

APPENDIX E

ENVIRONMENTAL EFFECTS ABROAD OF MAJOR NAVY ACTIONS

1 References

1.1 Executive Order (EO) 12114

1.2 DoD Directive 6050.7 of 31 March 1979; (NOTAL)

1.3 DoD Overseas Environmental Baseline Guidance Document (OEBGD)

2 Purpose

Reference 1.1 requires environmental consideration for actions that significantly affect the environment outside the U. S., i.e., the global commons, the environment of a foreign nation, or impacts on protected global resources. By court decision, however, the National Environmental Protection Act (NEPA) and not EO 12114 is applicable to actions that would impact the environment of Antarctica. Applicability is determined by where the impacts on the physical environment occur rather than where a particular action takes place. Reference 1.2 implements reference 1.1 within the Department of Defense (DoD). Reference 1.3 restates, without modifying, the requirements set out in references 1.1 and 1.2.

3 Responsibilities

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

- a. Serve as the single point of contact for implementation of EO 12114 as required by reference 1.2.
- b. Coordinate formal communications with foreign governments concerning environmental agreements, studies or other matters through the Office of the Secretary of Defense/International

Security Agency (OSD/ISA) and the Department of State (DOS).

3.2 Deputy Chief of Naval Operations (DCNO) (Logistics) shall:

a. Oversee compliance of subordinate commands with the requirements of reference 1.1, reference 1.2, and this appendix, and initiate timely corrective action as required.

b. As directed by ASN (I&E), coordinate with the President's Council on Environmental Quality (CEQ), Assistant Secretaries of Defense (ASDs), ASN (I&E) and other DoD components and Federal agencies concerned with analysis of environmental effects of major Navy actions.

c. Distribute environmental analyses per reference 1.2 and applicable Federal Register publication(s).

d. Review, coordinate and determine whether to grant requests to modify the requirements for preparation of environmental analysis documents under this appendix or to grant requests for additional exemptions from further analysis in this case of extraordinary circumstances under section 6.g of this appendix.

3.3 Major claimants shall:

a. Oversee compliance with reference 1.1, reference 1.2, and this appendix, initiating timely corrective action as required and keeping DCNO (Logistics) informed.

b. Conduct required analyses of the environmental effects of actions, including operations and training exercises, for which they are the action proponent.

3.4 Commanders, commanding officers shall:

a. Complete analyses of the environmental effects of proposed actions per the requirements of this appendix before engaging in any action concerning the proposal that does significant harm to the environment or limits the choice of reasonable alternatives, subject to section 3.3c.

b. Forward all documentation under this appendix for which review by the major claimant or superior authority is required.

c. Determine as soon as possible whether emergency circumstances, situations involving exceptional foreign policy and national security sensitivities or similar special circumstances preclude the completion of an overseas environmental impact statement (OEIS), an overseas environmental assessment (OEA), an environmental study, or an environmental review (ER) that would otherwise be required and take steps prescribed in section 6.g.

4 Definitions

4.1 Armed Conflict. Hostilities for which Congress has declared war or enacted specific authorization for the use of armed forces, hostilities or situations for which a report is required by 50 U.S.C. sec. 1543(a)(1) and other actions by the Navy that involves defensive use or introduction of weapons in situations where hostilities occur or are expected.

4.2 Environment. The natural and physical environment. It excludes social, economic and/or other environments.

4.3 Environmental Review (ER). An analysis of the likely environmental issues involved in a proposed action where the environmental impacts of the action will occur in the territory, territorial sea, contiguous zone, or fishery zone of another country. ERs will be prepared either unilaterally by DoD or in conjunction with another U.S. agency, but do not include foreign government

participation.

4.4 Environmental Study (ES). An analysis of the likely environmental issues involved in a proposed action where the environmental impacts of the action will occur in the territory, territorial sea, contiguous zone or fishery zone of another country. ESs will be prepared by the United States in conjunction with one or more foreign nations, or by an international body or organization in which the U.S. is a member or participant.

4.5 Federal Action. An action that is implemented or funded directly by the U.S. Government. It does not include actions in which the U.S. participates in an advisory, information gathering, representational, or diplomatic capacity nor does it include actions taken by a foreign government in a foreign country in which the U.S. is a beneficiary of the action or actions in which foreign governments use funds derived indirectly from the U.S.

4.6 Foreign Nation. Any geographic area (land, water, and airspace) that is under the jurisdiction of one or more foreign governments; any area under military occupation by the U.S. alone or jointly with any other foreign government; and any area that is the responsibility of an international organization of governments. Foreign nation includes contiguous zones and fisheries zones regardless of whether recognized by the U.S.

4.7 Global Commons. Geographical areas that are outside the jurisdiction of any nation, and include the oceans outside territorial limits and Antarctica. Global commons do not include contiguous zones and fisheries zones or foreign nations.

4.8 Lead Agency. The agency among many preparing, or having taken the primary responsibility for preparing, the environmental documentation required under this appendix, reference 1.1, or reference 1.2.

4.9 Major Action. Action involving substantial

expenditure of time, money, and resources that affect the environment on a large geographic scale or has substantial environmental effects on a more limited geographical area and one that is substantially different or a significant departure from other actions previously analyzed with respect to environmental consideration. Whether deployment of ships, aircraft, or other military equipment and manpower constitutes a major action depends on the activities associated with the deployment, the size and duration of the deployment, and the circumstances in the receiving environment.

4.10 Navy Action. A Federal action where the Department of the Navy, Navy or a Navy component has a lead role as compared to other DoD components or U.S. agencies.

4.11 Negative Decision. A record of decision not to prepare an ER, ES, OEA, or OEIS and the facts supporting this decision.

4.12 Overseas Environmental Assessment (OEA). A concise analysis to assist DoD components in determining whether there is potential for significant environmental impacts associated with the proposed action and whether an overseas environmental impact statement (OEIS) is required.

4.13 Overseas Environmental Impact Statement (OEIS). An analysis of the likely environmental consequences of a proposed major federal action. An OEIS is to be considered by DoD components in deciding whether to approve the proposal.

4.14 Protected Global Resource. Natural or ecological resources of global importance that have been designated for protection by the President or, in the case of such a resource protected by international agreement binding on the United States, that have been designated by the DOS.

4.15 United States. All States, territories, and possessions of the U.S. and all waters and airspace

subject to the territorial jurisdiction of the U.S.

4.16 Prohibited or Strictly Regulated Toxic Product, Effluent or Emission. For purposes of this appendix, the following materials will be considered to be products, emissions, or effluents that are prohibited or strictly regulated because their toxic effects on the environment create a serious public health risk.

a. Any chemical substance or mixture subject to an order under 15 U.S.C. sec. 2606.

b. Any toxic water pollutant as defined in section 33 U.S.C. sec. 502(13) and regulated under sec. 1317.

c. Any hazardous air pollutant under 42 U.S.C. sec. 112.

d. Any extremely hazardous substance described in 42 U.S.C. sec. 11002(a)(2).

e. Any of the following if not previously prescribed:

- (1) Asbestos
- (2) Vinyl Chloride
- (3) Acrylonitrile
- (4) Isocyanates
- (5) Polychlorinated Biphenyls (PCBs)
- (6) Mercury
- (7) Beryllium
- (8) Arsenic
- (9) Cadmium
- (10) Benzene

5 Policy

5.1 The Navy shall take account of environmental considerations under the general rules of Section 6 and the following sections of this appendix: section 7, when the Navy acts in the global commons and section 8, when the Navy acts in a foreign nation or a protected global resource.

5.2 Foreign policy considerations require coordi-

nation through OSD/ISA with DOS concerning environmental agreements, and other formal arrangements. Consultation with DOS is also required in connection with the utilization of additional exemptions from this instruction under paragraph 8.2.2. All coordination and consultation will be accomplished by ASN (I&E) who will in turn coordinate through the OSD/ISA. Informal, working-level communications and arrangements are not included in this coordination requirement. Other than informal working level arrangements, no communication concerning environmental matters shall be transmitted without coordination with DCNO (Logistics).

6 Requirements for All Forms of Analysis.

The following requirements apply to all forms of environmental analysis under this appendix:

6.1 A command proposing a major Navy action that has the potential for significantly harming the environment outside the territory of the U.S. shall, before taking any action that significantly harms the environment or eliminates a reasonable alternative, complete an OEIS, OEA, ER or ES, under the provisions of this appendix and references 1.1 and 1.2, unless the proposed action is exempted under section 6.e or is properly the subject of a categorical exclusion in which case the command will document a negative decision.

6.2 Overseas Categorical Exclusions (OCE).

Overseas categorical exclusions are routine, recurring, factual situations for which it has been administratively predetermined by the Office of the Under Secretary of Defense, Acquisition and Technology, in consultation with DOS and CEQ, that there will be no significant environmental impact, individually or cumulatively, absent certain extraordinary circumstances. Currently, no OCEs have been approved. Recommendations for establishment of OCEs shall be submitted via the chain of command to ASN (I&E) for submission to OSD. Should OCEs be approved, action proponents will screen the action against approved OCEs, determine whether and OCE is applicable, whether any extraordinary circumstances preclude

use of the OCE and if application is still appropriate, document the decision to rely on the OCE using a "negative decision".

6.3 Tiering. Under a tiered analysis only the issues associated with a proposed actions that are currently ripe for decision are studied and subsequent issues are slated for discussion in other documents. Tiered analysis frequently proceeds from broader, programmatic issues in initial analysis to more specific analysis of individual actions. Use of tiered analysis is often more cost effective because it eliminates multiple analyses of the same issues and results in better focused analysis. Action proponents and authorities responsible for oversight should review plans to complete environmental analysis of new actions to determine whether the environmental issues have been the subject of previously tiered analysis or whether the issues can be more effectively analyzed by tiered analysis. Where a decision is reached to use tiered analysis, the earlier analytical documents should identify those reasonably foreseeable issues the analysis of which has been deferred for analysis in subsequent tiers.

6.4 Combining Documents. Environmental documents required by this appendix may be combined with other agency documents to reduce duplication. If an environmental statement for a particular action already exists, no new statement is required by this appendix unless substantially changed circumstances exist from those considered in the earlier analysis.

6.5 The commanding officer for the action proponent is responsible for approving a negative decision. The document for the negative decision shall identify the proposed action, succinctly state the decision to forego the preparation of an OEIS, OEA, ER or ES, shall set out the applicable OCE or exemption on which it is based and shall summarize the facts that make up the OCE or exemption applicable. For OCEs, the factual summary shall also include facts that demonstrate that no exceptions to the OCE are applicable. The action proponent shall retain the negative decision

document in command files.

6.6 Actions Exempt from Further Analysis.

Once it is determined that an action fits into one of the following categories and a negative decision is prepared to document the fact, no further analysis or action under this appendix is required:

a. Navy actions determined not to do significant harm to the environment outside the United States as determined on the basis of an OCE or OEA.

b. Actions taken by the Navy to prepare or assist in preparing recommendations, advice or information in connection with actions taken personally by the President, for example, by signing treaties or other international agreements or Presidential decisions. This exemption does not include Navy actions taken to carry out Presidential decisions after they are issued.

c. Actions taken by or under the direction of the President or a cabinet officer in the course of armed conflict, continuing as long as the armed conflict continues.

d. Actions taken by or under the direction of the President or a cabinet officer when the national security or national interest is involved where the determination that the national security or national interest is involved in the actions of the Department of Defense has been made in writing by the Under Secretary of Defense for Acquisition and Technology.

e. The activities of the office of the Director of Naval Intelligence or other Navy activity utilized under EO 12036.

f. The decisions and activities of the Navy International Programs Office and other responsible Navy offices with respect to arms transfers to foreign nations.

g. Votes and other actions in international conferences and organizations including decisions

with respect to representation of U.S. or Navy interests in international organizations and at multilateral conferences, negotiations and meetings.

h. Navy participation in or assistance to disaster and emergency relief actions.

i. Navy action involving export licenses, export permits or export approvals, including advice to the DOS, Department of Commerce (DOC) and, where permitted by law, direct exports of DoD defense articles and services to foreign governments and international organizations.

j. Actions relating to nuclear activities and nuclear material, except actions that provide a foreign nation with a nuclear production or utilization facility, as defined in the Atomic Energy Act, or a nuclear waste management facility.

6.7 Action proponents shall comply with the procedures established in section 6, 7 and 8 unless the DCNO (Logistics) has previously approved modifications in the contents, timing and availability to other Federal agencies and affected nations. The DCNO (Logistics) may, upon request, and proper justification, approve such modifications as are necessary to:

a. Enable Navy authorities responsible for approving a proposed action to decide and act promptly where the exercise of reasonable judgment and application of normal procedures are insufficient to reach a timely decision or take effective action.

b. Avoid adverse impacts on foreign relations in fact or appearance of other nations' sovereign responsibilities.

c. Ensure appropriate reflection of diplomatic factors; international commercial, competitive and export promotion factors; need for government or commercial confidentiality; national security considerations; difficulties in obtaining

information or analyzing meaningfully the environmental effects of a proposed action; and the degree to which the Navy is involved in or able to affect a decision. The DCNO (Logistics) shall keep ASN(I&E) advised of all such decisions.

6.8 Emergencies and Other Special Circumstances. With the approval of the Under Secretary of Defense for Acquisitions and Technology and ASN (I&E), the DCNO (Logistics) may exempt a particular action, on a case-by-case basis, from further environmental analysis under reference 1.1, reference 1.2 and this appendix where such exemption is necessary to meet emergency circumstances, national security consideration, exceptional foreign policy requirements and other special circumstances. Action proponents requesting such exemptions must provide sufficient information to justify why modification to the procedure under 6a is insufficient or untimely. Requests for such exemptions will be limited to those specific actions that cannot be accommodated by modified procedures and shall be submitted as expeditiously as possible to allow OSD/ISA consultation with the DOS the CEQ.

7 Requirements for Overseas Environmental Impact Statements

7.1 When to Prepare an OEIS

a. Actions Affecting the Global Commons and U.S. Exclusive Economic Zone (EEZ).

Under reference 1.1 and reference 1.2, proponents of major Navy actions that significantly harm the environment of the global commons shall prepare an OEIS according to the requirements below. By Navy policy, proponents of major Navy actions that significantly harm the environment between the seaward limit of the U.S. territorial sea and the seaward limit of the U.S. EEZ (200 nautical miles) shall also prepare an OEIS according to the requirements below.

b. Protected Global Resources. Reference 1.1 allows an agency to use an OEIS to analyze actions that significantly harm natural or ecologi-

cal resources of global importance designated by the President or, where protected by treaty, designated by the Secretary of State. By reference 1.2, however, DoD has determined that such actions will be analyze only the use of an ER or ES.

7.2 Overseas Environmental Assessment (OEA)

a. When to Prepare an OEA. A component may use an OEA to determine whether preparation of an OEIS is required. OEAs are prepared unilaterally by the U.S. under reference 1.2 and are internal DoD documents that do not require public participation or other attributes under domestic law. The completed OEA shall be made available upon request under the Freedom of information Act (FOIA), 5 U.S.C. sec. 552, subject to restrictions on the release of classified information and other applicable exemptions.

b. Requirements for Preparation of an OEA. The OEA should be concise, normally not exceeding 35 pages. The OEA must include sufficient information, however, to allow the action proponent reasonably to determine whether the proposal is a major Navy action (see Table E-1) that will significantly harm the environment of the global commons or the U.S. EEZ outside the territorial sea. It shall include:

(1) A brief description of the proposed action including its physical features, timetable and operating plan.

(2) The need for action.

(3) Concise discussion of the environmental effects of the proposed action.

(4) Any modifications to the proposed action to minimize any environmental impacts.

c. The last page of an the OEA should summarize the findings and any mitigation measures essential to the final determination of whether the

environment will be significantly harmed. The last page should expressly conclude either that (1) No significant harm will occur to the environment, or (2) That on the basis of the OEA the action proponent is unable to determine that no significant harm will occur to the environment and that accordingly an OEIS must be prepared before the proposal is approved.

d. The commanding officer or commander of the action proponent shall sign the OEA and forward it via the major claimant and DCNO (Logistics) to ASN(I&E) for approval. No action will be taken on the proposal that will significantly harm the environment or limit the choice of reasonable alternatives until approval by ASN (I&E). Once approval is obtained, no further delay is required.

7.3 Requirements for Preparing Overseas Environmental Impact Statements (OEIS)

a. Preparation of an OEIS involves a multistage process designed to ensure that the decision-maker on a proposed major Navy action gives the environmental consequences a hard look along with other relevant factors such as mission performance, diplomatic considerations, cost and similar factors. Once the requirements of the process are complete, the decision-maker remains free to approve a proposal even if it is not the environmentally preferable alternative. OEISs should be concise and analytical rather than encyclopedic and descriptive.

b. OEISs shall be prepared unilaterally by the United States but may be made available to foreign governments after coordination through the chain of command and OSD/ISA with the DOS. Informal, working-level communications and arrangements (for example, to obtain unclassified environmental data) are not subject to this coordination requirement. If an action requiring an OEIS also significantly harms the environment of a foreign nation or a resource designated as one of global importance, the OEIS need not consider those additional effects, which will be covered by

an analysis covered by section 8.

c. When other Federal agencies are also involved in a proposed major Navy action or other Federal agencies possess specialized expertise relevant to the environmental issues involved in the action, the Navy command preparing the OEIS shall coordinate with the other Federal agency.

d. The last page of an OEIS will summarize the document's findings including any constraints and/or mitigative measures designed to avoid environmental impacts. A responsible official for the action proponent should sign the OEIS recommending approval of its findings and indicating it has been considered in the decision-making process. It should then be forwarded to Chief of Naval Operations (CNO), the major claimant, and the Executive Agent for concurrence and further action.

e. OEISs shall consist of a concise discussion of the environmental effects associated with the proposed action. Normally they will not exceed 100 pages. They shall include the following elements:

(1) A consideration of the purpose and need of the proposed action.

(2) A review of the affected environment.

(3) A description of any adverse environmental impacts that cannot be avoided if the proposal is adopted.

(4) Alternatives to the proposed action (including a no-action alternative).

(5) Actions taken to avoid environmental harm or otherwise to better the environment.

(6) Environmental considerations and actions by other participating nations, bodies or organizations.

f. The OEIS should evaluate reasonably foreseeable significant adverse effects using the best scientific information reasonably available. For purposes of this section, "reasonably foreseeable significant adverse effects" includes those effects that have catastrophic consequences, even if their probability of occurrence is low provided that their analysis is supported by credible scientific evidence, is not based on pure conjecture and is within the rule of reason. If the information on a relevant issue is incomplete or unavailable, and is necessary for a reasoned choice, the action proponent should obtain the information unless the overall costs of doing so are exorbitant when judged against the cost, scope and potential impact of the proposed action. Where the information is not reasonably available because it is restricted by a foreign government, this requirement may be modified under section 6f. Where the information is not reasonably available, the OEIS must identify what information is incomplete or unavailable, discuss its relevance to the evaluation of reasonably foreseeable impacts, summarize existing credible scientific evidence relevant to evaluation of reasonably foreseeable impacts and analyze the reasonably foreseeable impacts based upon theoretical approaches or research methods that are generally accepted in the scientific community.

g. The action proponent for a Navy action requiring an OEIS shall, through the major claimant and Deputy CNO (Logistics), recommend preparation of such a document to ASN(I&E). If ASN(I&E) concurs, the action proponent shall prepare a draft OEIS that is sufficiently complete to permit meaningful analysis and comment. The draft OEIS shall be forwarded via the major claimant, Deputy CNO (Logistics) and ASN(I&E) to provide the DOS, CEQ and other interested Federal agencies with an opportunity to comment. The draft OEIS shall also be made available to the public in the United States for comment. The public OEIS is not normally made available for comment by foreign governments, but may be made available in special circumstances after coordination through the chain of command with the DOS. The comment period normally will last

45 days unless modified under section 6f. Public hearings are not required but may be held, if directed by ASN(I&E) after consultation with OSD/ISA, the DOS, and the CEQ after consideration of the factors listed in section 6f and whether meaningful information can be obtained through such a hearing.

TABLE E-1 Actions Included	
ACTION	REQUIREMENT
Major Navy actions with the potential to significantly harm the environment of the Global Commons or U.S. EEZ outside the territorial sea. See section 7.2	Overseas Environmental Assessment
Major Navy actions that will do significant harm to the environment of the Global Commons or U.S. EEZ outside the territorial sea, or actions for which significant harm cannot be ruled out on the basis of an OEA or OCE. See section 7.1.	Overseas Environmental Impact Statement
Major Navy actions significantly harming the environment of a nation not involved in the action. See section 8.1a	Environmental Review or Environmental Study
Major Navy actions significantly affecting the environment of a foreign nation where the action provide to the affected nation either (1) a prohibited or strictly regulated toxic product, effluent or emission, or (2) a physical project that is prohibited or strictly regulated in the U.S. by Federal law to protect the environment against radioactivity. See section 8.1b	Environmental Review or Environmental Study
Major Navy actions outside the U.S. that significantly harm natural or ecological resources of global importance. See section 8.1c	Environmental Review or Environmental Study
Major Navy actions significantly harming the environment of a nation participating or otherwise involved in the action that do not provide the affected nation with either (1) a prohibited or strictly regulated toxic product, effluent, or emission; or (2) a physical project prohibited or strictly regulate in the U.S. by environmental laws on radioactivity. See sections 7.1 and 8.1.	Negative Decision
The proposed action is determined not to be a major Navy action, is a major Navy action but is exempt under section 6b - 6e, or is determined to lack the potential to significantly harm the environment.	Negative Decision

h. After consideration of the comments the draft OEIS will be reviewed as appropriate in light of the issues raised and any new information. A final OEIS will be prepared that responds, either individually or collectively, to the substantive comments received on the draft OEIS. The final OEIS shall include a concise statement that has been considered in the decision-making process and recommending approval of its findings. The commanding officer or commander of the action proponent shall sign the OEIS and forward it through the major claimant and Deputy CNO (Logistics) to ASN(I&E) for approval. Action proponents shall not take any action on the proposal that would do significant harm to the environment or eliminate reasonable alternatives until final approval by ASN(I&E), however no additional delay is necessary after approval is obtained.

8 Requirements for Environmental Reviews and Environmental Studies

8.1 When to Prepare an Environmental Review or Environmental Study

a. Under reference 1.1 and 1.2, a proponent of a major Navy action that significantly harms the environment of a foreign nation that is not participating and is not otherwise involved in the action shall prepare either an Environmental Review (ER) or an Environmental Study (ES) according to the requirements below.

b. Action proponents for major Navy actions shall prepare an ER or ES according to the requirements below if the proposed actions do significant harm to the environment of a foreign nation and would provide to the affected nation: (1) a prohibited or strictly regulated toxic product, effluent or emission, or (2) a physical project that in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances.

c. Action proponents for major Navy actions outside the United States that significantly harm natural or ecological resources of global

importance shall prepare either an ER or ES according to the requirements below.

d. For those major Navy actions where either an ER or an ES are called for, the action proponent should utilize an ES unless the analysis will be done unilaterally by the United States. Questions whether the analysis will be unilateral will be referred via the major claimant and Deputy CNO (Logistics) to ASN(I&E), who will consult with OSD/ISA and the DOS as necessary.

8.2 Requirements for Environmental Reviews (ERs)

a. ERs are concise surveys of the important environmental issues involved in a proposed action and are prepared *unilaterally* by the U.S. for actions that significantly harm the environment of a nation not participating with the U.S. and not otherwise involved in the action. They are internal documents for use by the decision-maker and do not involve formal contact/consultation with the host-nation. ERs should be based on reasonably available information and should discuss the issues analytically but in enough depth to allow a reasoned decision on the important issues. Normally should not exceed 25 pages. ERs should include a discussion of the following:

(1) A statement of the action to be taken including its timetable, physical features, general operating plan, and other broad-gauge descriptive factors as appropriate.

(2) Identification of the important environmental issues involved.

(3) Any mitigative actions planned or taken to minimize the impact on the environment.

(4) Reasonably available information on actions of any participating or affected nations relevant to the environmental issues.

b. The last page of an ER will summarize the document's findings including any constraints

and/or mitigative measures designed to avoid environmental impacts. The commanding officer should sign the ER recommending approval of its findings and indicating it has been considered in the decision-making process. The completed ER shall be forwarded via the major claimant and Deputy CNO (Logistics) for concurrence by ASN(I&E). The action proponent will not take any action significantly harming the environment or eliminating reasonable alternatives until ASN(I&E) concurs.

8.3 Requirements for an Environmental Study (ES)

a. ESs are *bilateral or multilateral environmental studies*, of the likely environmental consequences of the proposed action, prepared by the U.S. and one or more foreign nations or by an international body or organization in which the U.S. is a member or participant. An environmental study is used by Navy decision-makers in determining whether to approve or participate in the proposed action. ESs should incorporate guidelines established for ERs above, and/or guidelines set forth in reference 1.2. Document length will be as required to adequately address the action; usually from 10 to 50 pages.

b. Because an ES is a cooperative, multilateral effort, careful coordination with the DOS through the major claimant, Deputy CNO (Logistics), ASN(I&E) and OSD/ISA is required. The decision whether a proposed action would do significant harm to the environment of a nonparticipating nation normally reached only after consultation with other participating nations. ASN(I&E) will decide for the Navy whether to participate in an ES after consultation with OSD/ISA. Once a decision to conduct an ES has been made, the Navy action proponent will not take any action that would significantly harm the environment of a non-participating nation or eliminate reasonable alternatives until the ES is completed and approved by ASN(I&E).

c. An Environmental Study is generally

more detailed than an ERs. It should provide the decision-maker with sufficient information to make an informed decision on the environmental involved in the action before proceeding, but will normally not exceed 50 pages. Although the contents of an ES must be flexible to accommodate both the information that is reasonably available and possible diplomatic concerns, it should include the following:

(1) A general review of the affected environment.

(2) The predicted environmental effects.

(3) Significant known actions taken by the nations participating in the action to protect or improve the environment of the nonparticipating, affected nation.

(4) If no actions are being taken by the participating nations to protect or improve the environment, whether the decision that no such actions would be taken was made by the affected nation or by the participating nations or international organizations.

d. As with ERs, the last page of an ES should adequately summarize the document's findings including any constraints and/or mitigative measures designed to avoid environmental impacts. The commanding officer should sign the ES recommending approval of its findings and indicating it has been considered in the decision-making process. After initial signature on behalf of the Navy and other participants, the ES shall be forwarded via the major claimant and the Deputy CNO (Logistics) to ASN(I&E). ASN(I&E) will coordinate final approval with OSD/ISA and the DOS.