

**THE FIFTH 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 and adds to the information in the reports provided May 18, 2009, August 3, 2009, November 2, 2009, and February 1, 2010.

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 to the Executive Branch departments and agencies on reporting the status and progress of NEPA compliance for projects and activities receiving ARRA funds. CEQ continues to work with the departments and agencies to expand its guidance to facilitate and improve the reporting process (Attachment 1).

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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. Consequently, this report focuses on the status and progress of NEPA requirements and documentation for activities funded under Division A of ARRA by 15 Departments and 9 Independent Agencies. This report provides the status of NEPA compliance for all projects and activities receiving ARRA funds that the departments and agencies reported to CEQ and to the Office of Management and Budget (OMB) through March 31, 2010. The report does not include funds used to administer or oversee the ARRA funding (e.g., funding for Inspector General oversight). The NEPA status of more than 183,700 projects and activities receiving ARRA funds were reported. This is an increase of more than 22,000 ARRA funded projects and activities since the previous report.

As of March 31, 2010, more than 173,000 NEPA reviews have been completed. 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. As the reports show, many agencies are exhausting their “shovel ready” projects which had completed environmental analyses and were fully permitted, approved, and ready for implementation. The attention and work are shifting to projects and activities that further ARRA goals and can be expeditiously developed and reviewed for implementation. This is reflected in the number of NEPA reviews completed before and after ARRA was signed into law. Approximately 10,000 NEPA reviews were completed before ARRA became law for projects that were planned prior to ARRA, and more than 163,000 NEPA reviews have been completed since ARRA became law.

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 continued 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.

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. As of March 31, 2010, more than 2,750 NEPA reviews are pending, reflecting a decrease of almost 2,900 since the previous reporting period. Of those pending, fewer than 2,050 are pending for more than one reporting period, a decrease of approximately 1,300 since the previous report.

During previous reporting periods, CEQ worked with several agencies to revise and update their NEPA implementing procedures to expedite NEPA compliance. New and revised NEPA procedures have been published by the Corporation for National and Community Service, the National Endowment for the Arts, the Department of Commerce (DOC), the National Telecommunications and Information Administration at DOC, the United States Agency for International Development, and the Natural Resource Conservation Service in the Department of Agriculture. CEQ is continuing to work with departments and agencies to facilitate the expeditious processing of NEPA reviews.

Below, CEQ summarizes the status of NEPA compliance for ARRA funded projects and activities reported for the 15 Executive Branch department and nine 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 2). The more detailed department and agency spreadsheets and explanatory notes (Attachments 3-26) are available at http://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. The NEPA provisions requiring environmental review must be completed before Executive Branch departments and agencies decide 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 March 31, 2010, approximately 4,200 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 reviews, 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 appropriate level of NEPA review is changed to ensure that the most expeditious and appropriate level of review is conducted.

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. Such an analysis can also facilitate implementation by programmatically addressing common environmental issues, thus eliminating the need to replicate the review of those issues in subsequent project or site-specific NEPA reviews.

As of March 31, 2010, more than 165,600 NEPA reviews have been completed using CEs, an increase of approximately 11,600 since 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 7,300 EAs for projects or activities receiving ARRA funds with a FONSI, an increase of more than 1,000 since the previous report. More than 800 projects or activities were analyzed in an EIS where the NEPA review was completed with a ROD, an increase of more than 60 since the end of the previous reporting period.

Approximately \$216 billion in Division A ARRA funds have been obligated. With regard to the amounts obligated, some agencies are now reporting only the obligations that they actually obligate and outlay to Recovery.gov. In other words, if department X transfers money from their own ordering TAFS account to another department Y's performing TAFS account, then the financial activity is reported to Recovery.gov at such time that the performing agency (department Y in this case) obligates and outlays the funds. Because CEQ requested agencies to report consistent with their reports to OMB, this change means that the obligations and outlays of some agencies have changed. 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 completed NEPA reviews, more than 2,750 NEPA reviews were reported underway (more than 1,600 categorical exclusions, more than 1,100 environmental assessments, and approximately 45 environmental impact statements). This reflects a reduction of almost 2,900 in the total number of pending NEPA actions since December 31, 2009.

Results

The department and agency memos and spreadsheets reporting information to CEQ are summarized below (attachments 3-26) and available on the [www.nepa.gov](http://ceq.hss.doe.gov/ceq_reports/recovery_act_reports.html) website at http://ceq.hss.doe.gov/ceq_reports/recovery_act_reports.html. The projects and activities reported do not include all projects and activities that will ultimately receive ARRA funding. This continues to be the case primarily for two reasons: not all grant programs have advanced to the point where the number and types of projects and activities are known (e.g., Department of Energy); and some programs are still awaiting approved project plans as ARRA funds are redistributed among agencies (e.g., Department of Health and Human Services). Consequently, additional projects and activities will be identified and reported in future reports.

In most cases, there is a close relationship between the ARRA funded projects and the NEPA actions. Several reports show ARRA projects and activities with multiple NEPA actions. The ARRA-funded project identifies either: (1) a broad project with several interdependent tasks which would involve one programmatic NEPA review, followed by subsequent tiered or site specific NEPA reviews (e.g., NASA's Constellation EIS under the Exploration program); or (2) the ARRA-funded "project" consists of several individual tasks or activities that have independent utility and are individually analyzed under NEPA (e.g., NASA hurricane repair activities at the Johnson Space Center and the Forest Service Facilities, Facility Maintenance, and Renovation ARRA project).

- a. Department of Agriculture (USDA) (Attachment 3): The Department of Agriculture report includes the 10 offices, agencies and services that received ARRA funds. More than 104,400 projects and activities receiving ARRA funds were reported, reflecting an increase of more than 13,500 since the previous report. As of March 31, 2010, USDA reported that more than 90,400 NEPA reviews were completed for projects and activities receiving ARRA funding. A large number of NEPA reviews previously underway were completed, reducing the number of reviews pending from 195 to 45.

As of March 31, 2010, the USDA Office of Operations, Agricultural Research Service (ARS), Farm Service Agency (FSA), Food and Nutrition Service (FNS), and Foreign Agricultural Service (FAS) have completed the NEPA actions for their ARRA funded projects and activities. The Office of Operations made available an additional \$2.5 million for the South Building Modernization project during this reporting period. Since the last reporting period, ARS made an additional \$27,328,009 of ARRA funds available, increasing the total obligations by ARS for ARRA projects to over \$40 million, or 23% of the agency's total ARRA appropriations. FSA reported the application process for the Supplemental Revenue Assistance Payments program which provides agricultural disaster assistance began January 4, 2010, and lead to 12,183 participants receiving more than \$110.4 million during this reporting period.

At this stage of ARRA implementation, the largest number of NEPA reviews in the Department was completed by Rural Development, with more than 88,000 NEPA actions completed (more than 87,500 CEs and more than 560 EAs). Rural Development has obligated more than \$1.4 billion which is an increase of more than \$250 million from the last report.

As of March 31, 2010, the Forest Service has identified 705 ARRA funded projects, an increase of 10 since the previous report. The Forest Service has completed a

total of more than 2,000 NEPA actions. The more than 130 NEPA reviews reported as completed this period include more than 110 CEs and more than 20 EAs, and over \$695 million of ARRA funds have been made available.

The Natural Resources Conservation Service completed more than 290 NEPA reviews for projects and activities and has reduced the number of pending reviews to 16. NRCS has three programs funded through ARRA: Watershed Rehabilitation, Floodplain Easements, and Watershed Operations, and has made over \$20 million in ARRA funding available during this reporting period.

- b. Department of Commerce (DOC) (Attachment 4): The Department of Commerce reported on five agencies with more than 270 projects and activities receiving ARRA funds, an increase of approximately 80 projects and activities since the last report. The remaining reported projects and activities requiring NEPA reviews involve more than 150 completed NEPA reviews for projects and activities receiving ARRA funding, an increase of more than 30 since the previous report. More than \$2.78 billion of ARRA funds have been made available, an increase of more than \$1.5 billion since the previous report.

The number of NEPA reviews pending for more than one reporting period has been reduced to 23 with several new projects and activities reported for the first time. The Department report corrects and provides a number of new ARRA projects and activities, several of which have NEPA reviews underway. The eight pending EAs for Office of Habitat involve Habitat Restoration where applicants have not yet provided a sufficient level of adequately detailed information necessary to complete 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. Only one CE for NOAA Procurement, Acquisition and Construction program remains pending and completion is timed to coincide with project implementation and has not resulted in any delays. Thirteen CEs and 1 EA for the National Institute for Standards and Technology Construction and Research Facilities projects and activities are pending. The National Telecommunications and Information Administration reported over 70 new projects with over 35 NEPA reviews completed and over 35 undergoing NEPA review. The Economic Development Administration has obligated all of its ARRA funds, and completed a total of almost 70 NEPA actions for all of those awards. Finally, the Census program completed one CE for the Periodic Census program which involves salaries and information collection.

- c. Department of Defense (DOD) (Attachment 5): The Department of Defense provided two reports, a report for the ARRA funding received by the U.S. Army Corps of Engineers Civil Works Program and a report for the ARRA funds received by the other components of DOD. The DOD has obligated more than \$7.9 billion in ARRA funds (an increase of more than \$1.4 billion since the previous report).

As of March 31, 2010, the U.S. Army Corps of Engineers Civil Works Program reported on approximately 830 ARRA projects of which over 60 are NEPA not applicable. The remaining 768 ARRA projects and activities receiving ARRA funds, indicating an increase of 3 since the previous report, are covered by more than 2,100 NEPA actions. More than 60 ARRA projects that are not subject to NEPA are the same

as previously reported. They did not require NEPA review because they involved technical assistance, guidance, research, and studies that were used for reports, coordination activities, and preliminary assessments that did not result in project decisionmaking. Thus far, approximately 2,000 NEPA reviews have been completed for projects and activities receiving ARRA funding, an increase of approximately 20 since the previous report. The completed NEPA actions include more than 1,380 CEs, more than 330 EAs, and more than 280 EISs. Those NEPA actions support obligations of more than \$3.1 billion in ARRA funds (an increase of more than \$61 million since the previous report).

The number of Army Corps of Engineers pending actions was reduced from approximately 130 as of December 31, 2009, to approximately 100 as of March 31, 2010. All of the pending actions are carried over from the last quarter's report because the ARRA work is continuing and pending actions are for projects with issues such as scope changes, site selection delays, extensive coordination with other agencies, and sponsor delays that will take multiple reporting cycles to complete. All pending actions are expected to be completed without NEPA related delays.

As of March 31, 2010, the other components of the Department of Defense reported on more than 4,650 projects and activities receiving ARRA funds, an increase of approximately 160 since the previous report. Thus far, more than 4,480 NEPA reviews have been completed, an increase of approximately 70 NEPA reviews since the previous report. The Department has not experienced (or reported) instances of substantial delays in NEPA review process. The other DOD components completed approximately 4,370 CEs, approximately 110 EAs, and 4 EISs. There are approximately 70 projects that DOD will be evaluating in the future with an undetermined NEPA status. These projects have been prioritized by the DOD components and the level of NEPA analysis will be identified in future reports.

- d. Department of Education (Attachment 6): The Department of Education reported on more than 1,100 projects and activities receiving ARRA funds for which no NEPA review was required. The ARRA funds available for expenditure are primarily for formula grants to States for programs, many of which are primarily related to teaching. As of March 31, 2010, more than \$75 billion in ARRA funds have been obligated.

Future projects and activities are being reviewed and the Department is continuing to work with CEQ to ensure any applicable NEPA reviews are expeditiously conducted.

- e. Department of Energy (DOE) (Attachment 7): The Department of Energy report addresses more than 150 projects and activities receiving Division A of the American Recovery and Reinvestment Act (ARRA) funds. Some of those ARRA projects consist of subprojects that have independent utility and are therefore subject to individual NEPA reviews. Of the more than 150 projects and activities, 10 are reported as not requiring NEPA review because 9 involve Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) actions and 1 is a ministerial action that does not trigger NEPA review requirements.

As of March 31st, nearly 5,575 NEPA reviews had been completed for projects and activities receiving ARRA funding, an increase of more than 800 since the previous

report. Of the completed reviews, more than 5,500 are categorical exclusion (CE) determinations, almost 50 are environmental assessments (EAs), and more than 20 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 for obligations totaling more than \$26.6 billion under ARRA, an increase of more than \$3.3 billion. Nearly 60 additional NEPA reviews are underway as of March 31st, including almost 10 EISs, almost 50 EAs, and 2 CEs.

DOE is reviewing additional applications received in response to funding opportunity announcements related to the ARRA and new projects receiving ARRA funds are expected to be identified for the Bonneville Power and Western Area Power Administrations, and other DOE programs. This will result in an increase in the number of DOE projects receiving ARRA funding and the corresponding NEPA actions in future reports.

- f. Department of Health and Human Services (HHS) (Attachment 8): Nine Department of Health and Human Services administrations, agencies, and centers receiving Division A ARRA funds reported. As of March 31st, more than 12,500 projects and activities receiving ARRA funds were reported, an increase of approximately 850 since the previous report. NEPA reviews have been completed for more than 5,200 projects and activities receiving ARRA funding, an increase of more than 500 since the previous report. Total HHS ARRA obligations have increased from approximately \$12 billion to more than \$15 billion.

All NEPA reviews have been completed for the Office of the Secretary, the Administration for Children and Families, the Administration on Aging, the Agency for Health Care Research and Quality, the Centers for Disease Control, and the Centers for Medicaid and Medicare Services. The 15 CEs and more than 2,600 EAs provided NEPA compliance for approximately 4,700 projects and activities receiving ARRA funding.

The National Institutes of Health completed more than 160 additional NEPA reviews, bringing the total number of NEPA actions completed to more than 1,680 (1 EIS, 1 EA, and more than 1,680 CEs). For the three NIH programs receiving ARRA funding for projects and activities, nearly 20 NEPA actions are pending and the appropriate level of NEPA review for 11 grants is under review.

The Health Resources and Services Administration completed approximately 15 CEs and 160 EAs. HRSA completed an additional 80 pending NEPA reviews, reducing the more than 2,600 NEPA reviews pending in April 2009 to less than 140 pending reviews as of March 31st. The remaining NEPA reviews are still pending because the NEPA review accompanies the grant review and grantees are completing A&E design and finalizing the scope of the proposed projects, finalizing permits, and conducting the National Historic Preservation Act section 106 reviews.

The Indian Health Service reported an additional 40 new projects and activities receiving ARRA funding. IHS completed more than 150 NEPA actions during this reporting period, for a total of approximately 700 completed NEPA actions (more than 690 CEs and 5 EAs). The number of pending NEPA actions has been reduced from 125 to 13 since the previous report. The projects with pending NEPA actions are on schedule and in various stages of the routine work order processing system (including NEPA

review and concurrent design, materials procurement and regulatory permitting etc.) prior to actual construction. Unless there are extraordinary or exceptional circumstances, most of these 'pending' projects are being processed as CEs.

- g. Department of Homeland Security (DHS) (Attachment 9): The Department of Homeland Security reported on more than 450 projects and activities receiving ARRA funds, an increase of 45. As of March 31, 2010, almost 190 NEPA reviews have been completed for projects and activities receiving ARRA funding, an increase of over 90 since the previous report. The completed reviews reported include 1 EIS, more than 150 CEs, and approximately 30 EAs. Obligations of ARRA funding stand at more than \$1.5 billion, an increase of more than \$110 million since the previous report.

DHS reported one project that does not require NEPA review because the action is ministerial and involves no discretionary decisionmaking. Several DHS programs involve grants and the number of projects and activities and the number of associated NEPA reviews will increase as those applications are processed. During the processing of the applications, the projects and activities are fully identified to ensure the appropriate level of NEPA review is performed. There are now more than 260 NEPA reviews underway, an increase of almost 200 since the previous report. Underway are more than 110 EAs, almost 150 CEs, and 1 EIS. Of those reported underway, less than 60 have been pending for more than reporting period. Several of the NEPA actions for grants are pending as applicants refine the scope of their work to deal with unexpected environmental issues and complete consultations with state regulators and agencies. Several EAs remain pending because of a larger review of policies and activities.

- h. Department of Housing and Urban Development (HUD) (Attachment 10): As of March 31, 2010, the Department of Housing and Urban Development reported on more than 19,000 projects and activities receiving ARRA funds, the majority of which are grants. This figure reflects an increase of almost 2,100 actions since the previous report. During the reporting period, HUD completed approximately 2,800 NEPA reviews, bringing the total number of completed NEPA reviews to approximately 26,300. Of the completed reviews, there are more than 24,700 CEs (an increase of approximately 300 since the previous report) and more than 1,550 EAs (an increase of approximately 400 since the previous report). Because the majority of the HUD projects receiving ARRA funding are grants, additional environmental reviews will be completed in future reports. HUD has completed the NEPA reviews for distributing more than \$8.8 billion of the more than \$13.5 billion ARRA funds it was appropriated.

In the November 2, 2009, report, HUD reported developing and implementing the Recovery Act Management Performance System (RAMPS) to track ARRA projects and associated NEPA reviews. The RAMPS does not identify pending actions over multiple reporting periods.

- i. Department of the Interior (DOI) (Attachment 11): The Department of the Interior offices, bureaus, and services reported on more than 5,180 projects and activities receiving ARRA funds, a decrease of approximately 45 projects since the previous report, reflecting the withdrawal of several Bureau of Indian Affairs and Bureau of Land Management projects (more than 30 of the BLM withdrawn NEPA actions were

determined to be included in completed NEPA reviews). The Bureau of Reclamation, Fish and Wildlife Service, National Park Service, and the US Geological Service each experienced slight increases in projects and activities receiving ARRA funding. As of March 31, 2010, almost 5,100 NEPA reviews have been completed throughout the Department for projects and activities receiving ARRA funding, reflecting an increase of more than 1,200 since the previous report. The completed NEPA reviews include approximately 60 EISs, more than 530 EAs, and more than 4,500 CEs. The total ARRA funds obligated since the previous report have increased from approximately \$500 million to more than \$1.7 billion. Pending NEPA reviews have decreased from almost 1,700 in the last reporting period to less than 360 as of March 31st. Of the pending NEPA reviews, almost 200 are CEs and more than 150 are EAs.

The overall reduction in pending NEPA actions is matched by a reduction in NEPA actions that have been pending for more than one reporting period. These actions have been reduced by over 1,200 during this reporting period. There are several reasons some NEPA reviews have remained pending. These include refinement of proposed designs and consultations to satisfy Section 106 requirements.

- j. Department of Justice (DOJ) (Attachment 12): As of March 31, 2010, the Department of Justice reported almost 5,500 projects and activities receiving ARRA funds, a reduction of only a few projects since the last report. During the fourth reporting cycle, four Community Oriented Policing Services (COPS) Office Federal Assistance Grants to state, local, and tribal law enforcement were withdrawn at the grantees' request. As of March 31st, DOJ has obligated a total of more than \$3.9 billion in ARRA funds.

Approximately 4,050 NEPA actions have been completed for DOJ ARRA-funded projects as of March 31st. Approximately 115 NEPA actions are pending, all of which are EAs. Activities being analyzed include Justice Assistance grants, construction of correctional facilities on Tribal lands, and rural law enforcement assistance activities.

- k. Department of Labor (DOL) (Attachment 13): Department of Labor projects and activities funded under Division A of ARRA include projects and activities administered by the Employment and Training Administration, the Office of Job Corps, the Employment Standards Administration, the Employee Benefits Security Administration, the Occupational Safety and Health Administration, and DOL Management activities. DOL reported approximately 830 ARRA projects and activities (an increase of almost 160) as of March 31st. Of those, almost 820 are for ARRA funded projects and activities that do not require NEPA actions. Of the 13 projects where NEPA does apply, 10 have completed NEPA actions and 3 are pending completion. Over 94% of DOL's ARRA appropriated funds (\$4.5 billion) have been obligated; this is an increase of 14% from the last report.

- l. Department of State (Attachment 14): The Department of State reported on 17 projects and activities receiving ARRA funds, an increase of 1 project. As of March 31, 2010, NEPA reviews have been completed for 15 projects and activities receiving ARRA funding: 4 CEs, 9 EAs and 2 EISs. NEPA reviews underway are two EAs. One is for a project that was added during this reporting period and the other has been pending due to adverse weather delaying studies and the continued coordination with the public and

resource agencies. The completed actions include CEs and EAs for levee repairs and an environmental impact statement for a training center. The Department of State has obligated more than \$237 million of ARRA funds for projects that have completed NEPA review, an increase of more than \$7 million since the previous report.

- m. Department of Transportation (DOT) (Attachment 15): As of March 31, 2010, five Department of Transportation modal administrations and the Office of the Secretary reported on more than 20,500 projects and activities receiving ARRA funds, an increase of approximately 4,900 since the previous report. More than 22,300 NEPA reviews have been completed for projects and activities receiving ARRA funding, an increase of more than 5,000 since the previous report. The completed NEPA reviews include approximately 250 EISs, more than 630 EAs, and approximately 21,500 CEs. More than \$36 billion in ARRA funds have been obligated, an increase of approximately \$4 billion since the last report.

More than 740 NEPA reviews are pending, a decrease of more than 900 reviews that have now been completed. The pending reviews including approximately 565 pending for more than one reporting period (approximately 12 EISs, 65 EAs, and 490 CEs). Of the more than 740 pending reviews, almost 700 are Federal Highway Administration (FHWA) projects. Of all the DOT modes, the FHWA has the highest number of ARRA NEPA actions. As of March 31st, FHWA has reported more than 15,000 of DOT's more than 23,100 NEPA actions. Of those FHWA NEPA actions, over 14,300 are completed, an increase of more than 2,500 completed NEPA actions. The pending FHWA NEPA actions are the result of several factors, including preliminary engineering activities, assignment of project management to local entities, and Federal permits and/or agency consultation.

As of March 31st, all NEPA actions identified for the Office of the Secretary, the Federal Transit Administration (FTA), the Federal Aviation Administration (FAA), and the Maritime Administration (MARAD) ARRA-funded projects have been completed. The Office of the Secretary, the FTA, and the FAA have obligated nearly all of their \$9,735,700,000 ARRA appropriation.

The Federal Railroad Administration (FRA) reported 670 ARRA-funded projects and NEPA actions as of March 31, 2010, an increase of more than 60 since the last report. That increase is largely due to the 62 grants eligible for ARRA funding under High Speed Intercity Passenger Rail (HSIPR) grant program which were identified during this reporting period. FRA identified more than 40 pending NEPA actions during this reporting period, of which only 10 are pending for more than one reporting period which are awaiting supporting documentation such as State Historic Preservation Office (SHPO) impact determinations, cultural resources assessments, and proof of Federal permitting agency consultation.

- n. Department of the Treasury (Attachment 16): The Department of the Treasury again reported three projects receiving ARRA funding with completed NEPA reviews. The three completed CEs were for implementing the Community Development Financial Institutions (CDFI) Program and Health Insurance Tax Credit Administration (HITCA) programs receiving Division A ARRA funds. Treasury has obligated more than \$166.5 million in ARRA funding. All of the \$98 million CDFI Recovery Act appropriation has

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been obligated and disbursed. HITCA obligations increased from \$68,364,538 as of December 31, 2009, to \$68,583,803.

- o. Department of Veterans Affairs (VA) (Attachment 17): The Department of Veterans Affairs again reported on more than 1,300 projects and activities receiving ARRA funds. There are over 50 projects/activities receiving ARRA funds that do not require NEPA review because they involve no decisionmaking (e.g., feasibility studies and nondiscretionary grants). As of March 31, 2010, VA reported almost 1,250 CEs and 7 EAs have been completed. The National Cemetery Administration completed all 395 NEPA reviews for ARRA funded renewable energy projects and monument and memorial repairs, maintenance and operations. There are almost 30 EAs underway for the Medical Facilities projects. These NEPA actions are pending because most of these actions await site and system design information so that a meaningful analysis can be conducted and several await conclusion of consultations with other resource agencies.
- p. Corporation for National and Community Service (CNCS) (Attachment 18): The Corporation for National and Community Service reported on 294 projects and activities receiving Division A ARRA funds in its AmeriCorps State & National and AmeriCorps VISTA programs. The additional AmeriCorps grant reported this quarter brings the total grants to 130 and CNCS has obligated 97% of the appropriated Division A ARRA funds for AmeriCorps grants. CNCS has obligated \$23,139,043, approximately 36% of the appropriated ARRA funds for AmeriCorps Vista projects and activities. CNCS has also obligated \$28,617,570 in non-Division A ARRA funding for VISTA (primarily travel costs to get members to and from assigned projects). The total ARRA funds obligated for the AmeriCorps VISTA program is \$51,756,613 or 80% of the funds appropriated for the VISTA program. All NEPA environmental reviews required to make funds available for the reported projects and activities have been completed. CNCS expedited the NEPA analyses by revising their implementing NEPA procedures to facilitate expeditious environmental reviews.
- q. Environmental Protection Agency (EPA) (Attachment 19): The Environmental Protection Agency reported minor changes. The number of ARRA funded projects increased from 644 projects to 653 projects. NEPA actions for all projects have been completed. Of these, more than 400 did not require NEPA review because they are Clean Water State Revolving Fund Grants, Drinking Water State Revolving Funds, and Superfund clean-up projects. More than \$6.5 billion of ARRA funds were obligated for those projects. EPA has completed more than 90 NEPA reviews which were CEs and 1 programmatic EA. The programmatic EA allowed the approval of 160 National Clean Diesel Campaign Program Grants for which more than \$293 million ARRA funds were obligated. In total, EPA obligated more than \$7.1 billion of the ARRA funds.
- r. General Services Administration (GSA) (Attachment 20): As of March 31, 2010, the General Services Administration reported on more than 280 projects and activities receiving ARRA funds, 1 of which involved ministerial actions that did not require NEPA review. More than \$4.2 billion in ARRA funds were obligated, an increase of more than \$1.9 billion since the previous report. In addition, the GSA reported

completing more than 230 NEPA reviews, an increase of approximately 90 since the previous report. Completed NEPA reviews were relied upon for obligating more than \$1.5 billion in ARRA funds for work on green buildings.

GSA reported completing 225 CEs (an increase of 85), 9 EAs (an increase of 2), and 4 EISs. GSA also reported approximately 45 NEPA reviews were pending (a decrease of approximately 70 since the last report). Of those pending reviews reported, 2 are EISs, 8 are EAs and 34 are CEs. Of those NEPA reviews underway, approximately 40 NEPA reviews are pending for more than one reporting period. Approximately 22 projects involve further work to clarify the scope of the project, work that is necessary to determine the potential environmental issues that the NEPA review will analyze. The remaining NEPA reviews are underway and no undue delays are reported or expected.

- s. National Aeronautics and Space Administration (NASA) (Attachment 21): As of March 31, 2010, the National Aeronautics and Space Administration again reported 14 projects receiving ARRA funds. NASA increased the number of completed NEPA reviews, from 62 to over 90, and no longer has any pending NEPA actions. NASA reported completing almost 80 CEs (an increase of 29), 11 EAs, and 1 EIS. NASA has obligated more than \$834 million of the \$1 billion it received in ARRA funding.

The NASA projects have multiple NEPA actions indicated on the report because multiple tasks are occurring under the same ARRA project. NASA has an Agency work breakdown structure for ARRA funded activities that defines each project. A project is generally highly complex, and has many activities occurring at multiple NASA sites that contribute to its completion. A project often constitutes a single mission into space which is comprised of multiple subsystems, and consists of multiple tests and development activities. A project may contribute to a single research objective, and hence have multiple experiments and activities associated with it. Activities may occur at more than one NASA Center and each Center may prepare its own environmental review documentation in support of the project/activity. As a result, a “project” as defined for Recovery Act budgeting or accounting purposes does not always align with the “project” as defined for NEPA purposes on a one-to-one basis. NASA has obligated ARRA funds in all four ARRA Program Areas.

- t. National Endowment for the Arts (NEA) (Attachment 22): As stated in the previous report, the National Endowment for the Arts has completed its NEPA review for all of its ARRA projects, and completed the obligation of its more than \$49.87 million ARRA appropriation. NEA reported on almost 700 projects and activities receiving ARRA funds. All completed NEPA reviews were CEs. NEA worked with CEQ to develop NEA NEPA procedures that were used to provide NEPA reviews for final decisions on grant applications and this resulted in expeditious completion of the NEPA reviews.
- u. National Science Foundation (NSF) (Attachment 23): The National Science Foundation has made or obligated almost 4,900 awards that received ARRA funds, an increase of more than 160 projects and activities since the last report. Categorical exclusions have been completed for more than 160 additional NSF general research awards that support individual scientific research and related activities. For the reporting period NSF reports completing more than 4,870 CEs (an increase of more than 110), 1 EA, and 1 EIS. More

than \$2.5 of the \$3 billion in ARRA funding has been obligated for research & related activities, research equipment and facilities construction, and education & human resources.

- v. Small Business Administration (SBA) (Attachment 24): The Small Business Administration again reported on 16 projects and activities receiving ARRA funds. A total of four projects did not require NEPA review. For the projects and activities that require NEPA review, 12 CEs were completed. SBA has obligated more than \$555 million of its more than \$636 million in ARRA funding for its business loan program as of March 31, 2010.
- w. Social Security Administration (SSA) (Attachment 25): The Social Security Administration again reported on three projects and activities receiving ARRA funds. SSA reported three NEPA reviews; two CEs have been completed and one CE is pending. SSA reported obligating more than \$40 million in ARRA funds for administering the one-time \$250 payments to Social Security and Supplemental Security Income beneficiaries. The second completed NEPA review was for hiring additional employees to address disability and retirement workload processing, resulting in obligating more than \$315 million in ARRA funds during this reporting period, representing an increase of approximately \$134 million. The pending CE is for the construction of a new data center. As the General Services Administration and SSA move into the planning and design processes, more detailed information about the project activities will be available and the NEPA review will be completed.
- x. United States Agency for International Development (USAID) (Attachment 26): The United States Agency for International Development again reported on one project receiving ARRA funds. A CE was completed for the development and rollout of the Global Acquisition and Assistance System (GLAAS). More than \$22.6 of the \$38 million in ARRA funds has been obligated to date.

Reporting Benefits

In addition to reporting results, this report provides examples of the 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 examples provided show how managers improved project performance, operationally and environmentally, and reached better outcomes. 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.

Benefits

Agency activities under ARRA are more than just the number of reviews that occur. Across the government, the quality of decisionmaking is improved by NEPA compliance. The following is 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. These benefits were gained while expeditiously completing NEPA reviews for the ARRA funded projects.

a. Department of Agriculture:

While completing the Environmental Assessment for the Calaveras Creek Watershed Rehabilitation Project repairing 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. (USDA, Natural Resources Conservation Service spreadsheet page 2, row 19).

The 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 watershed. 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. (USDA, Natural Resources Conservation Service spreadsheet page 2, row 93).

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

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communities from the risk of future high-intensity wildfire and provide a safe environment for work crews. Two special interest groups 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. (USDA, Forest Service spreadsheet page 2, row 8).

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. (USDA, Forest Service spreadsheet page 2, row 101).

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. (USDA, Forest Service spreadsheet page 2, row 379).

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% 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 collective concern 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. (USDA, Rural Development spreadsheet page 2, row 6).

b. Department of Commerce:

The Department of Commerce NOAA 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

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for historic structures and cultural resources that are listed, or eligible for listing, on the National Register of Historic Places. (DOC, spreadsheet page 2, rows 1-6).

The National Institute for Standards and Technology used a programmatic Environmental Assessment process for the Construction and Research Facilities program to evaluate the environmental effects of several projects on the Low Frequency Time-Code Radio Broadcast Station campus in Kauai, Hawaii. 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. (DOC, spreadsheet page 2 row 35)

The National Telecommunications and Information Administration's Broadband Technology Opportunities Program (BTOP) 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. (DOC, spreadsheet page 2 row 44)

As a result of the NEPA process, the Economic Development Assistance Program 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 projects 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. (DOC, spreadsheet page 2, row 47)

c. Department of Defense:

The U.S. Army Corps of Engineers' NEPA process for the Lorain Harbor 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). (USACE, spreadsheet page 2, row 242).

The NEPA process for the Norfolk District, U.S. Army Corps of Engineers (USACE) Winter Harbor 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 Fish and Wildlife Service, 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. (USACE, spreadsheet page 2, row 502).

The Tres Rios project connects Rio Salado and Rio Oeste environmental projects in Phoenix 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, in addition to protecting 600 structures from flooding this project maintains habitat for many species of birds, reptiles and mammals to live, nest and raise young. 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. (USACE, spreadsheet page 2, row 685).

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.

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 decisionmakers, 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. (DOE, spreadsheet page 2, row 44).

An Environmental Assessment was also used by DOE to integrate project planning and environmental concerns for demolition of a research reactor facility 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, spreadsheet page 2, row 46).

DOE used the Environmental Assessment process to take a more comprehensive look into future planning at the Savannah River Site. The Environmental Assessment analyzed the waste streams of both low-level and mixed low-level radioactive wastes, for both the then-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. (DOE, spreadsheet page 2, row 58).

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 people's lives. 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. (DOE, spreadsheet page 2, row 79).

Finally, a DOE Environmental Assessment analyzed the then-proposed molecular foundry, a nanoscience research facility at the Lawrence Berkeley National Laboratory. 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. (DOE, spreadsheet page 2, row 85).

e. 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. (DHS, spreadsheet page 2, row 73).

The NEPA process allowed the Coast Guard proposed alteration of the Burlington Northern Santa Fe Railroad Bridge 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. (DHS, spreadsheet page 2, row 82).

The Federal Emergency Management Agency is using the NEPA process for ARRA grants to engage applicants early in the process so that environmental issues can be addressed to avoid or minimize potential impacts to the environment. The Federal Emergency Management Agency's (FEMA) 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 them to minimize the impacts of the projects that they are proposing, but it also helps to raise their 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 underway for the ARRA Fire Fighter Assistance and Fire Station Construction Grants where award making decisions consider potential impacts to sensitive resources. (DHS, spreadsheet page 2, rows 85-89).

f. 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 three-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. (HUD, spreadsheet page 2, row 725).

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 Region X 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. (HUD, spreadsheet page 2, row 7333).

g. Department of the Interior

The Lime Kin Salvage Road project north of Lewistown, Montana, was successful in large part due to the Bureau of Land Management 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

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will be incorporated to expand the existing recreational trails in the existing Limekiln Trail System and provide future recreational opportunities. (DOI, BLM spreadsheet page 2, row 379).

The National Park Service reviewed the proposals to reuse the historic Shirley House at Vicksburg National Military Park 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 not 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. (DOI, NPS spreadsheet page 2, row 701).

The U.S. Fish and Wildlife Service (FWS) prepared an Environmental Assessment (EA) for the Blitzen River Fish Passage Improvement Project, located entirely within the Malheur National Wildlife Refuge (Refuge) in Princeton, Oregon. The EA discloses the environmental consequences of Blitzen River project components, including modifications to five dams, construction of four diversion intake structures and one irrigation canal, installation of fish ladders and screens, and decommissioning of one dam. The purpose of the proposed project is fully aligned with the Refuge mission, which is focused on management of migratory and resident native birds, wildlife, and native fish. The detailed analysis of the project area and the evaluation of potential environmental impacts in the NEPA process resulted in a more comprehensive evaluation of Blitzen river fish passage infrastructure and river management issues. The NEPA process also enhanced the resolution of important management issues and allowed the FWS to address numerous fish passage and other river management issues simultaneously, resulting in a more comprehensive approach to achieving management goals and objectives. (DOI, FWS spreadsheet page 2, row 701).

h. 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. The International Boundary and Water Commission, U.S. Section, proposed raising the levees to allow for adequate protection of a 100 year flood event. 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. (State, spreadsheet page 2, row 16).

i. 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 (DOT, FHWA spreadsheet page 2, row 568), 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 (DOT, FHWA spreadsheet page 2, row 9315), 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.

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. (DOT, FAA Spreadsheet, Page 2, Row 721).

j. 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. (VA spreadsheet page 2, row 16).

In another example, the Environmental Assessment for the ground mounted solar photovoltaic system at San Joaquin Valley National Cemetery considered and eliminated other locations due to proximity to burial sites, proximity to existing electrical systems, and roof composition. (VA spreadsheet, page 2, row 17).

k. 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. (EPA spreadsheet, page 2, row 1).

l. General Services Administration:

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The Environmental Assessment process and associated consultation with the Puerto Rico SHPO on the Federal Bureau of Investigation Field Office Consolidation project that proposed a new parking garage adjacent to the existing Hato Rey Federal Building identified a new building eligible for listing on the National Register of Historic Places. 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 will involve continued consultation with SHPO to ensure the new structure does not negatively impact the viewshed of the Hato Rey Federal Building. (GSA Spreadsheet, page 2, row 9).

During development of the Edith Green/Wendell Wyatt Federal Building, 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. (GSA Spreadsheet, page 2, row 57).

m. 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, 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% in energy efficiency on each building where Recovery Act funded roof repairs are being undertaken. (NASA spreadsheet, page 2, row 1).

n. 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. (NSF spreadsheet, page 2, row 2).

Future Reports

CEQ intends to submit the next quarterly report in August 2010. Quarterly reports will continue to be provided and the final report covering NEPA compliance will be provided in November 2011 for projects and activities receiving ARRA funding through September 2011.

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Attachments:

- (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 <http://ceq.hss.doe.gov/nepa/regs/guidance.html>).
- (2) Overview Spreadsheet of Department and Agency NEPA 1609 Report
- (3) – (26) Department and agency NEPA Section 1609 (c) Reports

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