

Attachment 10D (1)

**Explanatory Note for the Bureau of Indian Affairs
November 5, 2010**

Attached is the Bureau of Indian Affairs' report to the Council on Environmental Quality, fulfilling Section 1609 reporting requirements for the American Recovery and Reinvestment Act of 2009 (ARRA) and compliance with the National Environmental Policy Act (NEPA). The five funded programs are School Replacement (SR), Detention Centers (DC), School Improvement and Repair (MIR), Housing Improvement Program (HIP) and Indian Road Repair and Restoration (Roads). This report documents the progress on currently funded ARRA projects.

This quarter funding has been increased in the SR and HIP programs. These increases have been reprogrammed from reductions in the DC, MIR and Roads programs, as well as from over all savings in administrative oversight funding.

Changes in ARRA projects

The previous quarterly report (June 30, 2010) included 669 ARRA funded projects covered by 620 NEPA actions. Of these 620 NEPA actions, 568 had been completed in previous quarters.

Since the last report, the number of ARRA projects has increased 681 because one MIR project was withdrawn and 13 HIP Housing projects were added. The number of NEPA actions has dropped to 594 because of the withdrawn MIR project, the addition of new HIP projects, and the combination of several NEPA actions for HIP projects. These changes are explained in the discussions below. Table 1 provides an overall summary of current NEPA actions.

Table 1 Summary of NEPA Actions

Category	Total NEPA actions	NEPA Actions Completed	Pending EAs	Pending CEs
SR	5	5	0	0
DC	4	4	0	0
MIR	102	101	0	1
HIP	104	87	4	13
Roads	379	379	0	0
TOTAL	594	576	4	14

SR, DC and MIR Projects (rows 1-34)

The Office of Facilities Management and Construction (OFMC) is responsible for NEPA compliance for 113 ARRA projects under the SR, DC, and MIR programs. This is one less than reported in the last quarter, because one MIR project has been withdrawn. These 113 projects

are covered by 111 NEPA actions. Only one CE for an MIR project is pending. All funds for projects have been obligated. Funds for the final MIR project will not be released for construction until the NEPA process is completed. Changes in this quarter's spread sheet are explained below.

- **SR** – No change from previous quarter.
- **DC** – No change from previous quarter.
- **MIR** – One hundred five projects were reported in the previous quarter; 104 projects are listed this quarter, because one project has been withdrawn. This project was an emergency roof repair for gymnasium that was completed with non-ARRA funds. The ARRA funds have been reprogrammed into other ARRA Projects. This project was previously listed in row 27a as one of the three pending projects, but has now been added to row 28a as a withdrawn project, increasing the previous count in row 28a from one to two withdrawn projects.

The previous quarterly report listed 103 NEPA actions with seven CEs as pending. The NEPA actions are now 102 with only **one CE pending**. This project, which is listed in row 33, has been carried over for four quarters. It is a remote radio tower whose location needed to be precisely determined by a specialized radio contractor. Both tower site and access route have now been identified; National Historic Preservation Act (NHPA) Section 106 consultation will be conducted within the next month and the NEPA process will be completed by the end of the next quarter

Other changes from the previous quarterly report include:

- one action was previously listed as a pending CE, but after further review it was determined that the action was covered by an existing EA, it now shows as a completed EA (row 12);
- four previously reported pending CEs are now done: rows 16a, 27a are now deleted and rows 16, 28 and 34 have increased accordingly.

HIP Projects (rows 35-49)

The Bureau of Indian Affairs, HIP manages the NEPA process in coordination with tribes receiving recovery funds for home construction projects. The current number of HIP projects is 189; this is 13 more than reported last quarter because additional housing projects have been added in Alaska (row 35a), these projects are covered by 104 NEPA Actions. Funds have been obligated to tribal housing programs, but are not released until all NEPA compliance is complete.

The previous report listed 33 EAs and 12 CEs pending. There are currently **13 CEs and 4 EAs pending**. The 13 CEs are all for the new projects in Alaska which were added this quarter. The pending EAs include:

- One EA for Three Affiliated Housing. The previous report identified this as 10 EAs, but the housing sites will be combined under a single EA (row 40). This has been carried over from previous quarters because the housing project

will include geothermal heating, which has resulted in a more complex NEPA analysis.

- Three EAs for Hoopa Housing (row 44). These have been carried over from previous quarters because they are awaiting review under the Tribal Environmental Policy Act

The 13 new CEs and four carried-over EAs should be completed by the end of the next quarter.

Other changes from the previous quarter include:

- Three EA's previously listed as pending are now done. Row 38a is now deleted and row 38 has been increased accordingly.
- Ten actions previously listed as individual EAs have been completed under a single programmatic EA (row 39);
- Nineteen CEs were mistakenly listed in the previous quarterly report as individual "done" actions (row 43); these were in fact completed under a single CE. Previous quarterly report also listed three EAs as pending (row 43a). After further review, these actions were addressed under a single CE. These twenty-two previously listed actions have therefore been addressed under 2 CEs. Row 43 has been changed to 2 CEs and row 43a is now deleted.
- Five EAs were previously listed as pending in row 44. Two of these EAs have been completed. Row 44a was added to show these completions and row 44 was reduced accordingly.
- Nine CEs previously listed as pending are now done (row 45a)
- Three CEs previously listed as pending are now done. Row 46a is now deleted and row 46 has been increased accordingly.
- Two EAs previously listed as pending are now done (row 47)

Roads (rows 50-60)

There are currently 379 proposed Roads projects. CE reviews have been completed on all of these. No changes have been made since the previous quarter. There are **no pending** NEPA actions.

NEPA Benefits

MIR – Radio Tower Construction. (row 34)

The size of a proposed radio tower at the San Carlos Agency was reduced from an 80 foot-high free-standing tower to a five foot-high pole on an existing building. This significantly limited the visual intrusion into the area and also reduced the environmental analysis required from an EA to a CE.

Road Repair and Restoration. (row 52)

The spread of noxious weeds is a serious concern in the Rocky Mountain Region. All of the seven road projects required a noxious weed inventory as part of the NEPA review. The design features of each road project included weed inventories along the roads and, where necessary, eradication measures were implemented to curtail the spread of noxious weeds.

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