

Attachment 8A

Explanatory Note for Department of Homeland Security (DHS) Report November 5, 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 \$412 million was obligated during the reporting period ending September 30, 2010, bringing the total obligations to over \$2.1 billion. Also during the period, more than 109 NEPA reviews were completed and 64 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 NEPA 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 52 to 53 because 1 additional project was added during the reporting period.

Page 1, row 5 - The "Number of ARRA Funded Projects/Activities" increased from 4 to 5 because 1 additional project was added during the reporting period.

Page 1, row 7 - "Number of ARRA Funded Projects/Activities" increased from 14 to 15. There is 1 additional projects indentified during this reporting period.

Page 1, row 10 - "Number of ARRA Funded Projects/Activities" under the Port Security, Recovery Act, FEMA, increased from 253 to 271. This resulted in a net increase of 18 projects during this reporting period.

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.

Page 1, row 13 - Federal Protective Services - Recovery Act, NPPD, These projects are for contracting with private firms to provide building services at government buildings.

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 delay in executing this procurement has jeopardized the schedule for completion of the East Campus Master Plan Amendment, Final Environmental Impact Statement and Federal Highway Administration Final 4F determination for the access road in Shepherd Parkway. The Draft EIS has slipped from June/July release to “the fall” and to date GSA cannot provide a more detailed estimate for the release.

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 delayed 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 before the summer of 2010.

Rows 13, 36, 38, and 40. Construction, Customs and Border Protection. These rows changed from ‘pending’ to ‘done’ for the NEPA documents. NEPA Environmental Assessment level reviews have been completed for 4 sites that are part of the LPOE Modernization Program.

Rows 37, 59 and 60. Construction, Customs and Border Protection. CBP expects to complete the NEPA evaluation for these projects before the end of the next quarter.

Page 2, rows 62-65 - (Item from 4/30/2009 report) Atlas Tactical Communications and Radios, Immigration and Customs Enforcement: The four projects have the environmental reviews completed. Two projects were completed before this reporting period but were not reported as completed because of internal communication misunderstandings.

Page 2, row 74 - TSA Explosive Detection System - Environmental review is complete.

Page 2, row 84 - USCG Acquisition, Construction and Improvements - Environmental review is complete.

Page 2, row 95 – (Items pending from 12/31/2009) Port Security, Recovery Act, FEMA. Number of pending CEs has decreased from 56 to 43, 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.

Page 2, rows 97 - 98 - Port Security, Recovery Act, FEMA, these projects will require environmental assessments and are a combination of new and existing projects. The projects in row 97 are currently pending and in the process of being listed as completed EAs. The number decreased from 6 to 3 because upon further review these projects were eligible for a categorical exclusion.. Row 98 was added as a place-holder for completed pending projects.

Explanation of New NEPA Actions and Withdrawn Projects:

Row 61. Construction, Customs and Border Protection. One new project was added to the list. A supplemental EA will be completed for the revised construction layout for the Boundary Land Port of Entry Modernization project.

Page 2, row 70 - The four projects listed were withdrawn during previous reporting periods. One was withdrawn during the fourth reporting period because it was funded with non-ARRA appropriations. Another project was withdrawn during fourth reporting period because a site did not wish to pursue acquisition of the equipment. During the fifth reporting period, two more projects were withdrawn because they were funded with non-ARRA appropriations.

Page 2, row 74 – Updated item for this reporting period. Item that was listed as pending during the last reporting period has been completed.

Page 2, row 75 - New item for this reporting period.

Page 2, rows 99 - 102 - Firefighter Assistance Grants, Recovery Act, FEMA, Renovation, expansion, and construction of fire stations throughout the US. Twenty (20) projects have completed required environmental reviews. The total number of 117 has not changed. Row 102 was added as a place holder for future projects.

Page 2, row 103 - Federal Protective Service, NPPD - These projects are for contracted building services at federal buildings. All environmental reviews have been completed.

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 76):

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 78):

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 91):

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 92):

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 93-101):

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.

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