



DEPARTMENTS OF THE ARMY AND THE AIR FORCE

NATIONAL GUARD BUREAU  
WASHINGTON, D. C. 20310-2500



NGB-ARE (200)

21 January 1992

MEMORANDUM FOR THE ADJUTANTS GENERAL OF ALL STATES, PUERTO RICO,  
THE VIRGIN ISLANDS, GUAM AND THE DISTRICT OF  
COLUMBIA

SUBJECT: (All States Log Number P 92-0005 ) Revised Guidance for  
Environmental Documentation

1. This memorandum supersedes the guidance contained in All States Log Number P91-0108, dated 1 October 1991.
2. Reference:
  - a. AR 200-2, Environmental Effects of Army Actions, 23 Dec 88.
  - b. National Environmental Policy Act of 1969 (NEPA)
3. This memorandum provides current guidance for environmental policies detailed in the references for proposed ARNG actions.
4. In accordance with AR 200-2, it is the proponent's responsibility to insure their proposals are supported (to include funding for all studies) with National Environmental Policy Act (NEPA) documentation. In order to implement military construction (to include public works/civic action projects), training, fielding of new equipment, restationing, real estate actions, etc., the activity must either fall under categorical exclusions (CX) or be evaluated in an Environmental Assessment (EA) or Environmental Impact Statement (EIS). A list of categorical exclusions is found in Appendix A, AR 200-2.
5. A categorical exclusion is acceptable only for actions that have no individual or cumulative effect on the human environment and must be supported by an ARNG Environmental Checklist. The ARNG Checklist is a supporting document only, and it is not required by NEPA or by AR 200-2. An EA is required for all actions that can not be categorically excluded, actions that may have the potential to impact the environment, but need additional evidence for a decision, and for actions that have the potential for impacts but can be mitigated and a Finding of No Significant Impact (FNSI) can be supported. An EIS is required for all actions that will have a significant effect on the environment and consists of a detailed written document required by NEPA.

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6. A Record of Environmental Consideration (REC) must be prepared for each categorically excluded action as noted in Appendix A, AR 200-2. The proponent of an action may not sign for the State Environmental Specialist (SES) or for the commander. Additionally, the SES should not be the proponent of any State actions as they are the environmental staff officer for the States. Each REC is required to have the revised ARNG Environmental Checklist attached as a supporting document. A blank REC form is provided at enclosure 1 and a blank revised checklist at enclosure 2.

7. State/territory ARNG actions which are to take place on an active component installation, other federally owned lands, or federally mandated actions taking place on State or private property, etc., must be coordinated with the land owner. Coordination on the environmental document should be documented by obtaining the concurrence signature of the host's Environmental Coordinator or land owner.

8. If it is determined that an EA/EIS is required, it may be coordinated through the State Environmental Specialist and accomplished in-house, by another state agency, Army Corps of Engineers, or by contract. Funding support for environmental documentation should be provided by the proponent from their mission funds as an integral cost of the project. If an EA/EIS cannot be accomplished, then the proposal must be delayed or cancelled.

9. When a draft EA is ready for staff review, the state (proponent) will have it staffed at STARC (ie POTO, FMO, JAG, PA, AVN, USP&FO, SMM) and any other State military offices designated by the Adjutant General. Following STARC coordination, one copy of the draft EA will be forwarded to NGB-ARE for preliminary review and comment and coordination with NGB divisions.

10. The draft EA will be returned to the State (proponent) for final coordination with the State Historic Preservation Officer (SHPO), US Fish and Wildlife Service (FWS), and other State and Federal agencies identified by NGB-ARE, in accordance with the nature of the proposal. Following successful coordination with the SHPO and FWS, the EA will be made available locally by the

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proponent for a 30 day public comment period. No Notice of Intent (NOI) or Finding of No Significant Impact (FNSI) will be attached at this time. Having these documents as part of the draft EA gives the appearance that the decision has already been made. A draft FNSI/NOI may be included if required by the state and it is clearly indicated as a draft. As outlined in 40 CFR (1506.6 Public Involvement), the best way to ensure the public is adequately notified of proposed NEPA actions is for the proponent to advertise in papers of general circulation rather than legal papers. A news release, along with a display ad in newspapers of general circulation are the best means to ensure that the general public is given adequate opportunity to comment on all proposed Guard NEPA actions. In order to meet the spirit and intent of NEPA, legal notices alone are no longer acceptable when "going public" with any NEPA action. If there exists a specific state requirement (i.e. state law requires that the public be notified via legal ad), then these state requirements should be followed in conjunction with, not in lieu of NGB requirements where the action would involve federal resources or property. As outlined in 40 CFR 1506.6, legal notices alone do not ensure compliance with the law and could later be subject to legal challenge. The State Public Affairs office (PAO) will be the point of contact for coordinating any news releases as well as receipt of comments.

11. The State (proponent) and PAO will compile comments received, draft replies as appropriate, and forward them with 5 copies of the EA to NGB-ARE for review and coordination with NGB-JA, NGB-PA, and NGB proponent divisions. If responses to comments are necessary, NGB-PA will coordinate with the State PAO for release of responses.

12. If a FNSI cannot be supported by the EA, NGB may choose to proceed to an EIS, modify or abandon the proposal. If a FNSI can be supported by the EA, the FNSI will be drafted by the State and approved by NGB-ARE for signature by DARNG, DDARNG, or NGB proponent division chief, in accordance with the nature and magnitude of the proposal. The FNSI will be returned to the State for publication in local media. No action other than planning on the proposal may be taken for a minimum of 30 days following publication of the FNSI. At the end of the 30 day public review and assuming no court actions are filed, the proposal may be initiated.

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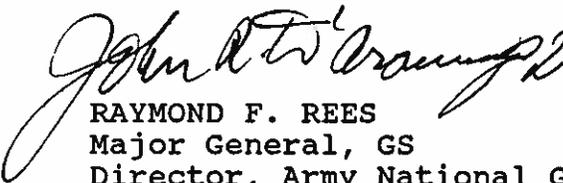
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13. The guidance contained in this memorandum will expire on 6 January 1993, unless superseded prior to that date.

14. POC for NEPA documentation is MAJ Danny C. Reinke, DSN 286-7695, Comm 703-746-7695.

FOR THE CHIEF, NATIONAL GUARD BUREAU:

Encls



RAYMOND F. REES  
Major General, GS  
Director, Army National Guard

CF:

1 ea USPFO  
1 ea FMO  
1 ea POTO  
1 ea SES  
1 ea Each PAO  
1 ea NGB Division Chief

JOHN R. O'NEILL  
BRIGADIER GENERAL  
DEPUTY CHIEF

Date: \_\_\_\_\_

State: \_\_\_\_\_

RECORD OF ENVIRONMENTAL CONSIDERATION

1. Title: (Project/action)

2. Description of Proposed Action: (including existing environmental setting)

3. Anticipated Start Date and/or Duration of Proposed Action:

4. It has been determined that the action (choose one)

a. Is adequately covered in the existing EA \_\_\_\_\_ EIS \_\_\_\_\_

Entitled \_\_\_\_\_  
\_\_\_\_\_

And dated \_\_\_\_\_

b. Qualifies for Categorical Exclusion # \_\_\_\_\_ (Appendix A. AR 200-2.)

c. Is exempt from NEPA requirements under the provisions of  
(cite superseding law)

SIGNED \_\_\_\_\_  
(Proponent for action)

Date: \_\_\_\_\_

CONCURRENCE \_\_\_\_\_  
(Land owner, Coordinator, etc)

Date: \_\_\_\_\_

CONCURRENCE: \_\_\_\_\_  
(State Environmental Specialist)

Date: \_\_\_\_\_

CONCURRENCE \_\_\_\_\_  
(FOR THE COMMANDER)

Date: \_\_\_\_\_

Date \_\_\_\_\_

State \_\_\_\_\_

(420/1391) Project Number \_\_\_\_\_

ARNG ENVIRONMENTAL CHECKLIST  
(to be completed by proponent)

1. BACKGROUND.

a. Name of proponent \_\_\_\_\_

b. Address and phone number of proponent (POC) \_\_\_\_\_  
\_\_\_\_\_

c. Name of proposal \_\_\_\_\_  
\_\_\_\_\_

d. Start and End dates of proposed action \_\_\_\_\_

e. Has the project/action been addressed in a separate environmental document? If so, give title, agency, and date.

2. DESCRIPTION: All questions in this section must be answered (Include a 1/50, 1/25, 1/24, or 1/12.5 USGS, Army tactical or equivalent map with the site clearly marked.)

a. The project/action will involve (Check one or more)

- \_\_\_\_\_ Training Activities/areas
- \_\_\_\_\_ Construction
- \_\_\_\_\_ Maint/Repair/Rehab
- \_\_\_\_\_ Lease or license
- \_\_\_\_\_ Reorganization/Restationing
- \_\_\_\_\_ Environmental Permits/Inspections
- \_\_\_\_\_ Others (explain)

b. Has the real estate action been addressed in a separate environmental documentation? If so, give the title and date.

c. Description and location of ARNG proposal

d. Environmental setting including present and past use of the proposed site:

e. How is the land currently zoned, commercial/part of an industrial park/airport/ other?

f. Distance to environmentally sensitive areas? List the sites by type and distance.

3. ENVIRONMENTAL IMPACT ANALYSIS. (Select most correct answer to each question.)

YES      MAYBE      NO      N/A

a. Air. Will the proposal result in: (Ref: AR 200-1 Chpt 4)

(1) Air Emissions, introduction of smoke, dust suspended particles, or noxious gases into the air which may result in the deterioration of air quality?

\_\_\_\_\_

(2) The creation of objectionable odors or smoke?

\_\_\_\_\_

(3) Particulate/dust migration beyond facility boundaries?

\_\_\_\_\_

(4) Are Permits required?

\_\_\_\_\_

b. Traffic. Will the proposal result in:

(1) Generation or increase in aircraft activity or traffic?

\_\_\_\_\_

(2) Generation or increase in vehicular movement or activity?

\_\_\_\_\_

(3) Use/creation of unimproved roads?

\_\_\_\_\_

c. Noise. Will the proposal result in: (Ref AR200-1, Chpt 7)

(1) Increased noise levels?

\_\_\_\_\_

YES      MAYBE      NO      N/A

- (2) Location close to a civilian community where noise might affect the population? Provide the distance to the nearest noise sensitive area.
  - a. Residence \_\_\_\_\_
  - b. Church \_\_\_\_\_
  - c. School \_\_\_\_\_
  - d. Hospital \_\_\_\_\_
- (3) Specifying minimum altitudes and flight times for aircraft operations to insure noise impacts are minimized? \_\_\_\_\_
- (4) Additional night (2200-0700) hours operations? \_\_\_\_\_

d. Earth. Will the proposal result in:

- (1) Long term disruptions, displacement, compaction, overcovering of the soil, permanent changes in topography or ground surface relief features? \_\_\_\_\_
- (2) Long term increase in wind or water erosion of soils, either on or off the site? \_\_\_\_\_

e. Natural Resources. "No" answers in this section must be supported by a letter or a phone record from a subject matter expert (SME) who was contacted, include date and position of the SME.

Will the proposal result in: (Ref. AR 200-1 12-3)

- (1) Change in the diversity of species or numbers of any species of mammals, birds, reptiles, amphibians, and fish or plants including trees, shrubs, grass, crops, microflora, or aquatic plants? \_\_\_\_\_
- (2) Introduction of new species of animals or plants into an area? \_\_\_\_\_
- (3) Reduction of the numbers of any listed, proposed, or candidate threatened, unique, rare, or endangered species of plants or animal? \_\_\_\_\_
- (4) The introduction of a barrier to the migration or movement of animals? \_\_\_\_\_

- (5) Deterioration, alteration, or destruction to existing wildlife or fish habitat? \_\_\_\_\_
- (6) Increase in the rate of use of any natural resources? \_\_\_\_\_
- (7) Depletion of any non-renewable natural resource? \_\_\_\_\_
- (8) Alteration, destruction, or significant impact on environmentally sensitive areas? \_\_\_\_\_

f. Land Use. Will the proposal result in:

- (1) The alteration of the present land use of an area? \_\_\_\_\_
- (2) Will the proposed project/action take place on: (must check one)
  - (a) State owned land? \_\_\_\_\_
  - (b) Federal owned (DOD owned land)? \_\_\_\_\_
  - (c) Privately owned land? \_\_\_\_\_
  - (d) County/city owned? \_\_\_\_\_
  - (e) Other? \_\_\_\_\_  
(specify)
- (3) Does the proposal contain a federal real estate action? PAS done? \_\_\_\_\_
  - (a) Require an increase of acreage/amendment to an existing lease, license, \_\_\_\_\_
  - (b) Require new purchase of \_\_\_\_\_ (no.) Acres with Federal, State, or other funds? \_\_\_\_\_
  - (c) Require new lease, license, land use permit for \_\_\_\_\_ (no.) Acres? \_\_\_\_\_
  - (d) Does action require the disposal or replacement of existing facilities? \_\_\_\_\_

YES      MAYBE      NO      N/A

g. Hazardous Risk/Waste Disposal. Will the proposal result in: (Ref. AR 200-1, Chpt. 6)

- |  |       |       |       |       |
|--|-------|-------|-------|-------|
| (1) Generation of hazardous waste?   | _____ | _____ | _____ | _____ |
| (2) Treatment, storage, and/or disposal of hazardous waste or materials?   | _____ | _____ | _____ | _____ |
| (3) The storage, treatment, or disposal site/facility being permitted?   | _____ | _____ | _____ | _____ |
| (4) Risk of an explosion, spill, or the release of oil or hazardous substances including, but not limited to pesticides, chemicals or radiation? | _____ | _____ | _____ | _____ |
| (5) A need for procedures to be specified for the proper handling, storage, use, disposal, and cleanup of hazardous and or toxic materials?      | _____ | _____ | _____ | _____ |
| (6) A need for trained personnel to be available for handling and disposal of hazardous and toxic materials?                                     | _____ | _____ | _____ | _____ |
| (7) The generation of solid wastes which must be disposed of either on site or off site by contractor?   | _____ | _____ | _____ | _____ |
| (8) Training that generates or has the potential to generate HWs?  | _____ | _____ | _____ | _____ |
| (9) Opportunity for hazardous minimization and recycling?  | _____ | _____ | _____ | _____ |

h. Water. Will the proposal result in: (Ref AR 200-1 Chpt 3)

- |   |       |       |       |       |
|---|-------|-------|-------|-------|
| (1) Changes in currents or the course of water movements in either marine or fresh waters?<br>(ie drainage patterns)  | _____ | _____ | _____ | _____ |
| (2) Discharge into surface waters or any alteration of surface water quality?   | _____ | _____ | _____ | _____ |
| (3) Change in the quality and/or quantity of ground waters, either through direct additions, withdrawals, or through interception of an aquifer by cuts or excavations? | _____ | _____ | _____ | _____ |

YES      MAYBE      NO      N/A

- (4) Potential for accidental spills of hazardous or toxic material near or in a body of water? \_\_\_\_\_
- (5) The need for spill prevention and contingency measures to be developed? \_\_\_\_\_
- (6) The construction of facilities or implementation of actions within floodplains or wetlands? \_\_\_\_\_
- (7) Requires a discharge permit? \_\_\_\_\_

i. Archeological/historical.

a. Will the proposal result in an alteration or destruction of an archeological or historical site, structure, object, or building on or eligible for inclusion in the National Register of Historic Places? (Ref. AR 200-1, Chpt. 12 sec 12-4)

b. All areas have not been critically evaluated

j. Population. Will the proposal alter the location, distribution, or density of the human population of an area? \_\_\_\_\_

k. Utilities. Will the proposal result in a need for new systems, or alterations to the following utilities:

(1) Electrical power, fossil fuel or other (\_\_\_\_\_)? specify

(2) Drinking water? \_\_\_\_\_

(3) Wastewater treatment? \_\_\_\_\_

(4) Sewer collection system? \_\_\_\_\_

(5) Washracks? \_\_\_\_\_

4. DISCUSSION OF ENVIRONMENTAL ANALYSIS AND POTENTIAL IMPACTS INCLUDE MITIGATION: (Address all "Yes" and "Maybe" answers and "No" answers in the Natural Resources section on a separate sheet)

5. DETERMINATION

(To be completed by the State/Territory Environmental POC)

YES      MAYBE      NO      N/A

a. Mandatory Findings or Significance.

(1) Does the project have the potential to degrade the quality of the environment, or curtail the diversity in environment? \_\_\_\_\_

(2) Does the project have the potential for cumulative impacts on environmental quality when effects are combined with those of other actions or when the action is of lengthy duration (i.e. multiple construction, training exercises, mission expansion)? \_\_\_\_\_

(3) Does the project have environmental effects which will cause substantial adverse effects on humans either directly or indirectly? (ie Noise, Air Quality, Water Quality, Quality of Life) \_\_\_\_\_

On the basis of this initial evaluation, prepare (check one):

\_\_\_\_\_ A Preliminary Assessment Screening (PAS)

\_\_\_\_\_ A Record of Environmental Consideration (REC) IAW paragraph 4-3, AR 200-2

\_\_\_\_\_ An Environmental Assessment (EA) based on paragraphs 5-2 and 5-3 criteria, IAW paragraph 5-4, 5-5, AR 200-2

\_\_\_\_\_ Notice of Intent (NOI) to prepare an Environmental Impact Statement based on paragraphs 6-2 and 6-3 criteria, IAW paragraph 6-7, AR 200-2

Signature: \_\_\_\_\_  
Proponent

Concurrence \_\_\_\_\_  
State/Territory Environmental Specialist

Date: \_\_\_\_\_

Date: \_\_\_\_\_