

Environmental Compliance Questionnaire for National Oceanic and Atmospheric Administration Federal Financial Assistance Applicants

Instructions

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4347) and the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA (40 CFR 1500-1508) require that an environmental analysis be completed for all major federal actions significantly affecting the environment. NEPA applies only to the actions of federal agencies. Those actions may include a federal agency's decision to fund non-federal projects under grants and cooperative agreements. In order to determine NEPA compliance requirements for a project receiving National Oceanic and Atmospheric Administration (NOAA) funding, NOAA must assess information which can only be provided by the federal financial assistance (grant) applicant.

NEPA requires that a number of items be considered prior to funding and conducting any activity. The following Environmental Compliance Questionnaire provides federal financial assistance applicants and NOAA staff with a tool to ensure that project and environmental information is obtained. NOAA staff will use the information provided in answers to the questionnaire to determine compliance requirements for NEPA and conduct subsequent NEPA analysis as needed. Information provided in the questionnaire may also be used for other regulatory review requirements associated with the proposed project, such as permitting and Endangered Species Act Section 7 consultations.

Applicants are not required to answer every question in this questionnaire. Applicants are only required to answer the questions indicated in the Announcement of Federal Funding Opportunity. Applicants should answer the questions to the best of their ability with as much detail as possible. If the applicant does not answer all of the questions indicated in the Announcement of Federal Funding Opportunity the application may be considered incomplete.

Some of the questions may overlap with material provided in other parts of the application. This overlap occurs because the answers to the questionnaire are provided to NOAA staff who do not review the other parts of the application. If appropriate, the applicant may copy the information from other parts of the application and paste it into the answers to the questionnaire.

Many questions have a "yes" or "no" response. If the response is "no" the applicant does not need to elaborate on their answer. If the response is "yes" the question will have a second part asking the applicant to provide more information. Applicants should use the space provided to answer the questions. If the applicant needs additional space, additional pages may be attached to the questionnaire, indicating which question is being continued.

A. Project Information

A1. Provide a brief description of the proposed activity.

A2. Describe the purpose and need of the proposed activity. If the proposal is a continuation of an on-going project, fully explain any changes in the purpose and need in relation to information gathered in previous years.

A3. Provide a description of potential alternatives to the proposed activity (e.g., alternative times, locations, methods, etc.).

A4. Has any National Environmental Policy Act (NEPA) or other environmental compliance documentation (e.g., Endangered Species Act Biological Opinion; Letter of Concurrence or Biological Assessment/Evaluation; Clean Water Act permit; State Historic Preservation Officer consultation; state environmental compliance documentation (mini-NEPA); etc.) been completed? If yes, list the environmental compliance documentation that has been completed and provide copies of the documentation as appropriate.

A5. Is a state environmental policy act compliance document (mini-NEPA) required? If yes, state when this document was completed or will be completed and identify who is preparing the document.

A6. Would the proposed activity or environmental impacts of the activity be subject to public controversy? For example, landowners, whose land may be affected by the project, are not in support of the project. If yes, describe the potential controversy.

A7. Would the proposed activity have potential environmental impacts that are highly uncertain or involve unique or unknown risks? If yes, describe the impacts that are uncertain or involve unique or unknown risks.

A8. Is the proposed activity related to other activities (both NOAA and non-NOAA) that together may cumulatively adversely impact the environment? For example, the proposed activity is one of a series of projects that together may cause a change in the pattern of pollutant discharge, traffic generation, economic change, flood plain change, or land use. If yes, briefly describe the other activities and discuss how the related projects would have cumulative impacts on the environment.

A9. Would the proposed activity involve construction and/or restoration? If yes, provide a description and plan diagram of the proposed impacted area.

A10. Would the proposed activity involve dredging, excavation, or placement of fill? If yes, describe the activity and how it will be conducted.

A11. Would the proposed activity involve a non-native species? If yes, describe how the non-native species is involved.

A12. Does the proposed activity involve the temporary or permanent placement of equipment (e.g., scientific monitoring equipment) or other structures in the environment? If yes, provide a detailed description of the equipment or structures and schedule for the deployment and recovery (if applicable) of the equipment or structures.

B. Funding Information

B1. Under what grant or federal financial assistance authority is the request/application for funding being made?

B2. Is the proposed activity being considered under an existing federal financial assistance program? If yes, identify the program.

B3. Is the proposed activity being conducted under a federal program or through an independent authority? If yes, name the federal program or independent authority.

B4. If the applicant does not receive funding from NOAA, will the applicant conduct the activity anyway?

B5. Do federal funds from other sources/agencies provide support for the proposed activity or projects related to the proposed activity? If yes, name the sources/agencies, the amount of funding, and the percentage of total funding each agency is providing.

B6. What percentage of total funding does the federal financial portion of NOAA's assistance represent?

C. Federal Involvement

C1. Is the proposed activity going to be conducted in partnership with NOAA or would the proposed activity require NOAA's direct involvement, activity, or oversight? If yes, describe NOAA's involvement, activity, or oversight, including the name of the office or program that is involved.

C2. Would the proposed activity involve any other federal agency(ies) partnership, direct involvement, activity, or oversight? If yes, provide the name(s) of the agency(ies) and describe its involvement, activity, or oversight.

D. Project Location

D1. Provide a brief description of the location of the proposed activity.

D2. Would the proposed activity occur within a unique geographic area of notable recreational, ecological, scientific, cultural, historical, scenic, or aesthetic importance (e.g., coral reefs; marine protected areas; national marine sanctuaries; essential fish habitat; habitat area of particular concern; critical habitat designated under the Endangered Species Act; park or refuge lands; wild or scenic rivers; wetlands; prime or unique farmland; sites listed on the National Register of Natural Landmarks; sites listed or eligible for the National Register of Historic Places; sites that are ecologically significant or critical areas including areas that are normally inundated by water or areas within the 100-year flood plain)? If yes, describe the area, including the name or designation if known.

D3. Would any portion of the proposed activity occur in a national marine sanctuary or in a manner that would affect a national marine sanctuary resource? If yes, name the national marine sanctuary that the activity is occurring in and/or describe how the national marine sanctuary resources may be impacted.

D4. Would the proposed activity affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources? If yes, describe the impact. Also explain whether and how it was determined if any of those properties had the potential to occur within the affected area.

E. Permits

E1. List any federal, state, or local permits, authorizations, or waivers that would be required to complete the proposed activity. Provide the date the permit, authorization, or waiver was obtained or will be obtained. Provide copies of the permit, authorization, or waiver as appropriate. Was a NEPA analysis prepared for the permit, authorization, or waiver? If yes, state the title of the NEPA analysis and provide copies of the NEPA analysis.

E2. Would the proposed activity involve the issuance or modification of an incidental take permit pursuant to section 10(a)(1)(A) of the Endangered Species Act? If yes, provide the date the permit was obtained or will be obtained. Provide copies of the permit as appropriate. Was a NEPA analysis prepared for the permit, authorization, or waiver? If yes, state the title of the NEPA analysis and provide copies of the NEPA analysis.

E3. Would the proposed activity involve the issuance or modification of a permit for scientific purposes or to enhance the propagation or survival pursuant to section 10(a)(1)(A) of the Endangered Species Act? If yes, provide the date the permit was obtained or will be obtained. Provide copies of the permit as appropriate. Was a NEPA analysis prepared for the permit? If yes, state the title of the NEPA analysis and provide copies of the NEPA analysis.

E4. Would the proposed activity require a permit (or an amendment to an existing permit) to conduct the proposed activity in a national marine sanctuary? Provide the date the permit was obtained or will be obtained. Provide copies of the permit as appropriate. Was a NEPA analysis prepared for the permit? If yes, state the title of the NEPA analysis and provide copies of the NEPA analysis.

F. Potential Impacts of the Proposed Activity

F1. Is there the potential for the proposed activity to cause changes that would be different from normal ambient conditions (e.g., temperature, light, turbidity, noise, other human activity levels, etc.)? If yes, describe the changes and the circumstances that would cause these changes.

F2. Is there potential for any foreign substance (e.g., chemicals, antibiotics, pathogens, etc.) to be introduced into the environment? If yes, describe the foreign substance; how the foreign substance is being used; why the substance is being used; and measures that will be taken to prevent or limit its introduction into the environment.

F3. Would the proposed activity involve the risk of human or environmental exposure to toxic or hazardous substances? If yes, describe the substance; how the substance is being used; why the substance is being used; the risk of human or environmental exposure; and measures that will be taken to prevent or limit human or environmental exposure.

F4. Are there historic uses of the proposed activity's site, or other known issues, that make it likely that contaminants may be uncovered and/or disturbed by carrying out the activity? If yes, describe the historic uses or other known issues of the site; the potential contaminants; and the circumstances that may uncover and/or disturb the contaminants.

F5. Would the proposed activity affect public health or safety (e.g., change to water supply, change to water table, wastewater disposal, etc.)? The effects may be adverse or beneficial and temporary, long-term, or permanent. If yes, describe the effects and the circumstances that would cause these impacts.

F6. Would the proposed activity change stormwater flow, air quality, noise levels, or traffic patterns? The changes may be adverse or beneficial and temporary, long-term, or permanent. If yes, describe the changes and the circumstances that would cause these changes.

F7. Would the proposed activity result in changing the use of park lands, prime farmland, and/or floodplains? The changes may be adverse or beneficial and temporary, long-term, or permanent. If yes, describe the changes and the circumstances that would cause these changes.

F8. Would the proposed activity have adverse effects on minority or low-income populations? If yes, describe the effects and the circumstances that may cause the impacts.

F9. Would the proposed activity have social or economic impacts? The impacts may be adverse or beneficial and temporary, long-term, or permanent. If yes, describe the impacts and the circumstances that would cause these changes.

F10. Would the proposed activity affect directly or indirectly, in an adverse or beneficial manner, any listed endangered, threatened, or otherwise protected species or their critical habitat under federal and state laws including the Endangered Species Act and the Marine Mammal Protection Act? If yes, name the species and/or habitat that will be impacted and describe the circumstances that would impact the species and/or habitat.

F11. Would the proposed activity involve sonar transmissions at a combination of frequency, power level, duration, and insonified area known or expected to harm marine mammals? If yes, describe the sonar transmissions; the location; and list the marine mammals known to occur in the area.

F12. Would the proposed activity cause an existing habitat (terrestrial or ocean) to be altered (e.g., tidal flow, sediments, water depth, water quality, turbidity, current, temperature, etc.)? The changes may be adverse or beneficial and temporary, long-term, or permanent. If yes, describe the potential changes and the circumstances that would cause these changes. Also discuss if these changes extend beyond the immediate project area.

F13. Would the proposed activity alter biodiversity and ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)? The changes may be adverse or beneficial and temporary, long-term, or permanent. If yes, describe the changes and the circumstances that would cause these impacts.

F14. Would the proposed activity be considered to be something other than a low effect habitat conservation plan? If yes, describe.

G. Potential Impacts of the Proposed Activities Related to Damage Assessment and Restoration

G1. Is the proposed activity intended to do something other than restore an ecosystem, habitat, biotic community, or population of living resources to a determinable pre-impact condition? If yes, describe the additional purposes of the activity.

G2. Would the proposed activity transplant organisms not currently or formerly present at the site or in its immediate vicinity? If yes, describe the organisms that will be transplanted and why they were chosen.

H. Potential Impacts of the Proposed Activities Related to Fisheries Sampling and Research

H1. Would the proposed action jeopardize the sustainability of a target or non-target species under the Magnuson-Stevens Fishery Conservation and Management Act? If yes, name the species and describe the possible jeopardy that the action would place on the species.

H2. Would the proposed action cause damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act and identified in fishery management plans? If yes, describe the possible damages and the circumstances that would cause these impacts.

H3. If the proposed activity is a continuation of an on-going project, please provide information/reports for previous years including the number of fish and other species that were collected for the research and the number of fish and other species that were incidentally caught over time for each non-target species.

H4. If the proposed action is a continuation of an on-going project, please provide information/reports including any impacts to habitat or protected species for previous years.

H5. If the proposal is a continuation of an on-going project, please provide information/reports for previous years in order to evaluate whether there are potential cumulative impacts to habitat.

H6. What amount (total numbers and/or weight) of fish or invertebrates are proposed to be caught? What is the size (weight, length, and age class) of each species?

H7. Would targeted fish be under the minimum size limit or is the applicant applying for an exemption to the minimum size limit? If yes, explain why an exemption is necessary to conduct the proposed research.

H8. If any organisms are released alive, how many would be tagged, measured, or sampled? What is the probability of their survival after being handled (e.g., tagged, measured) and released (e.g., percent of live or dead fish)?

H9. If fish are retained for sale or personal consumption, quantify the amount of each species to be sold or used for personal consumption.

H10. What is the type and size of gear to be used? Please highlight any differences between proposed research gear and currently regulated gear.

H11. How many pots, gill nets, or other fixed gear would be used during the course of the study? How many extra vertical lines will be associated with these pots or gillnets? What lengths of gillnet will be used?

H12. Would the fishing gear being utilized conform to whale safe regulations (e.g., Atlantic Large Whale Take Reduction Plan) and other appropriate regulations? If not, explain the differences and the reason for the discrepancy.

H13. How long would the fishing gear be deployed? List average soak time for each gear type.

H14. What is the proposed number of gear hauls for each gear type (e.g., trawl gear)?

H15. What is the duration and speed of each tow for mobile gear, such as trawl gear?

H16. Are trawls being used? If yes, will a turtle exclusion device (TED) be used?

H17. Is the applicant applying for an exemption to fishing gear restrictions? If yes, please explain why the exemption is necessary for the proposed activity.

H18. Would the proposed activity increase fishing effort? If yes, describe the extent of the increase.

H19. How many proposed fishing days are there within the year for each gear type?

H20. Are exemptions from other regulatory requirements such as Days At Sea (DAS), Total Allowable Catch (TAC), and/or possession limits requested? If yes, explain what the exemptions will be (how many DAS exempted, etc.) and why they are required.

H21. Describe the proposed research and sampling area (e.g., Gulf of Maine, Georges Bank, etc.) and provide Loran coordinates or Statistical areas (be as specific as possible).

H22. Would the sampling occur within areas normally closed to such activity by regulation? If yes, is the applicant applying for exemptions to use the closed areas (e.g., fishery management closed area, habitat closed area, etc.)? Please explain why the exemptions are necessary to the proposed research.

H23. When would the sampling occur? Provide information specifying all dates of sampling within the project's timeframe.

H24. Is the applicant applying for exemptions to any closed or otherwise restricted fishing seasons? If so, explain why the exemptions are necessary to the proposed research.

H25. Is the target species listed as endangered, threatened, or otherwise protected species (under Federal and/or state law; e.g., ESA and/or MMPA, etc.)?

H26. Does the applicant have a current ESA-permit (Section 10), MMPA permit (Section 104 (c), MMPA Letter of Agreement for stranding response (Section 112 (c)), or other permit or letter agreement for the proposed or related activity? Is the proposed research covered by the permit or letter agreement? Was a NEPA analysis prepared for the permit? If yes, state the title of the NEPA analysis and provide copies of the NEPA analysis.

H27. Would the proposed activity use sampling gear that may result in any noise that is potentially harmful to any endangered, threatened, or otherwise protected species? If yes, describe the noise and name the species that may be impacted.

H28. If the proposed sampling involves the use of sonic tags, acoustic surveys, or specialized gear that may emanate sound, provide a description of the noise(s), including frequency (Hz), amplitude (dB), and what angle (or degrees) radius the noise may travel.

H29. Is there a potential for incidental catch of non-target species? If yes, describe how many of each identified non-target species are expected to be caught (percentage of catch)?

H30. Would the sampling gear cause impacts to habitat or the physical environment? If yes, describe the potential impacts and the circumstances that would cause these impacts.

H31. Is the basic gear type proposed for use currently used in the area or are there restrictions on gear use due to current regulations, lack of target stock, abundance of bycatch, etc.? If yes, describe the restrictions.

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