

## National Environmental Policy Act (“NEPA”) Compliance

The National Environmental Policy Act, 42 U.S.C. §§4321-4370d (“NEPA”) requires, among other things, that Federal agencies consider the environmental impacts of any major Federal action. In order to implement NEPA and its associated regulations, the Office for Domestic Preparedness (ODP) requires Applicants, pursuant to the Assurances related to this grant program, to submit responses to the following questions regarding Applicant’s proposed project. Applicants are required to submit a brief explanation supporting each response of “yes” or “no”. Applicants with multiple projects shall submit separate responses for each project, and should consider the cumulative impact of the projects.

Federal agencies may establish categories of actions that, based on experience, do not individually or cumulatively have a significant impact on the human environment and, therefore, can be excluded from NEPA requirements to prepare an Environmental Assessment or Environmental Impact Statement. ODP has adopted certain such Categorical Exclusions. These Categorical Exclusions, however, only apply when the entire action fits within the exclusion, the action has not been segmented, and there are no extraordinary circumstances with the potential for significant impacts relating to the proposed action. The purpose of this questionnaire is to collect information from which a decision can be made whether application of a categorical exclusion is appropriate and whether further environmental analysis is required.

If, in the course of responding to the questions, Applicant concludes that an Environmental Assessment (EA) under NEPA may be required for the proposed project, Applicant should submit such EA in conjunction with the responses to the questions, or as soon thereafter as possible. ODP will not issue an award until after NEPA compliance has been completed. ODP may independently conclude, based on its review of the responses to the questions, that an EA is required and will contact Applicant to notify it of that requirement. Submission of an EA prior to ODP request will eliminate any associated delay in review prior to issuance of an award.

Requirements on the contents of an EA can be found in regulations promulgated by the Council on Environmental Quality (“CEQ”) at 40 C.F.R. Part 1508 (and may be found on the web at [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm) ). Note that 40 C.F.R. §1508.9 indicates that the EA is a concise document. It is ODP’s intention to adhere strongly to this instruction and to require only enough analysis to accomplish the objectives specified by the regulation.

Applicant Name:  
 COTP Zone:  
 Port Area:  
 Project Number:

Question:	Yes	No
1. Is the project likely to have a significant impact on properties protected under section 106 of the Historic Preservation Act of 1966, as amended (16 U.S.C. §470), E.O. 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et. seq.)?		
Support:		
2. Is the project likely to be highly controversial on environmental grounds? The project is considered highly controversial when it is opposed on environmental grounds by a Federal, state, or local government agency or by a substantial number of persons affected by the project.		
Support:		
3. Is the project likely to have a significant impact on natural, ecological, cultural, or scenic resources of national, state, or local significance?		
Support:		
4. Is the project likely to be highly controversial with respect to the availability of adequate relocation housing? In a project involving relocation of persons or businesses, a controversy over the amount of acquisition or relocation payments is not considered to be a controversy with respect to		

the availability of adequate relocation housing.		
Support:		
5. Is the project likely to cause substantial division or disruption of an established community, or disrupt orderly, planned development, or is it likely to not be reasonably consistent with plans or goals that have been adopted by the community in which the project is located?		
Support:		
6. Is the project likely to cause a significant increase in surface traffic congestion?		
Support:		
7. Is the project likely to have a significant impact on noise levels of noise sensitive areas?		
Support:		
8. Is the project likely to have a significant impact on air quality or violate the local, state or Federal standards for air quality?		
Support:		
9. Is the project likely to have a significant impact on water quality or contaminate a public water supply system?		

Support:		
10. Is the project likely to be inconsistent with any Federal state, or local law or administrative determination relating to the environment?		
Support:		
11. Is the project likely to directly or indirectly affect human beings by creating a significant impact on the environment?		
Support:		