

**BY ORDER OF THE COMMANDER  
AIR EDUCATION AND TRAINING  
COMMAND**



**32 CODE OF FEDERAL REGULATIONS (CFR)  
PART 989**

**AIR EDUCATION AND TRAINING COMMAND  
Supplement 1**

**29 SEPTEMBER 2003**

**ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP)**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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**32 CFR Part 989, July 15, 2003, and March 28, 2001 (changed), is supplemented as follows:**

This supplement applies to all activities conducted on AETC bases, including those conducted by tenants and the Air Force Reserve Command. This publication is applicable to AETC-gained Air National Guard units that are tenants on an AETC base. Maintain and dispose of records created as a result of processes prescribed in this publication in accordance with AFMAN 37-139, *Records Disposition Schedule*. **NOTE:** The CFR is available at <http://www.gpo.gov/nara/cfr/index.html>. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis. Title 32 is updated as of July 1st of each year.

989.3(e)(4). At an installation, the environmental flight chief or contractor equivalent is the responsible Environmental Planning Function (EPF) member who signs the certification on AF Form 813, **Request for Environmental Impact Analysis**. At HQ AETC, HQ AETC/CEV signs the AF Form 813 certification. In either case, this authority will not be delegated to a lower level.

989.3(f). The chairperson of the Environmental Protection Committee (EPC) or Environment, Safety, and Occupational Health Committee (ESOHHC) approves the final Air Force documents for release to the public and regulatory agencies. Although considered to be final based on internal Air Force coordination, these documents are considered as drafts for public review.

989.9(a)(1). (Added)(AETC) Evaluate all Air Force National Environmental Policy Act (NEPA) actions to determine the propriety of inviting non-Air Force agencies to participate as cooperating agencies. If participation is deemed appropriate, prepare and send a draft memorandum to HQ AETC/CEVN for staffing. For an environmental impact statement (EIS), the cooperating agency memorandum will be staffed to and signed by SAF/IEE. For an environmental assessment (EA), the cooperating agency memorandum will be staffed to and signed by HQ AETC/CE or the deputy CE and a copy will be provided to SAF/IEE. The transmittal memorandum must indicate coordination through the installation and HQ AETC offices of the proponent, EPF, staff judge advocate (SJA), and public affairs (PA).

989.9(a)(2). (Added)(AETC) If an agency invites your participation as a NEPA cooperating agency or asks to be a cooperating agency in your NEPA action, send HQ AETC/CEVN a draft memorandum accepting or declining the request, using the procedures described in paragraph 989.9(a)(1) (Added)(AETC) of this supplement. To facilitate prompt replies, send the proposed response within 3 weeks of receipt of a request.

989.13(d). The environment flight chief or contractor equivalent, with installation SJA concurrence, determines if a proposed installation action qualifies for a categorical exclusion (CATEX). HQ AETC/CEV, with HQ AETC/JAV concurrence, determines if a proposed HQ AETC action (which typically involves non-Air Force agencies or a mission beddown at multiple bases) qualifies for a CATEX. In either case, this authority will not be delegated to a lower level.

989.14(e). Refer to the recommended format for EAs and EISs provided in Attachment K (General Format for Environmental Analyses [EAs/EISs]) of the *Environmental Impact Analysis Process Desk Reference*. Attachment K is available at [https://www.aetc.af.mil/ce/cev/library/NEPA\\_files/EIAP\\_Desk\\_Ref\\_Atch\\_K.pdf](https://www.aetc.af.mil/ce/cev/library/NEPA_files/EIAP_Desk_Ref_Atch_K.pdf). In AETC, use the recommended format with the following modifications:

989.14(e)(1). (Added)(AETC) *Tracking matrix*. To ensure issues and objectives are addressed throughout the EA or EIS document, place this matrix after the table of contents to help the reader locate relevant topics.

989.14(e)(2). (Added)(AETC) *Scope of the environmental review*. In Chapter 1, address all resource categories, including land use, visual resources, environmental justice, and coastal zone management. For those resource categories that are not applicable, list them in the introductory material and provide the rationale for their elimination from further discussion.

989.14(e)(3). (Added)(AETC) *Selection criteria*. In Chapter 2, list the criteria used to develop the proposed action and alternatives. Then use them to justify the elimination of any alternatives from further consideration.

989.14(e)(4). (Added)(AETC) *Other past, present, and future actions*. In Chapter 2, to properly discuss cumulative impacts, list and briefly describe other past, present, and reasonably foreseeable future actions occurring on the installation and in the vicinity of the proposed action. **NOTE:** Additional guidance on conducting a cumulative impact analysis is found in paragraph 989.39 (Added)(AETC) of this supplement.

989.14(e)(5). (Added)(AETC) *Environmental consequences*. In Chapter 4, under each resource category (for example, aircraft operations), evaluate all environmental consequences or impacts to the same level of detail for the proposed action and each alternative. Discussion must include cumulative impacts, mitigation measures, compatibility with the objectives of existing land-use directives, short-term versus long-term uses of resources, and irreversible and irretrievable commitments of resources. If all impacts are adequately evaluated under the appropriate resource categories, Sections 4.4 through 4.6 of Attachment K become optional.

989.14(e)(6). (Added)(AETC) *Coordination and comments*. Coordination with the public and applicable federal, state, and local agencies is required. To show that adequate coordination has occurred, maintain copies of all correspondence used in the coordination effort, including Air Force correspondence to agencies and the public, comments received, and responses to those comments. For an EA or EIS, bind all of this correspondence as an appendix in the document used to support the decision.

989.14(g). As the MAJCOM ESOHC chairperson, AETC/CV signs the finding of no practicable alternative (FONPA) for the command. (This authority will not be delegated to a lower level.) In addition, the following procedures apply to a FONPA:

989.14(g)(1). (Added)(AETC) AETC will continue to uphold the strict standards that strongly discourage unwise land use and development in and around flood plains and wetlands. Unwise land and water uses are those that destroy the special qualities of flood plains and wetlands without genuine efforts to mitigate adverse impacts; pose a severe threat or unnecessarily increase the risk to human life, health, and property; and lead to increases in flood losses or losses of natural and beneficial flood plain and wetland values. AETC will strive to limit development within flood plains and wetlands to those functionally dependent uses that cannot perform their intended purposes unless they are located or carried out in close proximity to water.

989.14(g)(2). (Added)(AETC) An action that preserves flood plains and wetlands or the existing facilities in them does not require a FONPA. Generally, when a proposal is only for routine operations and maintenance (grass-cutting, controlled burning, repairing utility systems, facility maintenance and repair, etc.) in a flood plain or wetland, a FONPA is not required. However, an action that would either modify or permit occupancy of flood plains or wetlands (whether by facilities, utilities, or pavements) requires an EA or EIS to support a FONPA.

989.15(d). The actual distribution of a finding of no significant impact (FONSI) and its supporting EA is normally accomplished from the point at which they are collated and bound. If documents are prepared by contract, the contractor makes the distribution under Air Force letterhead. Otherwise, the installation preparing the documents distributes them to all required addressees. The local EPF must provide a copy of the distribution list to HQ AETC/CEVN.

989.15(f). For a proposed installation action, the installation EPC chairperson (the installation commander or vice commander) signs the FONSI with the concurrence of appropriate members of the installation EPC. For a proposed HQ AETC action, the AETC ESOHC chairperson (AETC/CV) signs the FONSI with the concurrence of appropriate members of the AETC ESOHC. In either case, this signature authority will not be delegated to the level below the respective EPC or ESOHC chairperson or vice chairperson.

989.20(c). The EIAP document (EIS, EA, or CATEX) used to support a real estate transaction must be less than 1 year old. If an EIAP document is older than 1 year, the chief of the EPF will either (1) recertify that there are no substantive changes in the proposal or its potential impacts, or (2) prepare supplemental documentation.

989.24(e). (Added)(AETC) A "Privacy Advisory" is required as follows:

989.24(e)(1). (Added)(AETC) Any draft EIS or EA must contain the following "Privacy Advisory" placed conspicuously (and not in fine print) on a separate page (for example, the cover sheet) toward the very front of the document and tailored, as appropriate, for the draft EIS or EA: "Comments on this Draft (*EIS or EA*) are requested. Letters or other public comment documents provided may be published in the Final (*EIS or EA*). Information provided will be used only to improve upon issues identified in the Draft (*EIS or EA*). Comments will be addressed in the Final (*EIS or EA*) and made available to the public. However, only the name of the individual and specific comments will be disclosed."

989.24(e)(2). (Added)(AETC) The "Privacy Advisory" must also be printed conspicuously on each request for written or oral comments on an EIS or EA. The advisory will not be in fine print or in a place difficult to find. Examples of such requests include the notice of intent (NOI) and notice of availability (NOA). The "Privacy Advisory" should also be printed on material used at public meetings and hearings (including "scoping" meetings and draft EIS public hearings). Examples of such material include printed attendance records and any other documents soliciting names and expressions of interest in speaking publicly; being on the mailing list; or receiving copies of the final EIS or EA.

989.24(e)(3). (Added)(AETC) The prepared public hearing script and/or briefing given at public “scoping” meetings or public hearings held on an EIS or EA should include the following statement: “When making an oral comment, please clearly state your name and the name of the organization you are representing before you begin your comments. Do not provide any other personal information, such as your home address and phone number, when making an oral comment. Your oral comments will be used to develop a transcript and permanent record of this meeting. This transcript may be published in the Final (*EIS or EA*). If you would like to know how to obtain a copy of the Final (*EIS or EA*) or other associated documents, you may state that on a written comment card or add your name and address to the mailing list. Private addresses provided will be compiled to develop the mailing list, but only the names of the individuals making comments and specific comments will be disclosed. Personal home addresses and phone numbers will not be published in the Final (*EIS or EA*).”

989.24(e)(4). (Added)(AETC) The final EIS or EA must describe the public comment process, specifically the exact privacy advisories used in soliciting public comments and how the public was notified of these advisories.

989.30(a). (Added)(AETC) For a CATEX at bases in nonattainment or maintenance, place the following statement in block 18 of AF Form 813 or in a standalone document: “(*name of installation*) is located in an area that is in (*nonattainment or maintenance*) for the following criteria pollutants: (*name of pollutants*). Direct emissions from construction and indirect emissions from visiting traffic and/or follow-on operations, when totaled, are less than the *de minimus* amounts in 40 CFR 93.153. Therefore, a conformity determination is not required.”

989.30(b). (Added)(AETC) For a CATEX at bases in attainment, place the following statement in block 18 of the AF Form 813: “(*name of installation*) is located in an area that is in attainment. Therefore, a conformity determination is not required.”

989.33. The EPF should also ensure compliance with the Air Force procedures found in the *Guide for Environmental Justice Analysis With the Environmental Impact Analysis Process (EIAP)*, which is available at <https://www.afcee.brooks.af.mil/ec/eiap/ejustice.pdf>.

989.34. The following additional information and requirements apply in AETC:

989.34(b)(1). (Added)(AETC) *Emergency* situations are those that demand immediate response actions to secure the safety of personnel and protect property. Many *urgent* situations (for example, a need to expand training programs, facilities, or infrastructure in response to changes in the threat) may not be emergencies. Urgent situations require planning and analysis of potential environmental impacts in compliance with the Air Force EIAP.

989.34(b)(2). (Added)(AETC) Alternative arrangements for compliance with NEPA in an emergency are limited to “the actions necessary to control the immediate impacts of the emergency” (40 CFR 1506.11) and are subject to judicial review. Alternative arrangements do not waive the requirement to comply with NEPA, but establish an alternative means for compliance.

989.34(b)(3). (Added)(AETC) Commanders will not delay immediate actions necessary to secure the safety of personnel and protect property in emergencies. They will consult with their EPF and SJA prior to taking the emergency actions, if at all possible. The EPF must determine whether the actions result in significant impacts (that is, would normally require an EIS) and whether alternative arrangements will be pursued. If alternative arrangements are needed, the EPF must immediately advise HQ AETC/CEV and prepare a formal request. Consultation with the Air Staff and Council on Environmental Quality (CEQ) must begin as soon as feasible. If the action does not cause significant impacts and only an EA is warranted, the approval authority for alternative arrangements is SAF/IEE, not CEQ.

989.34(b)(4). (Added)(AETC) The EPF will address the following factors when developing and proposing alternative arrangements: the nature and scope of the emergency, actions necessary to control the immediate impacts of the emergency, potential adverse effects of the proposed action, components of the EIAP that can be followed and will provide value, the duration of the emergency, and potential mitigation measures.

**989.39. (Added)(AETC) Cumulative impact analysis:**

989.39(a). (Added)(AETC) In Chapter 1 of an EA or EIS, under scope of the environmental review, discuss any special meetings or coordination actions taken to assure the availability of information on cumulative actions (other past, present, and reasonably foreseeable future actions).

989.39(b). (Added)(AETC) In Chapter 2 of an EA or EIS, list and briefly describe all cumulative actions. To the extent possible, cumulative actions should be included as part of the no-action alternative. In the comparison matrix at the end of Chapter 2, summarize the results of the cumulative impact analysis from Chapter 4.

989.39(c). (Added)(AETC) In Chapter 3 of an EA or EIS, establish a baseline for the resource categories, as they exist at a given point in time. Use this baseline to compare (in Chapter 4) the proposed action and alternatives to existing conditions. The start date of data collection is generally accepted as the baseline date. The text of the document must provide the justification if some other timeframe is chosen. The baseline should discuss the methodology for profiling the existing conditions, summarize the cumulative actions as they relate to resource categories, and define the area of potential effect for each resource category. The geographical area of potential effect may vary between the various resource categories.

989.39(d). (Added)(AETC) Chapter 4 of an EA or EIS depicts potential impacts. Assess the proposed action and alternatives against the baseline established in Chapter 3 for each resource category. The cumulative impact analysis evaluates the incremental impact of the proposed action and alternatives when added to other past, present, and reasonably foreseeable future actions regardless of what organization (federal, nonfederal, or private) or person undertakes such other actions.

989.39(e). (Added)(AETC) In the discussion of each resource category in the FONSI or record of decision (ROD), present impacts from the proposed action, alternatives, and other past, present, and reasonably foreseeable future actions of the Air Force and others (whether federal, nonfederal, or private). Only then can you determine if there are significant impacts. The cumulative impacts of the proposed action and alternatives should be summarized in a separate section to compare the overall impacts from all resource categories.

**989.40. (Added)(AETC) Official and information files (administrative record):**

989.40(a). (Added)(AETC) The EPF at the base or HQ AETC level where the NEPA decision document (FONSI or ROD) was signed will maintain an official file for each NEPA action taken. This is the NEPA planning file. For documents signed at a level equal to or higher than HQ AETC, HQ AETC/CEVN will maintain the NEPA planning file.

989.40(b). (Added)(AETC) When the base EPF or HQ AETC/CEVN does not have the responsibility to maintain the official NEPA planning file, information copies of NEPA documents may be kept. In this case, the base EPF or HQ AETC/CEVN need not retain all of the documentation specified in paragraph 989.41 (Added)(AETC) of this supplement, nor adhere to the file retention period specified in paragraph 989.43 (Added)(AETC) of this supplement. Prior to disposing of information copies of NEPA documents, the base EPF or HQ AETC/CEVN should verify that a NEPA planning file for the action exists and the documents are not needed to complete the official NEPA planning file.

**989.41. (Added)(AETC) Contents of a NEPA planning file:**

989.41(a). (Added)(AETC) For a CATEX, the NEPA planning file will contain the signed decision document (AF Form 813 or AF Form 332, **Base Civil Engineer Work Request**) and any supporting material.

989.41(b). (Added)(AETC) For an EA or EIS, some of the following documents may be bound with the final NEPA documents and, if so, separate file copies need not be retained:

989.41(b)(1). (Added)(AETC) *Evidence of public involvement efforts and results.* This includes the following items: (1) evidence of notification for public participation and comments (including notices published in the *Federal Register*); (2) local advertisements, copies and distribution of news releases, and records of news media coverage (newspaper articles, etc.); (3) all NEPA documents and appendices made public (including distribution lists); (4) minutes of any public meeting (including attendance); (5) interagency and intergovernmental coordination for environmental planning (IICEP) letters and responses (including dated copies of any interagency agreements); and (6) copies of public comments, Congressional inquiries, correspondence, and responses to comments or inquiries.

989.41(b)(2). (Added)(AETC) *Evidence of the interdisciplinary process.* This includes the following items: (1) selected members' specific qualifications (including criteria for selection of interdisciplinary planning team members, if available); (2) distribution lists or correspondence showing what offices received documents for interdisciplinary review and copies of all review comments or coordination returned by those offices; and (3) all directions and recommendations from responsible agency officials and staff (including e-mail correspondence, handwritten and typewritten notes, and facsimile sheets).

989.41(b)(3). (Added)(AETC) *NEPA documents.* These include the following items: (1) the final EA or EIS with the signed FONSI or ROD and associated FONPA, if required; (2) draft documents, if a draft was used in the planning and decision-making process or was circulated externally for comment; and (3) support memoranda, if not bound in the final NEPA documents.

989.41(b)(4). (Added)(AETC) *Other documents.* These include the following items: (1) documents incorporated by reference, such as air conformity determinations; (2) completed work products that contribute information or lend support to the EA or EIS, such as a cultural resources survey completed for the site or an environmental baseline survey (EBS) performed for the project; (3) electronic information used in the NEPA documents frozen at a specific date as hard copy or electronic storage media; (4) final computer runs used in the analysis; and (5) location of pertinent documents not included in the file.

**989.42. (Added)(AETC) Purging NEPA planning files:**

989.42(a). (Added)(AETC) Some documents may be relevant to the EA or EIS while it is being prepared, but these documents add little or no value to demonstrating that NEPA procedural provisions have been followed or decisions have been made in accordance with NEPA. Therefore, upon completion of the EA or EIS, the following documents may be purged from the NEPA planning file and disposed of in accordance with AFMAN 37-139:

989.42(a)(1). (Added)(AETC) *Documents related to contract preparation of the EA or EIS.* Unless they provide evidence of the NEPA process (that is, interdisciplinary approach or public involvement efforts) not provided elsewhere in the planning file, the following documents may be removed from the file: (1) procurement documents, including statements of work, delivery orders, government cost estimates, purchase request, contractor proposals, technical review of contractor proposals, and contract modifications; (2) the contractor-prepared work plan and description of proposed action and alternatives (DOPAA); (3) routine unofficial contractor or contracting correspondence, such as monthly progress

reports, certification or acceptance of services, document transmittal letters, etc., that are not unique to the NEPA process but merely reflect administration of a contract; (4) contractor-prepared draft documents that were not released outside the Air Force; and (5) electronic (disk) copies of draft NEPA documents provided by a contractor for ease in reproducing or modifying the documents.

989.42(a)(2). (Added)(AETC) *Internal Air Force correspondence*. This includes the following items: (1) notes, memoranda, e-mail, facsimiles, etc., giving project status (weekly activity reports, answers to suspenses, etc.); (2) advance copies or draft copies of Air Force correspondence, when the final copy is available in the file; (3) duplicate copies of Air Force correspondence, unless they are needed to show coordination by different offices (interdisciplinary involvement), in which case, they should be attached for a complete package; (4) real estate planning report for land acquisition; and (5) draft EBS, draft cultural resources survey, or other draft survey reports and review comments or correspondence related to them, when the final copy is available.

**989.43. (Added)(AETC) NEPA planning file retention or disposition:**

989.43(a). (Added)(AETC) Generally, with the exceptions noted in paragraph 989.43(b) (Added)(AETC) of this supplement, NEPA planning files will be retained for a minimum of 2 years after the action is implemented. Litigation risks or other policy considerations may warrant retention for a longer period of time. If space is not an issue, NEPA planning files should be held as long as possible beyond the 2 years. Prior to destroying any NEPA planning file, an interdisciplinary review of the file involving the EPF, SJA, and PA, should be conducted at the installation where the file was maintained.

989.43(b). (Added)(AETC) In some cases, NEPA planning files may need to be retained for a longer period of time. Recommended retention periods are as follows:

989.43(b)(1). (Added)(AETC) Files pertaining to coastal zone management, flood plain management, wetlands protection actions (an EA or EIS that includes a FONPA), or projects requiring air conformity determinations will be retained (1) until superseded; (2) until the project, program, or plan they support is replaced or removed; or (3) as long as federal, state, or local requirements dictate, whichever is later.

989.43(b)(2). (Added)(AETC) Files for a proposal that generates (or has generated) controversy will be retained for a minimum of 7 years after the controversy has been cleared. Examples of controversial actions include airfield expansion or construction projects, airspace and range proposals, base realignment and closure actions, and actions historically generating public interest or litigation, such as (but not limited to) those involving endangered species.

989.43(b)(3). (Added)(AETC) Records pertaining to historic preservation programs or projects will be retained indefinitely pending a disposition instruction published by the Air Force.

989.43(b)(4). (Added)(AETC) Files for actions requiring mitigations or mitigation plans will be retained throughout the time period mitigations are required.

989.43(b)(5). (Added)(AETC) Files for classified actions will be retained until the completed action has been declassified and released to the public (and then in accordance with paragraph 989.43 [Added][AETC] of this supplement).

989.43(b)(6). (Added)(AETC) Files for tiered documents will ensure documents used for tiering become part of the administrative record. Retention must be consistent with paragraph 989.43 (Added)(AETC) of this supplement.

989.43(b)(7). (Added)(AETC) Files identified in paragraph 989.43(b) (Added)(AETC) of this supplement will be transferred to HQ AETC/SJA for final review and disposition.

**989.44. (Added)(AETC) Forms Adopted.** AF Forms 332 and 813.

**NOTE: The following is added to Appendix A:**

**References (Added)(AETC)**

Attachment K of the *Environmental Impact Analysis Process Desk Reference*, available at the following Web site: [https://www.aetc.af.mil/ce/cev/library/NEPA\\_files/EIAP\\_Desk\\_Ref\\_Atch\\_K.pdf](https://www.aetc.af.mil/ce/cev/library/NEPA_files/EIAP_Desk_Ref_Atch_K.pdf)

*Environmental Protection Agency, Determining Conformity of Federal Actions to State or Federal Implementation Plans (Applicability)*, 40 CFR Part 93, Section 153

*Guide for Environmental Justice Analysis With the Environmental Impact Analysis Process (EIAP)*, available at the following Web site: <https://www.afcee.brooks.af.mil/ec/eiap/ejustice.pdf>

**Terms (Added)(AETC)**

*NEPA planning file*—An official file maintained to provide the Air Force with the means to demonstrate compliance with the NEPA process in the event of legal proceedings against the Air Force. Only one complete NEPA planning file is required to be maintained for each proposed action.

**NOTE: The following is added to Appendix C:**

A3.2.3.9. (Added)(AETC) Privacy advisory. See paragraph 989.24(e) (Added)(AETC) of this supplement.

A3.7.1. The attendance roster should include the “Privacy Advisory” prescribed in paragraph 989.24(e)(1) (Added)(AETC) of this supplement.

A3.7.2. (Added)(AETC) The introductory remarks should include an explanation of the “Privacy Advisory.” See paragraph 989.24(e)(3) (Added)(AETC) of this supplement.

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The Civil Engineer