

## Attachment 11H(1)

### Explanatory Note for Fish and Wildlife Service Report February 1, 2010

This memorandum transmits the Fish and Wildlife Service's (FWS) National Environmental Policy Act (NEPA) compliance report for projects and activities funded under Section 1609 (c) of the American Recovery and Reinvestment Act of 2009 (ARRA). The attached Excel reporting template identifies the NEPA compliance status for all FWS ARRA projects and activities identified or selected through December 31, 2009. This report updates and clarifies previous FWS submissions and reports on new projects added or completed during the current reporting period.

The FWS reported 90.5 percent of projects started as of December 31, 2009. The total number of FWS ARRA projects/activities has declined from the previous total of 713 as a result of 9 projects being cancelled or withdrawn during the current reporting period. Projects were withdrawn due to complex design issues, unresolved land use issues or other project development issues that could not be resolved in time to meet the required ARRA timeframes. The funding associated with these projects was reallocated to support other ARRA projects.

955 NEPA compliance reviews have been completed for 704 FWS ARRA projects/activities. Some projects include a combination of multiple phases, components, and activities that have independent utility and are individually analyzed under NEPA but may be tracked under a single project number. This results in a greater number of NEPA actions than the number of ARRA funded projects reported. This report documents a decrease in pending NEPA actions from 13 percent in the September 30, 2009, report to 6 percent pending in the quarter ending December 31, 2009.

The majority of the FWS projects meet the criteria for categorical exclusions. Documentation has been completed for majority of the FWS ARRA projects. The NEPA reviews remain pending for 64 of the FWS ARRA funded projects/activities. This includes 33 categorical exclusions and 31 environmental assessments, as identified by project numbers and justification, below.

#### **Pending Categorical Exclusions:**

Anticipate completion of NEPA documentation in January 2010:

- **R1PM** (row 55)

Primarily private lands projects awaiting landowner negotiations completion:

- **R3EA**(row 186) , **R3EC** (row 201), **R3EF** (row 205), **R3EG** (row 210), **R3EJ** (row 217), **R3EK** (row 220), **R3EL** (row 221), **R3EM** (row 223), **R3EN** (row 225), **R3EQ** (row 227), **R3ER** (row 231), **R3ET** (row 232), and **R3GB** (row 242)

Anticipate completion by next reporting period:

- **R3GU** (row 257)

Scheduled for completion in January 2010:

- **R4QL** (row 435), **R4TC** (row 442), **R4TD** (row 443), **R4UF** (row 446), and **R4UG** (row 449)

Awaiting completion of cultural resources assessments or further collaboration with affected State:

- **R5PR** (row 508), **R5RA** (row 516), and **R5UB** (row 524)

Awaiting project site selection:

- **R6BD** (row 529), **R6EB** (row 600), **R6JA** (row 672), **R6JA** (row 675), **R6JA** (row 676), **R6JA** (row 678), and **R6JA** (row 679)

Project design awarded in December 2009:

- **R8BD** (row 782)

Anticipate completion of NEPA documentation by next reporting period:

- **R9VA** (row 836), **R9VG** (row 842)

### **Pending Environmental Assessments:**

Project design decisions are currently being finalized:

- **R1AA** (row 55) and **R1GF** (row 55)

Scheduled for completion by next reporting period:

- **R2AA** (row 55), **R2AF** (row 55), **R2MC** (row 55), **R2UA** (row 55), and **R2UC** (row 55)

Recently determined an EA is required; awaiting survey data:

- **R3BC** (row 55)

EAs are scheduled for completion by the next reporting period:

- **R4GG** (row 55), **R4GH** (row 55), **R4LA** (row 55), and **R4LC** (row 55)

Public review of EA will close on January 18, 2010:

- **R5EA** (row 55)

The EA is in progress:

- **R6MA** (row 55), **R6TA** (row 55), and **R6UA** (row 55)

These actions represent multiple phases of a project that will be covered by a single EA that is currently in progress:

- **R7CA** (row 55), **R7CB** (row 55), **R7CC** (row 55), **R7CD** (row 55), **R7CE** (row 55), **R7CF** (row 55), **R7CG** (row 55), **R7CH** (row 55), **R7CJ** (row 55), **R7CK** (row 55), **R7CL** (row 55), and **R7MA** (row 55)

Public review of EA is complete; MOA with SHPO is under review:

- **R8AA** (row 55)

Public review and SHPO compliance complete, awaiting refuge compatibility determination:

- **R8AF** (row 55)

Anticipate completion by March 2010:

- **R8UA** (row 55)

We are continuing to expedite the completion of these requirements and anticipate that most of the remaining NEPA documentation will be completed during the next reporting period.

**Withdrawns:**

Nine FWS projects were cancelled or withdrawn during the current reporting period. These projects were withdrawn due to complex design issues, unresolved land use issues or other project development issues that could not be resolved in time to meet the required ARRA timeframes. The funding associated with these projects was reallocated to support other ARRA projects.

R3GD (row 861) and R3GV(row 862): Circumstances changed in both instances and the projects were no longer needed.

R1PC (row 847) and R1PF (row 848): Cancellations occurred due to lack of available funds and/or permitting and on the ground work could not be completed in a timely manner.

R6HH (row 892) involved a historic structure that could not be demolished.

R5TA (row 885) withdrawn as the list of ARRA projects was prepared in favor of other projects that were considered shovel ready. While the project is partially funded, it is currently not going forward due to lack of other funds.