

## **Attachment 10H(1)**

### **Explanatory Note for the Fish and Wildlife Service August 2, 2010**

Attached is the Fish and Wildlife Service's (FWS) National Environmental Policy Act (NEPA) compliance report for projects and activities funded under Section 1609 (c) of the American Recovery and Reinvestment Act (ARRA) of 2009. The Excel reporting template updates the NEPA compliance status for all FWS ARRA projects and activities identified or selected through June 30, 2010. This report updates and clarifies previous FWS submissions and reports on new projects added or completed during the current reporting period. The following information summarizes the content of our report.

During this reporting period, FWS obligated an additional \$127,355,773, bringing the total obligations to more than \$252.5 million. This increase in obligations is a result of the urgency to spend Recovery Act funds to create jobs and stimulate the economy. In response to Secretary Salazar's challenge to "have people working on the ground on every single one of our projects by no later than June 30, 2010", FWS regions worked diligently to obligate funds to meet internal quarterly obligation targets in order to ensure that the FWS would meet the Department's internal deadline for project mobilization by June 30, 2010, and the Recovery Act deadline of obligating all funds by September 30, 2010. Meeting these deadlines resulted in a significant increase in obligations for the June 30, 2010 reporting period.

#### **ARRA projects vs. NEPA actions**

The previous FWS ARRA NEPA status report (March 31, 2010) listed a total of 724 ARRA projects with 1,066 NEPA actions. As of June 30, 2010, FWS has a total of 719 ARRA projects with 1,073 NEPA actions. The net loss of five projects is due to the withdrawal of seven projects and a correction leading to the addition of two projects (see explanations below). As explained previously, some ARRA projects are defined broadly and therefore there can be broken down into subprojects that have independent utility and are individually analyzed under NEPA. This can result in a higher number of NEPA actions per ARRA project. The row numbers on spreadsheet page 2 identifies each ARRA project. Multiple lines under an ARRA row number depict subprojects under the same project code. All subprojects under the same ARRA project will have the same project code.

#### **Additions**

There were no new projects added this quarter. A total of 13 sub-projects were added: R3-EQ added 3 under row 207, R3EU - added 1 under row 210, R6EA - added 4 (between rows 517-518), R6EB - added 1 (between rows 518-519), and R6EC added 4 (between rows 519-520). These projects fall under the FWS Partners Program and

involve private landowners. FWS is continuing to work with landowners in some regions to finalize projects and identify appropriate project sites.

### **Pending Actions**

NEPA compliance has been completed for the majority of our ARRA funded projects. To date, 1,061 (99%) of the current total of 1,073 FWS NEPA actions have been completed, while only 12 NEPA actions (1%) remain pending. We anticipate that NEPA compliance for most of these actions will be finalized during the next reporting period. Attached is a list of pending actions and the reasons they remain pending. In addition, NEPA compliance has been completed for several projects that require other federal documentation, including Endangered Species Act, Clean Water Act, and National Historic Preservation Act permits and reviews. We are continuing to make progress toward completing these requirements.

### **Withdrawn Actions**

To date, the FWS has a total of 86 cancelled or withdrawn projects. There were 7 projects cancelled or withdrawn during this reporting period. Six of these (R1TA, R2GA, R2GA, R3DA, R7CH, and R7MC) are single projects, while one sub-project under project code R4MG has been cancelled with 3 R4MG sub-projects remaining active. Withdrawn projects are recorded at the bottom of the spreadsheet starting at row number 720. A detailed list of projects withdrawn during the current reporting period, with explanations for specific project withdrawals, is also provided in the attached table.

### **Corrections and Errors**

Two projects, R2EA and R2EB were erroneously listed as withdrawn in the second quarter report (rows 734 and 735 on the 3.31.10 report). These projects have been added to the current list of active projects (rows 92 and 93).

Projects R6UA and R6TA have the same project description with different project codes. R6UA was deleted from the second quarter spreadsheet because it was thought to be duplicative. However, R6UA has been reinstated on the current list of active projects (row 588) because this project is funded by two separate ARRA funding allocations.

### **New NEPA Benefits**

Providing a forum and opportunity for public involvement is a primary objective of the NEPA process. The FWS Alaska Region conducted an environmental assessment (EA) for a project aimed at restoring habitats for nesting seabirds on isolated oceanic islands (entitled Invasive Species Eradication for Habitat Restoration on Tangik, Poa and Sud Islands, Alaska R7MA, row 646). The public's participation in this NEPA action was positive and highly supportive. When the EA was circulated for public comment, the majority of the responses received were in favor of the project. In one case, a member of the public suggested that the USFWS not use lead shot to terminate invasive rabbits and

marmots because of the potential threat of ingestion by birds that might prey on or scavenge carcasses that cannot be retrieved. The FWS will implement this suggestion and only steel shot or non-toxic lead alternatives will be used, thereby protecting bird species from the adverse impacts associated with ingesting lead shot.

### Summary of Third Quarter 2010 NEPA Status Updates

Number	Project/Activity Description	NEPA status	Notes
<b>Corrections/Revisions</b>			
92	R2EA - Control or Mitigate Invasive Species on Desert Grasslands and Cienegas	CE	Added to the list of active projects after being erroneously listed as withdrawn on the second quarter status report (3.31.10)
93	R2EB - Restore Native Ecosystems' Function to Benefit Federal Threatened and Endangered Species	CE	Added to the list of active projects after being erroneously listed as withdrawn on the second quarter status report (3.31.10)
588	R6UA - Hire private contractor to remove Hartland Diversion dam	EA	Thought to be duplicate of R6TA; entry reinstated due to 2 separate ARRA funding allocations for this project
<b>New Withdrawals</b>			
727	R1TA - NFPP: Manastash Creek Anderson Dam Removal		Significant and unforeseen permit issues or site conditions have been identified which cannot be resolved in time to meet Recovery Act requirements.
729	R2GA - Repair or replace boat rollers on the Middleton Tract		This project is being completed with other funds.
741	R3DA - Install Micro turbine generation system at Jordan River NFH		Additional planning revealed that the cost of the project was much greater than the benefit of the energy provided.
760	R4MG - Restore Wetland Water Management Capabilities - R404 - Install gravel ford on Askew East Road - Roanoke River NWR		Additional planning has identified significant additional project requirements beyond the original scope or cost estimate
781	R7CH - Quarters # 481 Install Vertical Wind Turbine		Additional planning has identified significant additional project requirements that were not included in the original scope
782	R7CJ - Quarters # 482 Install Vertical Wind Turbine		Same as above
802	R7MC - Remove Wrecked Aircraft, Drums & Trash, North Slope		Additional planning has identified significant additional project requirements that were not included in the original scope or cost estimate

Number	Project/Activity Description	NEPA status	Notes
<b>Pending</b>			
183	R2UA -Gila trout restoration in the Pinalen Mt. streams; Ash, Frye & Marijilda Creeks	EA	Draft EA near completion, anticipate completion by next reporting period
184	R2UC - Renovate Barrier to Protect Rio Grande Cutthroat trout in Tanques Creek	EA	Anticipate completion during next reporting period
204	R3EM - Northern Tallgrass Prairie Wetland Restoration	CE	Landowner negotiations and project designs are still in progress
207	R3EQ - Invasive species removal in western Ohio Oak Savanna habitat for the listed endangered Indiana bat.	CE	Same as above
208	R3ER - Beaver Farm Prairie and Wetland Restoration	CE	Same as above
209	R3ET - Wetland re-vegetation and hydrologic improvement in the Lake Superior, northern Clay Plain, to benefit Coaster brook trout and waterfowl	CE	Same as above
228	R3GU - Preliminary designs to replace the radial gate structure	CE	Anticipate completion during next reporting period
518	R6EB - Prairie habitat restoration to native vegetation & hydrology (Wetland/Grassland Restoration MT)	CE	Same as above
559	R6JA- Install renewable energy systems (Bear River NWR)	CE	Awaiting selection of final project site; anticipate completion by next reporting period
587	R6TA Hire private contractor to remove	EA	Public review of DEA complete; anticipate completion of Final EA in July 2010
588	R6UA Hire private contractor to remove Hartland Diversion dam	EA	Public review of DEA complete; anticipate completion of FEA in July 2010
712	R9VA - Obtain LEED EB Certification, upgrade existing building systems to reduce energy consumption, construct onsite sustainable energy systems.	CE	Anticipate completion during next reporting period

###