

**THE TENTH REPORT ON
THE NATIONAL ENVIRONMENTAL POLICY ACT
STATUS AND PROGRESS FOR
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
ACTIVITIES AND PROJECTS**

Introduction

The Council on Environmental Quality (CEQ) respectfully submits this report to the Senate Environment and Public Works Committee and the House Natural Resources Committee on behalf of the President, in accordance with section 1609(c) of the American Recovery and Reinvestment Act of 2009 (ARRA). This report updates the reports previously provided on May 18, 2009, August 3, 2009, November 2, 2009, February 1, 2010, May 3, 2010, August 2, 2010, November 5, 2010, February 1, 2011, and May 2, 2011.

Congress addressed the National Environmental Policy Act of 1969 (NEPA) in Section 1609 of ARRA:

(a) FINDINGS. –

- (1) The National Environmental Policy Act protects public health, safety and environmental quality: by ensuring transparency, accountability and public involvement in federal actions and in the use of public funds;
- (2) When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the "direction" for the country to "regain a productive harmony between man and nature";
- (3) The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents litigation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

(b) Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized.

(c) The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days following the date of enactment until September 30, 2011 on the status and progress of projects and activities funded by this Act with respect to compliance with National Environmental Policy Act requirements and documentation.

On May 15, 2009, the President assigned his reporting responsibility under Subsection 1609(c) to the Chair of CEQ. CEQ issued guidance and instructions and has worked with the Executive Branch departments and agencies on reporting the status and progress of NEPA

compliance for projects and activities receiving ARRA funds.¹ This report provides the status and progress of NEPA compliance for activities funded under Division A of ARRA as reported by 15 Departments and 9 Independent Agencies through June 30, 2011.² The report does not include funds used to administer or oversee the ARRA funding (e.g., funding for Inspector General oversight).

As of June 30, 2011, more than 274,700 projects and activities receiving ARRA funds were reported. This is an increase of approximately 2,000 funded projects and activities since the previous report.

CEQ and the Executive Branch departments and agencies receiving ARRA appropriations continue to work together to facilitate timely and effective NEPA implementation and compliance. The NEPA work continues to demonstrate environmental stewardship and commitment to the sustainability goals embodied in many of the provisions of ARRA. Most agencies have worked through their “shovel ready” projects which had completed environmental analyses and were fully permitted, approved, and ready for implementation. Attention and work are focused on projects and activities that further ARRA goals and can be expeditiously developed and reviewed for implementation.

Overall, the departments and agencies continue to report the timely completion of NEPA reviews that inform decisions on projects and activities receiving ARRA funds and position the agencies to implement those projects and activities in an environmentally sound manner. No department or agency has reported instances of substantial delays related to NEPA reviews to CEQ. Agencies continue to meet the challenges of administering programs and projects that were dramatically expanded by ARRA funding by providing tools (e.g., checklists, templates) and additional guidance to help program and project managers deliver projects and activities while meeting their environmental requirements. Examples of agencies implementing NEPA efficiencies include the development of programmatic analyses to meet NEPA compliance requirements for multiple projects and activities, resulting in the expeditious completion of subsequent specific projects and activities.

As of June 30, 2011, more than 191,450 NEPA reviews have been completed and less than 310 remain pending. Agencies continue to complete the NEPA reviews that are underway and expect only a small number of new Recovery Act projects during the final quarter of Recovery Act reporting. CEQ is continuing to monitor progress on the NEPA actions that have not been completed and is working with several departments and agencies to provide additional information and oversight of projects when NEPA reviews have not been completed within more than one quarterly reporting cycle. The number of pending reviews was decreased by more than half during this reporting period.

¹ CEQ Memorandum, Reporting on NEPA Status for Activities and Projects Receiving American Recovery and Reinvestment Act funding, dated November 20, 2009 (This updates the guidance documents issued April 3, 2009, June 16, 2009, and August 17, 2009). Available at ceq.hss.doe.gov/nepa/regs/guidance.html.

² Section 1609(c) applies to “projects and activities funded by this Act” and, pursuant to Section 4 of ARRA, applies to projects and activities funded under “Division A – Appropriations Provisions” by Federal “agencies” as that term is defined under the Administrative Procedure Act, 5 U.S.C. § 551.

Below, CEQ summarizes the status of NEPA compliance for ARRA funded projects and activities reported for the 15 Executive Branch departments and 9 agencies receiving ARRA appropriations under ARRA Division A. This report indicates the agencies are meeting their NEPA obligations in a timely manner. A more detailed quantitative accounting of the current NEPA status is synopsised on the attached spreadsheet (Attachment 1). The more detailed department and agency spreadsheets and explanatory notes (Attachments 2-25) are available at ceq.hss.doe.gov/ceq_reports/recovery_act_reports.html.

Reporting Results

NEPA and the CEQ regulations which implement NEPA (40 C.F.R. parts 1500-1508) require Executive Branch departments and agencies to consider the environmental impacts of proposed agency decisions and actions. NEPA requires environmental reviews to be completed before decisions are made to undertake and fund actions, including those projects and activities that use ARRA funds. This report indicates that NEPA is not applicable in cases where the departments and agencies act in a ministerial capacity to distribute funds and do not control the use of the funds or are acting under statutes for which their actions are exempted from NEPA review. As of June 30, 2011, more than 4,270 projects and activities were reported as “NEPA not applicable.”

When NEPA is applicable, the reports identify the level of NEPA review that has been or is being applied. There are three levels of NEPA review: Categorical Exclusions; Environmental Assessments; and Environmental Impact Statements.

- Categorical Exclusion (CE): A CE is a category of actions established in the department or agency procedures for implementing NEPA, or established in legislation, that is expected not to have individually or cumulatively significant environmental impacts. Typically, a CE is concluded with the determination that a proposed action falls within the category of actions and there are no extraordinary circumstances that indicate environmental concerns merit further environmental review. (40 C.F.R. § 1508.4).
- Environmental Assessment (EA): When a CE is not appropriate and the agency has not determined whether the proposed action will cause significant environmental effects, then an EA is prepared. If, as a result of the EA, a finding of no significant impact (FONSI) is appropriate, then the NEPA review process is completed with the FONSI; otherwise an EIS is prepared. (40 C.F.R. § 1508.9).
- Environmental Impact Statement (EIS): The most intensive level of analysis is the environmental impact statement, which is typically reserved for the analysis of proposed actions that are expected to result in significant environmental impacts. When an EIS is prepared, the NEPA review process is concluded when a record of decision (ROD) is issued. (40 C.F.R. part 1502).

During the course of the NEPA analyses, the level of NEPA review may change. A change in the scope of the proposed project or activity may result in projected environmental impacts that merit a less or more intensive NEPA review. It is also possible that the expected environmental impacts were initially over or under projected and therefore the level of NEPA

review is changed to ensure that the most expeditious and appropriate level of review is conducted.

There is not always a one to one correlation between the ARRA funded projects and activities and the NEPA actions. As noted earlier, several agencies are using programmatic NEPA reviews to address similar projects and activities. Using a programmatic review facilitates implementation of individual projects and activities. A programmatic analysis can provide full NEPA compliance for an entire program or suite of similar projects and activities resulting in one NEPA action for multiple projects and activities. A programmatic analysis can also be used to facilitate implementation by addressing common environmental issues at the program level, thus eliminating the need to replicate the review of those issues when subsequent project or site-specific NEPA reviews are prepared. Such an approach results in multiple NEPA actions for a particular project or activity. Finally, there are situations where one ARRA-funded “project” consists of several individual tasks or activities that have independent utility and are individually analyzed under NEPA.

As of June 30, 2011, more than 191,450 NEPA reviews have been completed. More than 183,650 NEPA reviews have been completed using CEs, an increase of more than 1,300 since March 31, 2010, the end of the previous reporting period. The CEs were used when the departments and agencies found the project or activity did not have significant individual or cumulative effects on the human environment. The departments and agencies reported completing more than 6,950 EAs for projects or activities receiving ARRA funds with a FONSI. This reflects an increase of more than 100 since March 31, 2010. Finally, more than 830 projects or activities were analyzed in an EIS where the NEPA review was completed with a ROD, an increase of 4 since the end of the previous reporting period.

More than \$296.9 billion in Division A ARRA funds were reported as obligated. The agencies report the obligations to CEQ consistent with their reports to OMB. For up-to-date information regarding the status of agency obligations and payments under ARRA, please see the ARRA website at www.recovery.gov.

As noted above, in addition to the more than 191,450 completed NEPA reviews, fewer than 310 NEPA reviews were reported as underway (approximately 95 CEs, approximately 180 EAs, and approximately 30 EISs). This represents a decrease of more than 365 in the number of pending NEPA reviews since March 31, 2010. The agencies continue to make good progress in completing their NEPA reviews.

Results

The department and agency memos and spreadsheets reporting information to CEQ are summarized below (Attachments 2-25) and available on the www.nepa.gov website at ceq.hss.doe.gov/ceq_reports/recovery_act_reports.html. Although we are now in the final fiscal year of reporting, there may still be new projects and activities identified to receive Division A funding in future reports. This is the case because as projects are completed with cost savings, the saved funds may be returned to the agencies and can then be used for new projects or activities. Therefore, while an agency or department might be finished with all NEPA work at

this time, a future project could be identified if more money becomes available and the appropriate NEPA review would be conducted. The results section is presented in two parts. The first presents the departments, components of departments, and agencies that reported completion of all NEPA reviews for projects funded under Division A. The second section summarizes the information about those departments and agencies that have ongoing NEPA reviews.

Completed NEPA Reviews

Of all the Departments and Agencies that have completed their NEPA work, there have been a total of more than 210,000 ARRA funded projects and activities completed, with more than \$168,581,000,000 obligated. More than 114,200 NEPA actions were completed for these projects and activities, consisting of more than 111,850 CEs, 2,390 EAs, and 230 EISs. The Departments of Education, Interior, Labor, Treasury and Veterans Affairs have completed all NEPA reviews for ARRA Division A funded projects and activities. In addition, the Corporation for National and Community Service, Environmental Protection Agency, National Aeronautics and Space Administration, National Endowment for the Arts, Small Business Administration, Social Security Administration, and the United States Agency for International Development have completed all NEPA reviews for ARRA Division A funded projects and activities.

The following departments include components that have completed all applicable NEPA reviews:

- a. Department of Agriculture (Attachment 2): The Department of Agriculture report includes the 10 offices, agencies and services, of which 9 have completed all of their NEPA reviews. The Department of Agriculture Office of Operations, Agricultural Research Service, Farm Service Agency, Food and Nutrition Service, Forest Service, Rural Development (which includes the Rural Housing, Rural Business Cooperative, and Rural Utility Service), and Foreign Agricultural Service have completed their NEPA reviews. These 9 completed more than 184,430 ARRA funded projects and activities, with more than \$31,743,200,000 obligated. More than 98,050 NEPA actions were completed for these projects and activities, consisting of more than 96,500 CEs, 1,400 EAs, and 120 EISs. This is a decrease in completed NEPA actions because Rural Development withdrew more than 55 projects due to a myriad of reasons other than NEPA review.
- b. Department of Commerce (Attachment 3): The Department of Commerce reported on five components, of which three have completed their NEPA reviews. The Economic Development Administration, Census Bureau, and National Institute of Standards and Technology have completed all of their NEPA actions. These 3 components completed approximately 95 ARRA funded projects and activities, with more than \$1,734,000,000 obligated. There were more than 90 NEPA actions completed for these projects and activities, consisting of approximately 27 CEs, 65 EAs, and 1 EIS.
- c. Department of Defense: The Department of Defense provided two reports, a report for the U.S. Army Corps of Engineers Civil Works Program and a report for the other components of the Department. As of June 30, 2011, the other components of the Department of Defense reported on more than 4,800 projects and activities. Thus far,

more than 4,680 NEPA reviews have been completed. The components completed approximately 4,560 CEs, 115 EAs, and 4 EISs. These completed NEPA actions supported obligations of more than \$6,759,900,000.

- d. Department of Health and Human Services (Attachment 7): The Department of Health and Human Services report includes nine agencies and offices, six of which have completed all of their NEPA reviews. The Office of the Secretary, Administration for Children and Families, Administration on Aging, Agency for Healthcare Research and Quality, Centers for Disease Control and Prevention, and the Centers for Medicaid and Medicare Services completed their NEPA reviews. These 6 completed more than 7,225 ARRA funded projects and activities, with more than \$8,950,000,000 obligated. There were more than 15 NEPA actions completed for these projects and activities, consisting of approximately 15 CEs and 1 EA.
- e. Department of Transportation (Attachment 14): The Department of Transportation report includes six administrations and offices, three of which have completed all of their NEPA reviews. The Federal Transit Administration, Federal Aviation Administration, and Maritime Administration completed their NEPA reviews. These 3 completed more than 7,700 ARRA funded projects and activities, with more than \$9,730,000,000 obligated. There were more than 7,630 NEPA actions completed for these projects and activities, consisting of more than 7,530 CEs, 75 EAs, and 25 EISs.

NEPA Reviews

- a. Department of Agriculture (Attachment 2): More than 184,000 projects and activities receiving ARRA funds were reported, reflecting a small increase of about 100 since the previous report. As of June 30, 2011, the Department reported that approximately 98,500 NEPA reviews were completed for projects and activities receiving ARRA funding and has 1 pending NEPA action that is expected to be completed shortly. The decrease in NEPA reviews is due to more than 55 projects being withdrawn from Rural Development for reasons unrelated to NEPA as the NEPA reviews had already been completed. The Natural Resources Conservation Service (NRCS) has completed more than 370 NEPA reviews for projects and activities and is finishing 1 pending NEPA review.
- b. Department of Commerce (Attachment 3): The Department of Commerce reported on 5 agencies with approximately 435 projects and activities receiving ARRA funds, reflecting an increase of 1 project since the last report. The reported projects and activities requiring NEPA reviews involve more than 345 completed NEPA reviews for projects and activities receiving ARRA funding. The number of pending projects was reduced from approximately 65 to 20.

The National Oceanic and Atmospheric Administration (NOAA) Office of Habitat Restoration has two pending EAs. Applicants have not yet provided a sufficient level of adequately detailed information necessary to complete these NEPA reviews. This was expected due to the project timelines for planning, and applicants are expected to provide this information as planned with no implementation delays expected. Additionally, a new EIS was added to the Habitat Restoration actions. The pending EIS may be completed by adopting an FEIS that is currently under review. The National Telecommunications and Information Administration (NTIA) Broadband Technology

Opportunities Program (BTOP) continues its intensive education outreach effort for grantees through teleconferences, guidance documents, and individual phone calls to inform the grantees about environmental requirements and assist them in submitting draft environmental documentation within allotted timeframes. BTOP has less than 20 pending EAs remaining, a decrease of more than 40 since the last reporting period.

- c. Department of Defense (Attachment 4): The Department of Defense provided two reports, a report for the U.S. Army Corps of Engineers Civil Works Program and a report for the other components of the Department. As of June 30, 2011, the U.S. Army Corps of Engineers Civil Works Program reported on approximately 800 projects and activities receiving funding under Division A or ARRA. There are approximately 60 projects and activities that were not subject to NEPA because they involved technical assistance, guidance, research, studies, coordination activities, and preliminary assessments that were used for reports or preliminary reviews that helped define proposed projects and activities and did not result in decision making. The more than 740 projects and activities subject to NEPA are covered by approximately 2,100 NEPA actions. Thus far, more than 2,060 NEPA reviews have been completed. During this reporting period, 5 NEPA actions were completed and 2 were withdrawn, reducing the number of pending actions from approximately 35 to less than 30 since the last reporting period.
- d. Department of Energy (Attachment 6): The Department of Energy report addresses more than 150 projects and activities receiving ARRA Division A funds. Some of those ARRA projects consist of multiple projects that have independent utility and are therefore subject to individual NEPA reviews. Of the more than 150 projects and activities, approximately 10 are reported as not requiring NEPA review because they involve Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) actions and a ministerial action that does not trigger NEPA review requirements.
- As of June 30, DOE had completed more than 9,700 NEPA reviews, an increase of more than 500 since the previous report. Of the completed reviews, more than 9,600 are categorical exclusion (CE) determinations, approximately 115 are environmental assessments (EAs), and more than 25 are environmental impact statements (EISs). Projects and activities include energy efficiency and renewable energy grants, actions to accelerate environmental cleanup at DOE sites, grants for advanced battery manufacturing, and many other research, development, demonstration, and deployment activities. Currently, approximately 50 NEPA reviews are underway. Any NEPA reviews for ARRA funded projects that remain pending at the close of the FY are expected to be completed in time to facilitate use of the Recovery Act funds, which will remain available after the end of the FY 2011.
- e. Department of Health and Human Services (Attachment 7): Nine Department of Health and Human Services agencies and offices receiving Division A ARRA funds reported. As of June 30, 2011, approximately 15,900 projects and activities receiving ARRA funds were reported, a decrease of approximately 52 since the previous report.
- The National Institutes of Health reported on approximately 1,750 projects and activities, reflecting a decrease of 1 since the last report. More than 1,730 NEPA reviews are complete, and less than 15 are pending. The Indian Health Service (IHS) has a total

of more than 890 completed NEPA actions and approximately 15 pending NEPA actions. The Health Resources and Services Administration (HRSA) completed more than 320 NEPA actions, an increase of more than 5 since last quarter's report. This quarter, HRSA decreased the number of pending NEPA actions by approximately 7, leaving approximately 5 reviews pending. These NEPA reviews are pending because the NEPA review accompanies ongoing tribal consultations or grant reviews, and tribes, project managers, and/or grantees are completing architecture and engineering design, finalizing the scope of the proposed projects, and finalizing other environmental permits and reviews, all of which are coordinated with the NEPA review.

- f. Department of Homeland Security (Attachment 8): The Department of Homeland Security reported that more than 595 projects and activities are receiving ARRA funds, an increase of approximately 10 since the previous report. As of June 30, 2011, more than 540 NEPA reviews have been completed, an increase of approximately 15 since the previous report.

The Department reported that one project does not require NEPA review because the action is ministerial and involves no discretionary decision making. There are approximately 50 NEPA reviews underway, approximately 4 less than the previous report. The pending actions include approximately 19 CEs, 31EAs, and 1 EIS. The EIS is for a project where the funds will be available after the end of the fiscal year and the EIS is expected to be completed on a schedule supporting the decision to expend the funds. The same is true for several other ARRA funded projects with pending NEPA actions. Finally, there are pending NEPA actions for grants and applicants are providing information to ensure the NEPA review is complete. The NEPA reviews are being completed in conjunction with the ongoing work of refining the scope of the work to avoid unexpected environmental issues and completing consultations with state regulators and agencies.

- g. Department of Housing and Urban Development (Attachment 9): As of June 30, 2011, the Department of Housing and Urban Development reported more than 23,000 projects and activities are receiving ARRA funds. The majority of the projects and activities are grants. This reflects an increase of approximately 700 projects and activities since the previous report. The number of completed NEPA actions has also increased by more than 700. There are approximately 40 pending NEPA actions, a decrease of approximately 6 since the last report. Of those, approximately 14 were pending for more than one quarter. All HUD pending projects/programs are funded with HUD Neighborhood Stabilization Program 2 (NSPS2) which is part of the HUD ARRA authorized Community Development Fund, which has a deadline for expending the funds in February 2013.
- h. Department of Justice (Attachment 11): As of June 30, 2011, the Department of Justice reported more than 5,470 projects and activities that are eligible to receive ARRA funding in the form of grants administered by the Office of Violence Against Women, the Office of Justice Programs, Community Oriented Policing Services, and Alcohol Tobacco Firearms and Explosives.

More than 4,100 NEPA actions have been completed for ARRA-funded projects as of June 30, 2011. There are approximately 40 NEPA actions that are pending, all of which are EAs, awaiting information from grant applicants. Activities being analyzed include Justice Assistance grants, construction of correctional facilities on Tribal lands, and rural law enforcement assistance activities.

- i. Department of State (Attachment 13): The Department of State reported on more than 15 projects and activities receiving ARRA funds this quarter. As of June 30, 2011, NEPA reviews have been completed for approximately 15 projects and activities receiving ARRA funding. One EA is pending for construction and operation of a training center, the funds will be available after the end of FY 2011, and the EA is expected to be completed for timely completion of the project and expenditure of the funds.
- j. Department of Transportation (Attachment 14): As of June 30, 2011, five Department of Transportation modal administrations and the Office of the Secretary reported on more than 21,770 projects and activities receiving ARRA funds, an increase of more than 20 since the previous report. More than 24,800 NEPA reviews have been completed for projects and activities receiving ARRA funding, an increase of more than 25 since the previous report.

Fewer than 30 NEPA reviews are pending. This is a decrease of approximately 25 since the last quarterly report. The Federal Highway Administration has one NEPA review that remains to be completed. The pending FHWA NEPA action is the result of several factors, including awaiting conclusion of preliminary engineering activities, Federal permits, and agency consultations. There are approximately 20 pending NEPA actions for Federal Railroad Administration ARRA-funded projects of which more than 10 are reported for the first time. Of these newly-selected ARRA projects, the CEs that are being reported as pending are because FRA typically finalizes project scopes, schedules and budgets prior to approving NEPA, to ensure the full project is adequately documented. The EAs are being reported as pending because FRA is composing the FONISs, based on the EAs submitted with the application packages, and expects these to be completed shortly. The remaining pending projects have advanced to the point that they are undergoing final environmental review and FRA staff expects to issue decisions during the next reporting period.

- k. General Services Administration (GSA) (Attachment 19): As of June 30, 2011, the General Services Administration reported on more than 500 projects and activities receiving ARRA funds. One involved ministerial actions that did not require NEPA review.

The current report includes approximately 15 projects reported as “Pending” NEPA Actions. Of the pending actions that have carried over, more than 10 are expected to be CEs, approximately 2 are expected to be EAs, and 1 is expected to be an EIS. The pending NEPA actions are all underway and are aligned with the schedules for their associated ARRA funded projects. The funds will be available beyond FY2011 and the NEPA actions will be completed in time for the projects to proceed.

1. National Science Foundation (NSF) (Attachment 22): The National Science Foundation reported on nearly 5,150 awards that received ARRA funds. Categorical exclusions have been completed for more than 5,130 NSF general research awards that support individual scientific research and related activities. NSF completed nearly 5,140 NEPA actions, has 1 new action that is undergoing NEPA review, and has obligated 100% of its ARRA appropriated funding.

Reporting Benefits

In addition to reporting results, this report explores benefits resulting from the NEPA process for ARRA funded activities. Managers who use the NEPA process to holistically consider environmental issues and requirements find that the NEPA process helps them with program and project delivery in addition to improving environmental performance.

Managers are in a better position to determine how best to implement their programs and projects by considering alternatives for meeting program needs, policy objectives, and environmental requirements. They use the NEPA process to compare the relative benefits and tradeoffs associated with the alternative ways in which they can implement the projects and activities. The NEPA process was designed to allow Federal agencies to do more than “check the box” showing that they had complied with the law. The CEQ regulations set out the principle enshrined in NEPA over 40 years ago:

...it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork – even excellent paperwork – but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. (40 C.F.R. § 1500.1).

The following examples show how managers improved project performance, operationally and environmentally, and reached better outcomes. They provide an illustrative sampling of agency environmental reviews that have resulted in taxpayer dollars and energy saved, resources better protected, and the fostering of community agreements. Several agencies reported that a well run NEPA process improved working relationships with regulatory agencies and thereby contributed to better cooperation, which facilitated project delivery and implementation. These benefits were gained while expeditiously completing NEPA reviews for the ARRA funded projects. Examples of benefits that are reported for the first time are indicated with an asterisk.

- a. Department of Agriculture:

While completing the Environmental Assessment for the NRCS’s Calaveras Creek Watershed Rehabilitation Project to repair structural components of a dam in Texas, a prehistoric bedrock mortar cultural feature was identified. If the site had not been properly surveyed and analyzed during the NEPA process, the cultural feature may not have been discovered and documented. The feature is unique in that no other bedrock

mortars are known in this area of Texas. Design measures are planned to avoid adverse effects to the feature by covering it with appropriate protective fill material.

The NRCS's Gering Valley Watershed Operations Project in Nebraska is a watershed operations project which is installing a drain system for an existing dam. The original dam was built before NEPA became law; therefore, not all of the environmental resource concerns were identified. Based on the analysis completed for NEPA, NRCS opted not to select the original planned alternative that had design features that would have affected natural prairie resources in the project area and potentially impacted the visual aesthetics for the adjacent Scott's Bluff National Monument viewshed. Instead, another alternative analyzed in the EA that avoids those specific natural prairie resources and addresses the landscape/viewshed concerns will be selected. Thus, this project has benefited from the NEPA process by identifying the need to protect native prairie areas as well as protecting scenic beauty and visual aesthetics for the Scott's Bluff National Monument.

During the NEPA review of the Carolina Mountain Land Conservancy ARRA-Floodplain Easement project in Henderson County, North Carolina, NRCS consultation with the U.S. Fish and Wildlife Service (FWS) resulted in a collaborative partnership with FWS and other funders to restore, enhance and protect recovery habitat for federally listed endangered Bunched Arrowhead (*Sagittaria fasciculata*), a small plant that inhabits early succession saturated wetlands. A restoration design is being produced to provide appropriate hydrologic regimes and light levels to restore and expand habitat for the rare plant. An existing colony of Bunched Arrowhead has been temporarily removed from the site for conservation while the floodplain and wetland are restored. When restoration is completed, the Bunched Arrowhead will be re-introduced to the site.

The Forest Service Butler II/Slide Post-Fire Fuels Reduction Project in the San Bernardino Forest, California, is a vegetation management project designed to protect adjacent communities from the risk of future high-intensity wildfire and provide a safe environment for work crews. Two organizations objected to the project as designed. During the EA process, the forest met with the groups and found resolution. Both groups were also brought into the implementation monitoring to ensure their concerns were addressed.

The Environmental Impact Statement prepared by the Forest Service for the Lakeview-Reeder Roads project in Idaho, analyzed road maintenance reconstruction and new road construction in an area where the endangered boreal toad species exists. The project was intended to improve fish passage and reduce sedimentation in the area. Through public review of the draft EIS, a public comment identified a discrepancy regarding a buffer zone for the protection of the boreal toad. The road was redesigned to provide an adequate buffer to protect the species.

The Forest Service Babione Vegetation Management Project in Bighorn National Forest, Wyoming, was designed to conduct various vegetation treatments to reduce hazardous fuels and restore forest health. Through the public involvement process the

agency worked with adjacent landowners to address concerns that on-the-ground activities could lead to increased trespass on their private land. In order to alleviate this concern and still meet the project's purpose several design elements were incorporated to address the landowners concerns.

The analysis of access and travel management in the Tongass National Forest, Sitka Ranger District assisted the Forest Service in determining how the road system on the Sitka Ranger District will be managed. The NEPA process revealed that many local residents favored leaving all or nearly all roads open, while a number of residents favored closing roads to protect water quality, fish habitat, and old-growth forest reserves. In considering the competing positions, the responsible official determined that hard choices had to be made. The Ranger closed roads where use would have unacceptable impacts on resources and left open roads where use would have no or limited impacts. The ranger district will pursue partnerships to facilitate improved access, including adopt-a-road agreements to maintain roads.

The Forest Service funded a Roan Mountain, North Carolina Facilities Maintenance project to repave existing trails, a parking area, and an access road. During the scoping process individuals requested the use of porous pavement be considered to reduce rain runoff. The use of porous pavement requires a 47 inch minimum clearance from the bottom of the paved surface to bedrock and in response to the scoping comments studies found the bedrock at the site was only 6-12 inches below the surface. The NEPA process allowed the public to better understand why an alternative action that appeared to be environmentally friendly was not pursued.

The Forest Service funded Vegetation Management Project on Crooked River, Idaho was designed to conduct various vegetation treatments to reduce hazardous fuels and restore forest health. The Agency identified the State of Idaho's Department of Fish and Game as a cooperating agency. The state brought forward new information on flammulated owl habitat, which modified the acres treated and protected the habitat.

The Rural Development Rural Community Facilities Program included the proposed construction of the Eastern Shore Rural Health Medical Center in Olney, Virginia. This project involved construction of a new medical building, parking, and infrastructure, which required the installation of on-site groundwater sources and septic system. This site is located within the Columbia and Yorktown-Eastover Multiaquifer System which is a Sole Source Aquifer supplying more than 50 percent of the water needs for the communities within the service area boundaries. As a result of the NEPA process, the EPA reviewed the proposal in the planning stages and suggested modifications to the proposal to address the potential adverse risk to ground water from contamination. Also, due to the concerns of the public and agencies involved in permitting this project, to protect this sole source aquifer, the local Soil and Water Conservation District is using the facility grounds and surrounding area to plant native vegetation for a native and healing planted garden. Planting of native vegetation in this way will help to treat runoff from the proposed facility and contribute to protection of adjacent wetland and waterways, which recharge the aquifer.

The Rural Development Community Facilities Program also funded the adaptive reuse of the Milton Public Library in Milton, Pennsylvania, an existing structure eligible for listing on the National Register of Historic Places and located within an historic district. The reuse of this significant structure involved the purchase, relocation, and renovation (including construction of an addition) on an existing two-story single family residence, the Rose Hill House, within the Milton Historic District. The dwelling was originally constructed in the late 1800s, was destroyed by fire in the mid-1900s and then subsequently rehabilitated, along with the carriage house also located on the property. Through the NEPA process and consultation with the State Historic Preservation Officer and interested parties, Rural Development was able to make a ‘no adverse affect’ determination for the adaptive reuse plan for this National Register of Historic Places eligible structure.

The Rural Development Community Facilities Program funded a proposal to renovate dorms and construct apartments for student housing at Bridgewater College, in Bridgewater, Virginia. The college is located next to the Town of Bridgewater’s historic district. The college, founded in 1880, has a number of historic buildings on campus, many dating to the late 1800s. Pursuant to Section 106 of the National Historic Preservation Act, the college’s architect, in close consultation with the Virginia Department of Historic Resources, provided a design that would appropriately blend the new construction and renovations with the existing historic character of the area. The new apartment buildings are Victorian in appearance and are consistent with the adjoining historic district. The renovations of the dorms blend in with the existing buildings on the campus. As a result of the application of NEPA and the related Section 106 consultation process, the college was able to provide modern student housing with a historic character that is an asset to the college and the historic flavor of the Town of Bridgewater.

Rural Development funded the installation of a 12 million gallon per day water intake and pump station, along with a transmission line to the Middle Holstein South Fork Water Treatment Plant in Washington County, VA. In addition, the Water Treatment Plant will be upgraded to handle the additional flow. Through implementation of the NEPA process in the planning stages, this project identified mitigation actions to protect the archaeological remains of two prehistoric Native American camps and minimize floodplain impacts. In addition, mitigation was included to protect the scenic beauty and visual aesthetics of the Virginia Creeper Trail, a “rails-to-trails” project in the National Recreation Trail inventory.

Rural Development’s Rural Water & Waste Disposal Program funded a water distribution project, the Millwood-Bloomington Water System Improvement Project, that will provide for the installation of approximately 140 miles of pipeline in Williamsburg County, South Carolina. This will provide water service to residences currently served by individual private, unregulated wells. Through implementation of the NEPA process in the planning stages, this project identified potential species and habitat impacts on the American chaffseed (*Schwalbea americana*) and red-cockaded

woodpecker (*Picoides borealis*), species protected under Section 7 of the Endangered Species Act. The mitigation resulted in adjusting the pipeline route as well as the location of construction equipment. In addition, mitigation was developed to protect the scenic beauty and visual aesthetics of the Black River, a river segment included in the Nationwide Rivers Inventory.

b. Department of Commerce:

The Department of Commerce National Oceanic and Atmospheric Administration's Operations, Research and Facilities actions include effective standard and special award conditions placed on the use of ARRA funds. Those conditions will ensure adequate protection for federally administered areas of coastal or marine habitat, and/or biological resources such as anadromous fisheries, federally listed endangered or threatened species and marine mammals. These conditions also ensure protection for historic structures and cultural resources that are listed, or eligible for listing, on the National Register of Historic Places.

The National Telecommunications and Information Administration's Broadband Technology Opportunities Program employed an iterative process with applicants to make them aware of the environmental review implications of the proposed projects for which they sought grants. In one case, the fiber optic cable project required trenching and excavating of wetlands. Through the environmental review process, the applicant became aware of the critical issues associated with wetlands and is working to avoid some impacts and fully mitigate those caused by their project.

The Northwest Open Access Network, a Broadband Technology Opportunities Program project, was developed to serve the State of Washington by allowing the state to upgrade and expand broadband infrastructure to combat the social and economic issues facing local and rural communities and to enhance broadband connectivity to six Indian tribes in the State. The NEPA process was the key procedural step in identifying and protecting critical habitat and protected lands in the State of Washington, while still allowing the grantee to use ARRA funds to add fiber backbone capacity to existing networks and specifically target and develop broadband infrastructure in areas that were underserved.

As a result of the NEPA process, the Economic Development Administration protected a 26.5 acre forested wetland to the southwest of the Flagship Enterprise Center, a 80,000 square-foot multi-tenant business/industrial facility on an 8.4 acre site. The wetlands are important habitat because of the permanent aquatic habitat that might be used by migratory waterfowl. Conditions on the \$2.7 million in Recovery Act funding for the construction project will protect the wetland by (1) precluding impacts on the hydrology of the wetland through any changes of slope or drainage features; (2) preventing runoff from storm events from being directed to the wetland; and (3) providing retention facilities to contain storm water within the current footprint of the project site.

The programmatic environmental assessment process allowed the National Institute of Standards and Technology to evaluate the environmental effects of several construction projects in Gaithersburg, Maryland at the same time. By analyzing all ARRA projects and a few additional non-ARRA projects at once, a holistic approach to the campus was taken and environmental impact boundaries were outlined in the Finding of No Significant Impact for all present and future projects. Projects must fall within the boundaries or they will require additional environmental analysis.

c. Department of Defense:

The U.S. Army Corps of Engineers' NEPA process for the Lorain Harbor, Ohio dredging allowed a reiteration and reconsideration of dredged material management alternatives and provided the opportunity for public interest review. Analysis conducted in conjunction with the NEPA action verified that a greater volume of dredged material was suitable for unconfined open-lake placement thereby obviating the need to provide additional confined disposal capacity than was previously planned through the Lorain Harbor Dredged Material Management Plan (DMMP).

The NEPA process for the Norfolk District, U.S. Army Corps of Engineers (USACE) Winter Harbor, Virginia Federal Navigation Project alerted the District to the potential impacts of depositing channel sediments upon an eroding beach shoreline inhabited by the federally endangered Northeastern Beach Tiger Beetle. The District, during development of the Environmental Assessment and consultation with the FWS, developed conservation and mitigation measures designed to protect the beetle. These measures resulted in maintenance dredging that avoided work during seasons that would impact the beetle, created additional habitat, and completed the maintenance dredging to facilitate navigation.

The Tres Rios project connects Rio Salado and Rio Oeste environmental projects in Phoenix, Arizona, and continues the restoration of the Salt River west to the Agua Fria River. Tres Rios provides a net environmental benefit by maintaining the effluent, thereby enhancing the riparian area and, in addition to protecting 600 structures from flooding, maintaining habitat for many species of birds, reptiles and mammals. The NEPA process alerted the agency of the potential impact of placing dredged material in sensitive areas that would have impacted the wildlife and resulted in realigning the dredged material placement areas to maintain the habitat areas.

While reviewing the proposal to create a 200-acre Bolivar Beneficial Use Marsh in Galveston Bay, Texas, the U.S. Army Corps of Engineers worked with other agencies to form the Beneficial Use Group to devise a plan to eliminate open bay placement of dredged material and to use dredged material to create environmental features that provide a net benefit to the Bay ecosystem. Historically, deep-draft channel construction and maintenance material had been deposited into unconfined, open bay placement areas in Galveston Bay, which resulted in adverse impacts to bay bottom habitat now designated as essential fish habitat. Further, the loss of intertidal marsh has been identified as one of the critical problems of the Galveston Bay estuary by the Galveston

Bay National Estuary Program. As a result of the environmental review for projects including the Bolivar Beneficial Use Marsh, the Group prepared a plan to create intertidal marsh and nesting islands for colonial water birds. The project also provides benefits to important recreationally and commercially valuable fish species.

Over the years, frequent flooding impacted large numbers of Des Moines, Iowa residential, commercial, and industrial properties. In cooperation with Des Moines, The Rock Island District (District) conducted a flood reduction feasibility study with an integrated environmental assessment. The project's study team evaluated many alternatives involving levee operation and maintenance, improvements, and new alignments that would reduce operation and maintenance costs and improve safety during flood events. Due to the importance and value to the City of Des Moines, the District expedited their report preparation with emphasis on adaptive management. The NEPA process established mitigation requirements and agency coordination pivot points based on the desired final plans. The close project coordination between the District and City of Des Moines resulted with the feasibility report/EA including wetland mitigation based on a series of levee alignment scenarios within the preferred alternative. All the scenarios resulted in no significant impacts.

The Corps of Engineers District proposed a project to construct emergency streambank and erosion protection for a major city thoroughfare in Iowa City, IA, along the Iowa River. The original plan and environmental assessment included bank protection encroaching approximately 15 feet into the river. During the NEPA process, the Iowa Department of Natural Resources (IDNR) indicated there was a possibility the project may impact two state threatened mussel species. The District completed the mussel survey, which found 11 native mussel species, including the state endangered Pistolgrip. Based on the mussel survey findings, the District and IDNR worked together to relocate all the recovered mussels to a nearby mussel sanctuary and the District reduced the project footprint in the river to avoid impacts on the mussels.

The Department of Defense reports that the NEPA reviews for the Energy Conservation Investment Program benefited the Department. This program is designated for ARRA projects that reduce energy and water usage and include proposed construction of high efficiency energy systems. The NEPA process required a separate look at the project planning stage to identify impacts and alternatives in support of sustainability and energy conservation that have led to a reduction of energy and water needs and costs.

The formation of a Beneficial Use Group (BUG) during the NEPA process for the Army Corps of Engineers, Galveston, TX District's Houston-Galveston Navigation Channels (HGNC) Project led to a plan to eliminate open bay placement of dredged material and to use dredged material to create environmental features that provide a net benefit to the Galveston Bay ecosystem. As a result of the NEPA process, the BUG came up with a plan to create intertidal marsh and restore and create colonial water bird nesting islands with HGNC dredge material. This project will result in a net benefit to the Galveston Bay ecosystem by creating 88 acres of intertidal marsh for mitigation of

impacts, that will provide benefits to important recreationally and commercially valuable fish species.

*The Corps of Engineers' Wyeth Treaty Fishing Access Site project was developed to provide access to usual and accustomed fishing areas and ancillary fishing facilities as one aspect of implementing the Columbia River Treaty. The following benefits were realized:

- **Cost and Energy Savings.** The offsetting action completed at the Rufus site was done in cooperation with the Oregon Department of Agriculture and the US Fish and Wildlife Service. The result of this cooperation was a less costly project to the Corps of Engineers and an overall larger project that provided greater environmental benefits.

- **Better Protection of Resources.** The NEPA process helped identify the potential adverse environmental impacts of the site construction and provided input into the design to minimize these effects. The groins were moved away from the shore to provide fish passage and the project footprint was reduced to minimize impacts to benthic habitat. Offsetting actions were developed with the agencies at Gorton Creek and Rufus Island to minimize impacts from the projects. The dock design was also changed to allow more beneficial light penetration.

- **Public Participation and Community Agreements.** The NEPA document was reviewed by the federal and state agencies, tribes, and local interest groups and their input helped formulate the beneficial design features.

d. Department of Energy:

DOE used the NEPA process for the loan guarantee for construction and operation of a flywheel-based frequency regulation facility at an undeveloped seven acre site in Stephentown, New York. This Environmental Assessment provided a forum to document and explain the benefits of the project to the public and decision makers, specifically, the greenhouse gas savings that could be achieved by using the proposed flywheel-based frequency regulation technology as opposed to the fossil fuels-based frequency regulation technology.

An Environmental Assessment was used to consider a loan guarantee for construction and startup of the proposed Neal Hot Springs Geothermal Facility in Vale, Oregon. The NEPA process helped DOE to identify and address potential low level induced seismicity associated with enhanced geothermal systems where injection is used to improve reservoir permeability and sustainability. The identification of these issues occurred early in the process, which allowed for efficient inclusion of practicable environmental control measures to ensure that the project was not a potential source of seismic activity.

An Environmental Assessment was used by DOE to integrate project planning and environmental concerns for demolition of Building 330, which housed the former Chicago Pile-5 research reactor at Argonne National Laboratory in Illinois. The scoping phase of the process brought operational and environmental expertise together and

facilitated development of demolition and transportation approaches to better protect workers and the public.

DOE used the Environmental Assessment process to take a more comprehensive look into future planning at the Savannah River Site in South Carolina. The Environmental Assessment analyzed the waste streams of both low-level and mixed low-level radioactive wastes, for the past, current, and anticipated scope of work, and all potential government and commercial waste facility destinations. This resulted in solutions that were much more cost and time efficient, and limited the expected transportation impacts over the long term in the surrounding communities. This comprehensive approach was achieved due to input received during agency and public scoping.

The Bonneville Power Administration used the Environmental Impact Statement process for the construction and operation of a new 500-kilovolt transmission line along the Columbia River in Oregon and Washington. The NEPA process helped refine the transmission line route to avoid conflicts with local community and private property land use. The route refinement would not have been apparent without public participation in the NEPA review. The process facilitated public understanding of the project and identified appropriate mitigation measures relative to cultural sites, sensitive plants, wildlife, wetlands, and land use.

A DOE Environmental Assessment analyzed the then-proposed molecular foundry, a nanoscience research facility at the Lawrence Berkeley National Laboratory in Berkeley, California. The DOE Environmental Assessment influenced the design, construction, and operation decisions and identified mitigation measures to avoid impacts to the Alameda whipsnake, a species listed as threatened under the Endangered Species Act. As a result of the NEPA process, DOE sited the facility outside of critical habitat, restricted construction activities to daylight hours, disposed of soils in a manner to reduce the potential for encountering and injuring whipsnakes, and implemented landscape design and maintenance during and after construction so as to reduce potential impacts to the whipsnakes.

NEPA analysis was conducted for construction of a vehicle battery and hybrid components manufacturing facility, sited in Midland, Michigan. The NEPA process increased the project team's awareness of issues related to preexisting dioxin-contaminated soil, including the potential for impacts in the vicinity of the project site. The applicant incorporated measures to minimize the risk of exposure to dioxin-contaminated soils during construction, including notifying the affected facilities (including a day care) of the construction activities and potential exposures, more rigorous management and monitoring of fugitive dust when direct fugitive dust emissions would impact nearby facilities, providing for temporary relocation during days of exposure, scheduling around day care operation, and providing temporary enhanced air filtration during construction.

DOE proposed to issue a grant for the development and production of electric drive vehicle systems in Detroit, Michigan. The project initially involved construction of more than two million square feet of manufacturing space on multiple undeveloped sites. Environmental implications identified during the NEPA scoping process led to an iterative process between the applicant and DOE staff to reshape the proposal into one that involved retooling and retrofitting existing manufacturing facilities, with only minor new construction on a previously disturbed site. Potential environmental impacts were greatly reduced through this process.

In accelerating clean-up work at the Transuranic Waste Processing Center located within the Oak Ridge Reservation in Oak Ridge, TN, DOE implemented mitigation measures for a small wetland that was identified during the NEPA review. Early consideration of environmental information during the review of proposals for the project helped DOE avoid costly analysis of alternatives that may not have been viable. The NEPA process facilitated communication with other agencies regarding the alternatives and their associated impacts. It also provided an educational tool for the public, showing that various alternatives were considered and that DOE was moving forward with the alternative that would least impact the environment in the short-term and improve the environment in the long-term.

DOE funded the construction of a light source facility at Brookhaven National Laboratory in Upton, NY. The light source will deliver x-rays with unprecedented intensity and brightness for research to find solutions to important energy challenges. During the EA scoping process, DOE learned that a state mining permit would be required to acquire sand from outside the immediate project area, which would delay the start of construction. Input to the design process identified a sufficient volume of sand from the immediate project area, and the delay was avoided. The NEPA process also identified the potential for project storm water discharge to affect recharge basins considered designated habitat for the tiger salamander, a state threatened species. This triggered changes to the project design to adjust discharge location points and maintain flows to ensure the area continues to be suitable salamander habitat.

An environmental assessment was produced for a proposed Advanced Vehicle Battery and Hybrid Components Manufacturing project in Sanborn, New York. The program, listed under Energy Efficiency and Renewable Energy, is a grant program to accelerate the development and production of electric drive vehicle systems to substantially reduce petroleum consumption in the United States. In response to comments during the NEPA process, the project will use landscaping techniques, including replacement vegetation native to the area and free of invasive plant species, to reduce the need for water to maintain landscapes and to benefit native plant communities and wildlife.

Idaho National Laboratory, located in southeast Idaho, is accelerating disposition of remote-handled transuranic (radioactive) waste. Information received from external technical experts during the comment period on the draft environmental assessment

facilitated the selection of a transportation route that minimized the risk of potential impacts to cultural and biological resources.

*Listed under the Energy Efficiency and Renewable Energy program, the DOE Energy Efficiency and Conservation Block Grant Program issues grants to states, territories, local governments, and Indian tribes to improve energy efficiency and reduce energy use and fossil fuel emissions in their communities. DOE used the NEPA process to work with grant applicants to better define proposed projects and to enhance and protect resources through actions such as improving awareness and treatment of historic structures, and verifying plans to properly recycle or dispose of wastes.

e. Department of Health and Human Services:

In considering an important Brownfield redevelopment project in South Providence, Rhode Island, the NEPA process for the Providence Community Health Center helped to uncover the existence of potential residual contaminants from lithography chemicals and underground tanks at the historic site. Working with EPA Region I and the Rhode Island Department of Environmental Quality, HHS ensured that the necessary measures were incorporated as part of redevelopment of the site to protect human health and minimize the potential for future liability. Upon receiving the appropriate findings that remediation standards have been met to ensure that the future health of workers and patients is protected, the Health Resources and Services Administration moved forward with funding the project.

f. Department of Homeland Security:

The Environmental Assessment for the U.S. Coast Guard Cutter Sycamore housing project in Cordova, Alaska, identified potential wetlands impacts which resulted in considering additional alternatives for site locations and housing configurations. An Environmental Assessment published in 2002 identified a requirement for additional site hydrology studies of wetlands within the building location. The environmental field studies discovered extensive on-site wetlands, the impact to which could not be totally avoided. The supplemental Environmental Assessment process provided the opportunity to consider additional alternatives for configuration of the housing as well as an opportunity for public input on those alternatives. The supplemental Environmental Assessment and Finding of No Significant Impact provided recommendations that preserve and maintain much of these wetlands and minimize down slope storm water runoff.

The NEPA process allowed the Coast Guard proposed alteration of the Burlington Northern Santa Fe Railroad Bridge between Iowa and Illinois to determine and address the potential impacts the bridge construction would have on the Spectaclecase mussels located on the existing bridge piers. The mussels are a species of conservation concern in Iowa and endangered in Illinois. As part of the NEPA process, a Biological Assessment concluded the mussels would be relocated prior to construction in order to avoid an

adverse effect on the mussels and construction processes were modified to mitigate impacts to these species.

In a similar example, the NEPA process allowed the Coast Guard to determine the potential impacts of the alteration of the Galveston Causeway Bridge in Texas on species of concern and construction processes were modified to mitigate impacts to affected meiofauna and microfauna species.

The Federal Emergency Management Agency (FEMA) is using the NEPA process for ARRA grants to engage grantees early in the process so that environmental issues can be addressed to avoid or minimize potential impacts to the environment. FEMA's grant awards are intended to help strengthen the resiliency of communities in their overall homeland security preparedness, and the grant award documents are written to help ensure that grant funded projects are accomplished with little to no impact to the environment. Grant award terms and conditions prevent the release of grant funding until FEMA has determined that a project is eligible for a categorical exclusion, a finding of no significant impact or the grantee has agreed to implement mitigation activities. Grantees are taking into account ways to minimize impacts to sensitive resources, including historic structures, endangered species, wetlands, and floodplains. This encourages grantees to identify ways to minimize the impacts of the projects that they are proposing, but it also helps to raise the grantees' awareness and improve their planning for future grant-funded projects so that they can proactively begin data gathering and will know what resources to avoid as they move forward. In addition, as more projects progress through the NEPA process, mitigation measures will be identified and implemented in order to protect valuable resources. This process is most evident in the types of projects implemented by the ARRA Fire Fighter Assistance and Fire Station Construction Grants, where the award making decisions consider potential impacts to sensitive resources.

g. Department of Housing and Urban Development:

The Housing and Urban Development NEPA process for the Palestine Commons Senior Living Facility project, which involves the construction of 69-units of elderly housing in a 3-story structure in Kansas City, Missouri, helped ensure that soil and groundwater contamination will be remediated to state cleanup levels and that all units will be constructed to the Energy Star performance standard. This will likely be one of the largest multi-family buildings in the Kansas City metropolitan area to meet Energy Star requirements.

The Housing and Urban Development NEPA process for the Snohomish Multi-family Rental Housing project involved Neighborhood Stabilization Program funds and Public Housing Recovery Act Capitol Funds to construct multi-family housing in Marysville, Washington. Snohomish County Housing Authority, as project sponsor, is responsible for preparing the environmental analysis. The site is directly adjacent to Interstate 5, the main interstate highway on the West Coast. As part of the environmental review, HUD environmental officers worked extensively with Snohomish County to calculate the noise levels and to determine appropriate mitigation measures for the

housing and an on-site tot lot. Mitigation for the housing will incorporate the best sound-attenuation construction technologies for windows, walls, and ceilings. Mitigating noise for the tot lot was achieved by altering the site plan and re-arranging building footprints to block sound transmission in the tot lot area. The NEPA process allowed alternative mitigations to be considered and encouraged creatively applying HUD standards in the planning phase of the project in order to minimize noise impacts to future residents.

The Housing and Urban Development NEPA process for the Historic Bastrop High School building in Bastrop, Louisiana involved the ARRA Tax Credit Assistance Program (TCAP) to convert the historic building into 76 units of housing for the elderly. The project converts a public nuisance into a project that supports the Bastrop Main Street downtown redevelopment plan. The historic building had deteriorated in recent years and the NEPA review identified numerous issues with the unsecured building, including structural instability, roof leaks, and, notably, lead-based paint, asbestos, and lead contaminated galvanized water supply pipes. Project design and rehabilitation plans were coordinated with the State Historic Preservation Office to preserve and restore the building's original red brick exterior with expansive new permanent windows. As a result of the project, the structure has now been secured and stabilized with the installation of new roofing and windows.

HUD provided ARRA funding to the Topeka Housing Authority to construct 64 units of new public housing in Topeka, Kansas. The mixed-financing Echo Ridge project will comply with the Enterprise Green Communities Criteria for sustainable development. Owing to HUD's NEPA review process, the project will also be quieter than otherwise would have been the case, because the need for a noise barrier was determined. A 1,700 foot noise barrier will be built to protect the project residents from roadway noise using a combination of earthen berm and masonry wall, which, in conjunction with landscaping, will soften the effects of the noise barrier itself.

*The HUD Palestine Commons Senior Living Facility project involves the construction of 69 units of elderly housing in a 3-story structure at 3425 Prospect Avenue, Kansas City, Missouri. ARRA funding consists of CDBG-R funds from the City of Kansas City, Missouri, and the Tax Credit Assistance Program funds from the Missouri Housing Development Commission. The NEPA review process helped ensure that soil and groundwater contamination will be remediated to state cleanup levels and that all units will be constructed to the Energy Star performance standard. This will likely be one of the largest multi-family buildings in the Kansas City metropolitan area to meet Energy Star requirements.

h. Department of the Interior

The 56 ARRA Hazardous Fuels Reduction projects implemented by agencies within the Department of the Interior are small but highly visible model projects for public outreach and participation, planning and implementation. Each project showcases within local communities the efforts to reduce hazardous accumulations of vegetation and woody fuel that pose potential wildfire risks to these same communities as well as the

potential benefits of utilizing woody materials that would otherwise be disposed of in landfills. Making use of the NEPA public involvement process, projects were identified either through the development of local, collaborative community wildfire protection plans, or to meet the objectives of land and resource management plans which prioritize the protection of communities from the risk of wildfire as well.

The Lime Kiln Salvage Road project north of Lewistown, Montana, was successful in large part due to the Bureau of Land Management (BLM) NEPA public involvement process. The public involvement process was instrumental in helping to design a road system to access and salvage blow down timber as well as recognize the recreational values of the area. The public emphasized the need for the area to be maintained as a non-motorized use area but also came to recognize the need to address the blow down timber and subsequent forest health issues. Several proposals were presented, discussed and refined during public meetings and ultimately led to the decision to build a road to access salvage logging and then close the road to motorized use. Additionally, portions of the road will be rehabilitated to the extent possible while other portions will be incorporated to expand the existing recreational trails in the existing Limekiln Trail System and provide future recreational opportunities.

The National Park Service (NPS) prepared an EA that analyzed the proposals to reuse the historic Shirley House at Vicksburg National Military Park, Mississippi, in an Environmental Assessment. Shirley House is currently inaccessible to visitors and access is limited to only those park employees performing necessary repairs and inspections. Given its condition, visitors cannot enter the building or fully appreciate its historic significance. The park originally proposed to adaptively re-use the structure for offices or for a visitor contact station. However, as a result of the NEPA Environmental Assessment and comments received during public scoping, the original scope of the project was modified to focus more on preserving, rehabilitating, and restoring the historic fabric of the structure and providing a more historically accurate setting for visitors. The preferred alternative will allow the Shirley House to be opened to the public while at the same time protecting the integrity of the historic structure and the surrounding cultural landscape.

The NEPA process for considering closure of several abandoned mines in four Arizona parks allowed the National Park Service to consider the actions of abandoned mine closures comprehensively and on a landscape-scale. The environmental assessment evaluated the impacts associated with abandoned mine closures at Coronado and Organ Pipe Cactus National Monuments and Grand Canyon and Saguaro National Parks and identified specific mine closure activities for each feature in the four parks, and indicated specific mitigation measures to protect sensitive cultural and natural resources. Combining the NEPA public involvement processes (public scoping and review) in conjunction with enhanced agency consultation efforts for abandoned mine closures at the parks provided the public with a more thorough understanding of the overall project activities and helped to streamline the review and comment by interested and affected parties.

Providing a forum and opportunity for public involvement is a primary objective of the NEPA process. The Alaska Region of the U.S. Fish and Wildlife Service conducted an environmental assessment (EA) for a project aimed at restoring habitats for nesting seabirds on isolated oceanic islands (entitled Invasive Species Eradication for Habitat Restoration on Tangik, Poa and Sud Islands, Alaska). The public's participation in this NEPA action was positive and highly supportive. When the EA was circulated for public comment, the majority of the responses received were in favor of the project. In one case, a member of the public suggested that the FWS not use lead shot to terminate invasive rabbits and marmots because of the potential threat of ingestion by birds that might prey on or scavenge carcasses that cannot be retrieved. Based on this input, the FWS clarified the project description to make clear that only steel shot or non-toxic lead alternatives will be used, thereby protecting bird species from the adverse impacts associated with ingesting lead shot.

The Environmental Assessment for the Bureau of Reclamation's Sunnyside Conduit project in Washington was developed with input from stakeholders to ensure all aspects of the project were addressed. The public scoping process provided feedback that identified a key storm water issue which needed to be analyzed. A public review of the assessment was conducted to allow another opportunity for the public and stakeholders to comment on the incorporation of the storm water item, as well as other components of the NEPA review. As a result of the NEPA process, the project will benefit fish and conserve water by leaving more water in the natural system.

In the course of conducting the necessary research associated with the underground tank removal project at the Steilacoom Warehouse and Storage Facility in Washington, the U.S. Geological Survey established a strong working relationship with the State of Washington Department of Ecology, Department of Archeology and Historical Preservation, the Steilacoom Tribe, the Nisqually Tribe, and the Puyallup Tribe. These new relationships allowed USGS to complete the NEPA review for the project and begin implementation expeditiously and efficiently.

A National Park Service project will replace a learning center, intern housing and employee housing that were destroyed by a wildfire in the Santa Monica National Recreation Area, CA. The project will also remove hazards that resulted from the wildfire and make the area safe for visitors. The NEPA process allowed for public and regulatory agency input on the project, as well as input from regional and park experts. As a result of the review, the project will be more protective of park resources. Because of the NEPA review, the final project included 30 mitigation measures designed to protect the dark night sky, viewsheds, vegetation, water quality, archeology, and natural resources.

A National Park Service project will repair damaged culverts and headwalls along the Park Loop Road in Acadia National Park (ME). One of the culverts to be repaired under this project spans Hunters Brook, a high-quality trout fishery and sensitive resource of concern. In this location, paving stones were used to armor the stream bank in the past. Due to stream movement and erosion over the years, the paving stones have fallen

into the stream channel, causing additional stream bank erosion and sedimentation into the trout stream. The NEPA scoping process for this project resulted in the development of an alternative that will restore the health of Hunters Brook while preserving the historic character of the road that passes over the brook. The road and associated culvert and headwalls are part of the Park Loop Road system, which is listed on the National Register of Historic Places. This solution was developed through consultation with a number of agencies, including the Army Corps of Engineers, the Maine Department of Environmental Protection, the Maine Department of Inland Fisheries and Wildlife, and the Maine Historic Preservation Officer. If not for the NEPA and permitting processes, it would likely have been a "band-aid" repair and not the long-term solution that was needed to restore the health of the stream.

*A National Park Service proposed project will replace and relocate waterlines in various locations in the Marin Headlands at Fort Barry, in Marin County, CA. The waterline serves the Fort Barry area, providing critical fire suppression and potable water to the residents and public that lives in and visits the area. As part of the NEPA process, staff from all resource disciplines at the park reviewed proposed projects to assess potential impacts and identify ways to avoid, minimize or mitigate potential impacts to park resources. The review of this project resulted in the identification of a number of mitigation measures that were incorporated into the project to protect nesting birds, habitat for the endangered Mission Blue Butterfly, wetlands, and archeological resources. The review also identified ways to provide notification to the public and minimize traffic impacts during construction.

i. Department of Labor:

A wind turbine for Treasure Lake Job Corps in Oklahoma was to be located in the Wichita Mountains Wildlife Refuge which is a habitat for eagles and other soaring birds. Another wind turbine at Boxelder Job Corps, South Dakota was to be located in the Black Hills National Forest, which is also a habitat for soaring birds. Environmental Assessments were prepared for those projects. Based on the results of the Environmental Assessments, Job Corps management decided on September 1, 2009, that placement of the turbines would not be appropriate at these locations because the risk of threatening migratory birds in the areas outweighed the advantages of these renewable energy projects. DOL was able to redirect those funds to two renewable energy projects, the North Texas and Hawaii/Maui Job Corps Centers Wind Turbine projects, that did not have the potential for significant impacts.

*The Job Corps maintains strong partnerships within local communities where its Centers are located. NEPA continues to provide opportunities for communities to provide input during the planning phases for new projects that may hold some potential for environmental impact. This helps to establish a proactive approach between Job Corps and communities with regard to new facilities.

j. Department of State:

The Department of State benefited from the Environmental Assessment prepared for improvements to the Arroyo Colorado Floodway in Hidalgo and Cameron Counties in Texas. The International Boundary and Water Commission, U.S. Section, proposed raising the levees to allow for adequate protection of a 100 year flood event and to meet the standards of the Federal Emergency Management Agency. The NEPA process allowed the US Section to involve the surrounding community and stakeholders in an evaluation of potential impacts that may occur to cultural resources in the project area and developed protective measures to preserve the resources.

k. Department of Transportation:

The Federal Highway Administration has processed or is currently processing ARRA-funded projects in many States that demonstrate the benefits provided by the NEPA analysis and documentation. The involvement of stakeholders and collaboration with resource agencies have resulted in projects which incorporate features such as context sensitive solutions and non-motorized facilities into the improvements to highway facilities. For example, on the Yuma Pivot Point Plaza project in Arizona, the NEPA process led to the recognition of the importance of protecting the Swing Span project, a historic feature of the transcontinental railroad system, as well as connecting the Plaza with the adjacent Gateway Park. In the case of the U.S. 33 Nelsonville Bypass in Ohio, the NEPA process led to mitigation measures during and after construction, including tree and grass planting for erosion control and native plant restoration, provisions for large and small animal crossings, special fencing to prevent animal encroachments into the right-of-way, and special lighting to direct the flight of bats over the roadway.

In the case of the Newtown Pike Extension project in Kentucky, as a result of the early coordination of the NEPA and National Historic Preservation Act processes, the Federal Highway Administration introduced measures to record the history of National Register of Historic Places eligible structures, collect local oral histories, and use the results from phase three archaeological studies for public education efforts.

The Federal Aviation Administration prepared an Environmental Impact Statement for the construction of a replacement airport at St. George, Utah. The replacement airport at St. George is designed for larger aircraft, contributing to fewer overall operations and a decrease in jet fuel demand and emissions. Through alternatives development in the NEPA process, the EIS allowed for the evaluation of alternatives with environmental benefits for airport noise, air quality and energy efficiency. As a result, under the proposed action, no dwellings fall within the 65 decibel Day-Night Sound Level (DNL) noise contour. In addition, the proposed facilities were designed to be more energy efficient.

The NEPA review of ARRA projects by the Federal Railroad Administration (FRA) resulted in the early identification and documentation of valuable historic resources. For example, environmental analysis considering the Replacement of the Safe Harbor Transmission Lines in Lancaster County, Pennsylvania has determined that the

transmission poles involved are historic resources. A cultural resources assessment for the same project indicated the possible presence of tribal cultural resources within the area of potential effects. FRA efforts resulted in the crafting of a Memorandum of Agreement regarding the use of historic resources signed by all parties.

l. Department of Veterans Affairs:

NEPA reviews conducted by the National Cemetery Administration provide a framework for VA to evaluate proposed energy projects and compare them to other alternatives, thereby optimizing their locations. For example, the Environmental Assessment for the Wind Turbine at Bourne, Massachusetts allowed VA to evaluate a range of potential wind turbine capacities and conclude the optimal turbine capacity for the Massachusetts Military Reservation, taking into account and reducing potential noise and visual impacts.

The EA for a biomass boiler project at White River Junction Medical Center in Vermont, by using a holistic NEPA review, allowed VA to evaluate the installation of additional equipment in combination with the biomass boiler, and to consider different potential storage areas for wood chips.

The Environmental Assessment for the ground mounted solar photovoltaic system at San Joaquin Valley National Cemetery in California considered and eliminated other locations due to proximity to burial sites, proximity to existing electrical systems, and roof composition. An Environmental Assessment for another photovoltaic array project at the Dublin, Georgia VA Medical Center was helpful in studying issues of aesthetics, hydrology, and noise.

m. Environmental Protection Agency:

The Environmental Protection Agency addressed the Diesel Emission Retrofit (DERA) Program through a programmatic (rather than individual) NEPA review process. As a result of that decision, and the expeditious completion of a comprehensive Environmental Assessment (which was circulated for a 30-day national review), EPA was able to issue a Finding of No Significant Impact for the entire DERA Program. This allowed EPA to expedite the award of over \$290 million in Recovery Act funds.

n. General Services Administration:

A building eligible for listing on the National Register of Historic Places was identified for the first time during the Environmental Assessment process and associated consultation with the Puerto Rico State Historic Preservation Officer. The review of the Federal Bureau of Investigation Field Office Consolidation project that proposed a new parking garage is adjacent to the existing Hato Rey Federal Building. The Hato Rey Federal Building was identified as a structure eligible for listing on the National Register, although it had not yet reached the age of 50 years. The NEPA review for the proposed

parking garage ensured that the design of the parking garage did not negatively impact the viewshed of the Hato Rey Federal Building.

During development of the Edith Green/Wendell Wyatt Federal Building in Portland, Oregon, the Environmental Assessment and feasibility study investigated various alternative energy efficient technologies such as the installation of a ground source heat pump for the building. The NEPA process has also ensured that the public is involved with the entire process, by holding scoping meetings to disseminate information regarding the test well for the ground source heat pump and the determination of whether or not it can meet specifications to work in the building.

o. National Aeronautics and Space Administration:

NASA reported that its NEPA program ensures that the agency is proactive in meeting its Federal stewardship responsibilities while ensuring mission success and lowering costs. For example, within the Recovery Act Cross Agency Support (CAS) Program involving hurricane repairs at Johnson Space Center, in Texas, a reduction in energy, operations, and maintenance costs was identified as one of four overarching success criteria and sustainability practices were incorporated into the CAS projects. As a result, Johnson Space Center (JSC) is expected to gain between 20 to 30 percent in energy efficiency on each building where Recovery Act funded roof repairs are being undertaken.

p. National Science Foundation:

As a result of the NEPA process employed by the National Science Foundation (NSF) for the Advanced Technology Solar Telescope (ATST), NSF became aware of concerns about the ATST's potential impacts on cultural resources. In response to those concerns, NSF agreed to implement many forms of mitigation, including the formation of the ATST Native Hawaiian Working Group, a novel approach designed to help ensure continued consultation throughout the construction and operation phases of the ATST. This mitigation measure became part of both the NEPA and the National Historic Preservation Act Section 106 mitigation measures. In addition, the NEPA process led to a mitigation measure designed to address the intersection between Native Hawaiian traditional cultural practices and science by funding an educational initiative with Maui Community College.

Future Reports

CEQ plans to submit the final report covering NEPA compliance in November 2011 for projects and activities receiving ARRA funding through September 2011.

Attachments:

- (1) Overview Spreadsheet of Department and Agency NEPA 1609 Report
- (2) – (25) Department and agency NEPA Section 1609 (c) Reports

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