

## Attachment 12A

### Explanatory Note for Department of Justice (DOJ) Report February 1, 2010

All of the Recovery Act Funds are in the form of grants and were awarded to four bureaus within the Department of Justice: Alcohol, Tobacco, Firearms and Explosives (ATF); Office of Justice Programs (OJP); Office of Violence Against Women (OVW); and Community Oriented Policing Services (COPS Office). The attached spreadsheet includes data from all four bureaus. Please note, once more projects are identified, we will have more to report on the applicability and completion of National Environmental Policy Act (NEPA) requirements.

Programs are listed in the same order on Pages 1 and 2 of the spreadsheet. For instance, Justice Assistance Grants are listed first on Pages 1 and 2, Byrne Competitive Grants are listed second on Pages 1 and 2, and the like.

Below is more detailed information about the types of projects for each bureau.

**OJP:** OJP programs and activities are on Page 1, Rows 1-8 of the spreadsheet. We note that most of the OJP programs and contracts do not involve any type of construction activity. Environmental Assessments (EA) are being prepared for the grant programs that do involve construction projects.

The OJP was able to make awards covering the vast majority of our Recovery Act funds prior to the Third ARRA Report on September 30, 2009. No additional Recovery Act funds have been obligated since that time. Since the last report cycle, OJP grant managers have been working with award recipients to help them understand and comply with all award requirements, including NEPA. A number of draft Environmental Assessments (EAs) have been prepared. They are being processed to justify Findings of No Significant Impact or identify a need for Environmental Impact Statements. Outreach will continue through the next quarter to ensure that NEPA requirements are met and no unnecessary delays result.

The OJP is in the process of determining if any additional environmental analyses are required and if some reported EAs may not be necessary. In cases where EAs are not necessary, CATEXs will be applied.

Please note several corrections on the spreadsheet for this report. While conducting quality control reviews of the award documents, the agency determined that EA requirements were over reported for the Rural Law Enforcement Assistance Program (Page 1, Row 6 of the spreadsheet), and underreported for the Byrne Competitive Grants program and the Southern Border/High-Intensity Drug Trafficking Areas program (Page 1, Rows 2 and 3 of the spreadsheet). For Rural Law Enforcement Assistance Program, The agency's quality control review program will

continue through the next quarter to ensure that no additional mistakes were made in the NEPA report.

For the Byrne Competitive Program and the Southern Border Program, more information is required and the agency is awaiting responses from the grantees on progress on EAs. While the grantees are involved in environmental analyses, progress depends on the local situation and the local response.

90 EAs for Justice Assistance Grants (Page 2, Row 3), 20 EAs for constructional correctional facilities on Tribal Lands (Page 2, Row 14), and 4 EAs for rural law enforcement assistance (Page 2, Row 19) have remained pending for more than one report. OJP is a grant-making agency and most of the reported actions are for grant programs and the agency is awaiting responses from the grantees on progress on environmental assessments where required. Responses depend on information provided by the grantees. While the grantees are involved in environmental analyses, progress depends on the local situation and the local response to the requirement. Also, in the course of grant administration, the facts may change because of determinations made by the grantee. OJP will incorporate updates as the grantees provide assessments of their progress.

**COPS:** COPS Office programs and activities are on Page 1, Row 9 of the spreadsheet. The COPS Office use of Federal funding to implement a Federal assistance grant program providing 1,037 grants to state, local and tribal law enforcement which does not trigger the need for an environmental review because the funds will be used for activities related to judicial, administrative, civil, or criminal enforcement actions (40 C.F.R. 1508.18[a]).

In the Third ARRA NEPA Report, COPS reported awarding 1,044 grants. Seven of these were withdrawn during this reporting period at the request of the grantee agency. Grantee agencies primarily cited financial budget restrictions as the reason for withdrawing. Due to these withdrawals, the total obligations have been reduced from \$999,899,314 to \$996,522,890 for the current report.

**ATF:** ATF programs and activities are on Page 1, Row 10 of the spreadsheet. ATF received \$10 million through an 1151 Treasury transfer. To date, ATF has obligated \$5,252,582 of the \$10,000,000 received, as compared to \$4,243.805 during the last report. The Recovery Act provided the \$10 million to ATF for its Project Gunrunner for the Southwest Border Initiative. The Southwest Border Initiative is designed to reduce cross border drug and weapons trafficking, and the associated high level of violence occurring on the border between the U.S. and Mexico.

The funds are being used to establish staff (via new hire and relocation), and equip and operate Project Gunrunner criminal enforcement offices along the Southwest Border. ATF does not have direct leasing authority, but relies on GSA to secure office space. A Categorical Exclusion was applied for these activities during the last report cycle (Page 2, Row 26 of the spreadsheet).

**OVW:** OVW programs and activities are on Page 1, Row 11 of the spreadsheet. The reason for the 238 NEPA Not Applicables is that the activities that can be funded under those grants are

related to judicial, administrative, civil, or criminal enforcement actions that do not require a NEPA analysis (40 C.F.R. 1508.18[a]).

During this report period, all Transitional Housing grantees with renovations submitted materials to assure OVW that renovations were covered by Categorical Exclusions (Page 2, Row 26 of the spreadsheet).