

Attachment 4A(1)

Explanatory Note for Department of Defense (DOD) Report November 5, 2010

DoD is pleased to submit 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). DoD continues to work with the DoD Components to ensure the quality and accuracy of the data contained in the report.

This report is cumulative for DOD NEPA actions on ARRA funded projects and activities through September 30, 2010. The Department increased its total number of ARRA Funded Projects by 34, from 4,792 to 4,826 projects (including 25 projects with undetermined NEPA).

DoD has withdrawn 175 projects originally proposed for the ARRA, which is an increase of 56 over the last reporting period. All of these projects were withdrawn because the project was included as part of a larger project, was replaced by a more valuable project, did not meet requirements, or was not executable. None of these projects were withdrawn due to environmental concerns or delays in the process associated with NEPA requirements. The Department has not experienced (or reported) instances of substantial delays in the NEPA review process.

DoD has completed 4,682 NEPA analysis actions for the 4,609 ARRA projects determined to require action under NEPA. DoD completed these NEPA reviews using 4,562 Categorical Exclusions (CE), 116 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 projects for which DoD determined that NEPA was not applicable.

There are 25 projects that currently have an undetermined NEPA status, a decrease from 43 in the last report. Of the 43 projects previously reported as undetermined, 31 projects gained a NEPA determination and 5 were withdrawn between this report and the last report. Additionally, 18 projects were added with an undetermined designation. Of those 31 projects whose NEPA action was determined in the period since the last report, 30 projects/actions became CEs and one project/action became an EA. All of these reviews are done and none are pending. Those projects whose NEPA status is undetermined have been prioritized by the DoD Components and will be characterized in future reports.

Of those 31 projects discussed above whose NEPA status was determined during this reporting period, 5 projects (4209, 4218, 4222, 4279, 4289) were Navy Planning and Development projects whose environmental review already fell under the NEPA review for the construction of those projects. In this report, their NEPA Action type has been designated "ce", while the number of actions has been made zero. This prevents the project from being double-counted when it was already accounted for under the NEPA review of another project.

Benefits of the NEPA Process

The DoD Components provided the following benefits of the NEPA process with regards to their projects:

- “Process increased awareness of need to consider and incorporate environmental requirements” was provided by both the Marine Corps and the Marine Corps Reserves for all of their projects.
- “NEPA process provided a check and balance system to ensure the project did not adversely impact the environment or cultural resources” was provided by the Army National Guard for all of their projects.

Clarification on information submitted in the spreadsheet:

DoD has 4,826 ARRA funded projects, of which 4,626 ARRA funded projects were determined to require actions under NEPA. Of the remaining 200 projects, 175 of these were withdrawn, and 25 are still in the process of determining whether a NEPA action is required, and if so, at what level. Of the 4,626 projects determined to require action under NEPA, 13 projects required more than one action, for a total of 4,701 NEPA actions.

DoD has identified 4,505 ARRA projects that require 4,579 Categorical Exclusion actions. DoD has completed 4,562 Categorical Exclusion actions. This is an increase from 4,482 in the previous report.

17 Categorical Exclusions actions are pending, a decrease from 35 pending actions in the last report. Of the 17 pending Categorical Exclusions actions, four (project rows 1516 and 1519, two actions each) are still being referred back to the California SHPO office by the Army National Guard. 13 have no explanation for their pending NEPA status (project rows 2345, 2377, 4276, 4277, 4278, 4663, 4738, 4739, 4740, 4746, 4747, 4748, 4749 all one action each). DoD will follow up with the DoD Components to update the status of these Categorical Exclusion actions.

DoD has identified 117 ARRA projects that require 118 Environmental Assessment actions. DoD has completed 116 Environmental Assessment actions under the ARRA. This is an increase from 112 in the previous report.

Two Environmental Assessment projects with two Environmental Assessment actions are pending actions. They have no explanation for their pending NEPA status. DoD will follow up with the DoD Components to update the status of these Environmental Assessments.

DoD has identified four projects requiring an Environmental Impact Statement. This is a decrease from five in the previous report. DoD has completed four Environmental Impact Statements under the ARRA, which is the same four as in the previous report. The decrease of one EIS is caused by the withdrawal of a project at Vandenburg Air Force Base. Therefore, the EIS is no longer required.

There are no projects reported with a NEPA not applicable determination.

During this period, DoD withdrew 56 projects from the ARRA process for a total of 175 withdrawn projects. This number is an increase from the total of 119 withdrawn projects reported in the previous cycle. These withdrawals were due to Air Force and Army National Guard reconsideration of their ARRA projects, resulting in the removal of some repair and maintenance projects from the ARRA project effort for various programmatic reasons. None of these projects were withdrawn due to environmental concerns or delays in the process associated with NEPA requirements.

DoD's NEPA Status Summary				
		Number of NEPA Actions		
		July 15 2010	October 15 2010	Change (July-Oct)
Number of ARRA Funded Projects	Total	4,792	4,826	34
	Section 1609(c) reportable	4,749	4,801	52
NEPA Status totals by Actions	withdrawn	119	175	56
	done	4,599	4,682	83
	pending	34	19	(15)
Status of Completed Federal Environmental Reviews	yes	4287	4303	16
	NA	0	0	0
	no	290	267	(23)
Designated "Type of NEPA Action"	ce	4,551	4,579	28
	ea	117	118	1
	eis	5	4	(1)
	Total NEPA Actions (ce + ea + eis)	4,663	4,701	38
	NEPA NA	0	0	0
	Undetermined*	43	25	(18)
	Total Projects not designated as NEPA Actions (NEPA NA + Undetermined)	43	25	(18)

*Reported total # of undetermined ARRA funded projects (Not undetermined NEPA Actions).

DoD Projects versus Actions			
	# of ARRA Projects	# of NEPA Actions per Project	Total Actions
ce	5	0	0
ce	4488	1	4488
ce	4	2	8
ce	2	3	6
ce	2	4	8
ce	1	6	6
ce	1	10	10
ce	1	14	14
ce	1	39	39
Total CEs	4505		4579
ea	116	1	116
ea	1	2	2
Total EAs	117		118
eis	4	1	4
Total EISs	4		4
Subtotal	4626		4701
<i>withdrawn (No NEPA action)</i>	175	1	175
Total	4801		4876
<i>undetermined (No NEPA action)</i>	25		
Total	4826		

DoD Projects/Actions Completed versus Pending

	# of ARRA Projects	# of NEPA Actions per Project	Total Actions
Done	5	0	0
Done	4593	1	4593
Done	3	2	6
Done	2	3	6
Done	2	4	8
Done	1	6	6
Done	1	10	10
Done	1	14	14
Done	1	39	39
Total Done	4609		4682
Pending	15	1	15
Pending	2	2	4
Total Pending	17		19
Withdrawn	175	1	175
Total	4801		4876
Undetermined	25		
TOTAL	4826		

DoD Projects/Actions Completed versus Pending by Action Type

	Done Projects	Pending Projects	Total Projects	Done Actions	Pending Actions	Total Actions
ce	4490	15	4505	4562	17	4579
ea	115	2	117	116	2	118
eis	4	0	4	4	0	4
total	4609	17	4626	4682	19	4701

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