

§ 651.41 Modifications of the scoping process.

(a) If a lengthy period exists between a decision to prepare an EIS and the time of preparation, the proponent will initiate the NOI at a reasonable time in advance of preparation of the DEIS. The NOI will state any tentative conclusions regarding the scope of the EIS made prior to publication of the NOI. Reasonable time for public participation will be allowed before the proponent makes any final decisions or commitments on the EIS.

(b) The proponent of a proposed action may use scoping during preparation of environmental review documents other than EIS, if desired. The proponent may use the above procedures or may develop modified procedures at his or her discretion.

Subpart H—Environmental Effects of Major Army Actions Abroad**§ 651.42 Introduction.**

Protection of the environment is an Army priority, no matter where the installation is located. The Army is committed to pursuing an active role in addressing environmental quality issues in our relations with neighboring communities and assuring that consideration of the environment is an integral part of all decisions. This subpart assigns responsibilities for review of environmental effects abroad of major Army actions. It is a requirement of E.O. 12114, “Environmental Effects Abroad of Major Federal Actions,” dated 4 January 1979. This chapter applies to HQDA and Army agencies’ actions that would significantly affect the quality of the human environment outside the United States.

§ 651.43 Global commons.

Environmental effects of actions that affect the global commons require environmental analyses and documentation. (See enclosures 1 and 2 of DOD Directive 6050.7) (Appendices G and H.) These relate to environmental effects abroad of major military actions.

§ 651.44 Army policy in global commons and foreign nations.

(a) Act with care in the global commons. All the nations of the world share the stewardship of these areas. Take account of environmental considerations when acting in the global commons in accordance with the procedures set out in Appendix G.

(b) Act with care within the jurisdiction of a foreign nation. Respect treaty obligations and the sovereignty of other nations. Exercise restraint in applying U.S. laws within foreign nations unless Congress has expressly provided otherwise. Evaluate environmental considerations in accordance with Appendix H when the prepared action could affect the environment of a foreign nation.

(c) Coordinate with the Department of State on formal communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments. Consult with the Department of State regarding use of additional exemptions from this directive as specified in Appendix H. Coordinate and consult with the Department of State through the Assistant Secretary of Defense (International Security Affairs) (ASD (ISA)).

§ 651.45 Responsibilities.

(a) Army agencies that control actions abroad (as defined within the limitations of Status of Forces Agreements) will—

(1) Ensure that regulations and other major policy issuances receive a review by the Army Environmental Office for consistency with E.O. 12114, DOD Directive 6050.7, and this regulation.

(2) Consult with HQDA Strategy, Plans and Policy Directorate-Politicomilitary Division (DAMO-SSM) on significant or sensitive actions or decisions affecting relations with other nations.

(3) Prepare and consider environmental documents for proposed actions required by this regulation.

(4) Ensure that regulations and other policies which affect global commons are subject to review for consistency with this regulation.