

Attachment 13A

Explanatory Note for Department of Labor (DOL) Report May 3, 2010

The Department of Labor reported 830 ARRA projects and activities (an increase of 156) as of March 31st. Of those, 817 are for ARRA funded projects and activities that do not require NEPA actions. Of the 13 projects where NEPA does apply, 10 have completed NEPA actions and 3 are pending completion. Over 94% of DOL's ARRA appropriated funds (\$4.5 billion) have been obligated; this is an increase of 14% from the last report.

Department of Labor (DOL) projects/activities funded under Division A of the American Recovery and Reinvestment Act of 2009 (ARRA) include projects/activities administered by the Employment and Training Administration, the Office of Job Corps, the Employment Standards Administration, the Employee Benefits Security Administration, the Occupational Safety and Health Administration, and DOL Management activities.

The differences between budget amounts in the CEQ spreadsheet column, "Total ARRA Appropriation for Projects and Activities" and the amounts shown in the ARRA Appropriations language are the result of transfers for the 1 percent set aside totaling \$44.7 million in ARRA Part A funds authorized for administering the ETA grants programs and the distribution of the \$80 million appropriated to Departmental Management among five salaries and expenses accounts.

A description of the ARRA funded projects/activities reported on the DOL spreadsheet follows.

- The \$2,914,702,690 obligated for adult, youth, and dislocated services (Rows 1-3 on Page 1 of the spreadsheet) are formula block grants and NEPA is not applicable. The dollar value of these grants is determined by a mandated formula for states and local governments to provide employment and training services.
- The \$67,246,771 obligated for the dislocated worker national reserve (Row 4) includes \$63.6 million in National Emergency Grants. This program is not discretionary and NEPA does not apply.
- For the \$48,139,327 obligated for YouthBuild activities (Row 5), funds were awarded in the form of 75 project grants to public or private nonprofit institutions and/or organizations.
- The \$717,019,298 obligated for training and placement in High Growth Industries (Row 6) were awarded in the form of 246 grants across six competitions. See below for additional information about the grant competitions.

- The \$118,800,000 obligated for Community Service Employment for Older Workers (Row 7) are formula grants and NEPA is not applicable. The dollar value of these grants is determined by a mandated formula for states and local governments and national sponsors to provide community service employment and training.
- The \$396,000,000 obligated for unemployment insurance grants to states and re-employment services (Rows 8 and 9) are grant funds for payments through the workforce system that are not subject to NEPA analysis or documentation because there is no agency discretion as these grants are formula grants (unemployment insurance, trade adjustment assistance, workers' compensation programs, retirement programs, employee protection programs, and related employees benefit programs or activities involving the replacement or regulation of employee wages).
- Obligations for \$195,316,626 were for Job Corps projects (Row 10 - see explanation below).
- Rows 11-15 on Page 1 of the spreadsheet are Salaries and Expenses accounts which include program and administrative funds for which breakouts are not available and therefore the entire amount of ARRA Division A appropriated funds is listed in column D. These include programs that administer inspections and investigations for administrative civil enforcement actions and therefore NEPA is not applicable (40 CFR 1508.18). The reason for changes in the Appropriations listed in column D since DOL's last report is a redistribution of funds approved by OMB and the Appropriations committees that resulted in the funds being re-apportioned.

Training and Placement in High Growth Industries Solicitation for Grant Applications (SGAs) (Page 1, Row 6):

The Department announced six grant competitions via SGAs totaling up to \$720 million minus the costs of administration and technical assistance. On June 24, 2009, DOL released five competitions to fund projects that prepare workers for green jobs in the energy efficiency and renewable energy industries. The competitions are titled as follows: 1) State Labor Market Information Improvement Grants; 2) Energy Training Partnership Grants; 3) Pathways Out of Poverty Grants; 4) State Energy Sector Partnerships and Training Grants; and 5) Green Capacity Building Grants. On July 22, 2009 the Department released a sixth SGA for training in Health Care, and Other High Growth and Emerging Industries. Grant competitions were open to applicants between 45 and 120 days since August 2009.

The last competition closed on October 20, 2009. Technical review panels evaluate applications against selection criteria laid out in the SGAs before funding decisions are made. Funding announcements began in November 2009 and continued until early February 2010. In late February, the Department announced grant award winners for all grant competitions: 30 State Labor Market Information Improvement Grants; 62 Green

Capacity Building Grants; 25 Energy Training Partnership Grants; 40 Pathways Out of Poverty Grants; 34 State Energy Sector Partnerships and Training Grants; and 55 Health Care and Other High Growth Industries. The Department is reporting 156 additional DOL projects since DOL's last report (in which a total of 674 DOL projects were reported). This increase is due to the addition of 155 projects in High Growth grants along with a new project at the Paul Simon Job Corps Center (discussed below).

Job Corps projects:

The Office of Job Corps will relocate several leased buildings at the Los Angeles Job Corps Center into one large leased building using Recovery Act funding. An Environmental Assessment was conducted in 2005. The Department concluded that the 2005 Environmental Assessment is sufficient and no updates are required.

A new Job Corps Center in Ottumwa, Iowa will be constructed using ARRA Funding. The Environmental Assessment for the Ottumwa Iowa Center has been completed and the Finding of No Significant Impact (FONSI) was published in the Federal Register on April 10, 2008 (Page 19531).

The Office of Job Corps originally proposed 9 renewable energy projects using ARRA funds and decided to prepare Environmental Assessments for all: 8 horizontal wind turbine projects and 1 ground mounted solar project. The decision to conduct Environmental Assessments for the horizontal wind turbine projects was because of their potentially sensitive and prominent nature. Horizontal wind turbines require high towers and may generate noise, cause flickering shadows, and alter landscapes. These changes may differ from a community's standard expectations for a Job Corps Center. Therefore, horizontal wind turbine projects are considered to be in need of an Environmental Assessment. Similarly, a ground-mounted solar project is not typical for a Job Corps Center so an Environmental Assessment is considered to be needed. Each renewable energy project is shown as a separate row on the attached spreadsheet.

EAs have been completed for the original 8 horizontal wind turbine projects. Two of the original 8 wind turbine projects were cancelled due to the potential risk to migratory birds (discussed below). DOL was able to redirect those funds. Some of the funding was shifted to address the increased scope of the North Texas and Hawaii/Maui Job Corps Centers Wind Turbine projects. With a portion of the funding, a vertical wind turbine project was added at the Paul Simon Job Corps Center involving the installation of four separate vertical wind turbines. Preparation of an Environmental Assessment is underway and will be preceded by holding a town hall meeting as a forum for public comment. It is anticipated that the EA will be completed during the next reporting cycle.

Five of the other remaining wind turbine projects (Hawaii, Angell, North Texas, Laredo, and Cassadaga) had a FONSI recommended and subsequently Job Corps published the required *Federal Register* Notice on September 1, 2009. The final wind turbine project (Pine Ridge) received a concern on the assessment about potential impacts on wildlife. Job Corps management has examined the consolidated concerns from U.S. Fish and

Wildlife Service, the Forest Service, and the Nebraska Parks, and determined during the previous reporting period that the project will proceed with a FONSI (the NEPA action is scheduled for completion in April 2010). The solar project (Westover) received its assessment and a FONSI was recommended.

Job Corps published the required *Federal Register* Notice on September 1, 2009 and the public comment period ended October 1, 2009. The final FONSI was signed on October 15, 2009 and published on November 4, 2009 for four wind projects (Laredo, Angell, Cassadaga and Hawaii/Maui) and the Westover solar project. The preliminary FONSI for North Texas wind turbine was published on October 15th. Due to a change in the size of the wind turbine at that site, the final publication was delayed. No comments were received on the preliminary FONSI for North Texas. The final FONSI for North Texas will be signed by the Director of Job Corps on or before April 21st, 2010. The preliminary FONSI for Pine Ridge has been published in the federal register on April 5, 2010. The public comment period lasts until May 5th, 2010.

The horizontal wind turbine SOWs were subsequently separated into five different procurements. To enhance the procurement efficiency, provisions have been added in the SOWs to allow a bidder to bid one or more turbine projects as the bidder desires. The SOWs were prepared and approved by environmental engineers on January 6, 2010 and submitted for processing by DOL procurement on January 14, 2010. The wind turbine procurements were published on *FedBizOps* in February and March 2010. Proposals are due through March and April, 2010. Specifically, proposals for the Angell Wind Turbine were due March 22, 2010 and the technical evaluation is scheduled for next week. Proposals for the Hawaii/Maui Wind Turbine were due from Small Businesses on March 31st and from HUBzone contractors on April 8th. Proposals for the Pine Ridge Wind Turbine are due April 13, 2010. Proposals for the Cassadaga Wind Turbine are due April 8, 2010. Proposals for the Laredo and North Texas Wind Turbines are due April 13th.

A large majority of Job Corps projects funded by the Recovery Act involve alteration, renovation, equipment replacement, or repair of existing Job Corps Centers. These actions will not result in a substantial alteration to an individual Job Corps Center and are appropriate for classification as categorical exclusions.

Other Office of Job Corps projects (educational services, green center projects, fleet efficiency, program oversight, outreach, and technology enhancements) involve the purchase of products or services which do not have an environmental impact as described in the Department of Labor NEPA regulations.

NEPA Benefits:

DOL/Job Corps maintains strong partnerships within local communities where Centers are located. NEPA continues to provide opportunities for communities to provide input during the planning phases for new projects that may hold some potential for

environmental impact. This helps to establish a proactive approach between Job Corps and communities with regard to new facilities.

A wind turbine for Treasure Lake was to be located in the Wichita Mountains Wildlife Refuge which is a habitat for Eagles and other soaring birds. Another wind turbine at Box Elder, South Dakota was to be located in the Black Hills National Forest, which is also a habitat for soaring birds. Environmental Assessments were prepared for those projects. Based on the results of the Environmental Assessments, Job Corps management decided on September 1, 2009, that placement of the turbines would not be appropriate at these locations because the risk of threatening migratory birds in the areas outweighed the advantages of these renewable energy projects.

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