

Attachment 9A
Explanatory Note for Department of Homeland Security (DHS) Report

November 2, 2009

The following information addresses the Department of Homeland Security (DHS) spreadsheet on the status of NEPA compliance for DHS projects/activities receiving funding under the American Recovery and Reinvestment Act of 2009 (ARRA).

1. NEPA is not applicable to TAFS 70-0708-2009 \ 2010, FEMA Emergency Food and Shelter, Recovery Act, because DHS performs purely an administrative function to support a committee of federal and non-federal members, chaired by the Red Cross, that determines which activities should receive funding.

2. The Transportation Security Administration (TSA) reported 16 projects/activities for Explosive Detection Systems' ("Installation and improvements to baggage conveyor systems at Federalized airports") in the second report under TAFS 70-0556-2009/2010. These were grouped together because all 16 were categorically excluded. As a part of the application of the categorical exclusion, all environmental review requirements were considered to ensure that there are no extraordinary circumstances. When it was determined that the program of activities was categorically excluded, all federal environmental reviews and documents were also completed. Since the second report one of these projects was deleted reducing the number to 15. Additional NEPA review was identified and subsequently completed on 9/9/2009. Due to excellent management of the program and current economic conditions, a substantial savings was realized on the first 15 projects, enabling an additional 10 new projects for installation and improvements to baggage conveyor systems at Federalized airports. The NEPA review of these 10 projects is pending.

3. The Transportation Security Administration (TSA) Explosive Detection Systems' reported 5 projects/activities ("Facility modifications projects to deploy Advanced Surveillance Systems) in the second report under TAFS 70-0556-2009/2010. These were grouped together because all 5 were categorically excluded. As a part of the application of the categorical exclusion, all environmental review requirements were considered to ensure that there are no extraordinary circumstances. When it was determined that the program of activities was categorically excluded, all federal environmental reviews and documents were also completed. Subsequent to the second report, 7 new projects were added due to excellent management of the program and current economic conditions. The NEPA review of these 7 projects is pending.

4. The entry for the CBP funding for Non-intrusive Inspection Systems shows \$1,944,478 in obligations, but no NEPA actions. The reason for this is because the actions requiring NEPA review are not yet sufficiently defined and CBP has been obligating funds for salaries and expenses for purposes of defining the proposed actions so that the appropriate level of NEPA review for meaningful environmental review can be determined and then completed.

5. Explanation for FEMA Transit and Rail Security and Port Security programs (TAFS 70-0563-2009\2010). All funds under both of these programs have been obligated, but NEPA review has

not been completed. The administration of these grant programs involves obligating funds through grant awards, but with prohibitions on their use pending completion of all federal environmental reviews and documents, among other things. Grantees may not start any projects without further approval.

6. TAFS 70\0201, Operating Expenses, for \$5,000,000 funds the oversight role of the DHS Office of Inspector General in administering the ARRA activities in the department. It has been deleted from this and future reports.

7. Explanation of Pending NEPA Reviews over multiple reports:

- a. TAFS 70-0118-2009 \ 2010 – this program for the DHS Consolidated Headquarters at St Elizabeths requires an EIS. This EIS is being prepared with the General Services Administration as the lead agency and is expected to be completed in the summer of 2010.
- b. TAFS 70-0546-2009 \ 2010 – NEPA review continues as this program for Atlas Tactical Communications and Radios in Immigration and Customs Enforcement becomes more defined.
- c. TAFS 70-0535-2009 \ 2010 – Completion of NEPA review is pending for these activities because DHS is awaiting the results of an internal review of this program as a part of a larger review of immigration policy and activities. All associated federal environmental reviews, including public involvement, have been completed for 17 of these Land Port of Entry (LPOE) projects. The only remaining NEPA requirement for ten of these LPOE projects is the publication of a Notice of Availability of the Finding of No Significant Impact (FONSI). These ten LPOE projects are: Antler, Noonan, Hansboro, Carbury, Wethope, Walhalla, Neche, Churubusco, Maida, and Morgan. For seven more of these LPOE projects, DHS is satisfied that a FONSI is likely; however the administrative action of completing the FONSI remains before the appropriate notices can be published. These other seven LPOE projects are: Pinnacle Road, Wild Horse, Antelope Wells, Scobey, Pittsburg, Sherwood, Whitetail, and Frontier. DHS expects to be able to provide the appropriate public notifications of the completion of the NEPA review for all 17 of these LPOE projects before the end of 2009.
- d. TAFS 7009/100617 – NEPA review continues for the projects at Support Center Elizabeth City and Training Center Yorktown in the U.S. Coast Guard.

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