

Attachment 22A

Explanatory Notes for the National Science Foundation (NSF) Report August 2, 2010

Attached please find NSF's completed report pursuant to Section 1609(c) of the ARRA for awards made and obligated through June 30, 2010. Please note that, as of June 30, 2010, NSF has made or obligated a total of 4,953 awards funded with ARRA funds. Please note that eleven proposals have not yet been obligated or awarded, and, as they are awaiting completion of NSF's NEPA compliance, they remain pending. As explained below, one Environmental Assessment (EA), initiated before the last reporting period, will analyze the impacts associated with a group of 10 proposals within the Academic Research Infrastructure Program, and another EA will analyze the impacts associated with one proposal within the Major Research Instrumentation Program. The draft NEPA documents for each of these NEPA actions are anticipated to be completed within the next six weeks.

The attached report lists all of the three major programs that were set forth in the ARRA legislation relevant to NSF. These programs are: 1) Research & Related Activities; 2) Major Research Equipment & Facilities Construction (MREFC); and 3) Education & Human Resources. On page two of the report, activities with completed NEPA reviews are listed for all activities that were either obligated or funded with ARRA funds. Page two also lists four pending EAs for activities being considered for funding with ARRA funds. This information is reflected in the accompanying Section 1609(c) report.

Two of the pending EAs are being prepared for activities which, if approved, would be funded through awards already made through the MREFC account. One of the pending EAs is a site-specific EA being prepared for the Oceans Observatory Initiative (OOI) (a programmatic EA for the OOI was completed on February 4, 2009). The other pending EA will address conservation measures related to the Advanced Technology Solar Telescope (ATST). As stated in our report for the period ending December 31, 2009, a Record of Decision was issued for the ATST on December 3, 2009, following a FEIS that was completed on July 31, 2009. Since the issuance of the ROD, however, slight changes to the project have occurred as a result of NSF's commitment to undertake additional conservation measures designed to address potential impacts on threatened and endangered species, including a mitigation fencing project to protect the Hawaiian Petrel, and a fencing pen project to protect the Hawaiian Goose. Accordingly, preparation of a draft EA is currently underway and is scheduled to be released to the public in mid August, 2010.

The remaining two pending EAs are for proposals which, if approved, would be funded with ARRA funds through the Research and Related Activities account. One EA was initiated after the issuance of the December 31, 2009 Section 1609(c) report and will analyze the impacts associated with a group of 10 proposals within the Academic Research Infrastructure Program. The draft EA is scheduled to be released to the public

within the next month. The other pending EA, which is in the early stages of development, will analyze the impacts associated with one proposal within the Major Research Instrumentation Program.

The attached report also lists the remaining awards that have been made with ARRA funds through the Research & Related Activities and Education & Human Resources accounts. These awards (4,868 R&RA awards and 82 E&HR awards) are general research awards that support individual scientific research and, as such, they are considered categorically excluded activities pursuant to NSF's regulations implementing NEPA. *See* 45 C.F.R. § 640.3. Of the R&RA awards, 69 were funded during this reporting period and of the E&HR awards, 6 were funded during this reported period. All of these awards are recorded as categorically excluded on page two of the accompanying Section 1609(c) report.

Benefits:

The NEPA process for the ATST (see page 2, row 3 of the NSF spreadsheet) was very beneficial. As a result of the NEPA process, during which NSF prepared a Draft Environmental Impact Statement, Supplemental Draft Environmental Impact Statement, and Final Environmental Impact Statement, and completed NSF's compliance with Section 106 of the NHPA, NSF became aware of concerns about the ATST's potential impacts on cultural resources (among other resources). In response to those concerns, NSF agreed to implement many forms of mitigation, including the formation of the ATST Native Hawaiian Working Group, a novel approach designed to help ensure continued consultation throughout the construction and operation phases of the ATST. This mitigation measure became part of both the NEPA and Section 106 mitigation measures. In addition, the NEPA process led to a \$20 million mitigation measure designed to address the intersection between Native Hawaiian traditional cultural practices and science through an educational initiative with the University of Hawaii's Maui College. Moreover, after the issuance of the FEIS, NSF has taken another look at the impacts of the ATST on threatened and endangered species and has now committed to put in place additional conservation measures, including a mitigation fencing project designed to protect the Hawaiian Petrel and a holding pen to protect the Hawaiian Goose. These conservation measures are the topic of the pending EA.

In sum, adding the four pending EAs to the other 4,953 NEPA activities that have already been concluded, results in a total of 4,957 NEPA activities subject to ARRA funds.

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