AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)
SECTION 1609(c) REPORTING GUIDANCE: Final June 16, 2009

Executive Branch Departments and agencies receiving appropriations under Division A of the ARRA must submit their Section 1609 (c) report to CEQ at recovery@ceq.eop.gov on July 15th, 2009, for all activities and projects funded **through** June 30, 2009.

That ARRA Section 1609(c) report will report on the NEPA status and progress of all ARRA funded projects and activities through June 30, 2009. Tuesday June 30, 2009, is the "End Date for the Report."

The report due July 15, 2009, is cumulative. It must use the CEQ provided spreadsheet with the information provided to CEQ for the report period that ended April 24, 2009. The report due July 15 must update that information (for example, adding new projects and activities, updating previous reported NEPA actions from pending to completed, adding done dates, etc).

Based on the submitted reports, CEQ will prepare the next Section 1609(c) report due to Congress no later than Monday, August 3, 2009.

Subsequent department and agency Section 1609(c) reports must be submitted to CEQ on or before October 15, 2009, and every 90 days thereafter through October 15, 2011. These quarterly reports will include the NEPA status and progress on all Recovery Act projects and activities through the last day of the previous month (the "End Date for this Report"). The reports are cumulative and must contain information previously reported with relevant updates and additions.

Projects and activities that are funded under Division B of the Recovery Act and oversight /audit funds provided to the Office of Inspector general are not reportable and should not be included in the Section 1609(c) NEPA spreadsheet. Other types of administrative funds should be discussed with CEQ and must focus on the specific language of the Recovery Act; consequently, refer CEQ to the provision of the Recovery Act that is in question.

The Section 1609 reports must be submitted to CEQ at recovery@ceq.eop.gov. The submission must include the completed spreadsheets and a cover memo (the cover memo must be a word document (to facilitate standardized formatting for all submittals) and be attached along with the spreadsheet in your e-mail submission – a pdf version of the cover memo may be submitted as well as, not in lieu of, the document attached to the e-mail submission). The memo or e-mail must identify the point(s) of contact for further information as well as explanation(s) of how the spreadsheets were completed (see instructions below). All communications to CEQ regarding ARRA reporting should be sent to the "recovery@ceq.eop.gov" e-mail address. E-mail submittal headings should provide enough information to allow CEQ to determine which Agency and which report is being referenced / submitted (for example, subject: "DOD July 15 09 1609 ARRA report') .

To ensure the information quality of Section 1609(c) reports, the department or agency funding the project or activity under the ARRA will be responsible for reporting the status of all NEPA compliance associated with the project or activity – including any environmental review and documentation prepared by or for an approving or permitting agency, a grantee or a contractor.

In those cases where more than one NEPA review is prepared for the same project/activity, the status of the "NEPA action" and "Date NEPA is Done" columns on page 2 of the attached spreadsheet would reflect the latest NEPA action taken.

In cases involving NEPA work performed by contractors, if the contractor should provide the agency with information necessary for Section 1609 reporting then the department or agency funding the project or activity with ARRA funds should work with the contracting officer to develop any necessary special contract provisions..

Agencies should follow provide reports based on the CEQ guidance provided to Agencies on June 12, 2009.

Use the following instructions to complete the attached spreadsheet:

- Use the provided CEQ spreadsheet. Please note the built-in formulas to assist in tabulation of data (do not delete). If significant changes / modifications to the spreadsheet are required to accommodate your agency data, please coordinate with CEQ prior to submitting the report or making any changes or modifications to the spreadsheet. The spreadsheets were developed to capture specific pieces of information and insure data quality. Modifications prevent CEQ from obtaining the required information or verifying the accuracy of the data.

- If you add (insert) rows to page 1 or page 2 of the spreadsheet, please be sure to copy and paste formulas into the new rows. The formulas do not automatically transfer into a newly created row.

- If the spreadsheet consists of multiple pages, please add page numbers to the spreadsheet.

- Cover Memos are required with submittal of completed spreadsheet. Cover memo should provide agency point of contact and all information required to understand the data provided in the spreadsheet.

- Agency reviews should be completed before submitting cover memos and spreadsheets to CEQ. The individuals who would be responsible for reviewing and receiving the information from OMB required for interagency clearance should be made aware of the status of the spreadsheets and cover memos before they are submitted to CEQ.

- Please note that if instructions state to "leave blank" that means no data entry should be made. No additional data terminology should be entered in any fields.

- Enter data exactly as specified by the instructions or spreadsheet. Any data entry terminology not specified by the instructions / spreadsheet will prevent the spreadsheet from tabulating data correctly and prevent CEQ from mining the data from the spreadsheet for the report to Congress.

- All previously reported data should be included in the most current report. You do **NOT** stop reporting completed or withdrawn projects / activities. The entries for projects / activities remain on the spreadsheet – remember that reporting is cumulative. Departments / Agencies are required to submit cumulative reports until all ARRA projects and activities are completed. In that rare case, CEQ will receive a memo from you at recovery@ceq.gov confirming that the previously submitted report reflected completion of all reportable items and no changes occurred during that latest reporting period. Such a report is required for each subsequent reporting period. In the event something changes (for example, identifying the need to supplement or prepare a new project or prior NEPA action) then update and submit the last spreadsheet submitted to CEQ.

Use the following instructions to complete page 1 of the attached spreadsheet:

- The department or agency name, end date of the report, submitter, and contact information for the submitter are entered at the top of page 1.

- The information in columns B (Treasury Appropriations Fund Symbol); D (Total ARRA Appropriations – for the Title/Program reported on that line) and L (Total Obligations – for the ARRA Funded Projects and Activities reported on that line) is available from the department or agency financial officials responsible for ARRA funding.

Note: In order for CEQ to generate a report which aligns with the ARRA Appropriations bill, the Title / Program categories should match with those outlined in the bill (please refer to the previously provided copy of the ARRA bill). In instances where the Title / Program category used by the Department / Agency does not align with the bill, or has changed from the last submitted report, please provide an explanation in the official cover memo transmitting the spreadsheet.

- All appropriations / programs that are associated with ARRA should be reflected on page 1, column B, C, & D of the spreadsheet, even if projects have not yet been selected or identified. The fact that projects and activities and related NEPA determinations are yet to be determined should be noted on the official cover memo transmitting the spreadsheet to CEQ.

- The information in column C (Title/Program) must be identical on both pages for the spreadsheet to function properly.

- The number of ARRA funded projects and activities are entered in column E. When the department or agency is using estimates or is aggregating projects or activities, the cover memo must explain the how the estimate or aggregate was developed.

- The determination that NEPA procedures are not applicable is reported in column F. For example: (1) when there is no NEPA analysis or documentation required because there is no agency discretion for NEPA analysis; (2) when NEPA is statutorily waived (e.g. Clean Water Act Section 511(c)); or (3) when the activity or project is under another process that is functionally equivalent to NEPA (functional equivalence is limited to certain EPA programs such as CERCLA); then the total number of such determinations will be reported on page 1 of the attached spreadsheet in the "NEPA Not Applicable" column with the total number of such projects and activities. If NEPA is Not Applicable (N/A), columns B, C, D, E, & F (on page 1) should still be filled out. There are no entries on page 2 for such projects and activities. The official cover memo submitting the spreadsheet should contain a brief description of the rationale supporting the determination that NEPA is not applicable.

- Columns G, H, I, J, and K on page 1 are automatically imported from page 2. Do **NOT** manually enter data for these columns. Go to Page 2 and enter data.

- The total obligations in column L reflect the amounts that will result in outlays, immediately or in the future, for a project or activity. Obligation data should correlate with the Funds Available data on recovery.gov as of the report end date. Please note that obligation means funds are available (i.e. committed).

Use the following instructions to complete page 2 of the attached spreadsheet:

- The "Title/Program" from column C on page 1 is repeated in column B of page 2 These entries must be identical for the spreadsheet to work properly.

- The "Description of the Project/Activity" in column C is determined by the reporting department or agency and must be one that is unique and which clearly identifies the specific ARRA projects and activities (e.g., agency project identification number). Executive Branch departments and agencies can report on either: (1) individual projects and activities; or (2) groups of projects or activities when the projects or activities are similar and comply with NEPA in the same way.

Note: If you have a grant program (award pending) but are unsure on how many of these grants will be covered under an existing CE, EA, or EIS, the following is required. The grants coming under a particular program / title should be identified by entering information in columns B and C on page 2. However, if the number of grants in known, the number should be entered in column D of page 2 and the NEPA action would be entered as "pending". Corresponding entries should be made for columns B, C, D, E, & L on page 1. An explanation should be provided in the cover memo to clarify the situation.

- The “NEPA Action” is reported with the number of projects and activities in column D. The number is determined by the number of similar projects/activities that use the same NEPA action. For example, if 57 grants under the same grant program were categorically excluded, the grants can be reported on one line by entering “57” in column D. Agencies must explain the basis for grouping the projects/activities in the cover memo (i.e., all grants are for similarly activities that are categorically excluded are reported on the same line and those that are pending completion are reported on a separate line).

Note: For individual projects with multiple NEPA actions, the total number of NEPA actions would be specified. For example on an individual project, if there are three NEPA actions required for the project (one for the funding agency, and two for permits that allow the project or activity to proceed), then the quantity entered would be 3. The Date NEPA is Done (column I) would reflect the date the last NEPA Action is completed. Projects with multiple NEPA Actions should be explained in the cover memo.

Note: For projects which can be grouped as “like” projects, please note that grouping the projects / activities on a single line requires that the like projects / activities comply with NEPA in the same way. Therefore, in the case where they are three NEPA actions for the group, each of the grouped projects / activities would use the same 3 NEPA actions. Projects / activities that are grouped should be explained in the cover memo. When grouping “like” projects / activities, the project / activity description (column B) on page 2 should identify the similar projects and activities by including the total number of projects and appropriate project ID numbers in the description.

- The type of NEPA action (i.e., CE, EA or EIS) is reported in column E. If the type of NEPA action has **NOT** been determined, then column E should remain blank.

- The status of the NEPA action (i.e., pending, done, or withdrawn) is reported in column F.

    - Categorical Exclusion (CE) actions are reported as “pending” in those cases where a CE is not completed (i.e., done) on the end date of the report. The CE is reported as “done” after the determination has been made that there are no extraordinary circumstances or after finalizing the document when the agency prepares documentation for the CE. The cover memo must describe how the date was determined (e.g., the date the documentation was completed; the date the latest CE documentation for a group of similar projects/activities using the same CE was completed).

    - Environmental Assessment (EA) actions are reported as “pending” after initiation (e.g., public involvement as practicable, if not practicable then date of intra/inter-agency involvement). The EA is reported as “done” after completion of the FONSI (and any associated mitigation action plan).

- Environmental Impact Statement (EIS) actions are reported as “pending” after the Notice of Intent is published. The eis is reported as “done” when the Record of Decision is completed (i.e., signed or published) following the final EIS or any supplemental NEPA review and documentation.

- If any projects/activities are withdrawn or cancelled, then “withdrawn” is entered in column F.

- If the type of NEPA action has **<u>NOT</u>** been determined, then column F should remain blank. Only Title / Program (column B) and Project / Activity (column C) should be completed for these identified projects.

* Columns G and H entries are automatically made in the CEQ provided spreadsheet; consequently, no information should be entered in those columns.

* When the NEPA action is done, the date it is done is entered in column I. When a group of similar projects/activities using the same type of NEPA action is reported on one line, then the date of the most recently completed NEPA action is reported and the method for determining the reported date must be described in the cover memo. When an agency uses a date other than the date a document is signed, the cover memo should explain the basis for the date.

* Enter “yes” or “no” in column J to indicate whether all applicable Federal environmental compliance requirements for the activity or project are completed – such as the requirements in the National Historic Preservation Act, Endangered Species Act, and Clean Water Act. Federal environmental compliance requirements include those delegated to other governmental entities (e.g., CWA section 401 certifications). You report “yes” only when all Federal environmental reviews / documents are completed to allow expenditure of Recovery Act funds. Situations among agencies are going to vary on what is considered the “last” environmental review / document. Agencies should contact CEQ if they have questions, and explain the situation and basis for the entry in the cover memo transmitting the spreadsheet.

<u>Use the following instructions to print out of the attached spreadsheet</u>:

* To eliminate additional rows and limit printing out blank pages:

  1) Select and click on the first row number with no data on page 2 (the entire row should become highlighted)

  2) Press ctrl-shift-end simultaneously

  3) Press delete

That should remove any additional blank pages that are printing out. Remember, that in future reports when you insert additional rows, you will have to copy/paste the formulas from the existing rows.

Any substantial delays in completing NEPA reviews and documentation should be reported to CEQ by sending an e-mail message to recovery@ceq.eop.gov that identifies the project, its current status, all known reasons for the delay, and a point of contact (name, title, organization, phone, cell phone and e-mail).

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