

## **Attachment 4B(1)**

### **Explanatory Note for Army Corps of Engineers Report August 2, 2010**

Enclosed is the U.S. Army Corps of Engineers Civil Works Program information for the Council on Environmental Quality report to Congress, as outlined by section 1609 of the American Recovery and Reinvestment Act (ARRA). Also enclosed are examples of benefits resulting from National Environmental Policy Act (NEPA) actions.

This submission covers 804 ARRA projects, of which 60 are not subject to NEPA requirements. The remaining 744 ARRA projects are covered by 2105 NEPA actions. Only 76 NEPA actions remain pending.

USACE last submission reported on 830 projects. During the reporting period, USACE found that a number of projects had been included in their tally of ARRA-funded projects/activities in page 1 of the Spreadsheet but were not listed on page 2 of the Spreadsheet. Further, during the reporting period, it was determined that several of the projects were not ready to proceed to contract award (before September 30, 2010) and were removed from the tally of projects on page 1. As a result, the total number of ARRA projects/activities has been reduced to 804.

The total of 60 projects that are not subject to NEPA is less than the 62 previously reported as the seven MR&T projects were previously reported in error (page 1 of Spreadsheet, row 1) and five construction actions were deemed not to be subject to NEPA (row 3). The ten ARRA projects under the program "Formerly Utilized Sites Remedial Action Program" are excluded under the Comprehensive Environmental Response, Compensation and Liability Act. NEPA is not required for the Planning Assistance to States Program or the Floodplain Management Services Program. The projects funded under the Investigations Appropriation provide informational services to local communities or a State with no requirement for further Corps involvement. Some projects under the Operation and Maintenance appropriations are for analysis only, and require no NEPA action.

#### ARRA projects vs. NEPA actions:

As previously reported, there are instances where multiple NEPA actions apply to a single Civil Works project or program. For example, a program could involve numerous sub-projects, or a project could involve numerous phases or sub-projects subject to NEPA.

#### Withdrawn Actions:

During this reporting period three additional projects were withdrawn bringing the total number of withdrawn ARRA projects to 27.

Row 1 – SITKA, AK: ARRA funds were used only for analysis of potential alternatives. NEPA reporting is not applicable beyond the analysis.

Row 4 – ALASKA ENVIRONMENTAL INFRASTRUCTURE, ARRA project cancelled due to the lack of authority.

Row 19 - THE ARGOSY ROAD BRIDGE, RIVERSIDE, MO Project was withdrawn as it was determined the work should be pursued under another project, thereby not utilizing ARRA funds.

Row 122 - THE WALLA WALLA RIVER SECTION 1135, OR Project was withdrawn, as the project will proceed under the regular Continuing Authorities Program funds rather than with ARRA funds.

Row 474 - SOUTH SHORE OF STATEN ISLAND, NY: Due to slippage in Feasibility study (delay in receipt of non-Federal funds) NEPA will be undertaken at a later stage in project planning (FY2011). Accordingly the project is withdrawn.

Row 479 - THE LONG ISLAND SOUND, NY: Project was withdrawn at the request of the local sponsor who no longer wishes to pursue the project.

Row 514 - THE SOUTHEASTERN PENNSYLVANIA, PA (MILL CREEK) Project was withdrawn because ARRA funds will not be utilized.

Row 683 & 686 - CARPINTERIA SHORELINE STUDY, CA & MATILJA DAM, CA (Meiner's Oaks & Live Oak Levees): These are completed investigation studies

Row 721 - GUADALUPE RIVER, CA: ARRA funds withdrawn due to unresolved issues with the Regional Water Quality Control Boards.

Row 761, COYOTE VALLEY DAM, LAKE MENDOCINO, CA: No NEPA type action required as a change in scope for one project made an EA unnecessary and the other project is on hold until further notice. When reactivated, USACE will use regular funds, not ARRA funds.

Row 763 - THE DRY CREEK (WARM SPRINGS) LAKE & CHANNEL, CA Project is not expected to be performed with ARRA funds, as complex issues caused a slippage in the schedule.

Row 768 - SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL): This project, previously reported, is not active and no NEPA actions are underway. This project is also listed below under reporting error heading.

Row 819 - APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & FL (LN2 project 10973): The project/activity and ARRA funding is for preparation of an EIS to support an update of a Water Control Manual, which is multiyear task, in progress, ROD scheduled for Jan 2012. Project withdrawn as it will be funded with O&M funds

Rows 883,885 and 886 - The three Regulatory projects are withdrawn as they are no longer being pursued.

The following projects were withdrawn because ARRA funds were not provided:

Row 51, CHERRY CREEK LAKE, CO

Rows 106 and 109 - ALBENI FALLS DAM, ID

Row 115 - HOWARD HANSON DAM, WA

Row 118 - LAKE WASHINGTON SHIP CANAL, WA

Pending Actions:

During the reporting period, 26 projects were completed reducing the number of pending actions from 102 as of March 31, 2010, to 76 as of June 30, 2010. All of the 76 pending actions are carried over from the last quarter's report – pending actions include projects with issues such as scope changes, site selection delays, extensive coordination with other agencies, and sponsor delays that will take multiple reporting cycles to complete. In USACE's first submission of funded projects in June 2009, all funded projects were marked as pending even if the ARRA project had not started. As a result of this decision, these actions are now identified as pending on multiple reports. These remaining 76 pending actions are all progressing to completion.

Row 67 - LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA: The NEPA document being prepared by contractor. NEPA pending, awaiting contract to be signed for funds to be available to complete the feasibility report and EA.

Rows 70 and 71 - COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA: One action is completed (row 70) and the second is pending. The design build contract is waiting for design of the second site to complete the EA (row 71).

Row 100 - WILLAMETTE RIVER BANK PROTECTION, OR: Pending for the final design to be completed.

Row 102 - PUGET SOUND AND ADJACENT WATERS RESTORATION, WA: Pending for the final design to establish the critical path.

Row 103 and 104 - DUWAMISH AND GREEN RIVER BASIN, WA: Actions changed from 7 to 2. One action was completed (row 104), five are not applicable because no final NEPA action is required, and one EA is pending (row 103) waiting for a resolution of whether changes to the project scope since authorization may require a reevaluation and possible reauthorization.

Row 130 - RURAL IDAHO, ID, Greenleaf: EA being prepared by sponsor. Project undergoing major design/concept changes by sponsor. Expect NEPA completion in August 2010. The Buhl EA is complete and listed in row 131.

Row 145 - THE DALLAS FLOODWAY, UPPER TRINITY RIVER BASIN, TX STUDY: This is very complex and extensive. ARRA funds were used to fund phases of the EIS; however, the final EIS is not expected to be completed until the summer of 2013.

Row 250 - DES PLAINES RIVER, IL (PHASE II): The EA is being completed as part of the feasibility study, neither of which is being funded under ARRA. ARRA funds are being used for Independent External Peer Review and Model Certification. The draft EA will be submitted to HQ with the draft Feasibility Report for an alternative formulation briefing this summer.

Row 268 - ECORSE CREEK, MI: As per the contract, the local sponsor is preparing the NEPA documentation which will be reviewed by the District. The sponsor decided to contract that work out. The contract was awarded June 1<sup>st</sup> and should be done by the next report.

Rows 302, 307, 347 and 397 - R D BAILEY LAKE, WV (Master Plan Update, YATESVILLE LAKE, KY (Master Plan Update), SOUTH CENTRAL PA ENVIRONMENTAL IMPROVEMENT PROGRAM, PA and ALUM CREEK LAKE, OH MASTER PLAN UPDATE: the EAs are being completed as the Master Plan is being completed. The current scheduled date for completion is 31 December 2010.

Row 391 - CENTRAL WEST VIRGINIA, WV: The Poca draft EA is currently under review. EAs for Mason, Putnam and Rosedale are being prepared by the sponsors' contractors. NEPA is scheduled to be complete in January 2011.

Row 393 - SOUTHERN AND EASTERN KENTUCKY: Revised report received from sponsor 24 May 2010. The District is currently reviewing report for completion and public review and is scheduled for completion in 30 August 2010.

Row 394 - SOUTHERN WV ENVIRONMENTAL INFRASTRUCTURE PROGRAM, WV RESTORATION, WV: The Cowen draft EA is currently under review. The Mercer draft EA is being prepared by the sponsor's contractor. NEPA is scheduled for completion in December 2010.

Rows 404,410 and 412 - DELAWARE LAKE, OH Master Plan Update, FISHTRAP LAKE, KY Master Plan Update & GRAYSON LAKE, KY Master Plan Update: The EAs are being completed as the Master Plan is completed. The current scheduled date for completion of these three EAs is 31 December 2010.

Row 473 - JAMAICA BAY, NY: Draft EA completed & awaiting approval for release to public. Concurrently, ARRA funds are being used to complete IEPR (Independent External Peer Review).

Row 478 - ORIENT HARBOR, SOUTHOLD, NY: The EA is in Draft and awaiting the Fish and Wildlife Coordination Act Report (FWCAR) to be completed - It is undergoing Office of Council review and is expected to go to the public in July 2010.

Rows 480 and 481 - YONKERS AVE, TUCKAHOE, NY and COUNTY CENTER, NY: Permit applications submitted to NYSDEC (New York State Department of Environmental Conservation). NEPA will be finalized within 30 days after the submittals are approved.

Row 508 - SOUTH HAMPTON CREEK, ENVIRONMENTAL RESTORATION, PA: Design revisions and coordination with FEMA and USFWS delayed completion of the EA. The EA is currently out for public review.

Row 512 - SOUTHEASTERN PENNSYLVANIA, PA (Cobbs Fish Passage): The NEPA work is pending ongoing coordination with environmental agencies

Row 602 - YAZOO BASIN, BIG SUNFLOWER RIVER, MS: Spring flooding stopped the completion of the required fieldwork. Fieldwork is now complete and agency coordination commenced. Expect completion of the EA/FONSI by mid-July.

Row 606 - MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE, MS PROGRAM: Three ARRA Section 592 projects of the original ten are complete and listed in row 605. PPAs (Project Partnership Agreement) are complete on four projects and completion of the FONSI is expected in August 2010. Two new Mississippi Environmental Infrastructure projects have been added making nine NEPA actions pending (row 606).

Row 621 - CEDAR RIVER CHECK AREA, IA: The feasibility report is being prepared. If a national economic development (NED) alternative is selected, the EA/ FONSI should be signed between July and October 2010.

Row 655 – FARGO, ND MOORHEAD, MN METRO STUDY (RRN BASIN AUTH): Project sponsors and Corps are discussing a locally preferred plan that may not be the NED plan and may require possible reformulation. The Draft EIS has been distributed for public review. Notice of Availability was published in the Federal Register on 11 June 2010.

Row 698 - SANTA ANA RIVER MAINSTEM, CA (Reach 9 Improvements 2a): Extensive coordination is ongoing with other Agencies. Expect completion of the NEPA work July 2010, pending design refinement and receipt of Biological Opinion amendment.

Row 699 - LOS ANGELES COUNTY DRAINAGE AREA, CA (Vegetation Removal): Scope changes are now being finalized so that the NEPA work can begin.

Row 700 - LOS ANGELES COUNTY DRAINAGE AREA, CA (4 Master Plans): Extensive coordination with the sponsor and other agencies is ongoing.

Row 705 - LOS ANGELES COUNTY DRAINAGE AREA, CA (Repair San Gabriel River drop structure): Scope changes have been finalized and the EA/FONSI action should be completed for the next report.

Row 706 - LOS ANGELES COUNTY DRAINAGE AREA, CA (Remove sediment from Verdugo Wash): Extensive coordination with other agencies was required, and the Clean Water Act section 401b coordination with the regional water board is being finalized. The NEPA work should be completed for the next report.

Row 713 - CAMBRIA SEAWATER DESALINATION, CA: EIS delays result from persistent push back from California Coastal Commission and other state agencies relative to the Coastal Consistency Determination and clearances required for geotechnical borings.

Row 717 - WHITLOW RANCH DAM, AZ: Extensive coordination with other agencies is required and coordination and review are ongoing.

Row 718 - SAN JOAQUIN RIVER BASIN WEST STANISLAUS, ORESTIMBA, CA: ARRA Unable to complete EA due to the sponsor's inability to cost share on the project.

Row 729 - FARMINGTON RECHARGE (SEC 502): Significant agency and public comments had to be addressed. The EA was revised and a new draft was released at the end of April 2010. The EA/FONSI should be completed in the next report.

Row 748 - NEW MEXICO ENVIRONMENTAL INFRASTRUCTURE PROGRAM: Still pending due to a Real Estate issue involving the scope of work proposed on Forest Service property.

Row 750 - ALL SPA PROJECTS - COMPREHENSIVE EVALUATION OF VERTICAL DATUM: Site selection delays have occurred and the contractor is still locating sites to collect data.

Row 757 - PAJARO RIVER, CA: Delays in coordination with local sponsor delayed the future direction of the study relative to the National Economic Development (NED) plan.

Row 781 - JACKSONVILLE HARBOR, FL: The study is estimated for completion in December 2010. Fiscal Year 2010 activities include economic analysis, NEPA work, engineering modeling, and plan formulation.

Row 782 - MILE POINT, FL: To date, a revised draft report is expected to be completed estimated October 2010, FY10 activities include updated economic analysis and revisions as needed by other offices to complete the draft report.

Row 783 - PORT EVERGLADES HARBOR, FL: The draft report and EIS completion are estimated for March 2011. Fiscal Year 2010 activities include updated economics analysis, plan formulation, preliminary draft NEPA and plan selection.

Row 784 - ST JOHNS COUNTY, FL: Hurricane and storm damage reduction delayed the draft report that is now estimated for completion in late 2012. Fiscal Year 2010 activities included completion of the feasibility study, and scoping meeting documents including problem statements, existing conditions and future without project conditions.

Row 814 - ALABAMA RIVER LAKES, AL: The project/activity and ARRA funding is for preparation of an EIS supporting update of a Water Control Manual, which is multiyear task now in progress. The ROD is scheduled for January 2012. Work beyond September 2011 will be funded with other funds.

Row 819 - APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & FL (LN2 project 10973): AS previously stated above the project/activity and ARRA funding is for preparation of an EIS to support an update of a Water Control Manual, which is multiyear task, in progress, ROD scheduled for completion in Jan 2012. Work beyond Sep 2011 will be funded with other funds. ARRA funds will be used in FY2010 but the project will be completed with other funds.

Row 838 - JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA (LN2 project 11009): Extensive coordination is required with other permitting and regulatory agencies. Required field hydro-geophysical studies are underway, the scope of effort has been reduced, and completion of the NEPA work is anticipated within 12 months.

Row 848 - WALTER F GEORGE LOCK AND DAM, AL & GA: Completion of the EA/FONSI is anticipated in about nine months as the scope of the Shoreline Management Plan (SMP) updates are identified / analyzed. The NEPA contract was awarded in March 2010. Scoping meetings were conducted 22 Jun 2010.

Row 861 - BOGUE BANKS, NC: NEPA is part of a report and will be released to the public. until approved by higher authority. The feasibility study is progressing with completion scheduled for September 2012.

Row 863 - STANLY COUNTY WASTEWATER INFRASTRUCTURE, NC: Currently awaiting closeout of ongoing contract before starting this portion of the project. Decision to perform EA scheduled for July 2010.

Row 870 - JOHN H KERR LAKE, VA & NC: NEPA is part of report and will be released to the public. The Master Plan update is progressing with completion scheduled for December 2012.

Row 880 - W KERR SCOTT DAM AND RESERVOIR, NC: NEPA is part of a report and will be released to the public until approved by higher authority. The Master Plan update is progressing with completion scheduled for December 2012.

No data is provided in Row 843, TENNESSEE – TOMBIGBEE WATERWAY AL & MS (LN2 PROJECT 11041); Because the project environmental review/documentation

requirements have not been determined pending detailed project description/design for scope changes, NEPA documentation is pending.

NEPA not Applicable:

Row 103 and 104 – As stated above, the DUWAMISH AND GREEN RIVER BASIN, WA; actions changed from 7 to 2. One action was completed, five are not applicable because no final NEPA action is required and one EA is pending resolution of whether changes to the project will require a reevaluation.

Reporting Errors:

Row 768 - SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL): Reporting error - No project or NEPA action are pending.

Examples of NEPA Benefits:

Project: *200-Acre Bolivar Beneficial Use Marsh* - Houston-Galveston Navigation Channels (HGNC) Project, TX - Army Corps of Engineers, Galveston District – 1995 Supplemental Environmental Impact Statement and 1998 Environmental Assessment:

The NEPA process, through an Interagency Coordination Team, resulted in the formation of a Beneficial Use Group (BUG), which formulated a plan to eliminate open bay placement of dredged material and to use dredged material to create environmental features that provide a net benefit to the Galveston Bay ecosystem.

Historically, Galveston District was placing deep-draft channel construction and maintenance material into unconfined, open bay placement areas in Galveston Bay, which resulted in adverse impacts to bay bottom habitat now designated as essential fish habitat. Further, the loss of intertidal marsh has been identified as one of the critical problems of the Galveston Bay estuary by the Galveston Bay National Estuary Program. As a result of the NEPA process, the BUG came up with a plan to create intertidal marsh and restore and create colonial water bird nesting islands with HGNC new work and maintenance material.

This project will result in a net benefit to the Galveston Bay ecosystem by creating 200 acres of intertidal marsh, providing benefits to important recreationally and commercially valuable fish species, and restoring a nesting island that provides 8 acres of nesting habitat for colonial water birds.

Project: *88-acre Mitigation Marsh* - Houston-Galveston Navigation Channels (HGNC) Project, TX - Army Corps of Engineers, Galveston District - 1995 Supplemental Environmental Impact Statement, 1998 Environmental Assessment, and 2010 Environmental Assessment:

As noted in the example above, the formation of a Beneficial Use Group (BUG) during the Galveston Bay NEPA process led to a plan to eliminate open bay placement of dredged material and to use dredged material to create environmental features that provide a net benefit to the Galveston Bay ecosystem. As a result of the NEPA process, the BUG came up with a plan to create intertidal marsh and restore and create colonial water bird nesting islands with HGNC new work and maintenance material. This project will result in a net benefit to the Galveston Bay ecosystem by creating 88 acres of intertidal marsh for mitigation of impacts from expansion of PA14/15, that will provide benefits to important recreationally and commercially valuable fish species.

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