

Attachment 8A

Explanatory Note for Department of Homeland Security (DHS) Report November 2, 2011

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 \$1.3 million was obligated during the reporting period ending June 30, 2011, bringing the total obligations to over \$2.2 billion. Also during the period, more than 180 NEPA reviews were completed and 219 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 seven to two hundred-eight. The project Tactical Communications and Radios: P25 HLT Sector) has been determined to require 47 - Categorical Exclusions completed and 5 not complete: P25 RGV Sector has been determined to require 42 - Categorical Exclusion and two - Environmental Assessments: P25 EPT Sector 42 Categorical Exclusions completed and 10 are not. The additional quantities were discovered after project personnel reviewed the entire number of environmental reviews conducted.

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 - "Number of ARRA Funded Projects/Activities" under Federal Protective Services increased from 70 to 89. These projects are for contracting with private firms to provide building services at government buildings.

Explanation of Pending NEPA Reviews over multiple reports:

DHS continues to complete the NEPA reviews that are underway and expect their NEPA reviews will be completed in time to allow for the orderly expenditure of the ARRA funds.

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. A change in budget allocations for roadway construction has caused the transportation plan (a section of the EIS) to be revised. This required new surveys and input from the National Capitol Planning Commission, US

DOT and DC DOT. The Transportation Plan has been revised and the EIS is undergoing follow on public/private reviews. It is expected to be signed by 3/21/2012.

Page 2, row 3 - CBP Non-intrusive Inspection Systems shows 15 Categorical Exclusions complete. These were found during a project review conducted by project personnel.

Page 2, row 4 CBP, Tactical Communications and Radios: HLT Sector - There are 47 Categorical Exclusions completed. These were found during a project review conducted by project personnel.

Page 2, row 5 CBP, Tactical Communications and Radios: P25 EPT Sector - There are 42 Categorical Exclusions completed. These were found during a project review conducted by project personnel..

Page 2, row 6 – CBP, Tactical Communications and Radios: P25 RGV Sector, - There are 42 Categorical Exclusions completed. These were found during a project review conducted by project personnel.

Page 2, row 95 – (Items pending from 12/31/2009) Port Security, Recovery Act, FEMA. Number of pending CEs has decreased from 15 to 14, 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 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. FEMA expects these projects to be completed by 12/31/2011.

Page 2, row 96 - Port Security, Recovery Act, FEMA, increased from 250 to 251, one project from row 95 was complete.

Page 2, row 97 - Port Security, Recovery Act, FEMA, all Environmental Assessments are complete.

Page 2, row 98 - Port Security, Recover Act, FEMA, the number of Environmental Assessments increased by one from row 97.

Page 2, row 101 - Firefighter Assistance Grants, Recovery Act, FEMA, the number of completed Environmental Assessments increased from 66 to 88.

Page 2, row 102 - Firefighter Assistance Grants, Recovery Act, FEMA, the number of completed Environmental Assessments decreased from 25 to 4. FEMA GPD expects all reviews to be completed by 12/31/2011.

Page 2, row 103 - Firefighter Assistance Grants, Recovery Act, FEMA, all Categorical Exclusion reviews have been completed.

Page 2, row 104 - Federal Protective Services, Recovery Act, NPPD - the number of Categorical Exclusion reviews increased from 70 to 89.

Explanation of New NEPA Actions and Withdrawn Projects:

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 99 - Firefighter Assistance Grants, Recovery Act, FEMA, Renovation, expansion, and construction of fire stations throughout the US. Two projects are withdrawn.

Page 2, row 105 - Tactical Communications and Radios: P25 EPT Sector, this row was added to address the requirement of (3) Environmental Assessments. CBP expects to have these reviews complete by 12/31/2011.

Page 2, row 106 - Tactical Communications and Radios: P25 EPT Sector, this row was added to address the requirement of (7) Categorical Exclusion Reviews. CBP expects to have these reviews complete by 12/31/2011.

Page 2, row 107 - Tactical Communications and Radios: P25 RGV Sector, this row was added to address the requirement of (2) Environmental Assessments. CBP expects to have these reviews complete by 12/31/2011.

Page 2, row 108 - Tactical Communications and Radios: P25 HLT Sector, this row was added to address the requirement of (5) Categorical Exclusion Reviews. CBP expects to have these reviews complete by 12/31/2011.

Page 2, row 109 - Non-Intrusive Inspection System: this row was added to address the requirement of (43) pending Categorical Exclusion Reviews. CBP expects to have these reviews completed by 1/31/2012.

Page 2, row 110 - Non-Intrusive Inspection System: this row was added to address the requirement of one Environmental Assessment that is complete.

Page 2, row 111 - Non-Intrusive Inspection System: this row was added to address the requirement of one pending Environmental Assessment. It was determined by the Interdiction Technology Branch, CBP Office of Chief Counsel and CBP Enterprise Management Office, that the use of a Programmatic Environmental Assessment (PEA) for Low Energy X-Ray Inspection Systems is the best approach to assess the environmental effects for backscatter mobile vans and portal systems at ports throughout the United States. The PEA has undergone extensive CBP/DHS internal review. Once the Finding of No Significant Impact (FONSI) has been signed, site specific environmental documentation (Records of Environmental Consideration), tiering from the PEA, will be prepared. The 1 EA not completed is the PEA. ITB has been awaiting finalization of the PEA to complete the Categorical Exclusions noted in row 110. ITB is awaiting publishing of a Notice of Availability (NOA) for the Draft PEA in the Federal Register informing the public that the document is available for review and comment for a 30 day period. Finalization of the PEA is anticipated for November 2011.

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):

The Environmental Assessment for the U.S. Coast Guard Cutter Sycamore housing project in Cordova, Alaska, identified potential wetlands impacts which resulted in considering additional alternatives for site locations and housing configurations. An Environmental Assessment published in 2002 identified a requirement for additional site hydrology studies of wetlands within the building location. The environmental field studies discovered extensive on-site wetlands, the impact to which could not be totally avoided. The supplemental Environmental Assessment process provided the opportunity to consider additional alternatives for configuration of the housing as well as an opportunity for public input on those alternatives. The supplemental Environmental Assessment and Finding of No Significant Impact 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 proposed alteration of the Burlington Northern Santa Fe Railroad Bridge between Iowa and Illinois to determine and address the potential impacts the bridge construction would have on the Spectaclecase mussels located on the existing bridge piers. The mussels are a species of conservation concern in Iowa and endangered in Illinois. As part of the NEPA process, a Biological Assessment concluded the mussels would be relocated prior to construction in order to avoid an adverse effect on the mussels and construction processes were modified to mitigate impacts to these species.

Bridge Program, USCG, Alteration of Galveston Causeway Bridge, Galveston TX (DHS spreadsheet, page 2, row 92):

In a similar example, the NEPA process allowed the Coast Guard to determine the potential impacts of the alteration of the Galveston Causeway Bridge in Texas on species of concern and construction processes were modified to mitigate impacts to affected meiofauna and microfauna species.

FEMA Transit and Rail Security, Recovery Act, Port Security, Recovery Act, Firefighter Assistance Grants, Recovery Act (DHS spreadsheet, page 2, row 93-103):

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.

The Federal Emergency Management Agency (FEMA) is using the NEPA process for ARRA grants to engage grantees early in the process so that environmental issues can be addressed to avoid or minimize potential impacts to the environment. FEMA's grant awards are intended to help strengthen the resiliency of communities in their overall homeland security preparedness, and the grant award documents are 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. Grantees are taking into account ways to minimize impacts to sensitive resources, including historic structures, endangered species, wetlands, and floodplains. This encourages grantees to identify ways to minimize the impacts of the projects that they are proposing, but it also helps to raise the grantees' awareness and improve their planning for future grant-funded projects so that they can proactively begin data gathering and will 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 most evident in the types of projects implemented by the ARRA Fire Fighter Assistance and Fire Station Construction Grants, where the award making decisions consider potential impacts to sensitive resources.

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