

Attachment 17A

Explanatory Note for Department of Veterans Affairs Report February 1, 2010

The following is a list of Department of Veterans Affairs (VA) projects that received funding under the American Recovery and Reinvestment Act (ARRA) and information explaining the spreadsheet and the procedures used to determine the National Environmental Policy Act (NEPA) status of ARRA funded VA projects and activities.

One change since the previous report is the completion of one categorical exclusion (CE) for a Veterans Benefits Administration IT project.

The status of each project is provided below:

Veterans Health Administration (VHA) Medical Facilities - Non-Recurring Maintenance (NRM) and Energy Projects:

VHA Medical Facilities NRM includes a grand total of 932 ARRA-funded projects. 849 are NRM projects and 83 are energy projects receiving NRM funding.

The VA Office of General Counsel (OGC) reviewed these projects and determined that the majority of them should be categorically excluded based on the VA regulatory definition of categorical exclusion (CE) contained in the VA's NEPA procedures at 38 CFR Part 26. VA OGC requested that VHA review the remaining projects to determine if the breadth and scope of these projects indicated that they should be categorically excluded. VHA staff having expertise in environmental program management, including NEPA, evaluated the remaining projects to determine if the projects met the letter and/or intent of VHA's definition of a categorically excluded project. To date, 848 projects were categorically excluded. One project – constructing a parking lot and road upgrades at the VA Medical Center (VAMC) in Minneapolis- required an environmental assessment (EA). The FONSI for that project was signed on August 28, 2009.

For the energy projects under the VHA NRM funding, the Office of Asset Enterprise Management (OAEM) Green Management Program Office follows 38 CFR 26 requirements in order to ensure that the appropriate determination is made regarding NEPA action for those projects for which it is responsible. The requirements list categories and regulations for CEs, EAs, and Environmental Impact Statements (EIS). The Green Management Office reviewed detailed project descriptions for their ARRA-funded projects, and sought guidance from the VA OGC to determine the need and level of NEPA analysis.

NEPA is not applicable to 51 of the 83 energy projects because those 51 are generalized feasibility studies to determine if alternative energy generation is viable. One project – installing ground source heat pumps at St. Cloud VA Medical Center (VAMC) – was

categorically excluded; however the column on the spreadsheet titled “All federal environmental reviews and documents are completed” is still listed as “no” for this site because the National Historic Preservation Act consultation is still ongoing. The remaining 31 projects require EAs and are pending completion. The status of those projects is as follows:

- Construct a Renewably Fueled Cogeneration System at the Togus VAMC (Row 2 of page 2 of the spreadsheet) – this project has been pending for more than one reporting period. The contract to conduct the Environmental Assessment (EA) was awarded at the very end of the last reporting period on 9/23/09. The EA has been finalized and a draft Finding of No Significant Impact (FONSI) has been written, but the FONSI is not signed. It is anticipated that the FONSI will be signed before the end of the next reporting period.
- Construct a Renewably Fueled Cogeneration System at White River Junction VAMC (Row 3) – this project has been pending for more than one reporting period. The contract to conduct the EA was awarded at the very end of the last reporting period on 9/23/09. The EA has been finalized and a draft FONSI has been written, but the FONSI is not signed. It is anticipated that the FONSI will be signed before the end of the next reporting period.
- Implement Solar Photovoltaic System at the Dublin VAMC (Row 4) – this project has been pending for more than one reporting period. The contract to conduct the EA was awarded on 9/4/09. The EA has been finalized and a draft FONSI has been written, but the FONSI is not signed. It is anticipated that the FONSI will be signed before the end of the next reporting period.
- Construct a Solar Photovoltaic System at up to 8 locations (Row 7) – the contract to complete the 8 EAs has not been awarded. The planned award date is the second quarter of FY 2010.
- Construct Wind Turbines for up to 6 locations (Row 8) - the contract to complete the 6 EAs has not been awarded. The planned award date is the third quarter of FY 2010.
- Implement Direct Geothermal at up to 5 sites (Row 9) - the contract to complete the 5 EAs has not been awarded. The planned award date is the third quarter of FY 2010.
- Construct Renewably Fueled Cogeneration Systems at up to 9 sites (Row 10) - the contract to complete the 9 EAs has not been awarded. The planned award date is the third quarter of FY 2010.

Veterans Health Administration – Grants for State Extended Care:

The VA Office of General Counsel determined that NEPA is not applicable to this project.

National Cemetery Administration (NCA) Monument and Memorial Repairs:

NCA follows 38 CFR 26 requirements in order to ensure that the appropriate NEPA determinations are made. The NCA Office of Construction Management reviews the

projects and determines the appropriate level of NEPA analysis. Three hundred ninety two of the NCA projects were routine operation and maintenance projects that could be categorically excluded. Three projects were renewable energy projects. EAs were completed for each of these projects during the last reporting period:

- Rooftop solar photovoltaic power – Calverton, NY the Finding of No Significant Impact (FONSI) was signed on 8/24/09
- Wind turbine – Bourne, MA the FONSI was signed on 8/19/09
- Ground mounted solar photovoltaic power – San Joaquin, CA the FONSI was signed on 8/19/09

Veterans Benefits Administration (VBA) – Hiring Temporary Claims Processors (IT VBA Support):

The VA OGC reviewed this project and determined it can be categorically excluded under 38 CFR 26.6b[1][xi] which states that “VA policies, actions and studies which do not significantly affect the quality of the human environment,” may be categorically excluded. The project meets the requirements of 38 CFR 26.6b(2) which lists specific criteria for typical classes of action which normally do not require either an EA or an EIS. Further, extraordinary circumstances as outlined in 38 CFR 26.6b(3) do not apply.

A categorical exclusion for software development, staff and associated supplies to support VBA implementation of the Post 9/11 GI Bill was completed in October of this reporting period.

VBA – GOE Claims Processors and GOE Support of Veterans Economic Recovery Payments:

The VA OGC reviewed these Programs and determined them each to be categorically excluded under the VA NEPA implementing regulations. Each of these programs is treated as one project.

Office of Information and Technology (OIT) (IT Support of Veterans Economic Recovery Payments):

The VA OGC reviewed this Program and determined it to be categorically excluded under the VA NEPA implementing regulations and treated it as one project.

Benefits:

As shown above, the VA has made significant progress in completing the environmental reviews of these projects. Benefits have been provided as a result of the NEPA actions. The NEPA review process provides a framework for VA to evaluate proposed energy projects and compare them to other alternatives. For example, the EA for the Wind Turbine at Bourne, Massachusetts allowed VA to evaluate a range of potential wind turbine capacities and conclude the optimal turbine capacity for the Massachusetts Military Reservation, based on considerations such as potential noise and visual impacts

(VA spreadsheet page 2, row 15). In another example, the EA for the ground mounted solar photovoltaic system at San Joaquin Valley National Cemetery considered and eliminated other locations due to proximity to burial sites, proximity to existing electrical systems, and roof composition (VA spreadsheet, page 2, row 16).

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