

2019 - Title II/Formula Grant Special Conditions

1. The grantee agrees to comply with all Formula Grants Program requirements as outlined in the Juvenile Justice and Delinquency Prevention Act of 2002, the applicable guidelines, the Certified Assurances; and the most recent OJJDP Formula Grants Consolidated Regulation (28 CFR Part 31), to the extent that those regulations are not in conflict with the above.
2. Grantee agrees, as a condition of award approval, to comply with the requirements of 28 CFR Part 46 and all other Department of Justice/ Office of Justice Programs policies and procedures regarding the protection of human research subjects, including informed consent procedures and obtainment of Institutional Review Board (IRB) approval, if appropriate. The award recipient will also monitor and appropriately manage any subrecipients and/or subcontracts to ensure compliance with 28 CFR Part 46.
3. **Incorporates NEPA Compliance in Further Developmental Stages for Colorado Division of Criminal Justice**

The Title II Part B Formula Grant Program supports state and local efforts to plan, establish, operate, coordinate and evaluate policies and projects, directly or through grants and contracts with public and private agencies, for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. All recipients of Title II funding must assist OJJDP in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds under this award for any of the specified activities, the grantee must first confer with OJJDP to determine if further environmental analysis is required.

The specified activities requiring environmental analysis are:

- a. New construction*;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Research and technology whose anticipated and future application could be expected to have an effect on the environment; and
- e. Implementation of a program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by OJJDP.

Please be sure to carefully review the grant conditions on your award document, as they may contain more specific information about environmental compliance.

*Use of Formula Grant funds for construction is generally prohibited, pursuant to 42 U.S.C.5674(b), except for the construction of an innovative community-based facility for fewer than 20 persons which, in the judgment of the OJJDP Administrator, is necessary to carry out the purposes of the Formula Grant Program. "Construction" is defined at 42 U.S.C.103(10) as "acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings..."