

Attachment 4A(1)

Explanatory Note for Department of Defense (DOD) Report August 2, 2010

The Department of Defense (DOD) is pleased to submit this report on the status of NEPA compliance for projects and activities funded under Division A of the American Recovery and Reinvestment Act of 2009 (ARRA). DOD continues to work with the DOD Components to ensure the quality and accuracy of the data contained in the report.

This report is cumulative for DOD NEPA actions on ARRA funded projects and activities through June 30, 2010. The Department increased its total number of ARRA Funded Projects by 96, from 4,696 to 4,792 projects.

DOD has withdrawn 119 projects originally proposed for the ARRA, which is an increase of 11 over the last reporting period. All of these projects were withdrawn because the project was included as part of a larger project, was replaced by a more valuable project, did not meet requirements, or was not executable. None of these projects were withdrawn due to environmental concerns or delays in the process associated with NEPA requirements. The Department has not experienced (or reported) instances of substantial delays in the NEPA review process.

DOD has completed analysis for the 4,598 ARRA projects determined to require action under NEPA. DOD completed these NEPA reviews using 4,482 Categorical Exclusions (CE), 112 Environmental Assessments (EA) with a Finding of No Significant Impact (FONSI) and four Environmental Impact Statements (EIS). Each of the projects that required an EIS has a signed Record of Decision.

There are no projects for which DOD determined that NEPA was not applicable, a reduction of 35 from the last report. These 35 projects were Research and Development projects for which appropriate CE's have been identified. As a result those projects were reclassified from NEPA Not Applicable to CE Completed. DOD is in the process of revising the data to include completion dates for those CE's, and the updated completion information will be included in the next report.

There are 43 projects that currently have an undetermined NEPA status, a decrease from 70 in the last report. Of those 27 projects whose NEPA action was undetermined in the previous report, 22 projects/actions became CEs, 4 projects/actions became EAs, and 1 project/action became an EIS. These projects have been prioritized by the DOD Components and will be characterized in future reports.

Clarification on information submitted in the spreadsheet:

DOD has 4,792 ARRA funded projects, of which 4,630 ARRA funded projects were determined to require actions under NEPA. Of the remaining 162 projects, 119 of these were withdrawn, and 43 are still in the process of determining whether a NEPA action is required, and if so, at

what level. Of the 4,630 projects determined to require action under NEPA, three projects required more than one action, for a total of 4,633 NEPA actions.

DOD has identified 4,509 ARRA projects that require 4,511 Categorical Exclusion actions. DOD has completed 4,482 Categorical Exclusion actions. This is an increase from 4,369 in the previous report. 35 of these actions are pending, an increase from 0 in the last report. These projects were previously reported as undetermined and have since been determined to require NEPA action. DOD will follow up with the Components as to the status of these actions, and will clarify that status in the next report.

28 Categorical Exclusions actions are pending. Of the 28 pending Categorical Exclusions actions, four (project rows 1516 and 1519, two actions each) are being referred back to the California SHPO office by the Army National Guard; 24 have no explanation for their pending NEPA status (project rows 2345, 2347, 2350, 2351, 2369, 2375, 2376, 2377, 2381, 2382, 2451, 4214, 4276, 4277, 4278, 4331, 4336, 4338, 4339, 4552, 4575, 4738, 4739, 4740, all one action each). DOD will follow up with the DOD Components to update the status of these Categorical Exclusion actions.

DOD has identified 116 ARRA projects that require 117 Environmental Assessment actions. DOD has completed 112 Environmental Assessments under the ARRA. This is an increase from 110 in the previous report.

Five Environmental Assessment actions are pending actions. They have no explanation for their pending NEPA status. DOD will follow up with the DOD Components to update the status of these Environmental Assessments.

DOD has identified five projects requiring an Environmental Impact Statement. This is an increase from four in the previous report. DOD has completed four Environmental Impact Statements under the ARRA, which is the same four as in the previous report. The new EIS is a pending project at Vandenburg Air Force Base, and was formerly identified as undetermined.

There are no projects reported with a NEPA not applicable determination.

During this period, DOD withdrew 11 projects from the ARRA process for a total of 119 withdrawn projects. This is an increase from the total of 108 withdrawn projects reported in the previous cycle. This was due to the Air Force and the Army National Guard reconsidering their ARRA projects and removing some repair and maintenance projects from the ARRA project effort for various programmatic reasons. None of these projects were withdrawn due to environmental concerns or delays in the process associated with NEPA requirements.

NEPA Benefits:

Energy Conservation Investment Program

The Department continues to pursue specific planning. Design and construction projects have allocated a total of \$120M to our Energy Conservation Investment Program. This program is

designated for ARRA projects that reduce energy and water usage and include proposed construction of high efficiency energy systems. DOD benefited from the NEPA reviews by requiring a separate look at the project planning state to identify impacts and alternatives in support of sustainability, energy conservation and reducing energy and water costs.

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Types of NEPA Actions Required			
	# of ARRA Projects	# of NEPA Actions per Project	Total Actions
ce	4507	1	4507
ce	2	2	4
Total CEs	4509		4511
ea	115	1	115
ea	1	2	2
Total EAs	116		117
eis	5	1	5
Total EISs	5		5
Subtotal	4630		4633
<i>withdrawn (No NEPA action)</i>	119	1	119
Total	4749		4752
undetermined (No NEPA action)	43		
Total	4792		

Status of Required NEPA Actions			
	# of ARRA Projects	# of NEPA Actions per Project	Total Actions
Done	4597	1	4597
Done	1	2	2
Total Done	4598		4599
Pending	30	1	30
Pending	2	2	4
Total Pending	32		34
Withdrawn	119	1	119
Total	4749		4752
Undetermined	43		
TOTAL	4792		