



September 11, 2014

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
2000 P Street, NW, Suite 240
Washington, DC 20036

Dear Mr. Ruch:

This memo is in response to the Public Employees For Environmental Responsibility's (PEER) Data Quality Act Complaint letter, dated May 21, 2014, which questioned the validity of the National Environmental Policy Act (NEPA) analysis prepared in November 2012 by the General Service Administration's Region 2. The analysis was prepared to support GSA's proposal to amend its long-standing lease of an inspection and administrative building for the continued use of other federal agencies who operate this structure in support of border operations.

The PEER complaint letter calls into question GSA's NEPA Checklist Categorical Exclusion analysis (i.e., a Checklist CATEX), prepared by GSA in accordance with GSA's NEPA regulations. The PEER letter also states that GSA's NEPA study was subject to and inconsistent with information quality standards set forth in Section 515 of the Consolidated Appropriations Act, 2001 (Pub.L., 106-554), and in standards published by the Office of Management and Budget (OMB) and GSA.

GSA's Region 2 Administrator has responded to similar complaints by others. And Ms. Denise Pease, GSA Administrator, Region 2 has stated, in every case, that GSA's position is: NEPA was done correctly.

GSA stands by Ms. Pease's statements regarding the Peace Bridge report. GSA rejects the analysis PEER provided which negatively reflected on how NEPA was administered. GSA appropriately determined that Checklist CATEX 5.4(b) was available to cover the proposed action at the Peace Bridge and GSA's limited role in this action. GSA also appropriately concluded, in applying the CATEX to the facts of this proposed action, that there were no extraordinary circumstances compelling a more detailed level of NEPA analysis.

Regarding PEER's information quality objections to GSA's NEPA analysis, GSA does not agree that our CATEX falls within the scope of documents subject to the application of OMB's established information quality standards. Our Checklist CATEXes are not intended for public dissemination.

Our Checklist CATEXes are primarily intended for internal use to determine whether the proposed federal action merits a CATEX analysis, or whether a more involved Environmental Assessment (EA) or Environmental Impact Statement (EIS) is the appropriate level of environmental analysis. OMB specifically defines "dissemination" to mean agency-initiated or sponsored distribution of information to the public, and does not include "distribution limited to government employees or agency contractors or grantees, intro- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law." OMB also defines "dissemination" as not including "distribution limited to correspondence with individuals or persons, press release, archival records, public filings, subpoenas or adjudicative processes."

Finally, we must add that most of PEER's concerns, set forth in your 15 page analysis, deal with Peace Bridge Plaza development projects and activities over which GSA has no involvement. The action in 2012 was simply the amendment of a lease of a single building which was being improved by the landlord, at its sole expense, where the United States had been a continuous lessee for (at that time) 28 years. Our activities on and our relationship with this limited property interest, and the Peace Bridge Plaza at large, have not changed since then.

Sincerely,



Sonny Hashmi
Chief Information Officer (I)