



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

November 20, 2009

MEMORANDUM FOR HEADS OF DEPARTMENTS AND FEDERAL AGENCIES
REPORTING ON NEPA STATUS FOR ACTIVITIES AND PROJECTS RECEIVING
AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING¹

FROM: Nancy H. Sutley
Chair

SUBJECT: ADDITIONAL REPORTING ON NEPA STATUS AND PROGRESS FOR THE
AMERICAN RECOVERY AND REINVESTMENT ACT

In the American Recovery and Reinvestment Act of 2009 (ARRA), Congress reaffirmed that the National Environmental Policy Act (NEPA) process protects public health, safety and environmental quality by ensuring transparency, accountability and public involvement in federal actions, and in the use of public funds. Under Section 1609(c) of the Act, Congress required quarterly reports on the status and progress of funded activities with respect to compliance with NEPA. This memorandum supplements my memorandum of April 3, 2009, which set forth reporting requirements.

On November 2, CEQ submitted the third quarterly reports to Congress. Departments and agencies with reporting responsibilities have risen to the challenge of expeditious NEPA compliance for ARRA funding decisions. Your efforts in meeting this challenge are commendable and demonstrate the concerted commitment of countless individuals responsible for preparing the NEPA actions as well as for transmitting the quarterly reports. In addition, timely reporting has provided transparency and accountability.

As your departments and agencies have obligated ARRA funding, the volume of projects has steadily increased, the reporting procedures and information have improved, and now we are challenged to improve our reports. To that end, we are requesting additional information about compliance and the value added by the NEPA process. The intent of the NEPA process is to help public officials make decisions that are based on an understanding of the environmental consequences of those decisions and take actions that protect, restore and enhance the environment. As stated in the CEQ NEPA regulations, NEPA's purpose is to enable better decisions rather than to generate paperwork.

Two additional items must be reported beginning with the next report due to CEQ on January 15, 2010.

¹ Secretaries of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, State, Treasury, Veterans, Affairs Attorney General, and Heads of Corporation for National and Community Service, Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, National Endowment for the Arts, National Science Foundation, Small Business Administration, Social Security Administration, US Agency for International Development

- (1) The explanatory note must: (1) identify those projects and activities where the NEPA actions are reported as “pending” for more than one reporting period; (2) provide the reason(s) the NEPA actions remain pending; and (3) provide a reasonable projection of progress being made to complete the NEPA actions.
- (2) The explanatory note for the next report must provide examples of the benefits provided as a result of the NEPA action. Examples include situations where conditions were placed on the use of funds to protect sensitive resources such as protected species or historic structures, or where changes were made in constructing facilities to increase their energy efficiency. We recognize that, based on the types of projects and activities being undertaken, some departments and agencies may not have many examples; consequently, the departments and agencies should coordinate their proposed responses with the CEQ Associate Director for NEPA Oversight as soon as possible.

Attached are: (1) the updated reporting guidance for departments and agencies to use when submitting their explanatory notes and spreadsheets; (2) a copy of the previously distributed spreadsheet; (3) a protocol developed to assist in identifying NEPA actions pending more than one reporting period; and (3) a format for examples of the benefits provided.

ARRA implementation has proceeded expeditiously and in compliance with all environmental, health and safety requirements, and we will continue to work with you to ensure that NEPA compliance continues to be both timely and meaningful. It is very encouraging that no department or agency has identified any project or activity experiencing substantial delays in completing NEPA reviews and documentation. If delays are encountered, immediately notify CEQ by sending a message to recovery@ceq.eop.gov. The e-mail should identify the project, its current status, all known reasons for the delay, and a point of contact (name, title, organization, work phone, cell phone, and e-mail).

Attachments: A. ARRA Subsection 1609(c) NEPA Reporting Guidance
B. ARRA NEPA Spreadsheet
C. Protocol to Identify Pending NEPA Actions
D. Format to Report Benefits of the NEPA Action

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