

Attachment 11A

Explanatory Note for Department of Justice (DOJ) Report February 1, 2011

All of the Recovery Act Funds are in the form of grants and were awarded to four bureaus within the Department of Justice: Office of Violence Against Women (OVW); Office of Justice Programs (OJP); Alcohol, Tobacco, Firearms and Explosives (ATF); and Community Oriented Policing Services (COPS). The attached spreadsheet includes data from all four bureaus. Please note, once these grants are awarded and obligated, we will have more to report on the applicability of the National Environmental Policy Act (NEPA). Specifically, column E, "Number of ARRA Funded Projects/Activities" will be filled in more as projects are funded. Below is more detailed information describing the types of projects for each bureau.

ATF (Spreadsheet 1, row 11): ATF received \$10 million through an 1151 Treasury transfer. To date, ATF has obligated the entire \$10,000,000 received. Total FY 2010 spending is \$ 6,394,000 and FY 2009 spending was \$1,235,000. The FY09 figure is a correction from previously reported amounts. The 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.

ARRA 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. Offices are being established in El Centro, CA, Las Cruces & Roswell, NM, and McAllen, TX. There are currently no leases in place. ATF is in temporary space in El Centro and shares DEA space in McAllen. Market surveys are being completed for all locations.

ATF does not have direct leasing authority, but relies on GSA to secure office space. GSA has identified these projects as Automatic CATEX (Categorical Exclusions). They cite their PSB NEPA Desk Guide, dated October 1999, Chapter 5.3 (b):

Acquisition of space within an existing structure, either by purchase or lease, where no change in the general type of use and only minimal change from previous occupancy level is proposed (previous occupant need not have been a Federal tenant).

OJP: We are enclosing the completed updated report for the period ending December 31, 2010. We note that most of the OJP programs and contracts do not involve any type of construction activity.

For the grant programs that do involve construction projects, the Environmental Assessments (EA) have not been completed, yet. As these EA's are completed, we will

update the spread sheet. There is one change from the last report to note. For the Tribal Lands Jail Construction Grants, 7 pending EA's resulted in the issuance of four FONSI and three Categorical Exclusions, (Spreadsheet page 2, row 15).

Violence Against Women Prevention and Prosecution (Spreadsheet page 1, row 9):

Office on Violence Against Women received grants that are related to judicial, administrative, civil, or criminal enforcement actions that do not require a NEPA analysis (40 C.F.R. 1508.18[a]).

We have a contractor to conduct the EA on the 10 sites that are conducting serious enough renovations that they need them.

OVW has 10 EAs that remain pending for this reporting period. There is a draft EA and FONSI that covers all 10 grantees on the OVW website at

<http://www.ovw.usdoj.gov/siw-gtc.htm>

We are waiting on the grantees for the 30 day publication period to complete the EAs.

OVW has 28 actions, proposing transitional housing renovations under Grants to Indian Tribal Governments, whose NEPA actions have yet to be determined. These actions are listed as 'pending' on the spreadsheet (page 2, number 30). The NEPA status for these actions, therefore, is also pending.

COPS (Spreadsheet page 1, row 10):

The Community Oriented Policing Service's (COPS Office) use of Federal funding to implement a Federal assistance grant program has provided 1,038 grants to state, local and tribal law enforcement. Since the funds will be used for activities relating to judicial, administrative, civil, or criminal enforcement actions (40 C.F.R. 1508.18[a]), the projects are listed as "NEPA Not Applicable." Total grants funded as of December 31, 2010 include 1,038 grants (1,029 grants awarded in 2009 and 9 grants awarded in September 2010). The total obligation changed from \$999,979,984 to \$995,375,091. The total number of grants withdrawn as of December 31, 2010 is 15, with 2 grants withdrawn during this reporting period at the request of the grantee agency. Grant agencies typically request to withdraw from their grants due to financial budget restrictions.