

Attachment 22A

Explanatory Note for the National Science Foundation (NSF) Report November 2, 2011

Attached please find NSF's completed report pursuant to Section 1609(c) of the ARRA for awards made and obligated through September 30, 2011. Please note that, as of September 30, 2011, NSF has made or obligated a total of 5,148 awards funded with ARRA funds.

The attached report lists all of the three major programs that were set forth in the ARRA legislation relevant to NSF. These programs are: 1) Research & Related Activities; 2) Major Research Equipment & Facilities Construction (MREFC); and 3) Education & Human Resources. On page two of the report, activities with completed NEPA reviews are listed for all activities that were either obligated or funded with ARRA funds. (Please note that one EA was completed for 10 ARRA funded awards under the Research & Related Activities account. That EA was completed and noted in NSF's September 30, 2010 Section 1609(c) report.) Page two also lists three EAs for various activities; two of these EAs are for site-specific activities funded with MREFC funds that were completed during the previous reporting period ending on March 31, 2011, and the third EA is an ongoing EA that was initiated during this reporting period. This information is reflected in the accompanying Section 1609(c) report.

In the last report submitted to CEQ, NSF reported that a Draft Supplemental EA related to the Advanced Technology Solar Telescope (ATST) had been released to the public on June 1, 2011. As stated in our report for the period ending December 31, 2009, a Record of Decision was issued for the ATST on December 3, 2009, following a FEIS that was completed on July 31, 2009. The Draft Supplemental EA addresses impacts associated with two aspects of the project; one involves a change to the types of trucks to be used during the construction phase, and the other involves mitigation to two FAA towers near the ATST site that may be impacted by the ATST. As reported during the last reporting period, a public hearing on the Draft Supplemental EA was held on June 16, 2011, and a 30-day public comment period closed on July 5, 2011. Since that time, NSF has been in the process of completing its Section 106 consultation responsibilities pursuant to the National Historic Preservation Act (NHPA) for the proposed actions covered by the Draft Supplemental EA. NSF has prepared a draft of the Final Supplemental EA, which may be modified depending on the ultimate outcome of NSF's Section 106 consultation process. NSF anticipates that its Section 106 consultation process will be completed by the end of November 2011; once completed, NSF will issue its Final Supplemental EA for the proposed actions. Issuance of the Final Supplemental EA will conclude NSF's NEPA compliance for all activities funded by ARRA.

All monies provided to NSF with ARRA funds have now been awarded or obligated.

Benefits:

The NEPA process for the ATST (see page 2, row 3 of the NSF spreadsheet) was very beneficial. As a result of the NEPA process, during which NSF prepared a Draft Environmental Impact Statement, Supplemental Draft Environmental Impact Statement, and Final Environmental Impact Statement, and completed NSF's compliance with Section 106 of the NHPA, NSF became aware of concerns about the ATST's potential impacts on cultural resources (among other resources). In response to those concerns, NSF agreed to implement many forms of mitigation, including the formation of the ATST Native Hawaiian Working Group, a novel approach designed to help ensure continued consultation throughout the construction and operation phases of the ATST. This mitigation measure became part of both the NEPA and Section 106 mitigation measures. In addition, the NEPA process led to a \$20 million mitigation measure designed to address the intersection between Native Hawaiian traditional cultural practices and science through an educational initiative with the University of Hawaii's Maui College. Moreover, after the issuance of the FEIS, NSF took another look at the impacts of the ATST on threatened and endangered species and has now committed to put in place additional conservation measures, including a mitigation fencing project designed to protect the Hawaiian Petrel and a holding pen to protect the Hawaiian Goose. These conservation measures are the topic of the most recently completed EA. NSF's compliance with NEPA for the ATST continues and will conclude with regard to the changes in truck traffic and the FAA mitigation once NSF's Section 106 consultation process has ended. NSF's previous NEPA and NHPA compliance work has clearly resulted in the development of better relationships with Native Hawaiians and the public at large; as a result of NSF's improved relationships, its supplemental NEPA work has been much more efficient and effective.

In sum, adding the Supplemental EA currently underway to the other 5,139 NEPA activities that were concluded as of the end of the last reporting period, results in a total of 5,140 NEPA activities subject to ARRA funds. Please let me know if you would like any additional clarification of either this explanation or the attached report, or whether you require any further information.

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