

14 January 1998

Re: NEPA Technical Inquiry 0145 - Comparing Old and New GSA Guidance

Dear NEPA Call-In User:

This letter is in response to your August 27, 1997 request for NEPA Call-In to provide an explanation of the GSA review and approval process for revised guidance documents. You also asked NEPA Call-In to compare revised GSA environmental guidance documents to older versions.

Specifically, you would like an outline of the revisions made to GSA Order ADM 1095.1E, "Environmental Considerations in Decisionmaking," December 8, 1995, and GSA PBS P 1095.4B, "PBS Preparation of Environmental Assessments and Environmental Impact Statements," July 24, 1985. These documents are frequently used by NEPA Call-In to provide guidance on environmental compliance issues to GSA employees.

#### SUMMARY OF FINDINGS

NEPA Call-In determined that the procedures for review and approval of revised guidance are contained in OAD P 1832.3A, "The GSA Internal Directives System." Further, the clearance officer for Public Buildings Service (PBS) is responsible for clearing directives and obtaining signatures from the appropriate officials. NEPA Call-In also determined that the PBS Desk Guide is exempt from the GSA Directives Management Program.

We determined that few changes were made to the GSA Order ADM 1095.1E. The revisions to this document are mainly in the Responsibility section. We determined that substantial changes were made to PBS P 1095.4B. The revision, PBS 1095.4C, was reduced to an overview of GSA's NEPA procedural requirements. The instructional step-by-step portion of the document has been removed and expanded into a new comprehensive PBS NEPA Desk Guide. The NEPA Desk Guide, used in conjunction with PBS 1095.4C, provides an increased level of NEPA guidance to GSA.

#### DETAILED FINDINGS

NEPA Call-In contacted the Directives and Correspondence Branch, Administrative Policy and Information Management Division (CAI), GSA, for information on the GSA review and approval process for revised guidance documents. The Directives and Coorespondence Branch stated the procedures for review and approval of revised guidance are contained in OAD P 1832.3A which is available on the GSA intranet "Insite." Revised guidance must be submitted to anyone you determine has a substantive interest for their concurrence or comments. This step has already been completed since the revised documents were reviewed and approved the Environmental Quality Advisory Group (EQAG) at its April 2-3, 1997 meeting. EQAG members were selected by each region or business line as the most experienced NEPA compliance officer. The Directives and Coorespondence Branch stated you may chose to include GSA Form 1, Directive Clearance Sheet (also known as Red Border), and stated a copy could be obtained from Mr. Bill Sims of the same office. They also stated you may provide the revised guidance to interested parties via e-mail. After reconciling any substantive comments, you should then provide the revised guidance to your office's Clearance Officer.

We reviewed OAD P 1832.3A, Chapter 3, "Clearing the Draft," and found the clearance officer is responsible for clearing directives and obtaining signatures from the appropriate officials, and in fact is available to provide assistance with the entire process. The clearance officer ensures the following mandatory clearances, as required by OAD P 1832.3A, Chapter 3, Section c. "Mandatory clearances," are obtained:

1. Services and staff offices and regional offices;
2. Internal Reports, CAI;
3. Forms. "All new or revised forms and any directives that prescribe forms or that require creating forms must be sent to the Forms Management area of the Reproduction and Visual Arts Division (CAR)." The CAI takes care of this requirement using the copy provided for (2) above.
4. Regulations and legal interpretations and positions. All directives that interpret a statute must be cleared by the Office of Legal Counsel;
5. Directives affecting acquisition policy must be cleared with the Office of Government Policy;
6. Office of Inspector General Review;
7. Environmental Impact. All "directives that may have a major impact on the quality of the environment must be cleared with the Assistant Commissioner, Office of Portfolio Management (PT)" [Since renamed the Office of Business Performance];
8. Historic preservation; and
9. GAO clearance. "When GAO clearance is required for GSA forms and standard forms and other financial matters are involved, the Financial Information Control Division (BCD) obtains clearance.

The Directives and Correspondence Branch Office stated the Clearance Officer for PBS is Mr. Marvin Saunders.

NEPA Call-In contacted Mr. Saunders, (202) 501-1406 who stated the appropriate point of contact in his office for this procedure is Ms. Lanita Thornton. He stated if we could provide her with the directives, she could advise us as to the process for their approval. In a follow up call to you, you stated you were completing final revisions to the directives and would forward them to Ms. Thornton next week.

Further review of OAD P 1832.3A revealed that the NEPA Desk Guide is exempt from the review and approval process. Chapter 2, "Writing a GSA Directive," Part 1, "Types of GSA Directives," Figure 2-5, "Documents that are exempt from the GSA Directive Management Program," includes operating desk guides.

We then reviewed the old GSA Order ADM 1095.1E and compared its contents to that of the revised edition, ADM 1095.1F. The revisions to the new ADM 1095.1F reflect a thorough internal review of GSA's procedures and responsibilities for implementing the National Environmental Policy Act (NEPA). ADM 1095.1F states it was issued in coordination with the revised PBS 1095.4C, and the PBS NEPA Desk Guide. PBS 1095.4C and the Desk Guide contain specific guidance for GSA when carrying out the

procedural requirements of NEPA. A notable addition to ADM 1095.1F is GSA's policy statement pertaining to NEPA. The policy statement assigns the responsibility of NEPA compliance to all GSA decisionmakers.

The "Responsibility" section of ADM 1095.1F increases, or more narrowly defines, the level of responsibility assigned to GSA personnel. NEPA Call-In determined the level of responsibility regarding NEPA issues has increased for the Assistant Commissioner, Office of Business Performance (PX). Heads of Services and Business Lines are given the increased responsibility of ensuring accountability for implementation of the policy set forth in the order.

NEPA Call-In reviewed the old GSA order PBS P 1095.4B and compared it to the revised version, PBS 1095.4C, "Compliance with the National Environmental Policy Act." NEPA Call-In found the new document should be referenced as PBS 1095.4C. According to OAD P 1823.3A, Chapter 2, Part 6, "Identification System," Number 48, handbooks only are identified with a capital letter "P" inserted between the originator's symbol and the subject classification number. Because this PBS Order is not a handbook, the "P" designation is not needed.

We also found the substantial changes have been made to PBS P 1095.4B. Specifically, sections from the old PBS P 1095.4B document addressing NEPA implementation procedures have been significantly abbreviated. The purpose of the new document is to provide overall direction for carrying out the procedural requirements of NEPA and related authorities, in furtherance of ADM 1095.1F. The detailed step-by-step instructions for carrying out the procedural requirements of NEPA are now contained in the comprehensive PBS NEPA Desk Guide.

In addition to the structural changes made to PBS P 1095.4B, the responsibility section has been revised to reflect GSA organizational changes made as of July 1997. The Assistant Commissioner, PX, has been given overall responsibility for advising head decisionmakers regarding NEPA implementation. A NEPA Liaison, who has the responsibility of coordinating NEPA compliance within GSA, has been added to the list of responsible officials. Regional Centers of Expertise (NCEs) will be created to provide regional expertise and guidance on NEPA and related issues.

The revised PBS 1095.4C briefly describes the major NEPA procedural compliance categories GSA must follow. As stated above, the detailed step-by-step instructions for implementing NEPA's procedural requirements are now contained in the comprehensive PBS NEPA Desk Guide. PBS 1095.4C is intended to be used in conjunction with this Desk Guide. The NEPA Desk Guide takes the existing procedural compliance categories in the old PBS P 1095.4B and greatly expands them to provide the user with a significantly increased level of guidance. A chapter has been added to the Desk Guide concerning Categorical Exclusions (CATEXs), which is further broken down into Automatic CATEXs and Checklist CATEXs. Other chapters that have been added to the NEPA Desk Guide are: Scoping and Planning for Public Involvement, Supplements and Revisions to NEPA Documents, Special Studies (Environmental Justice, Social Impact Assessment, Cultural Resources, Due Diligence Reports, and other NEPA-related studies), Contracting, and Technical Reviews. Additionally, text from the Council on Environmental Quality (CEQ) NEPA regulations has been integrated into appropriate sections of the Desk Guide for instant reference. Finally, the entire CEQ regulations for implementing NEPA are provided as an appendix, along with pertinent GSA environmental orders, a table of NEPA activity time frames, and

NEPA-related legal requirements, and a list of pertinent agencies with jurisdiction by law or expertise.

The materials in this TI have been prepared for use by GSA employees and contractors and are made available at this site only to permit the general public to learn more about NEPA. The information is not intended to constitute legal advice or substitute for obtaining legal advice from an attorney licensed in your state and may or may not reflect the most current legal developments. Readers should also be aware that this response is based upon laws, regulations, and policies in place at the time it was prepared and that this response will not be updated to reflect changes to those laws, regulations and policies.

Sincerely,

(Original Signed)

NEPA Call-In Researcher