

Attachment 10H(1)

Explanatory Note for the Fish and Wildlife Service November 5, 2010

Attached is the Fish and Wildlife Service's (FWS) National Environmental Policy Act (NEPA) compliance report for projects and activities funded under Section 1609 (c) of the American Recovery and Reinvestment Act (ARRA) of 2009. The Excel reporting template updates the NEPA compliance status for all FWS ARRA projects and activities identified or selected through September 30, 2010. During this reporting period, the FWS obligated \$27,484,512, bringing the total obligations to \$280,000,000, which is 100.00% of the total FWS ARRA appropriation for projects and activities. This report updates and clarifies previous FWS submissions and reports on new projects added or completed during the current reporting period. The following information summarizes the content of our report.

ARRA projects vs. NEPA actions

The previous FWS ARRA NEPA status report (June 30, 2010) listed a total of 719 ARRA projects with 1,073 NEPA actions. As of September 30, 2010, the FWS has a total of 713 ARRA projects with 1,055 NEPA actions. As explained previously, some ARRA projects are defined broadly and therefore they can be broken down into sub-projects that have independent utility and are individually analyzed under NEPA. This can result in a higher number of NEPA actions per ARRA project. The row numbers on spreadsheet page 2 identifies each ARRA project. Multiple lines with the same project code depict sub-projects under the same ARRA project. All sub-projects under the same ARRA project will have the same project code. The number of FWS NEPA actions decreased by 18 this reporting period. The decrease in NEPA actions is due in part to the withdrawal or cancellation of six single projects and one sub-project this quarter (see below). In addition, 11 NEPA actions for projects with multiple sub-projects were removed from the spreadsheet because we provided the NEPA status for each independent sub-project associated with those project codes rather than showing those actions on separate rows as single projects.

Additions

There were no new projects added this quarter.

Pending Actions

NEPA compliance has been completed for the majority of our ARRA funded projects. To date, 1,051 (99.6%) of the current total of 1,055 FWS NEPA actions have been completed, while only 4 NEPA actions (less than 1%) remain pending. We anticipate that NEPA compliance for most of these actions will be finalized during the next reporting period. Attached is a list of pending actions and the reasons they remain pending. In addition, NEPA compliance has been completed for most projects that require other federal documentation, including Endangered Species Act, Clean Water

Act, and National Historic Preservation Act permits and reviews. We are continuing to make progress toward completing all federal requirements for FWS ARRA projects.

Withdrawn Actions

To date, the FWS has a total of 94 cancelled or withdrawn projects. There were six single projects cancelled or withdrawn during this reporting period (R4HW, R4HX, R4JK, R4JW, R4JX, and R4PM located on rows 801 - 806) while one sub-project under project code R4MG was cancelled (row 807), leaving 2 R4MG sub-projects remaining active. Withdrawn projects are recorded at the bottom of the spreadsheet starting at row number 714. A detailed list of projects withdrawn during the current reporting period, with explanations for specific project withdrawals, is also provided in the attached table.

Corrections and Revisions

The scope of project R6MA (row 566) has been modified as a result of additional legal review and water rights complexities discovered during the preliminary design phase of the project. ARRA funding was limited to covering only the "pre-design" portion of the project. The EA and FONSI were completed on June 10, 2010 and a change order statement was signed on August 2, 2010 documenting the change in scope.

NEPA Benefits

The Hartland Dam removal project (R6TA/R6UA (rows 581 - 582)) is located in Delta County, Colorado, a rural area along the Gunnison River, under the jurisdictions of Colorado's Department of Natural Resources (DNR), Water Board, and the Colorado Division of Wildlife. This project was sought by a partnership between Federal Government and local community to improve the general level of economic activity and to enhance the environment and standard of living in a six-county area of western Colorado. Painted Sky Resource and Conservation Development Council, a local private collaborative entity, with assistance from the local DNR office, organized and initiated the project. The Fish and Wildlife Service is funding completion of the final design phase of this project.

The NEPA review for Hartland Dam removal benefitted the environment and agency decision making by facilitating the Corps of Engineers environmental review and permitting of dam removal, and by integrating dam removal with local floodplain planning. The NEPA review provided an opportunity for successful collaboration between local, state, and federal river users in order to achieve the following multiple purposes: 1) achieve upstream movement for 3 native sensitive fish species; 2) eliminate a boating safety hazard and increase tourism by providing a continuous path for kayakers and rafters, and; 3) maintain water diversion points for local irrigation use. The project has broad support among stakeholders and citizens in the Delta County region.

Summary of Fourth Quarter 2010 FWS NEPA Status Updates

| Number | Project/Activity Description | NEPA status | Notes |
|------------------------------|--|-------------|---|
| Corrections/Revisions | | | |
| 566 | R6MA - Remediate Salinity Contamination of Hailstone Reservoir | EA | EA completed on June 10, 2010. Change order statement signed on August 2, 2010 documenting the change in scope to "design only". |
| New Withdrawals | | | |
| 801 | R4HW - Replace worn pump, outlet and distribution pipes on Well #1 on the Henson FSA tract. | | Additional planning has identified project requirements beyond the original scope or cost estimate. The project will be completed with non-ARRA funding. |
| 802 | R4HX - Replace worn pump, distribution pipes, and outlet pipes on Well #2 on the Henson FSA tract. | | Same as above |
| 803 | R4JK - Rehabilitate Silted in Canal Located beside Trux Road | | Same as above |
| 804 | R4PM - Rehab 44 year old Freshwater Production Well at Reservoir | | Same as above |
| 805 | R4JW - Replace failed Sibley Unit WCS, Repair Erosion, Repair Levee Dikes | | Same as above |
| 806 | R4JX - Repair damaged and deteriorated 102' x 15' metal bridge across Armstrong Ditch. | | Same as above |
| 807 | R4MG - Restore Wetland Water Management Capabilities - R402 - Remove Trees from Farm Fields Perimeter Dike - Alligator River NWR | | Same as above |
| Pending | | | |
| 184 | R2UC - Renovate Barrier to Protect Rio Grande Cutthroat Trout in Tanques Creek per Western Native Trout Initiative (WNTI) Priorities | CE | The project scope was modified to cover only the purchase of equipment for various ARRA projects occurring on wildlife refuges in the Southwest Region. A CE will be completed by the |

| Number | Project/Activity Description | NEPA status | Notes |
|--------|---|-------------|--|
| | | | next reporting period |
| 581 | R6TA Hire private contractor to remove Hartland Diversion Dam | EA | Final EA is undergoing technical reviews and decisions regarding engineering modifications for fish passage; we anticipate completion by November 2010. |
| 582 | R6UA Hire private contractor to remove Hartland Diversion Dam | EA | Same as above. |
| 706 | R9VA - Obtain LEED EB Certification, upgrade existing building systems to reduce energy consumption, construct onsite sustainable energy systems. | CE | Data collection is ongoing to compile the necessary information to determine the scope of the photovoltaic installation. Anticipate completion during next reporting period. |

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