INTERNATIONAL COMMITTEE MEETING

IC Workplan Briefing: Col (R) John Cawthorne, Chair
Doing Business in Africa: Mr. Michael Sedge
International NEPA: Dr. Paul Thies

Moderator: COL (R) Bob Mentell, Vice Chair Europe
SCHEDULE

13:30: Welcome
13:35: International Committee Workplan
14:00: Doing Business in Africa
14:40: International NEPA
15:30: Adjournment
International Committee

Planning Session, JETC 2013

John Cawthorne
Committee Chair
CH2M HILL

21 May 2013

Hosted by the Society of American Military Engineers HQ and the San Diego Post
International Committee Mission

- Identify & promote international private-public and interagency engineering opportunities worldwide

- Encourage activities at international locations with robust DoD participation and opportunities for industry partners

- Participate with Government, industry & professional societies in forums that address international issues relevant to SAME and the US Government

- Serve as ombudsman for international SAME community in concert with the Regional Vice Presidents
### Committee Organization

<table>
<thead>
<tr>
<th>Member</th>
<th>Name</th>
<th>Company</th>
<th>Year Joined</th>
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<tbody>
<tr>
<td>Chairman</td>
<td>John Cawthorne</td>
<td>CH2M HILL</td>
<td>2010</td>
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<tr>
<td>Vice Chair, Admin</td>
<td>Lanette Waite</td>
<td>CH2M HILL</td>
<td>2012*</td>
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<td>Vice Chair, Africa</td>
<td>David Luke</td>
<td>Merrick and Company</td>
<td>2012*</td>
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<td>Vice Chair, Europe</td>
<td>Bob Mentell</td>
<td>AECOM</td>
<td>2012*</td>
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<tr>
<td>Vice Chair, Latin America</td>
<td>Marcelo Salles</td>
<td>USACE</td>
<td>2013*</td>
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<td>Vice Chair, Mideast</td>
<td>Tony Nida</td>
<td>Fluor</td>
<td>2012*</td>
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<td>Vice Chair, Pacific/Guam</td>
<td>Richard Stump</td>
<td>Stanley Consultants</td>
<td>2004</td>
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<tr>
<td>Vice Chair, USAID</td>
<td>Ken Baum</td>
<td>USAID</td>
<td>2013*</td>
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<tr>
<td>Advisor, MCC</td>
<td>Barbara Hayes</td>
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<tr>
<td>Small Business Representative</td>
<td>Candice Somerville</td>
<td>Outside The Box LLC</td>
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<tr>
<td>Young Member IC Representative</td>
<td>Ben Redding</td>
<td>Continental Mapping Consultants</td>
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318 total members – 400 % increase over 2012.

* Key leadership additions in the 2012/13 year
2012-13 Accomplishments

SAME International Business Opportunities Support

- SAME Continuing Ed Program: 30-31 Jul 2012, Okinawa
- SAME Continuing Ed Program: 20-21 Sept, Honolulu
- 2013 Pacific and Northwest Engineer Training Symposium, 26 Feb – 1 Mar 2013, Anchorage Alaska
- DoD Program Briefings: 26 March 2013, Washington DC
2012 Accomplishments

Europe Joint Engineers Training Symposium (EJETS)
July 10-12, 2012
IC moderated EJETS technical sessions and invited participants to join our committee.

Purpose: SAME Europe Region hosted public and private sector professionals for training, education and networking. Event co-located with EUCOM and AFRICOM Engineer Conferences to enhance joint participation and interfacing.

Over 198 Attendees: Represented U.S. government and the design/construction industry.
2013 Accomplishments

SAME International Business Opportunities Webinar Series
April 8-19, 2013

**Purpose:** The International Business Opportunities Webinar Series provided information on significant 2012-2015 A/E/C projects from the Department of Defense (DOD) and other agencies specific to five of the ten unified Combatant Commands (COCOM) in DOD as well as Other NON DOD Agencies such as USAID and MCC.

Presentations were given by representatives of the USCENTCOM, EUCOM, AFRICOM, USSOUTHCOM, U.S. Army Corps of Engineers, the Naval Facilities Engineering Command, the Air Force Center for Engineering and the Environment, USAF, Department of State, Institute for Water Resources (IWR), USAID and the Millennium Challenge Corporation (MCC).

Detailed information was presented regarding the projected engineering, construction and environmental programs and projects to support COCOM missions for the next three years.
2013 Accomplishments
SAME International Business Opportunities Webinar Series

**Attendees:** Total registration - 97

A decrease from 121 attendees last year. Impacted by decrease in FED programs, economy.

Planning for 2014 is already begun.

<table>
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<th>INDIVIDUAL REGISTRATION</th>
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<td>EUCOM</td>
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<td>PACOM</td>
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<td><strong>Complimentary</strong></td>
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<td><strong>TOTAL</strong></td>
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Goal #1: Support Capacity Building Initiative Globally

• Increase communications, support and participation for current international Post initiatives (EJETS, PJETS, Monthly IC calls)

• Continue monthly IC conference calls and Vice Chairman updates - 1st Thursday of each month throughout 2013-14

• Grow SAME IC membership. IC committee, VCs and RVPs to market SAME and IC to Services, US and foreign industry partners

• Assist Pacific RVP in exploring and re-establishing Fil-Am Post (Field Chapter), Manila
Path Ahead 2013/14

Goal #2: Support SAME Regional/National Conference Planning and Execution, Other Regional Initiatives

Events

• SAME Joint Engineer Training Conference and Expo: 21-24 May 2013; San Diego, CA. Co-Hosted by SAME HQ & San Diego Post
• SAME IC Webinar Series: April 2014 (virtual)
• SAME Pacific Joint Engineer Training Symposium, Oct 2014
• SAME Europe Joint Engineer Training Symposium, Jul 2014
Goal #2: Support SAME Regional/National Conference Planning and Execution, Other Regional Initiatives (cont)

New Action

• Coordinate and seek concurrence from **NAVFAC PAC for SAME IC supported Industry Forum Event** - Guam Program. Target event date is April 2014.

• Explore **Opportunities with Hawaii, Japan and Korea Posts** to jointly support a combined SAME function held in conjunction with PACOM, as PJETS
Path Ahead 2013/14

Goal #3: Target and Expand Inter-Committee and Complementary Professional Organization and Government Interactions

- Increase IC interface/participation with RVP and Post Presidents
- Increase Liaison participation in IC events
- Increase IC participation in other Mission Committee and Council events, global engineering activities
  - World Federation of Engineering Organizations / American Association of Engineering Societies International Activities Committee (AAES IntAC)
- Update IC LinkedIn page.
- Continue updates to SAME IC homepage to showcase IC events, presentations, and archive IC work plans/meeting minutes for member use
Thank You to SAME Executive Committee for your support

Let’s Make 2013/14 Even More Successful
International Committee
Doing Business in Africa

Michael H. Sedge, Michael-Bruno LLC
DOING BUSINESS IN AFRICA
Michael-Bruno, LLC (A/E/C)

- Working in Africa since 2006
- First U.S. Company to Open Affiliate in Djibouti
- Currently Support 15 Government Contracts in Africa
- Michael Sedge developing American Business Council of Djibouti to become American Chamber of Commerce in 2016
Near Future in Africa

- Estimated $3 billion through FY 15
- DoS, NAVFAC, USACE, MCC and USAID
- USAID soliciting local construction firms (Kenya)
- DoS has 3-5 new Embassies in Africa (OBO)
- USACE to issue 12 Africa MATOCs (USACE-EUD)
- Djibouti: Camp Lemonnier (NAVFAC Atlantic/EURAFSWA)
The Afghanistan Influence

- Contingency Construction
- Camp Lemonnier, Djibouti, LEED Certification
- Third Country Nationals (TCNs)
  * Limited to 20% of Workforce (Djibouti)
  * Non-VISA personnel will be jailed and deported at contractor’s expense
Materials & Logistics

- Available: Sand & Water
- Construction Materials: Europe, Dubai, Turkey
- Customs Challenges (US-Djibouti SOFA)
- Installation Access Issues – Delays/Escorts
- Lodging: 3-4 b/r villa in Djibouti ($10,000 - $12,000 w/utilities)
- Vehicles: $1,200 - $1,500 rental per month
Subcontractors

- Contracts and Concepts
- African Firms do not Understand U.S. Procedures
- Lack of Skilled Labor and Safety
- Material Delays & Tracking
- Local Taxes (Djibouti 7% VAT on Subcontractors)
- Best Firms Today, Worst Tomorrow (exceeding capacity)
Cultural and Environmental Issues

- Work Methodologies
- Cultural Aspects:
  - Religion
  - Ethics
- Safety:
  - Extreme Heat
  - Animal / Insects

* Recent Change in Malaria for HoA
Critical Personnel Challenges

- Turn-Over: US Military & Key Contractor Personnel
  - Loss of History
  - Challenge for Govt as well as A/E/C Contractors
- Key Personnel Abandonment
  - Private Quality of Life:
    - MWR, SAT TV, High-Speed Internet
Corporations, Banking and Taxes
- Setting up an Africa Company?
- Long-Term Goals
  - MB pursuing commercial business ($12 billion)
- Local Labor
- Local Taxes
Politics and Corruption
- Friend to All, Ally of None
- Avoid Political Allies
- Who are Your Subcontractors?
- Corruption: A Way of Life
- Soil Test Example
American Business Council of Djibouti
- Establish in 2013
- Become AMCHAM by 2016
- Why?
  - Central Focal Point for US Business
  - Interface between US / Djibouti Governments
  - Conduit of Information fo US Military Leaders
Presentation by:

Michael Sedge, President Michael-Bruno, LLC
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USA – Bahrain – Djibouti - Italy
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Tel. (+39) 081.578.5281
Web: www.mb-global.com

Download a copy of Sedge’s article, Doing Business in Africa at:
‘International NEPA’
SAME JETC 2013

Dr. Paul Thies
Senior NEPA Technical Consultant
CH2MHiil

May 2013
Agenda

Executive Order 12114
NEPA-Like Requirements
DODD 6050.7
  Environmental Studies
  Environmental Reviews
Lessons Learned
Executive Order 12114

‘Provides the exclusive and complete requirements for taking account...actions that do significant harm to the environment of places outside of the United States.’
Federal Agencies Projects in Pacific – Requirements for NEPA-like determinations:

1. **NEPA** – Territories (Guam, Commonwealth Northern Mariana Islands, American Samoa, Wake Island, Johnston Atoll, Baker Island, Howland Island, Jarvis Island, Kingman Reef, Palmyra Island, etc.)

2. **NEPA** – Option of Governments under Compact of Free Association (Republic of Marshall Islands, Federated States of Micronesia, Palau)
Requirements for NEPA-like determinations (Con’t):

3. **DODI-4715.5-G** - Overseas Environmental Base Line – Guidelines for Final Governing Standards – ‘… applicable to actions of DOD components at installations outside the US its territories and possessions.’

4. **International Agreements** - Status of Forces, etc.

5. **DODD 6050.7** – DOD actions where none of the above apply
DODD 6050.7 Purpose – ‘…provides policy and procedures to enable DOD officials to be informed and take account of environmental consideration with authorizing or approving certain major federal actions that do significant harm to the environment of places outside the United States.’

‘…sole objective is to establish internal procedures to achieve this purpose, and nothing in it shall be construed to create a cause of action.’

March 31, 1979
DODD 6050.7: Definitions

- **Environment:**
  Includes natural and physical environment;
  Excludes Social and Economic effects.

- **Federal Action:**
  Includes — Actions implemented or funded directly by US
  Excludes — Actions where US participates in an advisory,
  information gathering, diplomatic capacity.

- **Foreign Nation:**
  ‘..any geographic area (land, water and airspace) that is
  under the jurisdiction of one or more foreign governments’
  ‘..includes contiguous zones and fisheries zones…’
  ‘…includes oceans and airspace inside territorial limits’
DODD 6050.7: Definitions (Con’t)

• Global Commons:
  ‘...geographical areas that are outside the jurisdiction of any nation..’
  ‘...includes oceans and airspace outside territorial limits’
  Antarctica
DODD 6050.7: Definitions (Con’t)

Major Action:

‘...means an action of considerable importance involving substantial expenditures of time, money, and resources.’

‘...affect the environmental on a large geographic scale or has substantial environmental effects.’

‘...and that is substantially different...from previously analyzed...and approved’

Excludes – Deployment of ships, aircraft or other mobile military equipment is NOT a major action for purposes of this Directive.
Environmental Considerations

I. Global Commons

Actions Included: ‘…major federal actions that do significant harm to the environment of the Global Commons.’
- Ocean – Outside territorial waters.
- Air Space – Outside of territorial boundaries.
- Antarctica

Document Required: Environmental Impact Statement (EIS)

EIS (Required) may be for:
- Specific Statement (action)
- Generic Statement covering class of similar actions
- Program Statement
Limitations on Actions: ‘…no action concerning the proposal may be taken that does harm to the environment, or LIMITS the choice of reasonable alternatives.’

Emergencies: ‘..emergency circumstances …without meeting requirements...shall consult with the Deputy Under Secretary of Defense (Installations and environment) ...promote national defense .. cannot be delayed...protection of life or property.’

Combining Documents: ‘…can be combined with other agency documents to reduce duplication.’

Tiering: Encouraged.
Categorical Exclusions: Same as Component Service regulation for Categorical Exclusions (CATEX).

Public Release: EIS released to the public, draft for comment, final release… Hearings not required.

Content and Organization: Similar to EIS.

 Classified Information: Only classified portion restricted from public dissemination IAW DOD procedures.

Foreign Governments: Decision to disseminate to foreign government coordinated through Department of State.
Environmental Considerations
II. Foreign Nations & Protected Global Resources

General: ‘…significant harm.. environment of foreign nation or Protected Global Resource.’

Documents:
  Environmental Studies – Similar to EIS
  Environmental Review – Similar to EA
Actions Included:

1. Major federal action which significantly harms the environment of a foreign nation not involved in the action…location of harm…not location of action.

2. Major federal action which provides to a nation:
   ‘…Product or physical project which produces a product, emission, effluent … Prohibited, strictly regulated [US] law.’
   ‘physical project .radioactive substances, asbestos,TSCA.’
   ‘….significantly harms the natural or ecological resources of global importance…designated by President…protected by international agreement.’

General Exemptions: Actions Taken:

1. ‘..DOD Component determines does not do significant harm to the environment….’
2. ‘...actions by the President.’
3. ‘…armed conflict.’
4. ‘…pursuant to direction ..President or cabinet official…national security…in writing USD.’
5. ‘…action of the intelligence components ..IAW EX 12036’
6. ‘…foreign military sales.’
General Exemptions: (Con’t):
7. ‘...votes and other actions at international conferences.’
8. ‘...Disaster and emergency relief actions.’
9. ‘...export licenses and permits, approvals.’
10. ‘...nuclear activities and material.’
11. ‘...other exemptions – components.’
12. ‘..emergencies.’
Environmental Studies (ES)

2 Types Environmental Study:

a. Unilateral- ‘…an analysis of likely environmental consequences…considered solely by DOD component.’

b. Bilateral or Multilateral- “…an action in conjunction with one or more foreign nations…prepared cooperatively.’
ES Processes

a. ‘Communication with foreign government…coordinated with Department of State.’
b. ‘Judgment to prepare ES…made in consultation with foreign governments or organizations.’
c. ‘…if a negative decision is made…documented with ROD and decision-makers.’
d. ‘…no action…do significant harm…until study…completed.’
Content of ES Required by DODD 6050.7:

a. General review of the effected environment.
b. Predicted effect of the action on the environment.
c. Actions to protect or improve environment.
d. If ‘no action’…was decision made by affected foreign government?
Distribution of ES:

- Department of State
- CEQ
- Other US federal agencies
- Other foreign governments

Limitations:

a. ‘…prompt action may take precedence.’
b. Avoid adverse impacts on relations w/ foreign government.
c. Avoid infringement on sovereign responsibilities.
Environmental Reviews

Characteristics:

- Prepared unilaterally or with another federal agency.
- Coordination with Department of State.
- Optional to provide to foreign government.
- No Public Involvement Required.
- Cannot start action until ER completed.

Content:

- Statement of Action, timetable, physical features, operating plan.
- Identify important environmental issues.
- Actions to ameliorate or minimize impact.
- Contributing Actions of participating foreign nations.
Specific Procedures Flexible to:
Enable component to act promptly.
Avoid adverse impacts on relations.
Avoid infringement on foreign responsibilities.
Avoid embarrassing information.
Protect classified information.
Lessons Learned with Environmental Review:

Applies to US Action in Foreign country.
Host Country - Less sophisticated environmental programs.
US action - limited time involvement.
Actions probably limited to training, minor construction.
DOD personnel often have limited ER experience.
Work closely with Component Lawyer(s).
Lessons Learned (Con’t)

Goal is informed decision on impacts vs:
   b. Complying with US Environmental Laws.
   c. Complying with foreign laws.
Avoid the ‘US has better environmental laws’
Avoid subtle embarrassments in document.
Early Agreement /w Component on format & content.
Be aware of Component Supplements (real or imagined).
ER Suggested Format:

Chapter 1 – Introduction.
Statement of intent of document.
Include abbreviated Purpose and Need.

Chapter 2 – Statement of Action
Proposed action.
Timetable.
Big Picture description of area.
Current environmental conditions.
Chapter 3 - Important Environmental Issues.

Data gathering w/ locals unavoidable.
Component approval for level of discussion.
Evaluate level of impact vs compliance.
Consider duration of impact (2 week training exercise).
List the N/A resources so reviewers and Decision Maker know.
Chapter 4 - Actions to Minimize Impact.
Avoid mitigation to US standards.
Understand what are local involvement (Refueling).
Consider US Unit SOP.

Chapter 5 - Other Country Contributing Actions.
Abbreviated Cumulative Impact.
Describe level of training/actions.
Summary

Actions abroad require NEPA-like analysis.
DODD 6050.7 has different requirements from NEPA.
Carefully follow DODD 6050.7 requirements.
Ensure detailed understanding w/client – format/content.
Work Closely with Component Attorneys.
Always watchful of embarrassments (host nation/US).
Informed Decisions on Impacts NOT Environmental Law Compliance.
Questions