

**FINAL PROGRAMMATIC  
ENVIRONMENTAL ASSESSMENT  
for the  
NATIONAL INSTITUTE OF JUSTICE  
GRANTS PROGRAM**

prepared for the  
Department of Justice  
by the  
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The purpose of the NIJ grants program is to disburse funding each year to:

- Educational Institutions
- States
- Units of Local Government
- Nonprofit Organizations
- Faith-based Organizations
- Individuals
- Profit-making Organizations



In the past, to meet NEPA requirements for use of federal funds, grantees had to:

- prepare an EA
- prepare a FONSI
- publish a NOA
- public review



This process took several weeks to several months.

# NEPA: National Environmental Policy Act of 1969

There are three levels of analysis that a federal agency may undertake to comply with the law:

CE: Categorical Exclusion

EA: Environmental Assessment

EIS: Environmental Impact Statement

FONSI: Finding of No Significant Impact

Programmatic EA evaluates environmental effects of NIJ funded projects involving:

- the use of chemicals
- renovation or construction of buildings
- fire testing



A new mechanism has been developed for future use by NIJ to determine if applicant proposals are covered by this programmatic EA:

## CHECKLIST

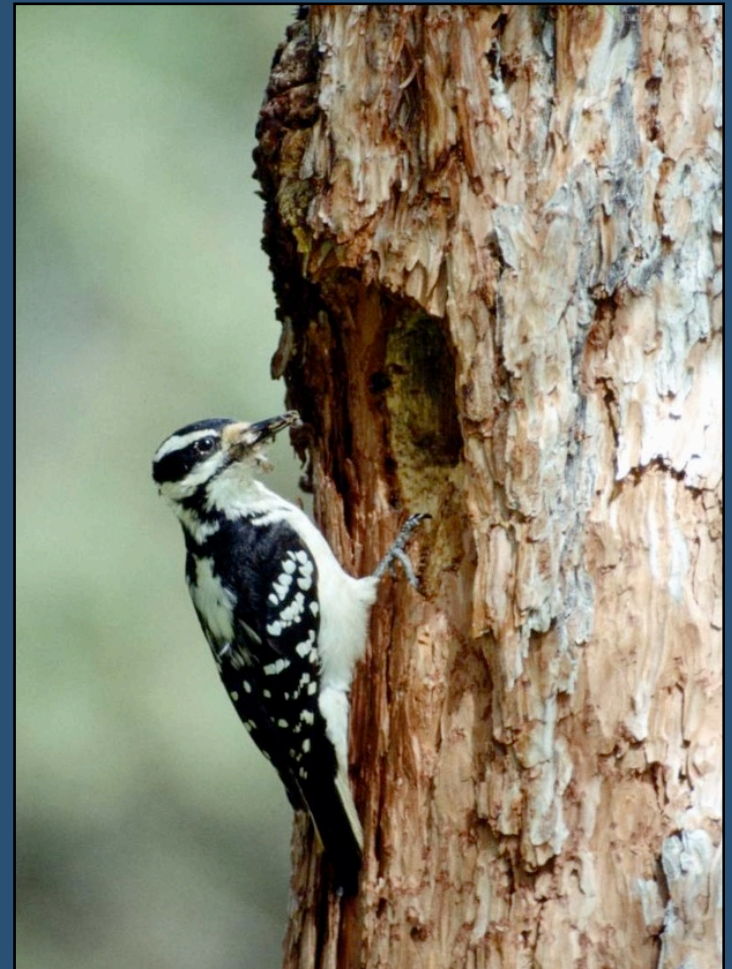


The proposed action in this Programmatic EA is for NIJ to continue funding projects as in the past. Examples of past funded projects:

- Reduction of the number of cold cases through DNA testing (chemicals are involved in DNA extraction and analysis).
- Installation of a modular structure for the purpose of evidence processing (construction project).
- Laboratory small-scale fire tests conducted to characterize the ignition and burning behavior of common materials.

## Impact topics analyzed:

- air quality
- geology, topography and soils
- water resources
- natural environment
- endangered species
- historic preservation
- land use
- human population
- noise
- energy
- solid waste management
- transportation





To ensure the Programmatic EA adequately addresses all issues for each proposed project:

- Grantees will be required to complete and submit a checklist
- NIJ will review and approve completed checklists
- A completed checklist will identify any issues that may require additional analysis

- No NIJ grant funds will be disbursed until determination of NEPA compliance is made.
- Projects not fully covered by the Programmatic EA will need a separate EA and FONSI.



## The Checklist

- Consists of resource topics, listed separately
- Each topic lists questions that address potential impacts
- Columns for a yes or no answer and comments
- Significance criteria for each resource is shown for reference

Resource	Concern	Yes or No	Comments
<b>Solid Waste Management</b>	Would any solid (or liquid) waste that is created by the project, including hazardous waste and construction debris, be disposed of properly?		
	Would laboratories maintain safe and adequate storage and disposal procedures for hazardous waste and chemicals?		

**Significance Criteria**

*An action would cause a significant impact if it would increase the generation of solid or hazardous waste beyond the capacity to safely handle and dispose of that waste.*

Resource	Concern	Yes or No	Comments
Air Quality	Does the project comply with state air quality standards for all criteria pollutants?		
	Is the project located in an area designated by the EPA as in attainment for the seven criteria pollutants?		
	Would the action produce minimal emissions (100 tons per year or less for each of the seven criteria pollutants and/or does not exceed 10% of an area's total emissions)?		
	Would potential exposure to chemical emissions in a laboratory be controlled through the use of a biological hood?		
	Would the project only produce emissions that do not impede the area's conformity with the State Implementation Plan under the Clean Air Act?		

**Significance Criteria**

*An impact would be considered significant if pollutant emissions result in exposure of people, wildlife, or vegetation to ambient air that does not meet the standards established under the Clean Air Act, or interfere with state ambient air quality standards.*

Resource	Concern	Yes or No	Comments
Geology, Topography, Soils (includes Farmland Protection)	Would there be compliance with local soil erosion mitigation measures in construction and renovation projects?		
	Would the project avoid erosion and deposition, compacting soils in fragile environments, or altering the character of soils over a large area?		
	Would the project comply with the Farmland Protection Policy Act?		

### Significance Criteria

*An action would cause a significant impact if soil erosion produced gullying, damage to vegetation, or a sustained increase in sedimentation in streams. This includes a substantial loss of soil, and/or a substantial decrease in soil stability and permeability. Also, significant impacts can occur when soils are substantially disrupted, displaced, compacted or covered over. An action would also constitute a significant impact if the action caused ground fracturing, folding, subsidence, or instability. Impacts associated with soil contamination would be significant if the affected area was no longer able to support its current function or vegetative cover.*

Resource	Concern	Yes or No	Comments
Endangered Species	Would the project avoid impacts on T&E species or critical habitat?		
	Is the project area free of any Federal or state listed T&E species or critical habitat, as determined by consultation with FWS or NMFS?		
	Would the project avoid impacting any areas in or adjacent to habitat for rare, threatened, or endangered species?		
	If the project is expected to adversely affect a listed species, would mitigation measures be employed that would successfully avoid such effects?		

### Significance Criteria

*Any effect to a federally listed species or its critical habitat would be so small that it would not be of any measurable or perceptible consequence to the protected individual or its population. This effect would equate to a “no effect” or “not likely to adversely affect” determination in U.S. Fish and Wildlife Service terms. Anything else would be considered significant.*

Resource	Concern	Yes or No	Comments
<b>Natural Environment (Wildlife, Wildlife Habitat, and Vegetation)</b>	Would the project avoid causing more than a short-term change in the composition, structure, or density of vegetation?		
	<b>Would the project avoid causing more than temporary disturbance or relocation of wildlife?</b>		
	Would the project avoid impacting current or future wildlife or vegetation biodiversity or species composition?		
	<b>Would the project insure that the potential for the establishment of non-native plant species within disturbed areas created by this project would be minimal?</b>		
	Would project construction occur in an area other than a unique or sensitive plant community?		
	Would the project avoid extirpating any plants or animals from the project area?		

**Significance Criteria**

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<b>Resource</b>	<b>Concern</b>	<b>Yes or No</b>	<b>Comments</b>
<b>State Environmental Policy Act</b>	Would the project occur in states <u>other than</u> Arkansas, California, Connecticut, District of Columbia, Georgia, Guam, Hawaii, Indiana, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Jersey, New York, North Carolina, Puerto Rico, South Dakota, Virginia, Washington, or Wisconsin? If so, the project would not require compliance with a state environmental policy act.		

<b>Resource</b>	<b>Concern</b>	<b>Yes or No</b>	<b>Comments</b>
<b>Cumulative Impacts</b>	Would cumulative impacts be less than significant for all resources affected by the project?		

CEQ regulations implementing the procedural provisions of NEPA defines cumulative effects as:

“the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other action”

## CONCLUSION OF PROGRAMMATIC EA

The implementation of an NIJ granted project is not expected to result in significant adverse impacts on the environment; therefore, an Environmental Impact Statement (EIS) is not required and a Finding of No Significant Impact (FONSI) is appropriate. By verifying the items from the checklist, grantees can further ensure that impacts are minimized.

**Thank You**

