

**THE THIRD 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 subsection 1609(c) of the American Recovery and Reinvestment Act of 2009 (ARRA).

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 has issued guidance and instructions to the Executive Branch departments and agencies on how to report the status and progress of projects and activities funded by ARRA with respect to compliance with NEPA (Attachment 1). After the first and second reports to Congress, which reported activity through April 24 and June 30 respectively, CEQ worked with the departments and agencies to expand on its guidance to expedite the reporting process (Attachment 1A).

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 OMB through September 30. 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 145,000 projects and activities receiving ARRA funds were reported.

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 continue to exhaust their “shovel ready” projects which have completed environmental analyses and are fully permitted, approved, and ready for implementation, and are shifting their focus 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. More than 9,000 NEPA reviews were completed before ARRA, and more than 130,000 have been completed since ARRA was signed into 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 departments and agencies have reported instances of substantial delays related to NEPA reviews. 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 whose NEPA reviews have not been completed and have been reported underway (“pending”) in one or more previous reports. Currently less than 7,700 NEPA reviews are pending, and less than 4,400 are pending for more than one reporting period.

During this reporting period, CEQ worked with several agencies to revise and update their NEPA implementing procedures to expedite NEPA compliance. New and revised NEPA procedures were published by USAID and the Natural Resource Conservation Service in the Department of Agriculture. Previously, new and revised NEPA procedures were published by the Corporation for National and Community Service, the National Endowment for the Arts, the Department of Commerce (DOC), and the National Telecommunications and Information Administration at DOC. CEQ is also 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 each Executive Branch department and agency receiving ARRA appropriations under ARRA Division A. This report indicates the agencies have and will continue to meet 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) and the complete, and much more detailed, department and agency spreadsheets and explanatory notes are also attached (Attachments 3-26).

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 that use ARRA funds. 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, the reports indicate that NEPA is not applicable. As of September 30, approximately 3,500 projects and activities, an increase of about 1,500 since the last report, 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 3 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 are expected to not have individually or cumulatively significant environmental impacts. Typically, a CE is concluded with the determination that a proposed action is included in the category of actions and there are no extraordinary circumstances that indicate environmental concerns merit further environmental review.
- 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 environmental assessment 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.
- Environmental Impact Statements (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.

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. Also possible, is that the expected environmental impacts were initially over or under projected and therefore the appropriate level of NEPA review is changed to ensure conducting the most expeditious and appropriate level of review.

Several agencies are using programmatic NEPA reviews to address similar projects and activities. Using a programmatic review facilitates implementation of individual projects and activities either by providing full NEPA compliance or by programmatically addressing common environmental issues and thereby eliminating the need to replicate the review of those issues in subsequent, project specific, NEPA reviews.

As of September 30, more than 134,000 NEPA reviews have been completed using CEs, an increase of more than 64,000 since the last report. 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 approximately 4,600 EAs for projects or activities receiving ARRA funds with a FONSI, an increase of more than 2,900 since the previous report. More than 670 projects or activities were analyzed in an EIS where the NEPA review was completed with a ROD, a decrease of more than 170 due in large part to an error in the previous report submitted on August 3, 2009, that identified the total number of projects analyzed in a programmatic EIS as the total number of EISs.

More than \$170 billion in ARRA funds, approximately 55% of the Division A ARRA appropriations for projects and activities, were obligated. For up-to-date information regarding the status of agency obligations and payments under ARRA, please see the ARRA website at www.recovery.gov.

In addition to the completed NEPA reviews, more than 7,600 NEPA reviews were reported underway (fewer than 90 environmental impact statements, approximately 2,300 environmental assessments, and more than 5,200 categorical exclusions).

Results by Department and Agency

The department and agency memos and spreadsheets reporting information to CEQ are attached and summarized below (attachments 3-26). 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; and some programs are still awaiting approved project plans. 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 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 80,700 projects and activities receiving ARRA funds were reported, reflecting an increase of more than 38,900 since the previous report. As of September 30, USDA reported that more than 78,600 NEPA reviews were completed for projects and activities receiving ARRA funding, an increase of more than 39,100 since the last report. More than 375 NEPA reviews were underway of which there are approximately 5 EISs, approximately 100 EAs, and approximately 265 CEs. Of those pending projects, approximately 80 have been pending for more than one reporting period and the Department is realigning its work flow to ensure more expeditious completion of the paperwork by not requiring every NEPA review to be forwarded to and signed at the headquarters level.

At this stage of ARRA implementation, the largest number of NEPA reviews was completed by Rural Development, with more than 76,700 decisions based on categorical exclusions, for obligations of more than \$923 million ARRA funds.

The USFS corrected several minor errors in previous reports, completed more than 1,600 NEPA reviews (an increase of more than 750), and has more than 300 NEPA reviews pending. About 80 NEPA actions have been pending for more than 1 reporting period. About 20 are expected to be completed during this reporting period, 5 are progressing through their normal time frames and expect completion in early 2010, and about 55 are still under project development. The USFS has not identified any unanticipated barriers to completing these reviews. The more than 250 projects or activities that did not require USDA to conduct NEPA reviews include 140 projects for which there is no NEPA requirement (e.g., non-discretionary grants and CERLCA clean-up).

The Natural Resources Conservation Service completed more than 260 NEPA reviews for projects and activities which is a decrease because of a reporting error. In the second report, the floodplain easement restoration actions were incorrectly reported as 289 separate EIS projects rather than 289 projects tiered to 1 programmatic EIS. The Natural Resources Conservation Service worked with CEQ to correct its report and also to revise its regulations implementing NEPA to ensure appropriate NEPA reviews can be completed expeditiously. Those procedures were published July 13, 2009, and were applied to projects during this reporting period.

- b. Department of Commerce (DOC) (Attachment 4): The Department of Commerce reported on 5 agencies with more than 190 projects and activities receiving ARRA funds, an increase of more than 50 since the last report. NOAA Operations, Research, and Facilities funding included 1 component that did not require NEPA review. The remaining projects and activities requiring NEPA reviews show more than 100 completed NEPA reviews for projects and activities receiving ARRA funding, compared to more than 70 in the last report. Since the last report, the number of NEPA reviews underway decreased by more than 30.

CEQ worked with the Department and the National Telecommunications and Information Administration (NTIA) to revise the NTIA NEPA procedures to align NEPA process for the broadband program activities with other agency's broadband programs to ensure appropriate NEPA reviews can be expeditiously completed as applicants'

broadband projects/activities are identified. The NTIA NEPA procedures were finalized and are now available. In addition, the Department-wide CEs were revised by updating the Department Administrative Order 216-6 implementing NEPA on July 10, 2009.

- c. Department of Defense (DOD) (Attachment 5): As of September 30, the Department of Defense reported on more than 5,300 projects and activities receiving ARRA funds, an increase of more than 180. Thus far, more than 5,900 NEPA reviews have been completed for projects and activities receiving ARRA funding, an increase of more than 900 since the previous report. More than 480 NEPA reviews are underway, of which approximately 295 are CEs, approximately 170 are EAs, and approximately 20 are EISs. Of those more than 480, approximately 440 have been pending for more than one reporting cycle. CEQ will work with DOD to ascertain the reasons these projects are still pending during the next reporting period.

In addition, DOD has determined that approximately 80 projects and activities do not require NEPA review because no DOD decisionmaking is involved (e.g., preliminary studies necessary to develop proposed projects/activities to the point that they can be meaningfully evaluated). The more than 5,900 completed NEPA actions include more than 5,300 CEs, more than 375 EAs, and more than 280 EISs, for obligations of more than \$5.4 billion in ARRA funds (an increase of more than \$3.8 billion since the previous report).

- d. Department of Education (Attachment 6): The Department of Education reported on more than 840 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 September 30, more than \$67.6 billion in ARRA funds have been obligated.

Future projects and activities will be identified, such as discretionary grant programs, and the Department is continuing to work with CEQ to develop NEPA implementing procedures that will provide appropriate expeditious NEPA reviews for discretionary grant applications.

- e. Department of Energy (DOE) (Attachment 7): The Department of Energy reported on more than 150 projects and activities receiving ARRA funds. Some of those ARRA projects consist of subprojects which 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.

As of September 30, more than 2,000 NEPA reviews had been completed for projects and activities receiving ARRA funding, an increase of more than 1,800 since the previous report. Of the completed reviews, more than 1,950 are CEs, more than 30 EAs and more than 20 EISs. Projects and activities include the Weatherization Assistance Program, most of the DOE projects and activities to accelerate environmental cleanup, and many other research, development, demonstration, and deployment activities for obligations totaling more than \$17.4 billion under ARRA, an increase of more than \$10.8

billion. Another 26 NEPA reviews are underway as of September 30, including 7 EISs, 13 EAs, and 6 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): The 9 Department of Health and Human Services administrations, agencies, and centers receiving Division A ARRA funds reported. As of September 30, more than 11,200 projects and activities receiving ARRA funds were reported, an increase of more than 4,000 since the previous report. NEPA reviews have been completed for more than 4,350 projects and activities receiving ARRA funding. This reflects a substantial increase over the more than 1,460 completed NEPA reviews reported last time. Total ARRA obligations have doubled from approximately \$5 billion to approximately \$10.5 billion, which represents almost 50% of the ARRA appropriations.

As of September 30, there are more than 1,000 HHS NEPA reviews have been pending for more than one reporting period. None are EISs, more than 880 are EAs and approximately 140 are CEs.

More than 270 reviews pending for more than one reporting period are Health Resources and Services Administration NEPA reviews, all of which are CEs except 1 EA. These are still pending because the NEPA review accompanies the grant review and the Capital Improvement Program construction and renovation grants were awarded with restrictions allowing grantees to only engage in completing A&E design, finalizing permits, and conducting the NEPA and National Historic Preservation Act section 106 reviews.

The Administration for Children and Families reported 600 EAs pending for more than one reporting period. Given that *Head Start Expansion* awards will be issued during FY 2010 and the applicant's environmental reports will be reviewed when they are received, the NEPA status for these actions is reported as pending.

- g. Department of Homeland Security (DHS) (Attachment 9): The Department of Homeland Security reported on more than 390 projects and activities receiving ARRA funds. As of September 30, NEPA reviews have been completed for more than 30 projects and activities receiving ARRA funding. The completed reviews reported include 27 CEs, 4 EAs and 1 EIS. Obligations since the previous report increased by more than 100% from more than \$500 million to a total of more than \$1.7 billion.

There are now more than 50 NEPA reviews underway. Of those reported underway, 1 is an EIS, 31 are EAs and 22 are CEs. DHS reported 1 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.

- h. Department of Housing and Urban Development (HUD) (Attachment 10): As of September 30, the Department of Housing and Urban Development reported on more than 14,600 projects and activities receiving ARRA funds, the majority of which are grants. This reflects an increase of more than 8,000 since the last report. NEPA reviews were reported as completed for more than 20,200 projects, the majority of which are grants and will receive additional environmental review as HUD proceeds to distribute approximately \$9 billion in ARRA funds. About 1,500 NEPA reviews were reported as pending.

Since the last submission, HUD reports that it has developed and implemented a computerized information reporting system entitled Recovery Act Management Performance System (RAMPS) that is used to collect ARRA Section 1609 compliance information for all HUD ARRA funded projects. Unfortunately, some RAMPS implementation issues have arisen, as one might expect of a new information system designed to include reporting by more than 6,000 grantees on more than tens of thousands of projects. While the complete scope and scale of the RAMPS implementation issues is not currently known, it appears that grantee RAMPS registration and access are among the primary concerns that result in missing information. Furthermore, RAMPS is not designed to identify pending actions over multiple reporting periods and CEQ will be working with HUD to improve reporting on pending cases for the next report.

- i. Department of the Interior (DOI) (Attachment 11): The Department of the Interior offices, bureaus, and services reported on more than 4,300 projects and activities receiving ARRA funds, a decrease of 100 since the last report. The decrease is due to correcting the report by deleting the USGS Deferred Maintenance projects that were completed prior to receiving Recovery Act funds. As of September 30, NEPA reviews have been completed for approximately 2,100 projects and activities receiving ARRA funding, reflecting an increase of more than 1,200. The completed NEPA reviews include approximately 50 EISs, more than 300 EAs, and approximately 1,750 CEs. The total ARRA funds obligated since the previous report have increased from more than \$209 to more than \$819 million. More than 2,400 NEPA reviews are reported as pending: 5 EISs; 390 EAs; and more than 2,500 CEs.

More than 2,000 NEPA reviews have been pending for more than one reporting period and the majority of these are reported by USGS and BIA. There are several reasons. For example, proposals are still being developed to the point where the appropriate level of NEPA review can be determined. Many of the more than 900 pending USGS projects are Streamgauge, Cableway, and Well projects located on non-Federal lands. This requires the USGS to consult with individual State, Tribal, and other local entities to obtain the necessary environmental clearances that address potential historical, cultural, biological, and habitat resource issues prior to making a categorical exclusion determination. These confirmations have delayed completing NEPA actions. There are also approximately 700 pending BIA NEPA reviews, of which more than 550 are CEs. A large number of these require validation and verification of the work plan via tribal consultation. The required consult with Tribes on road maintenance projects extends the time necessary to complete these NEPA reviews. The BLM also reported

more than 430 pending NEPA reviews of which more than 310 are CEs. A large portion of the pending projects are expected to be completed during the next reporting cycle.

- j. Department of Justice (DOJ) (Attachment 12): As of September 30, the Department of Justice reported on more than 5,480 projects and activities receiving ARRA funds, a substantial increase over the 1,608 identified in the previous report. As of September 30, NEPA reviews have been completed for more than 4,025 projects and activities receiving ARRA funding, reflecting an increase of more than 2,500. All of the completed NEPA reviews were CEs. Of the more than 135 pending, all are EAs. Several EAs are pending for jail construction on tribal lands and justice assistance grants. Approximately \$4 billion in ARRA funds have been obligated, representing more than 99% of the ARRA funds appropriated.
- k. Department of Labor (DOL) (Attachment 13): The Department of Labor reported on more than 580 projects and activities receiving ARRA funds (an increase of 75 since the previous report) as of September 30. Of those, 571 are for ARRA funded projects and activities that do not require NEPA review. NEPA reviews were completed for 5 projects and activities receiving ARRA funding. Of those, 3 are CEs and 2 are EAs. All 7 pending NEPA actions are EAs and CEQ will work with DOL to review the status of these EAs during the next reporting period. More than 75% of ARRA appropriated funds, \$3.6 billion, have been obligated.
- l. Department of State (Attachment 14): The Department of State again reported on 16 projects and activities receiving ARRA funds. As of September 30, NEPA reviews have been completed for 11 projects and activities receiving ARRA funding, 9 EAs and 2 EISs. NEPA reviews underway are 1 EA and 1 CE. 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 \$123 million of ARRA funds for projects that have completed NEPA review, an increase over the \$36.6 million previously obligated.
- m. Department of Transportation (DOT) (Attachment 15): As of September 30, 5 Department of Transportation modal administrations reported on more than 13,500 projects and activities receiving ARRA funds, an increase of more than 6,000 since the last report. More than 14,650 NEPA reviews have been completed for projects and activities receiving ARRA funding. The completed NEPA reviews include more than 160 EISs, more than 450 EAs, and approximately 14,000 CEs. In addition, more than 1,325 NEPA reviews are pending including 45 EISs, 57 EAs, and more than 1,200 CEs. More than \$29 billion in ARRA funds have been obligated, an increase of approximately \$9 billion since the last report. The Maritime Administration prepared a programmatic CE for all 75 ARRA grants issued under the Small Shipyard Grant program.
- n. Department of Treasury (Attachment 16): The Department of Treasury again reported 3 projects receiving ARRA funding with completed NEPA reviews. The 3 completed CEs were for implementing the Community Development Financial Institutions Program and

Health Insurance Tax Credit Program. Treasury has obligated more than \$152 million in ARRA funding, an increase of more than \$130 million since the last report.

- o. Department of Veterans Affairs (VA) (Attachment 17): The Department of Veterans Affairs again reported on 1,332 projects and activities receiving ARRA funds. There are 52 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 September 30, more than 1,240 CEs and 4 EAs have been completed. More than 30 additional NEPA reviews are underway to provide NEPA reviews for future projects/activities receiving ARRA funding. Of those, 31 are EAs and 1 is a CE. The number of VA's pending NEPA actions decreased only slightly in this reporting cycle because most of these actions hinge upon site and system designs that are not yet complete. VA anticipates completing more site-specific NEPA actions during the next reporting period.
- p. Corporation for National and Community Service (CNCS) (Attachment 18): The Corporation for National and Community Service reported on more than 340 projects and activities receiving ARRA funds, an increase of more than 100 projects from the last report. All reported projects have completed CE's and more than \$120 million in ARRA funds have been obligated. CNCS in coordination with CEQ established CEs covering CNCS projects and activities funded under ARRA in July 2009 and those have expedited the NEPA analyses.
- q. Environmental Protection Agency (EPA) (Attachment 19): The Environmental Protection Agency reported more on than 630 projects receiving ARRA funds, an increase of more than 400 since the previous report. Of these, more than 385 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 85 NEPA reviews, which were all CEs and 1 programmatic EA. The programmatic EA allowed the approval of 159 grants (an increase of 88 grants) for which more than \$292 million ARRA funds (an increase of more than \$178 million) were obligated for National Clean Diesel Campaign Program Grants. In total, EPA obligated more than \$7 billion, an increase of more than \$2.5 billion, which is more than 99% of the ARRA funds appropriated.
- r. General Services Administration (GSA) (Attachment 20): As of September 30, the General Services Administration reported on more than 250 projects and activities receiving ARRA funds, 1 of which involved GSA's ministerial actions in purchasing fuel efficient vehicles. 4 projects were not reported this time because they were for administering the ARRA program rather than for ARRA projects and activities. The ministerial actions did not require NEPA review and resulted in obligations of approximately \$300 million (an increase of more than \$12 million). Completed NEPA reviews were relied upon for obligating more than \$1 billion in ARRA funds for work on green buildings.

GSA completed approximately 100 NEPA reviews: more than 85 CEs, more than 5 EAs, and approximately 5 EISs. GSA also reported approximately 160 NEPA reviews were pending (a decrease of more than 50 since the last report). Of those pending reviews reported, 2 are EISs, 10 are EAs and 147 are CEs. Of those underway, approximately 155 NEPA reviews are pending for more than one reporting period. They are still undergoing scope clarifications and in some cases feasibility studies are underway. In some regions the majority of projects are on historic buildings, and GSA continues to work on the National Historic Preservation Act coordination. GSA anticipates that more pending projects will be completed during the next reporting period.

- s. National Aeronautics and Space Administration (NASA) (Attachment 21): As of September 30, the National Aeronautics and Space Administration reported 14 projects receiving ARRA funds, an increase of 5 since the last report. NASA reported on more than 70 NEPA reviews. A project may 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 reported completing 43 NEPA reviews: 31 CEs; 11 EAs; and 1 EIS. NASA reported 31 new NEPA reviews were underway, of those pending reviews 1 is an EA and 30 are CEs. Total obligation rose from more than \$8 to approximately \$395 million.

- t. National Endowment for the Arts (NEA) (Attachment 22): As of September 30, the National Endowment for the Arts reported on more than 690 projects and activities receiving ARRA funds, an increase of approximately 630 since the previous report. All completed NEPA reviews were CEs. More than \$43.6 million in ARRA funding has been obligated which is more than 80% of the ARRA appropriation. 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 conducted during this reporting period.
- u. National Science Foundation (NSF) (Attachment 23): The National Science Foundation reported on approximately 4,700 projects and activities that received ARRA funds, an increase of more than 3,350 since the last report. Categorical exclusions have been completed for more than 4,680 NSF general research awards that support individual scientific research and related activities. For the reporting period NSF also reports 1 EA was completed, and 1 EIS is underway. More than \$2.4 billion in ARRA funding, an increase in \$3.8 billion since the last report, 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 4 projects did not require NEPA review. For projects and activities receiving ARRA funding that require NEPA review, 12 CEs were completed. SBA obligated approximately \$325 million in ARRA funding as of September 30.
- w. Social Security Administration (SSA) (Attachment 25): The Social Security Administration again reported on 3 projects and activities receiving ARRA funds. SSA reported 3 NEPA reviews; 2 CEs have been completed and 1 CE is pending. SSA reported obligating more than \$37 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 \$147 million in ARRA funds during this reporting period. The pending CE is for the construction of a new data center. The total obligations increased from \$64.5 to more than \$186 million.
- x. United States Agency for International Development (USAID) (Attachment 26): The United States Agency for International Development again reported on 1 project receiving ARRA funds. A CE is pending for development and rollout of the Global Acquisition and Assistance System (GLAAS). CEQ has urged USAID to complete work on its NEPA procedures that will allow for expeditious NEPA review to facilitate the payment of about \$18 million ARRA funds. The more than \$20 million ARRA funds expended to date have been for development of the preliminary design and site selection criteria.

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

Attachments:

- (1) CEQ Memorandum, Environmental Compliance and Guidance for Reporting NEPA Status and Progress for ARRA Activities and Projects, dated April 3, 2009
- (1A) ARRA Section 1609(c) Reporting Guidance, dated August 17, 2009
- (2) Overview Spreadsheet of Department and Agency NEPA 1609 Report
- (3) – (26) Department and agency NEPA Section 1609 (c) Reports

#