents shall follow procedures developed for implementation of this instruction. The NEPA regulations provide for the establishment of specific categorical exclusions (Part 1508.18 of reference(c)) which do not require further documentation under NEPA and these exclusions shall be identified in those implementing procedures. The proponent of a proposed major action that has the potential for significant environmental impacts, in cases where the need for an EIS is not immediately apparent and no categorical exclusion applies, shall prepare an EA.

c. If the action is outside the United States, and has the potential for affecting the environment of a foreign nation or the global commons, the impacts are to be analyzed under provisions of reference(d), and in particular section 2-4.A number of general exemptions established by the executive order (section 2-5) serve the same function as categorical exclusions under the provisions of NEPA. If not exempted and the action is determined to be one that might have the potential for significant environmental impact then one of three basic documents should be prepared:

(1) An Environmental Impact Statement;

(2) An environmental study, either bilateral or multilateral, as applicable, to be reviewed by the appropriate concerned authorities; or

(3) An environmental review of the issues involved prepared unilaterally and basically completed to insure that the action was not initiated without benefit of consideration of the affected environment.

9. Relationship with State, Local and Regional Agencies. Close relations with state, local and regional agencies and commissions, for cooperation and resolution of mutual and environment-related problems, should be established. State and area wide Clearinghouses, where available, should be used to facilitate coordination.

10. Action. The Chief of Naval Operations and the Commandant of the Marine Corps shall:

a. Provide procedures for administrative direction and implementation of this instruction; and

b. Maintain a focal point for the coordination of the preparation of environmental documentation.

//Signed//
JAQUELINEE E. SCHAFER
ASSISTANT SECRETARY OF THE NAVY
(INSTALLATIONS AND ENVIRONMENT)

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