

Attachment 10D(1)

**Explanatory Note for the Bureau of Indian Affairs
August 2, 2010**

Attached is the Bureau of Indian Affairs' (IA) report to the Council on Environmental Quality, fulfilling Section 1609 reporting requirements for the American Recovery and Reinvestment Act of 2009 (ARRA) and compliance with the National Environmental Policy Act (NEPA). The five funded programs are School Replacement (SR), Detention Centers (DC), School Improvement and Repair (MIR), Housing Improvement Program (HIP) and Indian Road Repair and Restoration (Roads). This report documents the progress on currently funded ARRA projects.

Changes in ARRA projects

The previous quarterly report (May 3, 2010) included 767 ARRA funded projects and 94 project withdrawals. The reasons for the previous withdrawals have been explained in earlier quarterly reports. These 767 ARRA projects were covered by 742 proposed NEPA documents of which 624 had been completed in previous quarters.

Since the last report, the number of ARRA projects has decreased to 669 after three new MIR projects were added and 10 MIR projects, six HIP and 85 Road projects were withdrawn. The total number of NEPA actions has dropped to 620 because any previously completed NEPA actions for withdrawn projects are no longer counted, and some NEPA actions listed individually in previous quarterly reports have been combined. These changes are explained in the discussions below. Table 1 provides an overall summary of current NEPA actions.

Table 1 Summary of ARRA Projects and Remaining NEPA Actions

Category	Total NEPA actions	NEPA Actions Completed	Pending EAs	Pending CEs
SR	5	5	0	0
DC	4	4	0	0
MIR	103	96	0	7
HIP	129	84	33	12
Roads	379	379	0	0
TOTAL	620	568	33	19

SR, DC and MIR Projects (rows 1-34)

The Office of Facilities Management and Construction (OFMC) is currently responsible for NEPA compliance for 114 ARRA projects under the SR, DC, and MIR programs. This is seven less than reported in the last quarter, because three new MIR projects have been added and ten MIR projects have been withdrawn. These 114 projects are covered by 112 NEPA actions. At OFMC, only seven CEs (all of which are MIR projects) remain pending. Changes in this quarter's spread sheet are explained below.

- **SR** – EAs for all five projects are complete.
- **DC** – CEs for all four projects are complete.
- **MIR** – One hundred twelve projects were reported in the previous quarter; 105 projects are listed this quarter. In this reporting period, three new projects have been added: row 11 previously had one, now lists two; row 16a shows one new project listed; and row 27a previously showed two projects and now lists three. Of the three new projects added this quarter, one has a completed CE (row 11).

Ten projects were **withdrawn** this quarter:

- Four in the Great Plains Region (row25), including one previously listed pending project and three projects for which CEs had been reported complete, thus row 25a is reduced by 3.
- Six projects in the Rocky Mountain region have been withdrawn (row 32).

These projects were withdrawn because the cost proposals (bids) far exceeded budget estimates. The funds have been reprogrammed into other ARRA Projects.

The previous quarterly report listed six EAs and 17 CEs as pending. There are currently 7 CEs **pending**; five have been carried over from previous quarters. The pending actions include:

- a building renovation has been carried over from previous quarters awaiting new consultation for Endangered Species Act (ESA) Section 7 and National Historic Preservation Act (NHPA) Section 106 (row12);
- a new grant for school improvement added this quarter (row 16a);
- three building improvements, one is a new project and two are carried over from previous quarters, personnel changes in the Tribal Historic Preservation Office have delayed the processing of NHPA Section 106 consultation (row 27a);
- Two radio towers need permits from another landowning federal agency for construction (row 33).

Other changes from the previous quarterly report include:

- one action was previously listed as an EA, but after further review it was determined a CE was appropriate (row 14);
- Three previously listed EAs were evaluated and further review determined they could be handled appropriately under a one CE (row 29).

HIP Projects (rows 35-49)

The Bureau of Indian Affairs, HIP manages the NEPA process in coordination with tribes receiving recovery funds for home construction projects. The current number of HIP projects is 176; these projects are covered by 129 NEPA Actions. Funds have been obligated to tribal housing programs, but are not released until all NEPA compliance is complete.

Six HIP home sites were **withdrawn** this quarter (row 48b); there are now a total of 19 withdrawn HIP projects. Original cost estimates projected the construction of 20 homes, but rising building costs only allow for the construction of 14 homes.

The previous report listed 82 EAs and 12 CEs pending. There are currently 33 EAs and 12 CEs **pending**; all have been carried over from previous quarters. The pending actions include:

- Three EAs for Passamaquoddy Housing (row38a)
- Ten EAs for Oglala Housing (row 39)
- Ten EAs for Three Affiliated Housing (row 40)
- Three EAs for Navajo Housing (row 43a)
- Five EAs for Hoopa Housing (row 44)
- Nine CEs for Yurok Housing (row 45a)
- Three CEs for Crow Housing (row 46a)
- Two EAs for Cheyenne Arapaho Housing (row 47)

These projects listed as EAs or CEs are pending because weather has delayed fieldwork, and completing the necessary Section 106 NHPA consultations. The HIP program has a high number of EAs because many of these are new construction projects, which also include considerable field review and Section 106 review.

Other changes from the previous quarter include:

- Ten actions previously listed as individual EAs have been completed under a single programmatic EA (row 41);
- Twenty-two actions were previously listed as EAs; after further scoping 19 of these were completed as CEs (row 43), while the three remaining pending actions continue to be listed as EAs (row 43a);
- Twenty actions were previously listed as individual EAs. Six of these were withdrawn (row48b) and 14 of these have been completed under a single programmatic EA (row 49).

Roads (rows 50-60)

There are currently 379 proposed Roads projects. CE reviews have been completed on all of these.

Eighty-five Roads projects were **withdrawn** this quarter. CE reviews were completed on all of these projects, so consequently the number of CEs has also been reduced. The withdrawn projects have caused the following changes from the previous quarterly report:

- Two projects have been withdrawn from the Great Plains Region (row 49a), reducing row 50 from 31 to 29;
- Two projects have been withdrawn from the Southern Plains Region (row 50a), reducing row 51 from 13 to 11;
- Seven projects have been withdrawn from the Rocky Mountain Region (row51a) reducing row 52 from 14 to seven;
- Eight additional projects have been withdrawn from the Midwest Region, which has increased the project withdrawals from two to 10 (row 54) and reduced row 54a from 57 to 49;

- Six additional projects have been withdrawn from the Western Region, which has increased the project withdrawals from one to seven (row 55) and reduced row 55a from 85 to 79;
- Thirty-four additional projects have been withdrawn from the Pacific Region, which has increased the project withdrawals from five to 39 (row 56) and reduced row 56a from 86 to 52;
- Eleven projects have been withdrawn from the Southwest Region (row 56b) reducing row 57 from 57 to 46;
- Ten projects have been withdrawn from the Northwest Region (row 58a), reducing row 59 from 63 to 53; and
- Five additional projects have been withdrawn from the Eastern Region which has increased the project withdrawals from 14 to 19 (row 59a) and reduced row 60 from 28 to 23.

These projects were withdrawn because Tribes either chose to use the funds for other ARRA Roads projects within their tribe, or they chose not to accept the ARRA funds and the funds were redistributed to other ARRA Roads projects in the Regions. These funds will be used for ARRA Roads projects for which NEPA reviews have already been completed. No further NEPA actions are anticipated, but if the funds used to supplement existing projects also change the scope of these projects, additional NEPA review will occur.

There are **no pending** NEPA actions for this program.

NEPA Benefits

No new examples of NEPA Benefits have been identified this quarter, but previously reported benefits include:

Example 1: Facilities Construction at the Hunters Point Community School, Arizona (row 14)

Proposed construction includes removing an existing, non-historic school building located near the historic buildings, and constructing a new replacement building. Consultation with the Navajo Tribal Historic Preservation Office (THPO) determined that two buildings at the Hunter's Point School qualified for listing on the National Register of Historic Places. A formal agreement was signed with the THPO and minor design changes were made to ensure the exterior visual elements of the proposed new school include appropriate materials and colors that enhance and compliment the visual setting and character of the historic buildings located on the school grounds.

Example 2: Facilities Improvement and Repair Flandreau School, South Dakota (row 17)

Proposed improvements and repair include mechanical, electrical, architectural, civil and structural work both in the interior and on the exterior of 24 buildings. Consultation with the South Dakota State Historic Preservation Office (SHPO) determined that eleven buildings at the Flandreau School qualified for listing on the National Register of Historic Places. Nine of these buildings would be affected by the proposed work. Project plans are currently being evaluated in order to ensure that the proposed improvements and repair do not alter the historic characteristics

of the school property. Consultation with the SHPO is ensuring the historic characteristics are addressed, either through minor modification in plans or recovery of important historic elements. The school is also now pursuing more formal recognition of their historic structures.

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