

Attachment 9A

Explanatory Note for Department of Homeland Security (DHS) Report May 3, 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 \$108 million was obligated during the reporting period ending March 31, 2010, bringing the total obligations to over \$1.5 billion. Also during the period, more than 90 NEPA reviews were completed and 45 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:

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 actions associated with it at this time and no funds have been expended.

Page 1, row 4 – The “Number of ARRA Funded Projects/Activities” increased from 24 to 51 because 27 additional projects were identified that were inadvertently omitted from the last report.

Page 1, row 6 - “Number of ARRA Funded Projects/Activities” increased from 37 to 44. There are five new projects reported for the first time. Also the “Number of Projects Withdrawn” has increased from 2 to 4. These additional 2 projects will not be funded with ARRA funds. Further explanations of these changes are provided below.

“Page 1, row 11 - “Number of ARRA Funded Projects/Activities” increased from 103 to 113 because 10 projects were identified during this reporting period. In the previous report, FEMA reported that applications for 103 projects had been accepted and 13 NEPA actions had been initiated on 13 projects. FEMA had not identified the level of NEPA action that the 90 projects would require on the last report. During this reporting period, FEMA has initiated another 10 projects, bringing the total number of Firefighter Assistance Grant projects to 113. Ten projects were completed during the period as well (see page 2, rows 87 and 88) and 103 NEPA actions are pending (see row 89). FEMA has taken steps to improve the data collection for ARRA NEPA reporting.”

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.

Explanation of Pending NEPA Reviews over multiple reports:

Page 2, row 2 - (Item from 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 draft EIS is planned for release in late July 2010, with the Record of Decision being signed in December 2010. The EIS timeline is due to the transportation study currently underway with GSA, DCDOT, DHS and FHWA.

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 pending 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 and completed before the summer of 2010.

Page 2, row 13 – (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 60-63 - (Item from 4/30/2009 report) Atlas Tactical Communications and Radios, Immigration and Customs Enforcement: These four projects are in ICE Acquisitions. Once lease agreements are finalized, the projects will be released for environmental review.

Page 2, row 77 – (Item from 4/30/2009) Acquisition, Construction, and Improvements - Recovery Act, USCG, Training Center (TRACEN) Yorktown, VA - Upgrade of the water distribution system. An EA was originally being developed for this project due to the historic significance of this site. However, an archeological investigation indicated that the alignment of the waterline construction will not impact any significant features of the adjacent historic Yorktown National Battlefield. The US Coast Guard has determined that the project does not have significant impacts but will have minimal short-term effects on the National Battlefield site due to the construction process. As such, a CE is appropriate for the undertaking on both the Coast Guard property and the National Park Service property, as the waterline shall be placed in existing easements and previously disturbed areas on both properties. The CE was signed March 26, 2010, and a final memorandum of understanding between the agencies is being finalized. The spreadsheet has been updated to reflect the changed NEPA action (see page 2, row 77).

Page 2, row 85 – (Items pending from 12/31/2009) Port Security, Recovery Act, FEMA. 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.

Explanation of New NEPA Actions and Withdrawn Projects:

Page 2, rows 33-59 - Construction, Customs and Border Protection: these 27 projects were inadvertently omitted from the previous report and are reported here for the first time. Seventeen of these have been completed and ten are pending.

Page 2, rows 66-68 and 71 – Transportation Security Administration (TSA) Explosive Detection Systems, Four projects have been withdrawn since DHS began ARRA NEPA reporting (see row 68). One was withdrawn during the previous reporting period because it was funded with non-ARRA appropriations. Another project was withdrawn during the previous reporting cycle because a site did not wish to pursue acquisition of the equipment. During this reporting period, two more projects were withdrawn because they were funded with non-ARRA appropriations. Three more ARRA baggage conveyor system projects (rows 66 and 67) and two Advanced Surveillance System projects (row 71) have been added this reporting period.

Page 2, row 84 – Transit and Rail Security, Recovery Act, FEMA, the number of actions increased from 1 to 5. Four additional projects were identified that were inadvertently omitted from the last report. These actions have been completed since last report.

Page 2, row 89 - Firefighter Assistance Grants, Recovery Act, FEMA, Renovation, expansion, and construction of fire stations throughout the US. Additional Firefighter Assistance Grants projects are being reported for the first time, as explained above. FEMA now reports 103 pending actions, 93 of which were pending last period and 10 which were initiated during this reporting period. Note, the completion of 10 program NEPA actions is recorded on rows 87 and 88.

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 73):

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 75):

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 82):

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 83):

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 84-89):

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.

###