



UNITED STATES MARINE CORPS  
MARINE CORPS AIR STATION  
POSTAL SERVICE CENTER BOX 8003  
CHERRY POINT, NORTH CAROLINA 28533-0003

IN REPLY REFER TO:  
ASO 5090.11A  
FAC

29 MAR 2022

AIR STATION ORDER 5090.11A

From: Commanding Officer, Marine Corps Air Station, Cherry Point  
To: Distribution List

Subj: ENVIRONMENTAL IMPACT REVIEW PROCEDURES

Ref: (a) National Environmental Policy Act of 1969 (NEPA)  
(b) 40 CFR 1500-1508 Code of Federal Regulations on Implementation of NEPA  
(c) MCO 5090.2 Environmental Compliance and Protection Manual

Encl: (1) Examples of Projects Requiring EAD Review  
(2) Definitions

1. Situation. To implement policy and procedures for review of proposed actions for environmental concerns aboard Marine Corps Air Station Cherry Point (MCAS CHERPT) and its outlying facilities, per reference (a).

2. Cancellation. ASO 5090.11

3. Mission. The purpose of the environmental impact review process is to provide the Commanding Officer (CO), MCAS CHERPT and other members in the chain of command sufficient information on which to base informed decisions concerning potential environmental impacts.

4. Execution

a. Commander's Intent. To promulgate policy, procedures and guidance, and to assign responsibility for the administration of the environmental impact review process for proposed actions, which may effect the environment aboard MCAS CHERPT and its outlying facilities.

b. Concept of Operations

(1) Section 102 of reference (a) requires that each federal agency consider and document the alternatives and environmental impacts of the agency's proposed actions as part of its decision-making process. The President's Council on Environmental Quality has promulgated reference (b) to guide federal agencies in determining what type of environmental documentation to prepare and when to prepare it.

(2) The two levels of National Environmental Policy Act (NEPA) documentation described in references (b) and (c) are the Environmental Assessment (EA) and the Environmental Impact Statement (EIS). The purpose of the EA is to provide information and analysis for determining if significant environmental impacts would occur from a proposed action. An EIS is prepared if the impacts are determined to be significant.

(3) Neither an EA nor an EIS is required if a proposed action falls within the terms of a Categorical Exclusion (CatEx) specified in reference (c).

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(4) Enclosure (1) contains a list of typical actions that would require Environmental Affairs Department (EAD) review. It is not meant to be inclusive.

c. Coordinating Instructions

(1) Environmental Affairs Officer (EAO) Responsibilities.

(a) Receipt of the Request for Environmental Impact Review (REIR) formally initiates EAD project review responsibilities. EAD will review the REIR and other project materials, and will identify potential environmental issues and constraints.

(b) EAD will conduct site visits with appropriate subject matter experts (SMEs) and propose modifications as necessary to reduce potential environmental impacts.

(c) EAD will coordinate with the action sponsor in order to acquire any necessary permits. Per reference (c), the action sponsor is responsible for funding environmental documentation and review, including permitting fees and all related ancillary studies and mitigation costs.

(d) The EAO, as a designee of the CO, will co-sign with the action sponsor all Decision Memoranda (DM) documenting the use of a CatEx.

(e) Upon considering any EA and the conclusions of the Environmental Impact Review Board (EIRB), the EAO will prepare a recommended course of action to include a draft Finding of No Significant Impact (FONSI), if appropriate, for consideration by the CO.

(f) If an EIS is necessary, the action sponsor and EAD will work together to secure a contractor to prepare the EIS.

(2) Action Sponsor. Action sponsors will coordinate with EAD representatives early in the planning process to determine whether a proposed action requires environmental review and documentation. Failure to prepare and process adequate environmental documentation in a timely manner may delay the implementation of the proposed action. Proposed actions requiring preparation of an EA can require up to one year for completion.

(a) The action sponsor and project originator, with assistance from the NEPA Program Manager, will determine the need for a proposed action. Action sponsor endorsement of a proposed action is required before review.

(b) The action sponsor is responsible for accurately completing the electronic Receipt for Environmental Impact Review (REIR) with the assistance of the project originator.

(3) Project Originator. Project originators will coordinate with EAD representatives, through the action sponsor, early in the planning process to determine whether a proposed action requires environmental review and documentation. Failure to prepare and process adequate environmental documentation in a timely manner may delay the implementation of the proposed action. Proposed actions requiring preparation of an EA can require up to one year for completion.

(a) Assists the action sponsor in preparing and submitting a REIR.

(b) Takes further action on the REIR as directed by the action sponsor.

(c) Provides support, as needed, to the action sponsor for briefing the proposed action to the EAO and the EIRB.

(d) Provides a representative to work with the EIRB in preparing environmental documentation for each proposed action submitted for review.

(e) Complies with all mitigation and other environmental protection measures established in environmental documentation for that action.

(4) NEPA Program Manager.

(a) The NEPA Program Manager will assist the action sponsor in effecting NEPA by providing installation guidance related to NEPA, providing technical assistance, and reviewing NEPA documents for technical and legal adequacy.

(b) The NEPA Program Manager will make recommendations as to whether proposed actions clearly meet the requirements of a CatEx. When a CatEx is appropriate, they will generate a DM or assist the action sponsor in generating a DM.

(c) The DM will be presented to the EIRB for approval or denial when the action involves new construction or if the proposed action does not unconditionally meet the requirements for a CatEx. Legal counsel and the EIRB will be consulted when the level of NEPA documentation may be subject to legal or other qualifying interpretations.

(d) A quarterly report, listing all proposed actions that were CatEx'd during the previous quarter, will be generated by EAD and distributed to EIRB members, the EIRB Chairman, and the CO.

(e) The NEPA Program Manager is responsible for EIRB administration, including scheduling quarterly EIRB meetings and preparing and distributing meeting agendas. The agenda will be distributed at least 10 days before the meeting to the permanent EIRB members and appropriate on-call members. Minutes from the EIRB meeting will be distributed no later than 14 days after the meeting.

(5) EIRB. Reference (c) requires installation commanders to designate, chair, and provide for establishing a command EIRB. Although the action sponsor of the project is responsible for the cost of NEPA compliance, the EIRB and ultimately the CO of MCAS CHERPT, is responsible for ensuring NEPA compliance for all projects aboard MCAS CHERPT. This applies to projects proposed by MCAS CHERPT tenant commands and other organizations as well.

(a) Membership. Reference (c) requires that the EIRB consist of a cross section of command personnel, including both environmental and legal staff. The Director of Facilities will be the Chairman of the EIRB and the EAO will be the Secretary. The CO, MCAS CHERPT may appoint interested citizens of the Craven, Carteret, Jones, and Pamlico Counties to serve as ex-officio members. Representatives of citizen, environmental/conservation groups, interested individuals or governmental agencies may attend as appropriate. The EIRB will include the following individuals:

1. Director of Facilities (Chairman)
2. Director of Operations
3. Facilities Asset Management Officer

4. Facilities Engineering and Acquisition Officer
5. Facilities Maintenance Officer
6. Environmental Affairs Officer (Secretary)
7. 2d MAW G-4 representative
8. 2d MAW G-3 representative
9. Environmental Affairs Department representatives
10. Fleet Readiness Center East Environmental representative
11. Eastern Area Counsel's Office representative
12. Comptroller
13. Community Plans and Liaison Officer
14. Communication Strategy and Operations Director
15. Action sponsors and project originators, as appropriate, for various Marine Corps/Navy actions.

(b) Categorical Exclusions will be reviewed by the EIRB when the proposed action includes new construction or when required by legal or other qualifying interpretations. After consideration of the proposed action, EIRB members will vote on the appropriate level of NEPA documentation [see enclosure (2)]:

1. No Documentation Required. The proposed action is not the type subject to environmental impact review and no NEPA documentation is required.
2. Categorical Exclusion
3. Environmental Assessment

(c) Command EIRB will review completed EAs and make one of the following determinations:

1. The proposed action meets the criteria of paragraph 12104.5.e.(2) of reference (c) and the EA will be forwarded to CMC (LF) for review and appropriate action; or
2. The proposed action will have no significant impact on the environment, a FONSI is appropriate, and the action may proceed as planned.
3. The proposed action as planned may have a significant impact on the environment unless prescribed mitigation measures are accomplished. The final recommendation will contain a full description of all required mitigation and monitoring necessary to ensure that no significant impact will occur. The FONSI and project design will incorporate the mitigation measures.

4. The proposed action cannot proceed as planned without significant impact on the environment. However, a reasonable alternative to the proposal that was not originally evaluated in the EA can proceed without a significant impact. The final recommendation from the EIRB will contain a full description of the new preferred alternative and direct the action sponsor to revise the EA.

5. A FONSI for the proposed action is inappropriate; significant impacts can be avoided only if the "no action" alternative is selected. The final recommendation will be to begin an EIS if the action proponent wishes to continue with the proposal. EIRB members may supply some of the information required to complete the analysis.

(d) The EIRB may table a proposed action for the following reasons:

1. Incomplete information available for the project.
2. The Action Sponsor is not present.

(e) Meetings. The EIRB will meet on a quarterly basis to review NEPA documentation.

5. Administration and Logistics. Questions pertaining to the content of this Order should be directed to the Environmental Affairs Department.

6. Command and Signal. This Order is applicable to MCAS CHERPT, its subordinate and supported commands.



M. R. HUBER

DISTRIBUTION: A

## EXAMPLES OF PROJECTS REQUIRING EAD REVIEW

1. Training Exercises – Submit “Range Management Department Field Exercise Checklist”
2. Ditch Maintenance
3. Construction
4. Asbestos Removal
5. Lead Removal
6. Dredging
7. Paving
8. Excavation or any Ground Disturbing Activity
9. Shoreline Stabilization
10. Maintenance or Construction of Shoreline Structures
11. Erosion Control
12. Vegetation Removal other than grass mowing outside of rare plant areas.
13. Disposal of soil, Hazardous Waste, contaminated media
14. Burning
15. Well Installation
16. Pesticide Use or Storage
17. Petroleum Use or Storage other than in mobile vehicles
18. Construction or Modification of Land Drainage Systems including storm water facilities and drainage ditches.
19. Building Renovation
20. Renovation/Repairs/Closing of underground storage tanks
21. Installation of above ground storage tanks

## DEFINITIONS

1. Action Sponsor. The installation or tenant principal staff having cognizance over the proposed action. The most frequent designations as action sponsors include, but are not limited to, the following departments within the Facilities and Operations Directorates, Marine Corps Community Services (MCCS), Fleet Readiness Center East (FRCE), and 2d Marine Aircraft Wing (2d MAW).
2. Categorical Exclusions (CATEX). Actions that the Department of the Navy (DON) has determined do not have a significant effect, individually or cumulatively, on the human environment under normal circumstances and for which neither an EA or an EIS is required. These actions are listed in section 12104.3.b. (1) – (33) of reference (c).
3. Command Environmental Impact Review Board (EIRB). A selected group of SME appointed by the CG. The board reviews environmental documentation to determine if the potential for environmental degradation or public Controversy exists. The EIRB will ensure that the analysis and documentation complies with NEPA.
4. Decision Memorandum (DM). A succinct document prepared by/for the action sponsor for an action that is identified under the listed CatExs. Generally, the DM includes a description of the proposed action and the reasons for categorically excluding it. The action sponsor must co-sign the DM with the CG or his designee.
5. Environmental Assessment (EA). An EA analyzes the potential environmental impacts of a proposed action. Based on the following criteria, an EA will result in either a Finding of No Significant Impact (FONSI) or a decision to prepare an EIS. An EA is prepared for those proposed actions that do not qualify for a CatEx, and when the Action Proponent:
  - (a) Initially predicts that the proposed action will not have a significant impact on the environment.
  - (b) Is uncertain whether the effects of the proposed action will have a significant impact on the environment.
  - (c) Has reason to believe the proposed action will be environmentally controversial.
  - (d) Includes brief discussions of the need for the proposal, reasonable alternatives to the proposed action, environmental impacts of the proposed action, and a list of the agencies and persons consulted.
6. Environmental Impact Statement (EIS). An EIS provides a full and unbiased discussion of significant environmental impacts and informs decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Briefly, the EIS process includes public "scoping," the issuance of a draft EIS (DEIS), a final EIS (FEIS), a supplemental EIS (if applicable), and the opportunity for public comment at several stages of the process. The process culminates in the issuance of a Record of Decision (ROD).
7. Finding of No Significant Impact (FONSI). A document in which the Marine Corps briefly presents reasons why an action, not otherwise categorically excluded, will not have a significant effect on the human environment and for which an EIS will not be prepared. A FONSI may be one result of the review of an EA.
8. Mitigation 40 CFR 1508.20. Activities that would lessen or modify the adverse impacts associated with a proposed action. Mitigation includes the following.

a. Avoiding the impact altogether by not taking a certain action or parts of an action. This mitigation measure is preferred.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and

e. Compensating for the impact by replacing or providing substitute resources or environments.

9. Project Originator. The organizational element proposing the action.

10. Proposed Action.

a. Projects, programs, exercises, construction, equipment testing, maintenance, and associated activities.

b. The promulgation of policies, regulations, instructions, manuals, or major policy statements which, when implemented, have the potential to impact the human environment.



**Summary of Revision (ASO 5090.11 to ASO 5090.11A) :**

This paragraph will be used to briefly summarized the changes that are listed below.

<b>ASO 5090.11(Current)</b>	<b>ASO 5090.11A(Revision)</b>
<b>Incorrect formatting (throughout document)</b>	Revised to fit SMEAC formatting (to include font, numbering, etc.)
<b>Commanding General (CG) (throughout document)</b>	Changed to Commanding Officer (CO)
<b>Ref (c) MCO P5090.2A</b>	Revised to MCO 5090.2
<b>Enclosure 2 – Request for Environmental Impact Review</b>	Deleted Enclosure “Request for Environmental Impact Review.” This is now completed through an online system.
<b>No cancellation paragraph.</b>	Paragraph 2. added cancelling AirStaO 5090.11; following paragraphs renumbered.
<b>Paragraph 2 – “concerning environmental issues”</b>	Renumbered to paragraph 3. Changed text to read “concerning potential environmental impacts.”
<b>Paragraph 3. Execution</b>	Renumbered 4. Execution
<b>Paragraph 3.a.</b>	Deleted
<b>Paragraph 3.a.(1)</b>	Renumbered 4.a.
<b>Paragraph 3.a.(2)</b>	Renumbered 4.b.; subparagraphs renumbered.
<b>Paragraph 3.b. Tasks</b>	Changed to 4.c. Coordinating Instructions; subparagraphs renumbered.
<b>Paragraph 3.b.(1) EAD Officer, MCAS Cherry Point</b>	Changed to 4.c.(1) Environmental Affairs Officer (EAO) Responsibilities
<b>Paragraph 3.c.(1)(a)</b>	Renumbered 4.c.(1)(a); deleted “including the proximity to Installation Restoration Program Environmental areas of concern.”
<b>Paragraph 3.c.(2) Action Sponsor. Project originators and action sponsors will coordinate with EAD representatives early in the planning process to determine whether a proposed action requires environmental review and documentation. Failure to prepare and process adequate environmental documentation in a timely manner may delay the implementation of the proposed action. Proposed actions</b>	Changed to read: 4.c.(2) Action Sponsor. Action sponsors will coordinate with EAD representatives early in the planning process to determine whether a proposed action requires environmental review and documentation. Failure to prepare and process adequate environmental documentation in a timely manner may delay the implementation of the proposed action. Proposed actions requiring preparation of an EA can require up to one year for completion.

requiring preparation of a complex EA can require six months to one year or more for completion, some less complex EAs can be prepared and processed in three to six months.	
<b>Paragraph 3.c.(2)(b) The action sponsor is responsible for accurately completing the Receipt for Environmental Impact Review (REIR) (enclosure (2)) with the assistance of the project originator and appropriate EAD SME.</b>	Changed to read 4.c.(2)(b) The action sponsor is responsible for accurately completing the electronic Receipt for Environmental Impact Review (REIR) with the assistance of the project originator.
<b>Paragraph 3.c.(3) Project Originator</b>	Changed to read 4.c.(3) Project Originator. Project originators will coordinate with EAD representatives, through the action sponsor, early in the planning process to determine whether a proposed action requires environmental review and documentation. Failure to prepare and process adequate environmental documentation in a timely manner may delay the implementation of the proposed action. Proposed actions requiring preparation of an EA can require up to one year for completion. .
<b>Paragraph 3.c.(3)(c) "...Environmental Affairs Officer (EAO) of the EIRB."</b>	Changed to read "...EAO and the EIRB."
<b>Paragraph 3.c.(4) NEPA Program Manager, MCAS Cherry Point</b>	Changed to read 4.c.(4) NEPA Program Manager
<b>Paragraph 3.c.(4)(b) – "he/she"</b>	Renumbered 4.c.(4)(b); changed to "they"
<b>Paragraph 3.c.(4)(c) – "referred"</b>	Renumbered 4.c.(4)(c); changed to "presented"
<b>Paragraph 3.c.(4)(d)</b>	Renumbered 4.c.(4)(d); deleted ", the Staff Judge Advocate"
<b>Paragraph 3.c.(4)(e)</b>	Renumbered 4.c.(4)(e); added sentence "Minutes from the EIRB meeting will be distributed no later than 14 days after the meeting. "
<b>Paragraph 3.c.(5) and 3.c.(6)</b>	Rewritten/reorganized for clarity and combined into new paragraph 4.c.(5); EIRB membership titles updated, SJA removed.
<b>Paragraph 4. Administration and Logistics. The CG, 2d MAW, CO's, NAVHOSP, NADEP, CSSD-21, 12th Dental, and the Chief, Defense Reutilization and Marketing Office concur with the contents of this Order insofar as it pertains to members of their command.</b>	Changed to read 5. Administration and Logistics. The Commanding General, 2d MAW and commanding officers of tenant commands aboard MCAS Cherry Point concur with the contents of this order insofar as it pertains to members of their command.

