

National Guard Bureau BRAC 2005 Environmental Snapshot



OVERVIEW

- 33 States and Territories have BRAC 2005 Related Actions for 2006-2010
- 125 New Joint Use Facilities to include
 - Armed Forces Readiness Centers
 - Army Aviation Support Facilities
 - Surface Maintenance Facilities
 - Joint Force HQ's
- 200+ Guard Closures (State Optional)
- 5 Guard Closures of Federal Property

Environmental Documentation Requirements (Federal)

- NEPA
 - Record of Environmental Consideration (REC)
 - Environmental Assessments (EA)
 - Environmental Impact Statements (EIS)
 - FNSI, ROD, Public and NGB Reviews
 - Still need to determine levels for some actions

CERCLA “All Appropriate Inquiry” Guidance for BRAC Realignment and Closure Actions

Action	Requirement
Demo No property transaction	No AAI Required
Lease termination	EBS Required
Private Acquisition	ESA Required
Closure (State Initiated)	EBS Recommended
Closure (Federal)	ECP Required
New Construction or Add/Alt -If existing EBS meets AAI for new construction only addendum required -If EBS meets AAI for Add/Alt no addendum required	EBS Required

Environmental Documentation Guidance

- CERCLA “All Appropriate Inquiry” required
 - Environmental Baseline Surveys (EBS) ASTM D6008-96 **Federal Acquisition**
 - Environmental Site Assessments (ESA) ASTM E1527-05 **Private Acquisition**
 - *New* Environmental Condition Of Property (ECP) Interim Final Draft BRACD **Closures**
 - Community Environmental Response Facilitation Act (CERFA) Suitability Documents **FOST/FOSL**

Examples of Different Purpose for EBS, ESA, and ECP

- As an all appropriate inquiry defense showing due diligence - CERCLA Innocent Landowner, Bona Fide Prospective Purchaser, or Contiguous Property Owner. (EBS/ESA/ECP)
- Military Construction (MILCON and BRAC Construction) to show property suitability. See NGB PAM 415-5. (EBS/ESA)
- Whenever a lease is entered into to document condition of property and suitability of property to meet CERFA requirements and support a FOSL. (EBS/ESA)
- Identify Recognized Environmental Conditions and needs to conduct Phase 2 inquiry. (EBS/ESA/ECP)

Examples of Different Purpose for EBS, ESA, and ECP (cont.)

- At Closure to document condition of property and suitability of property to meet CERFA requirements and support a FOST. (ECP)
- At Closure collect data to Support NEPA document. (ECP)
- At Closure as Marketing Tool. (ECP)
- Assist new owner to meet All Appropriate Inquiry” obligation. (ECP)

ECP Review Requirements

- CERCLA “All Appropriate Inquiry” required
 - Louisville USACE to host Program Coordination Meetings with Installation and NGB
 - Perform Programmatic Environmental Review
 - Consult with State, Regulators and Tribes
 - Conduct Site Visit
 - Prepare Draft and Finals – All ECP’s completed 31 Jan 2007
 - B-MAISE User List
 - BRACD and NGB Concurrence
 - State Initiated Closures NGB Approval Not Required
 - Courtesy Review upon Request

Base Realignment and Closure (BRAC)

- ARNG has identified 269 BRAC actions from FY06 to FY10
 - 44 Build
 - 207 Closure
 - 18 Realignment
- Majority of these actions are armory closures at the discretion of that State's TAG
- USACE
 - Mobile NEPA EA - States are expected to stay engaged in coordination
 - Louisville CERCLA "All Appropriate Inquiry"

BRAC (Cont.)

- States were queried for costs and level of NEPA documentation last year to develop baseline requirements that went forward.
- NEPA PM's have been in constant contact with States identifying adjustments.
- REC's are State responsibility for developing.

All federal BRAC actions will require NEPA documentations

- EIS - 0
- EA - 32
- REC- 237

Potential Issues

- Delay of Funding Availability – Require NEPA documents to be developed by in-house staff
- Synchronization/Coordination of documents between Clean-up (EBS/ESA/ECP) and NEPA (REC/EA)