

Attachment 8A

Explanatory Note for Department of Homeland Security (DHS) Report August 2, 2010

The following information addresses the Department of Homeland Security (DHS) spreadsheet on the status of NEPA compliance for DHS projects/activities receiving funding under the American Recovery and Reinvestment Act of 2009 (ARRA). More than \$24 million was obligated during the reporting period ending June 30, 2010, bringing the total obligations to over \$1.7 billion. Also during the period, more than 48 NEPA reviews were completed and 49 additional ARRA funded projects/activities were identified.

For this reporting period, a number of items should be noted when reviewing the page 1 of the DHS Spreadsheet:

“Non-Intrusive Inspection Systems, and Tactical Communications/Radios, Customs and Border Protection” - Page 1, row 2 of the Spreadsheet – The “Number of ARRA Funded Projects/Activities” increased from three to four. This does not match with the “All NEPA Actions for the Recovery Act Funded Activity or Project” of three because one project does not have any NEPA actions associated with it at this time and no funds have been expended.

“Construction, Customs and Border Protection” - Page 1, row 4 – The “Number of ARRA Funded Projects/Activities” increased from 51 to 52 because 1 additional project was added during the reporting period.

“Transportation Security Administration Explosive Detection Systems” - Page 1, row 6 - “Number of ARRA Funded Projects/Activities” increased from 44 to 46. There are two new projects reported for the first time. Further explanations of these changes are provided below.

“Acquisition, Construction and Improvements, Recovery Act, US Coast Guard” - Page 1, row 7 - "Number of ARRA Funded Projects/Activities" increased from 8 to 14. There are 6 additional projects identified during this reporting period.

“Port Security, FEMA” - Page 1, row 10 - "Number of ARRA Funded Projects/Activities" under the Port Security, Recovery Act, FEMA, increased from 218 to 253. This resulted in a net increase of 35 projects during this reporting period.

“Firefighter Assistance Grants” - Page 1, row 11 – The total “Number of ARRA Funded Projects/Activities” increased from 113 to 117, a net increase of 4 projects during this reporting period.

“Emergency Food and Shelter” - Page 1, row 12 - FEMA Emergency Food and Shelter, Recovery Act, NEPA is not applicable because DHS performs purely an administrative

function to support a committee of federal and non-federal members (chaired by the Red Cross) that determines which activities should receive funding. This has been an item since the first DHS NEPA ARRA Report.

“Federal Protective Services” - Page 1, row 13 - Federal Protective Services - Recovery Act, NPPD, The projects are for contracting with private security firms to provide physical security at government buildings. The environmental impact these contracts may have has not been determined. DHS HQ is working with the component (NPPD-FPS) to ascertain the level of review that will be required.

Explanation of Pending NEPA Reviews over multiple reports:

Page 2, row 2 - (Item first reported in the 4/30/2009 report) DHS Consolidated Headquarters at St Elizabeth’s (Phase 2): This program for the DHS Consolidated Headquarters at St Elizabeth’s requires an EIS. This EIS is being prepared with the General Services Administration as the lead agency. The delay in executing this procurement has jeopardized the schedule for completion of the East Campus Master Plan Amendment, Final Environmental Impact Statement and Federal Highway Administration Final 4F determination for the access road in Shepherd Parkway. The Draft EIS has slipped from June/July release to “the fall” and to date GSA cannot provide a more detailed estimate for the release.

Page 2, row 3 - CBP Non-intrusive Inspection Systems shows no NEPA actions because program managers have not decided on the proposals to be funded. This remains unchanged since the first DHS Report.

Page 2, rows 4-6 – (Item from 4/30/2009 report) CBP, Tactical Communications and Radios: HLT Sector, P25 EPT Sector, P25 RGV Sector; Environmental assessments are delayed due to contracting with a historic preservation consultant. CBP expects to have the historic preservation assessment completed with the next quarter with the final NEPA review before the summer of 2010.

Page 2, rows 13, 36-38, 40, 59 – (Item from 4/30/2009 report) Construction, Customs and Border Protection, This is pending because of a larger DHS review of immigration policies and activities. DHS expects to be able to provide the appropriate public notifications of the completion of the NEPA review for this construction project before the end of 2010.

Page 2, rows 61-64 - (Item from 4/30/2009 report) Atlas Tactical Communications and Radios, Immigration and Customs Enforcement: These four projects are in ICE Acquisitions. The projects are expected to be completed at the end of July 2010 when the contractors can finalize lease agreements.

Page 2, row 94 – (Items pending from 12/31/2009) Port Security, Recovery Act, FEMA. Number of pending CEs has decreased from 139 to 56, These projects are pending NEPA approval for two reasons. Some of the projects are awaiting additional information from

the grantee to ensure that the actions meet the requirements for a categorical exclusion(s). The remaining projects have the potential for impacts to environmental and historic resources and require further analysis to ensure that the potential impacts are less than significant. In order to expedite the review process, FEMA has completed an initial review of all projects and provided grantees with a list of additional information that is required for the completion of the Environmental & Historic Planning compliance reviews.

Page 2, rows 96 - 97 - Port Security, Recovery Act, FEMA, these projects will require environmental assessments and are a combination of new and existing projects. The projects in row 96 are currently pending and in the process of being listed as completed EAs. Row 97 was added as a place-holder for completed pending projects.

Explanation of New NEPA Actions and Withdrawn Projects:

Page 2, row 60 - New item for this reporting period.

Page 2, rows 69 - new items for this reporting period.

Page 2, row 70 - Item misidentified on last report as "Facility modifications projects to deploy Advanced Surveillance Systems," should be "Installation and improvements to baggage conveyor systems at Federalized airports." The four projects listed were withdrawn during previous reporting periods. One was withdrawn during the fourth reporting period because it was funded with non-ARRA appropriations. Another project was withdrawn during fourth reporting period because a site did not wish to pursue acquisition of the equipment. During the fifth reporting period, two more projects were withdrawn because they were funded with non-ARRA appropriations.

Page 2, rows 83-88 refer to new items for this reporting period under Acquisition, Construction, and Improvements.

Page 2, rows 98 - 101 - Firefighter Assistance Grants, Recovery Act, FEMA, Renovation, expansion, and construction of fire stations throughout the US. The "Number of ARRA Funded Projects/Activities" increased by a net total of 4 projects from 113 to 117 during this reporting period. FEMA was providing the number of awards instead of the number of projects last quarter. The numbers now reflect the total of projects for each of these funding streams.

Benefits:

The following are examples of projects where benefits have been provided as a result of NEPA actions administered by DHS:

USCG Coast Guard Cutter (CGC) Sycamore Cordova, AK - Construction of the final phase of a housing project (DHS spreadsheet, page 2, row 76):

An original EA was published on January 15, 2002. This EA identified a requirement for additional site hydrology studies of wetlands within the building location. The environmental field studies conducted during the NEPA process discovered extensive on-site wetlands, the impact to which could not be totally avoided. A draft supplemental EA developed in June 2007 provided additional alternatives for configuration of the housing and provided an opportunity for public input. The spatial arrangements of the housing units went through many configurations during the planning and design phases of the project before an ideal compromise was reached. The supplemental EA and FONSI provided recommendations that preserve and maintain much of these wetlands and minimize down slope storm water runoff.

USCG Support Center Elizabeth City, NC - Replace Thrun Hall Barracks Phase 1 (DHS spreadsheet, page 2, row 78):

A draft EA was completed November 10, 2009. This EA incorporates the Coast Guard's determination of the existing Thrun Hall Barrack's eligibility for listing in the National Register of Historic Places. The NEPA process has provided for documentation of the structure's unique architecture, as well as the historical attributes of Chief Gunner Theodore Thrun, the first Coast Guard enlisted man to qualify as an aviator and who lost his life in the line of duty during a rescue mission.

USCG Alteration of Burlington Bridge (DHS spreadsheet, page 2, row 91):

The NEPA process allowed the Coast Guard to determine the potential impacts the bridge construction would have on species of concern. Construction processes were modified to mitigate impacts to these species. Alteration of the Burlington Northern Santa Fe Railroad Bridge consists of removal of the existing swing span and replacing it with a new vertical lift span that will provide 300 feet horizontal clearance and 60 feet vertical clearance above the normal pool elevation. Spectaclecase mussels, a species of conservation concern in Iowa and endangered in Illinois, were located on the existing bridge piers. As part of the NEPA process, a Biological Assessment concluded that the mussels should be relocated prior to construction in order to avoid an adverse effect on the mussels.

Bridge Program, USCG, Alteration of Galveston Causeway Bridge, Galveston TX (DHS spreadsheet, page 2, row 92):

In considering the construction of a bridge, the NEPA process allowed the Coast Guard to determine the potential impacts of the construction on species of concern. Construction processes were modified to mitigate impacts to these species. Trenching and backfill for water lines associated with the bridge project will translocate sediments to an area adjacent to the trench; sediments will be returned as soon as the work is completed. Suspended sediments from this type of work normally fall out within 12 to 24 hours without any discernible impact on plankton productivity. This work will remove the macroinfauna occupying the bay bottom at the work site. They should

become reestablished to pre-construction levels within four to six weeks after the bay bottom has reconsolidated. The smaller meiofauna and microfauna live in a turbid, anaerobic environment and should not be impacted by the movement of sediments. Any oyster shell removed in the vicinity of the work would become re-established at the time salinity is suitable for larval recruitment and post-settlement survival.

FEMA Transit and Rail Security, Recovery Act, Port Security, Recovery Act, Firefighter Assistance Grants, Recovery Act (DHS spreadsheet, page 2, row 93-101):

The NEPA process has had a positive impact on FEMA ARRA grants by enabling more informed decision making for actions undertaken by grantees. Grantees are taking into account ways to minimize impacts to sensitive resources, including historic structures, endangered species, wetlands, and floodplains. This will not only encourage them to minimize the impacts of the projects that they are proposing, but it also helps to raise their awareness and improve their planning for future grant-funded projects so that they can proactively begin data gathering and can know what resources to avoid as they move forward. In addition, as more projects progress through the NEPA process, mitigation measures will be identified and implemented in order to protect valuable resources. This process is already underway for the ARRA Fire Fighter Assistance, Fire Station Construction Grants, where award making decisions were considered potential impacts to sensitive resources.

While FEMA's grant awards are intended to help strengthen the resiliency of communities in their overall homeland security preparedness, grant award documents are also written to help ensure that grant funded projects are accomplished with little to no impact to the environment. Grant award terms and conditions prevent the release of grant funding until FEMA has determined that a project is eligible for a categorical exclusion, a finding of no significant impact or the grantee has agreed to implement mitigation activities.

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