

## **Attachment 13A**

### **Explanatory Note for Department of Labor (DOL) Report February 1, 2010**

Department of Labor (DOL) projects/activities funded under Division A of the American Recovery and Reinvestment Act of 2009 (ARRA) include projects/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.

The differences between budget amounts in the CEQ spreadsheet column, "Total ARRA Appropriation for Projects and Activities" and the amounts shown in the ARRA Appropriations language are the result of transfers for the one (1) percent set aside totaling \$44.7 million in ARRA Part A funds authorized for administering the ETA grants programs and the spread of the \$80 million appropriated to Departmental Management among five (5) salaries and expenses accounts.

A description of the ARRA funded projects/activities reported on the DOL spreadsheet follows.

- The \$2,914,702,690 obligated for adult, youth, and dislocated services (Rows 1-3 on Page 1 of the spreadsheet) are formula block grants and NEPA is not applicable. The dollar value of these grants is determined by a mandated formula for states and local governments to provide employment and training services.
- The \$59,304,203 obligated for the dislocated worker national reserve (Row 4) includes \$55.7 million in National Emergency Grants. This program is not discretionary and NEPA does not apply.
- For the \$48,010,745 obligated for YouthBuild activities (Row 5), funds were awarded in the form of 75 project grants to public or private nonprofit institutions and/or organizations.
- The \$54,584,598 obligated for training and placement in High Growth Industries (Row 6) were awarded in the form of 91 State Labor Market and Green Capacity Building grants. See below for additional information about the grant competitions.
- The \$118,800,000 obligated for Community Service Employment for Older Workers (Row 7) are formula grants and NEPA is not applicable. The dollar value of these grants is determined by a mandated formula for states and local governments and national sponsors to provide community service employment and training.

- The \$396,000,000 obligated for unemployment insurance grants to states and re-employment services (Rows 8 and 9) are grant funds for payments through the workforce system that are not subject to NEPA analysis or documentation because there is no agency discretion as these grants are formula grants (unemployment insurance, trade adjustment assistance, workers' compensation programs, retirement programs, employee protection programs, and related employees benefit programs or activities involving the replacement or regulation of employee wages).
- Obligations for \$190,390,613 were for Job Corps projects (Row 10 - see explanation below).
- Rows 11-15 on Page 1 of the spreadsheet are Salaries and Expenses accounts which include program and administrative funds for which breakouts are not available and therefore the entire amount of ARRA Division A appropriated funds is listed in column D. These include programs that administer inspections and investigations for administrative civil enforcement actions and therefore NEPA is not applicable (40 CFR 1508.18).

Training and Placement in High Growth Industries Solicitation for Grant Applications (SGAs) (Page 1, Row 10):

The Department announced six grant competitions via SGAs totaling up to \$720 million minus the costs of administration and technical assistance. On June 24, 2009, DOL released five competitions to fund projects that prepare workers for green jobs in the energy efficiency and renewable energy industries. The competitions are titled as follows: (1) State Labor Market Information Improvement Grants; (2) Energy Training Partnership Grants; (3) Pathways Out of Poverty Grants; (4) State Energy Sector Partnerships and Training Grants; and (5) Green Capacity Building Grants. On July 22, 2009 the Department released a sixth SGA for training in Health Care, and Other High Growth and Emerging Industries. Grant competitions were open to applicants between 45 and 120 days since August.

The last competition closed on October 20, 2009. Technical review panels evaluate applications against selection criteria laid out in the SGAs before funding decisions are made. Funding announcements began in November 2009 and continue until January 2010. Between October and December 2009, the Department announced grant award winners for two of the five green jobs-focused competitions: the State Labor Market Information Improvement Grants and the Green Capacity Building Grants. There were 30 grants awarded, including 6 consortia of states, under the State Labor Market grants, and 62 grants announced under the Green Capacity Building grant competition. However, only 61 Green Capacity Building grants were awarded as of December 31, 2009.

Also, between October and December, applications were paneled for the remaining three green jobs grant competitions and the health care and other high

growth competition. The Department plans to make announcements of the remaining grant winners in the next quarter and obligations will be made as well. 29 CFR 11.10 (c) *Other Departmental actions* states that certain actions taken to implement other Department of Labor programs will normally qualify for categorical exclusion from NEPA requirements. These actions include: Training activities, other Job Corps, including work experience, classroom training and public service employment. As a result, the awards described above are exempt from NEPA reporting.

Job Corps projects:

The Office of Job Corps relocated several leased buildings at the Los Angeles Job Corps Center into one large leased building using Recovery Act funding. An Environmental Assessment was conducted in 2005. The Department concluded that the 2005 Environmental Assessment is sufficient and no updates are required. A new Job Corps Center in Ottumwa, Iowa will be constructed using ARRA Funding. The Environmental Assessment for the Ottumwa Iowa Center has been completed and the Finding of No Significant Impact (FONSI) was published in the Federal Register on April 10, 2008 (Page 19531).

The Office of Job Corps originally proposed 9 renewable energy projects using ARRA funds, and decided to prepare Environmental Assessments on 8 wind turbine projects and 1 ground mounted solar project. The decision to conduct Environmental Assessments for the wind turbine projects was because of their potentially sensitive and prominent nature. Wind turbines require high towers and may generate noise, cause flickering shadows, and alter landscapes. These changes may be significant and may differ from a community's standard expectations for a Job Corps Center. Therefore, wind turbine projects are considered to need an Environmental Assessment. Similarly, a ground mounted solar project is not typical for a Job Corps Center so an Environmental Assessment is considered to be needed for this project.

Originally, Job Corps combined all renewable energy projects into one row on Page 2 of the spreadsheet even though Job Corps had seen progress on several of the projects. To make it easier to track these Job Corps projects, each renewable energy project is now shown as a separate row on the spreadsheet. Two of the original 8 wind turbine projects were cancelled due to the potential risk to migratory birds.

Currently, 5 wind turbine projects (Hawaii, Angell, North Texas, Laredo, and Cassadaga) had a FONSI recommended and subsequently Job Corps published the required Federal Register Notices on September 1, 2009 and November 4, 2009 with an effective date of October 16, 2009, for the Hawaii, Angell, Laredo, and Cassadaga projects. The Pine Ridge wind turbine project assessment raised a concern about potential impacts on wildlife. Job Corps management has examined the consolidated concerns from Fish and Wildlife, the Forest Service, and the Nebraska Parks and has determined that the project will proceed with a FONSI. Job Corps expects the wind turbine procurements to be published on *FedBizOps* by February 1, 2010 and expects to evaluate proposals by March

1, 2010 and begin making awards. The Westover solar project received its assessment and a FONSI which the Job Corps published in the Federal Register for public comment on September 1, 2009. After review, the final notice was published in the Federal Register on November 4, 2009, with an effective date of October 16, 2009.

A large majority of Job Corps projects funded by the Recovery Act involve alteration, renovation, equipment replacement, or repair of existing Job Corps Centers. These actions will not result in a substantial alteration to an individual Job Corps Center and are appropriate for classification as categorical exclusions.

Other Office of Job Corps projects (educational services, green center projects, fleet efficiency, program oversight, outreach, and technology enhancements) involve the purchase of products or services which do not have an environmental impact as described in the Department of Labor NEPA regulations.

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