

Attachment 11D(1)

Explanatory Note for DOI: Bureau of Indian Affairs (BIA) November 2, 2009

The report documents the progress on 855 funded ARRA projects including the construction or renovation and maintenance of schools, detention centers, housing construction, and roads and bridges repair and restoration.

The Indian Affairs ARRA NEPA Report appropriations on page one of two does not include \$20 million in the "Operation of Indian Programs" that is dedicated to the workforce training program and \$1 million for administrative costs for that program. The Construction ARRA appropriations on page one of two has been reduced by 5% for administrative costs (\$22,500,000).

Initially, BIA reported that a categorical exclusion (CE) would be used for all road maintenance projects and an environmental assessment (EA) would be required for all new housing improvement projects. However, as part of the National Environmental Policy Act (NEPA) compliance, during the categorical exclusion review process if extraordinary circumstances exist in regard to any of these projects, an environmental assessment will be prepared. The Road Repair and Restoration Program still anticipates categorical exclusions for all of its road maintenance projects performed within the limits of existing rights-of-way, unless there has been significant changes since the initial NEPA document that might require a new EA or supplemental EA. To date, no new EA or supplemental EA have been created. There remains a number of "pending" categorical exclusions as the program validates and verifies each work plan submitted by Bureau of Indian Affairs (BIA) regions, via tribal consultation, prior to funding. The work plan must have all required NEPA documents; those found to be incomplete CEs are returned for proper documentation. The required consult with Tribes on road maintenance projects extends the time to complete the NEPA process and submit an approved work plan. The BIA will continue to validate, verify, and approve work plans as they become available.

The BIA Housing Improvement Program (HIP) also manages the NEPA process in coordination with tribes receiving recovery funds for the 188 home construction projects. Most of the tribes will prepare the environmental assessments and submit the completed EAs to the BIA Regional Housing Officers who coordinate with the BIA Regional NEPA coordinators to ensure the EAs are complete, accurate and sufficient before BIA signs off on the documents. The NEPA action for some projects in the Pacific and Rocky Mountain Regions changed from an environmental assessment to a categorical exclusion because the tribes identified existing homes in need of repair and the proposed renovations are allowable under statutory requirements and meet the requirements of a BIA categorical exclusion. In addition, two tribes (Yurok and Navajo Nation) have determined they must reduce the number of home units to stay within the estimated funding amount received for ARRA. This change of 10 withdrawals is reflected in the report.

The remaining ARRA projects are primarily school replacements, improvements and repairs. These projects are covered by a categorical exclusions and environmental assessments. As noted

above, during the categorical exclusion review process if extraordinary circumstances exist in regard to any of these projects, an environmental assessment will be prepared. Two projects in the MIR-School Improvements and Repair (Great Plains and Southwestern Regions) were determined to meet criteria under an existing categorical exclusion and not require an environmental assessment. In addition, two projects mistakenly included in the June quarterly report were taken off the list because they are workforce training needed to administer the projects receiving Recovery Act funding (Southwest and Rocky Mountain Regions) and are not reported.

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