

5.6 RESPONSIBILITIES

The project manager (project manager, realty specialist, asset manager, facility specialist, building manager, property manager, project developer) is responsible for determining whether the action meets the criteria for either an automatic or a Checklist CATEX, and documenting that determination in the project file. (see **Exhibit 5-1**).

Checklists must be completed by, with the oversight of, or in consultation with the REQA.

5.7 SCOPING FOR CATEXs

Checklist CATEXs require internal, and possibly external, scoping (see Chapter 4) to give you or the REQA the basis for preparing the environmental checklist. The REQA must be involved in checklist preparation, as the party that actually prepares the checklist, in consultation with program personnel who do so, or in an oversight and review capacity. External environmental experts and agencies with jurisdiction by law or expertise (such as the U.S. Fish and Wildlife Service and the appropriate State Historic Preservation Officer) must be consulted as needed, along with local government representatives, interest groups, and Indian tribes, as appropriate. Consultation should be documented in the project file.

The purpose of this level of scoping is to ensure that no "extraordinary circumstances" exist that would require preparation of an EA or EIS. Usually, the necessary information can be obtained through library or other internal GSA research, and consultation with outside parties can be accomplished via telephone and written correspondence—without the need for public meetings.

5.8 PUBLIC PARTICIPATION IN CATEXs

Generally, determining whether an action is a CATEX requires no public participation, but if an individual or group expresses interest in the project's environmental effects, they should be kept informed of the CATEX review and provided with a copy of the completed CATEX checklist.

5.9 COMPLETING THE ENVIRONMENTAL CHECKLIST

Section 2.2.2.3 of this Desk Guide requires, each REQA to maintain a CATEX checklist. You and the REQA will use this checklist to consider the possible environmental consequences of Checklist CATEX actions.

Exhibit 5-1 is a model CATEX checklist. All Regional checklists are to be developed in consultation with the GSA NEPA Liaison and based on Exhibit 5-1. Instructions for completing the model checklist presented in Exhibit 5-1 are as follows:

5.9.1 Entering Basic Data

- **Action Name:** Give the project name and any identifying number or code.
- **Action Location:** For actions with specific or general locations (e.g., real estate transactions), give the address, including lot and block #, if appropriate.
- **Action Description:** Be as specific as possible, using additional sheets if needed; this will help you to determine the CATEX category in which your action fits and how to complete the rest of the checklist.
- **Category:** List the category into which you think the action falls (from Section 5.4 above).

5.9.2 Considering Environmental Consequences

The list of "Potential Environmental Consequences" is the heart of the checklist. It consists of eleven questions, each calling for a judgment by you and the REQA about the likelihood that a particular kind of environmental consequence will result from the proposed action. You or the REQA can complete this portion of the checklist, but if you complete it, you must consult with the REQA.

Based on internal review, external review (where appropriate), and research, check "YES," "NO," or "NEED DATA" for each question. Attach documentation as needed to support your answer. If you cannot check "YES" OR "NO," check "NEED DATA," and consult with the REQA about what data are needed and how to get them.

To help you decide whether to check "YES," "NO," or "NEED DATA," consider the following:

5.9.2.1 Checklist Question A:

Is the action likely to be inconsistent with any applicable Federal, State, Indian tribal, or local law, regulation, or standard designed to protect any aspect of the environment?

Think about whether your action is likely to have effects that would be inconsistent with such authorities as:

- EPA's solid waste management guidelines;
- Occupational Safety and Health Administration (OSHA) noise standards;
- A State Implementation Plan (SIP) under the Clean Air Act;
- Executive Order 11988 (Floodplain protection);
- Executive Order 12072 (Development in central business areas);
- Executive Order 13006 (Priority use of historic properties);
- A State's Coastal Zone Management Plan; or
- Applicable state, Indian tribal, or local environmental protection, historic preservation, noise control, visual impact, or social impact control ordinances.

Also consider whether your action is likely to need a permit under the Clean Air Act (CAA), Section 404 of the Clean Water Act (CWA), or another authority related to environmental protection, and whether it might affect environmental resources held in trust for Indian tribes by the U.S. Government, such as lands or other resources to which tribes have rights by treaty.

5.9.2.2 Checklist Question B:

Is the action likely to have results that are inconsistent with locally desired social, economic, or other environmental conditions?

Think about whether your action is likely to:

- Change traffic patterns or increase traffic volumes;
- Have access constraints;
- Affect a congested intersection;
- Result in housing workers or others more than one-quarter of a mile from public transit;
- Require substantial new utilities;
- Be inconsistent with existing zoning, surrounding land use, or the official land use plan for the specific site and/or the affected delineated area;

- Be regarded as burdensome by local or regional officials or the public, because of infrastructure demands (e.g., sewer, water, utilities, street system, public transit);
 - Change the use of park lands;
 - Change the use of prime farm lands;
 - Change the use of a floodplain;
 - Alter a wetland;
 - Be located on or near a wildlife refuge, a designated wilderness, a wild and scenic river, a National Natural Landmark, a National Historic Landmark, designated open space, or a designated conservation area;
 - Be located on or near an area under study for any such designation;
 - Be located on or near any other environmentally critical area; or
 - Have adverse visual, social, atmospheric, traffic, or other effects on such a critical area even though it is NOT located on or near the area.
- Involves a facility that may contain polychlorinated biphenyl (PCB) electric transformers, urea formaldehyde, or friable asbestos.
 - Would be on or near an EPA or State Superfund, or priority cleanup site.
 - Involves construction on or near an active or abandoned toxic, hazardous or radioactive materials generation, storage, transportation or disposal site.
 - Involves construction on or near a site where remediation of such materials has occurred.
 - Involves use of a site that contains underground storage tanks (USTs), as evidenced by historical data or physical evidence such as vent pipes or fill caps.
 - Involves water pipes and/or water supply appurtenances that contain lead in excess of EPA standards.
 - Involves a facility or water supply that may contain radon in excess of the EPA action level.

5.9.2.3 Checklist Question C:

Is the action likely to result in the use, storage, release and/or disposal of toxic, hazardous, or radioactive materials, or in the exposure of people to such materials?

Consider whether your action is likely to result in the use, storage, release, and/or disposal of toxic materials such as fertilizers, cleaning solvents, or laboratory wastes, or of hazardous materials such as explosives.

Also consider whether your action:

If your action is a construction project, you may need to conduct a background historical study and field inspection to determine whether it is likely that hazardous, toxic, or radioactive materials are present (see Section 9.5). Historical data such as chains of title and tax records can reveal whether activities have taken place there that could have released hazardous, toxic, or radioactive materials into the site, and whether USTs are likely to be present. Field inspection may reveal evidence of USTs such as vent pipes or fill caps, and evidence of site contamination such as stressed vegetation, soil surface stains, suspicious drums, cans, and other possible waste containers, or ponds, pits, sumps or ditches with suspicious odors or smells.

5.9.2.4 Checklist Question D:

Is the action likely to adversely affect a significant aspect of the natural environment?

Consider whether your action is likely to:

- Affect an endangered or threatened species, or its critical habitat;
- Affect a species under consideration for listing as endangered or threatened, or its critical habitat;
- Alter a natural ecosystem;
- Affect the water supplies of humans, animals, or plants;
- Affect the water table;
- Involve construction or use of a facility on or near an active geological fault;
- Result directly or indirectly in construction on slopes greater than 15%;
- Result in construction on or near hydric soils, wetland vegetation, or other evidence of a wetland; or
- Result in construction on or near any other natural feature that could affect the safety of the public, or the environmental impacts of the action.

5.9.2.5 Checklist Question E:

Is the action likely to adversely affect a significant aspect of the sociocultural environment?

Think about whether your action is likely to cause changes in the ways members of the surrounding community, neighborhood, or rural area live, work, play, relate to one another, organize to meet their needs, or otherwise function as members of society, or in their social, cultural, or religious values and beliefs. Is your action likely to:

- Cause the displacement or relocation of businesses, residences, or farm operations;
- Affect the economy of the community in ways that result in impacts to its character, or to the physical environment;
- Affect sensitive receptors of visual, auditory, traffic, or other impacts, such as schools, cultural institutions, churches, and residences; or
- Affect any practice of religion (e.g., by impeding access to a place of worship)?

Give special attention to whether the action is likely to have environmental impacts on a minority or low income group that are out of proportion with its impacts on other groups. Consider, for example, whether the action is likely to:

- Result in the storage or discharge of pollutants in the environment of such a group;
- Have adverse economic impacts on such a group;
- Alter the sociocultural character of such a group's community or neighborhood, or its religious practices; or
- Alter such a group's use of land or other resources.

Also consider possible impacts on historic, cultural, and scientific resources. Think about whether the action is likely to have physical, visual, or other effects on:

- Districts, sites, buildings, structures and objects that are included in the National Register of Historic Places, or a State or local register of historic places;
- A building or other structure that is over 45 years old;

- A neighborhood or commercial area that may be important in the history or culture of the community;
- A neighborhood, commercial, industrial, or rural area that might be eligible for the National Register as a district;
- A known or probable cemetery, through physical alteration or by altering its visual, social, or other characteristics;
- A rural landscape that may have cultural or esthetic value;
- A well-established rural community, or rural land use;
- A place of traditional cultural value in the eyes of a Native American group or other community;
- A known archeological site, or land identified by archeologists consulted by GSA as having high potential to contain archeological resources; or
- An area identified by archeologists or a Native American group consulted by GSA as having high potential to contain Native American cultural items.

Particularly in rural areas, give special consideration to possible impacts on Native American cultural places and religious practices. For example, consider whether the action likely to alter a place regarded as having spiritual significance by an Indian tribe or Native Hawaiian group, impede access to such a place by traditional religious practitioners, or cause a change in the use of, or public access to, such a place.

5.9.2.6 Checklist Question F:

Is your action likely to generate controversy on environmental grounds?

Consider first whether your action is likely to be controversial in any way. If so, consider whether this controversy is likely to have an

environmental element. For example, the decision to locate an agency in a central business area may be controversial to employees who will have to commute from the suburbs, but this is not an environmental issue unless it can be reasonably argued that commuting will generate air pollution or have some other impact on the natural or sociocultural environment.

Environmental controversies can be about a host of things: impacts on historic buildings, archeological sites, and other cultural resources; impacts of traffic or parking on a community or neighborhood. To avoid missing a controversial issue that should be addressed under NEPA, be sure not to interpret the word "environmental" too narrowly.

5.9.2.7 Checklist Question G:

Is there a high level of uncertainty about your action's environmental effects?

Consider first whether there is anything you don't know about the action's potential impacts, and then think about whether what you don't know has any significance. For example, when considering an outlease in a Federal facility, you might not know whether there are archeological sites in the vicinity. If the outlease would result in major ground disturbance, this uncertainty should be resolved before proceeding with the project. If the outlease will not result in ground disturbance, there may be no need to resolve your uncertainty.

5.9.2.8 Checklist Question H:

Is your action likely to do something especially risky to the human environment?

Find out whether there is some possible effect of your action that, while improbable, would be so serious IF it occurred that further review is appropriate. For example, you want to acquire land in a non-sensitive area (See 5.4(d)) that is generally unlikely to have adverse effects on the environment,

but if there is an environmentally sensitive area downstream from the land you want to acquire, and use of the land might have the potential to cause pollution as groundwater flows through the sensitive area, then you must conduct further review.

5.9.2.9 Checklist Question I:

Is your action part of an ongoing pattern of actions (whether under the control of GSA or others) that are cumulatively likely to have adverse effects on the human environment?

Consider whether the action is related to other actions (by GSA or others) with impacts that are individually insignificant but that may, taken together, have significant effects. For example, is the action:

- Part of an ongoing pattern of development that could collectively change the quality of the human environment, such as suburbanization, "gentrification," or urban renewal?
- Part of an ongoing pattern of pollutant discharge, traffic generation, economic change, or land-use change in its locality that could collectively affect human health or the condition of the environment?

5.9.2.10 Checklist Question J:

Is the action likely to set a precedent for, or represent a decision in principle about, future GSA actions that could have significant effects on the human environment?

To answer this question, you must look forward and outward, and consider the possibility that what is done with your particular action will pave the way for future actions that could have serious environmental consequences. For example, you decide to issue a permit for the running of an all-terrain vehicle race across a particular surplus

military installation. Because of the character of the particular installation, it might be possible to answer "NO" to CATEX Questions A through I, but if your decision to issue a permit were taken as a precedent for allowing such races across ALL surplus military installations, or as a decision in principle by GSA that such permits are appropriate, then a higher level of review of the action may be in order.

5.9.2.11 Checklist Question K:

Is the action likely to have some other adverse effect on public health and safety or on any other environmental media or resources that are not specifically identified above?

This question is designed to allow you to address any potential environmental effects that may be of concern but don't fall into any of the other categories. It implies that everyone is fallible, and that times change, so that effects that are not recognized as serious today may be so identified in the future.

5.9.3 Completing the Checklist

The checklist is not complete until all "NEED DATA" issues have been resolved and all blocks are checked either "YES" or "NO." Checking a single block to "YES" does not necessarily mean that an EA must be prepared; it may be possible to resolve the "YES" answer in another way. For example, disposal of real property to a State agency for historic monument purposes (CATEX 5.4(I)) invariably involves historic properties, and thus may affect an aspect of the sociocultural environment. However, it is probably safe to assume that the process of review under Section 106 of the NHPA will be sufficient to ensure that such effects are not adverse. So rather than completing an EA, you would ensure that your proposed action complies with Section 106 and its implementing regulations.

Resolve all "NEED DATA" issues and complete the checklist, attaching all supporting documentation. In the "Conclusions" section, circle the conclusion reached by the REQA, or by you in consultation with the REQA. Add the names of the relevant program staff and REQA representative below the signature blocks; then sign and date them. The checklist is now complete. It must be kept with the project files, and made available to the public and review agencies upon request, and as needed for review under authorities other than NEPA.

If you and the REQA cannot agree on the conclusions, consult the NEPA Liaison and Regional legal counsel for assistance.

5.10 FOLLOW THROUGH

Do not just file the CATEX Checklist and forget it. Make sure that you do what is necessary to carry out the conclusions reached. If it is concluded that the CATEX requires no further review, then file the checklist with the project files, and make it available to others as needed. If the conclusion is that further review is needed under another authority (e.g., Endangered Species Act, Section 106), make sure that this review happens. If the conclusion is that an EA or EIS must be done, make sure that the appropriate level of analysis and documentation is carried out.

5.11 REQUIREMENTS FOR ENVIRONMENTAL ANALYSIS OTHER THAN NEPA

CATEX actions do not require EAs or EISs; they are "excluded" from higher levels of NEPA analysis. These actions are not excluded from other environmental laws and regulations, however. Therefore, you may need to conduct analyses, consult with other agencies, carry out public participation activities, and prepare documentation under these other laws even though your proposed action is a CATEX (e.g., a project to repair a building included in or eligible for the National Register of Historic Places).