

Attachment 5A(1)

Explanatory Note for Department of Defense (DOD) Report May 3, 2010

DoD continues to work with the DoD Components to ensure the data quality and accuracy for 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).

This report is cumulative for DOD NEPA actions on ARRA funded projects/activities through March 31, 2010. The Department increased its total number of ARRA Funded Projects / Activities by 153, going from 4,543 to 4,696 projects. DoD has withdrawn 108 projects originally proposed for the ARRA, which is an increase of 67 over the last reporting period.

The Department has not experienced (or reported) instances of substantial delays in NEPA review process. DoD has completed analysis for the 4,483 ARRA projects requiring action under NEPA. DoD completed NEPA reviews using 4,369 Categorical Exclusions (CE), 110 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 additional projects in which DoD determined that NEPA was not applicable, with the total number remaining at 35. Finally there are 70 projects that DoD will be evaluating in the future with an undetermined NEPA status. These projects have been prioritized by the DoD Components and will be characterized in the report when the NEPA process commences.

Clarification on information submitted in the spreadsheet:

DoD has 4,696 ARRA funded projects, of which 4,483 require action under NEPA.

DoD has completed 4,369 Categorical Exclusion actions. This is an increase from 4,301 in the previous report.

DoD completed 110 Environmental Assessment actions under the ARRA. This is an increase from 107 in the third report.

The number of DoD ARRA projects requiring an Environmental Impact Statement remains the same (4) as last reporting period.

There were no additional projects reported with a NEPA not applicable determination.

During this period, DoD withdrew 67 projects from the ARRA process for a total of 108 withdrawn projects. This was due to Army National Guard reconsidering their ARRA projects and removing some repair and maintenance projects from the ARRA project effort.

There are no pending NEPA reviews for DoD ARRA projects.

Finally, DoD has been highly successful in completing NEPA actions to support the ARRA effort. CEQ requested that DoD provide examples of the benefits provided as a result of the NEPA action. The TRICARE Management Agency did use its review under NEPA to evaluate a proposed project and scope. Ultimately the Agency determined that the project no longer met the purpose and need for the project.

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