

Attachment 17A

Explanatory Note for Department of Veterans Affairs (VA) Report November 2, 2009

The following is a list of VA projects that received funding under the American Recovery and Reinvestment Act of 2009 (ARRA) and information explaining the spreadsheet and the procedures used to determine the National Environmental Policy Act (NEPA) status of ARRA funded VA projects and activities..

Changes since the previous report include:

- VA completed four additional Environmental Assessments (EAs) for (1) the paving project at Minneapolis VA Medical Center (VAMC), (2) installing and operating rooftop solar photovoltaic power at Calverton National Cemetery, (3) installing and operating a wind turbine at Bourne National Cemetery, and (4) installing and operating solar power units at San Joaquin National Cemetery.
- VA categorically excluded installing and operating the ground source heat pumps at St. Cloud VA Medical Center (VAMC).

The status of each project with NEPA actions that have been pending for multiple reports are included in the discussions for each individual line item below.

Veterans Health Administration (VHA) Medical Facilities - Non-Recurring Maintenance (NRM) and Energy Projects

VHA Medical Facilities NRM includes a grand total of 932 ARRA-funded projects. 849 are NRM projects and 83 are energy projects receiving NRM funding.

The VA Office of General Counsel (OGC) reviewed these projects and determined that the majority of them should be categorically excluded based on the regulatory definition of a categorical exclusion (CE) contained in VA's NEPA procedures at 38 CFR Part 26. VA OGC requested that VHA review the remaining projects to determine if the breadth and scope of these projects indicated that they should be categorically excluded. VHA staff having expertise in environmental program management, including NEPA, evaluated the remaining projects to determine if the projects met the letter and/or intent of VHA's definition of a categorically excluded project. To-date, 848 NRM projects have been categorically excluded.

For the energy projects receiving VHA NRM funding, the Office of Asset Enterprise Management (OAEM) Green Management Program Office follows 38 CFR Part 26 requirements in order to ensure that the appropriate NEPA determinations are made. The requirements list categories and regulations for CEs, EAs, and Environmental Impact Statements (EISs). The Green Management Office reviewed detailed project descriptions

for their ARRA-funded projects, and sought guidance from the VA OGC to make determine the need and level of NEPA analysis.

NEPA is not applicable to 51 of the 83 energy projects because those 51 are generalized feasibility studies to determine if alternative energy generation is viable. One energy project was categorically excluded. The remaining 31 energy projects require EAs.

The status of the pending EAs are as follows. These actions have carried over from the last report:

- Construct a Renewably Fueled Cogeneration System at the Togus VAMC (Line 2 on Page 2 of the spreadsheet) – the contract to conduct the EA was awarded on 9/23/09.
- Construct a Renewably Fueled Cogeneration System at White River Junction VAMC (Line 3) – the contract to conduct the EA was awarded on 9/23/09.
- Implement Ground Source Heat Pump at the Dublin VAMC (Line 4) – the contract to conduct the EA was awarded on 9/4/09.
- Construct a Solar Photovoltaic System at up to 8 locations (Line 8) – the contract has not been awarded. The planned award date is the second quarter of FY 2010.
- Construct Wind Turbines for up to 6 locations (Line 9) - the contract has not been awarded. The planned award date is the third quarter of FY 2010.
- Implement Direct Geothermal at up to 5 sites (Line 10) - the contract has not been awarded. The planned award date is the third quarter of FY 2010.
- Construct Renewably Fueled Cogeneration Systems at up to 9 sites (Line 11) - the contract has not been awarded. The planned award date is the third quarter of FY 2010.

Veterans Health Administration – Grants for State Extended Care

The VA OGC determined that NEPA is not applicable to this Program and is treating it as one project.

National Cemetery Administration (NCA) Monument and Memorial Repairs

NCA follows 38 CFR 26 requirements in order to ensure that the appropriate NEPA determinations are made. The NCA Office of Construction Management reviews the projects and determines the appropriate level of NEPA analysis. Three hundred ninety-two of the NCA projects were routine operation and maintenance projects that could be categorically excluded. Three projects were renewable energy projects. EAs were completed for each of these projects during the last reporting period:

- Rooftop solar photovoltaic power – Calverton, NY the Finding of No Significant Impact (FONSI) was signed on 8/24/09
- Wind turbine – Bourne, MA the FONSI was signed on 8/19/09
- Ground mounted solar photovoltaic power – San Joaquin, CA the FONSI was signed on 8/19/09

Veterans Benefits Administration (VBA) – Hiring Temporary Claims Processors (IT VBA Support):

The VA OGC reviewed this project and determined it can be categorically excluded under 38 CFR 26.6b[1][xi] which states that “VA policies, actions and studies which do not significantly affect the quality of the human environment,” may be categorically excluded. The project meets the requirements of 38 CFR 26.6b(2) which lists specific criteria for typical classes of action which normally do not require either an EA or an EIS. Further, extraordinary circumstances as outlined in 38 CFR 26.6b(3) do not apply.

This CE was pending in the last report and has remained pending during this reporting period. The CE has been going through internal processing since VA OGC determined the action could be categorically excluded. VBA completed the CE for this project in October 2009. The NEPA status will updated in the next VA report.

VBA – GOE Claims Processors and GOE Support of Veterans Economic Recovery Payments

The VA OGC reviewed these Programs and determined them each to be categorically excluded under the VA NEPA implementing regulations. Each of these programs is treated as one project.

Office of Information and Technology (OIT) (IT Support of Veterans Economic Recovery Payments):

The VA OGC reviewed this Program and determined it to be categorically excluded under the VA NEPA implementing regulations and treated it as one project.

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