

Grants Business Process Re-Engineering



GRANTS MANAGEMENT WORKSHOP - FISCAL YEAR 2006

The National Environmental Policy Act (NEPA)

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NEPA Compliance and Coordination

The National Environmental Policy Act

- National Environmental Policy Act of 1969 (NEPA)
- Signed into law January 1, 1970
- 42 U.S.C. §§ 4321-4347
- Basic national charter for protection of environment



The National Environmental Policy Act

- National policy that will encourage productive and enjoyable harmony between man and the environment
- Established Council on Environmental Quality (CEQ)
- Each agency develops implementing procedures

Implementation



The National Environmental Policy Act

All agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major federal actions **significantly** affecting the quality of the human environment, a detailed statement by the responsible official on the action's potential environmental impacts, adverse impacts that cannot be avoided, and alternatives to the proposed action.

Applicability

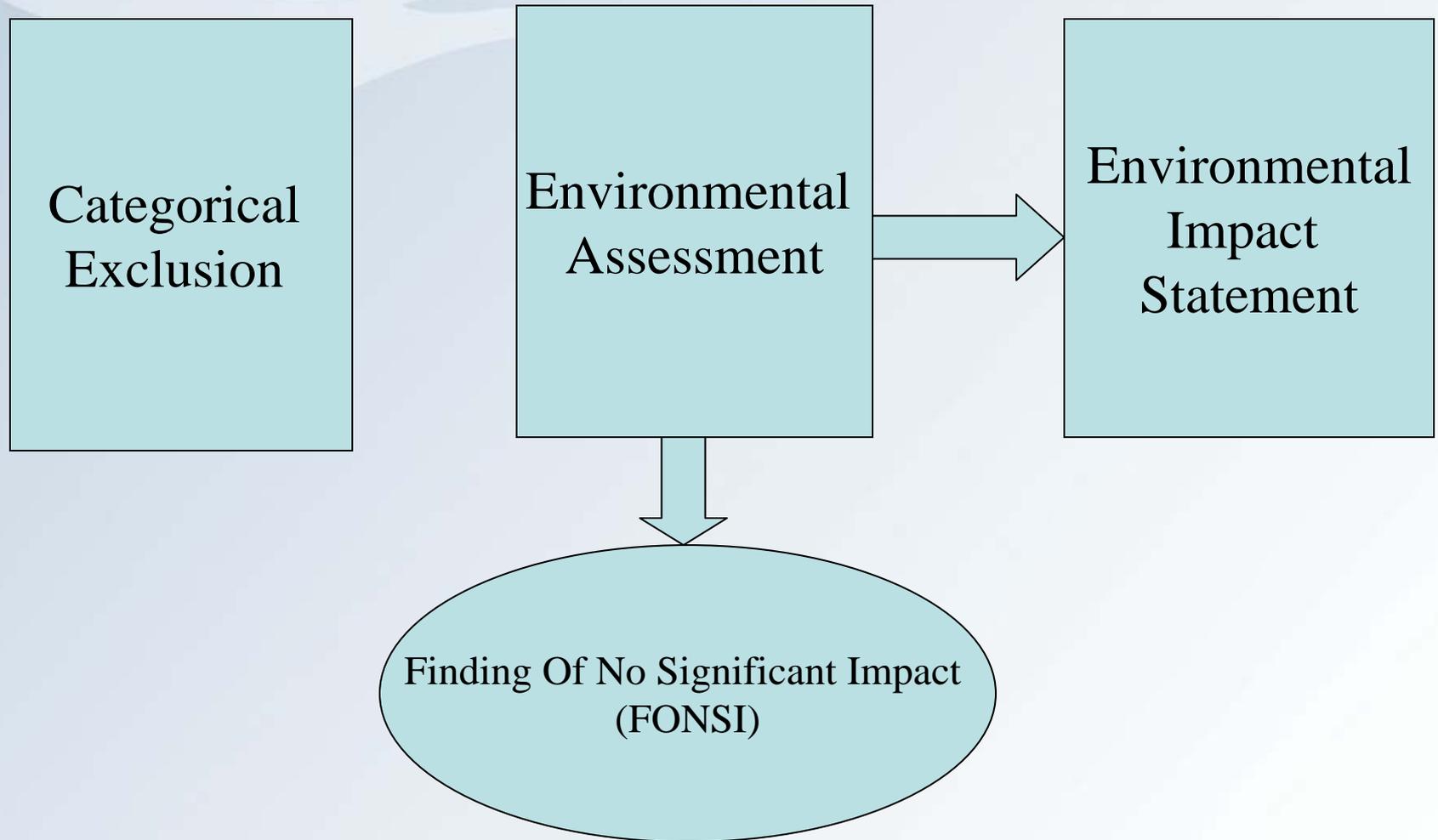
- Applies to all Federal agencies
- Federal agencies must analyze and disclose impacts of major actions using a:
 - Categorical Exclusion (CE)
 - Environmental Assessment (EA)
 - Environmental Impact Statement (EIS)
- NEPA analysis must be completed before action is taken (prior to grant award)
- Some non-Federal activities are subject to NEPA (some grants, permits, etc.)

Significance

NEPA analysis is based on significance:

- Context
- Intensity
- Factors
 - beneficial and adverse
 - impact on public health or safety
 - unique characteristics of geographic area
 - degree of controversy, uncertain/unknown risks
 - precedent setting
 - individually insignificant but cumulatively significant
 - threatened or endangered species or critical habitat

Types of NEPA Analysis



Categorical Exclusion (CE)

- A category of actions NOAA has determined do not individually or cumulatively have a significant effect on the human environment
- Least complicated and involved type of NEPA analysis
- Documented by a memo to the record
- Can be prepared in less than a day

Categorical Exclusion (CE)

- Common **misconception** that a CE is excluded from NEPA
- A CE is a type of NEPA analysis
- Majority of grant projects qualify for a CE

Categorical Exclusion (CE)

MEMORANDUM FOR: The Record

FROM: David Givens
Director
NOAA Office of Coastal Studies

SUBJECT: Categorical Exclusion for Grant No. 123-456-78

NAO 216-6, Environmental Review Procedures, requires all proposed projects to be reviewed with respect to environmental consequences on the human environment. This memorandum addresses the applicability of issuing grant number 123-456-78 to Dr. T. Brown, of the Massachusetts Institute of Technology, to conduct research activities described below.

Description of project-

Grant number 123-456-78 would award Dr. Brown with \$200,000 to conduct a project entitled, “The role of competitive interactions between three species of macroalgae in determining the species density in the intertidal zone of Southeastern Massachusetts.” The project involves the conduct of the following activities: Transit to study site, Take water samples along transect, and Removal of all macroalgae species along transect.

Effects of the project-

The environmental effects of Dr. Brown’s project will be limited to some limited trampling of intertidal species, removal of approximately 1500 kilograms of macroalgae (total), and some disruption of wildlife (e.g., crabs, birds, fish, etc.) during the placement of the transect lines. All effects will be limited to the 2000 square feet that comprises the study area. All effects will be temporary in nature. Given the growth rate of the macroalgal species being taken, the 1500 kilograms permanently removed will be replaced within 30 days through natural recruitment to the disturbed site. No other disturbances to the intertidal area are planned for the vicinity being studied during this sampling season. Therefore no cumulative effects are anticipated.

Categorical exclusion-

This project would not result in any changes to the human environment. As defined in Sections 5.05 and 6.03c.3(a) of NAO 216-6, this is a research project of limited size or magnitude or with only short term effects on the environment and for which any cumulative effects are negligible. As such, it is categorically excluded from the need to prepare an Environmental Assessment.

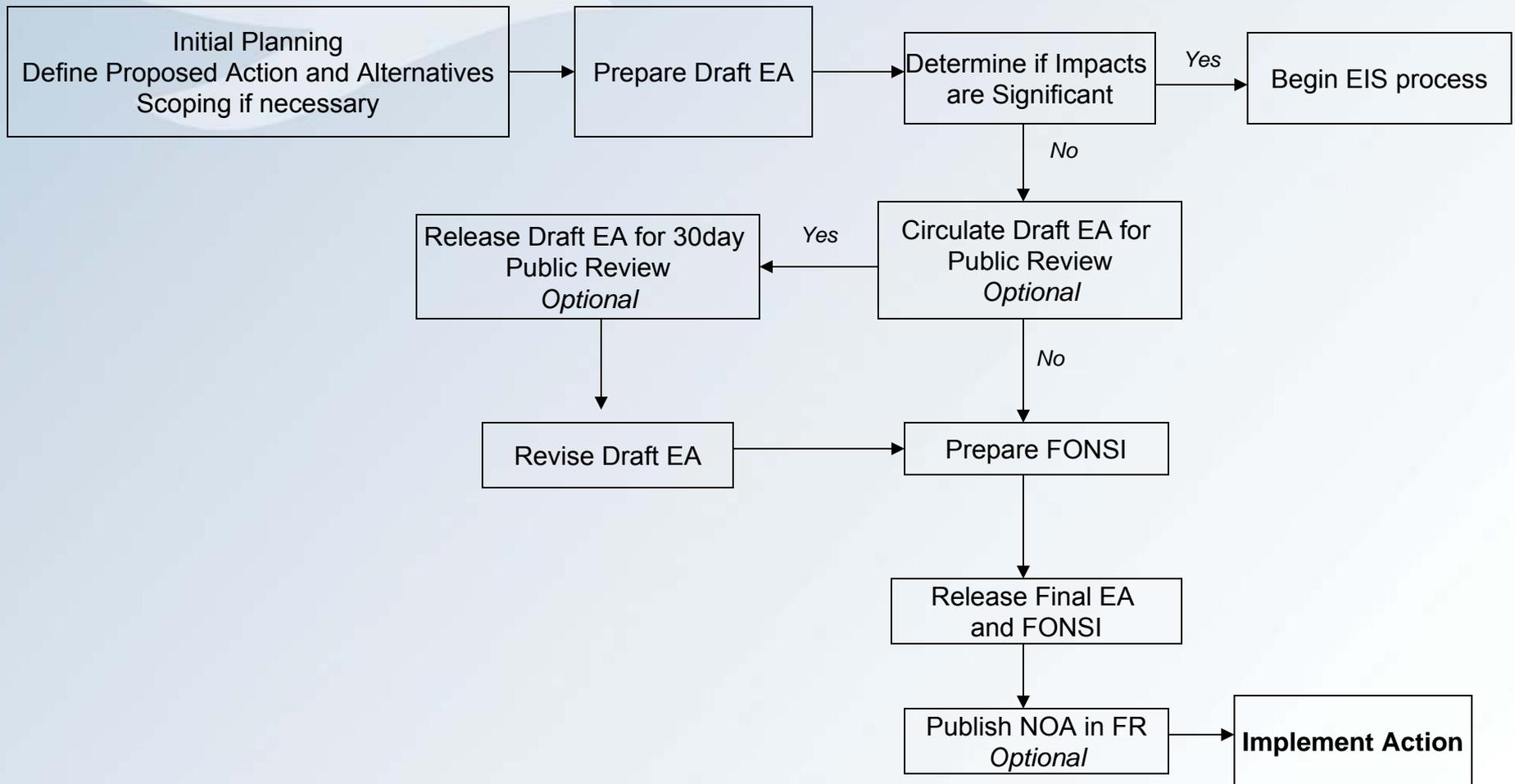
Environmental Assessment (EA)

- Brief environmental review
- Analyzes impacts of proposed action, no action, and alternatives
- Typically takes 3-6 months to prepare

Environmental Assessment (EA)

- Determines if action will have significant impacts
- If no significant impacts leads to a Finding of No Significant Impact (FONSI)
- If significant impacts leads to an Environmental Impact Statement (EIS)

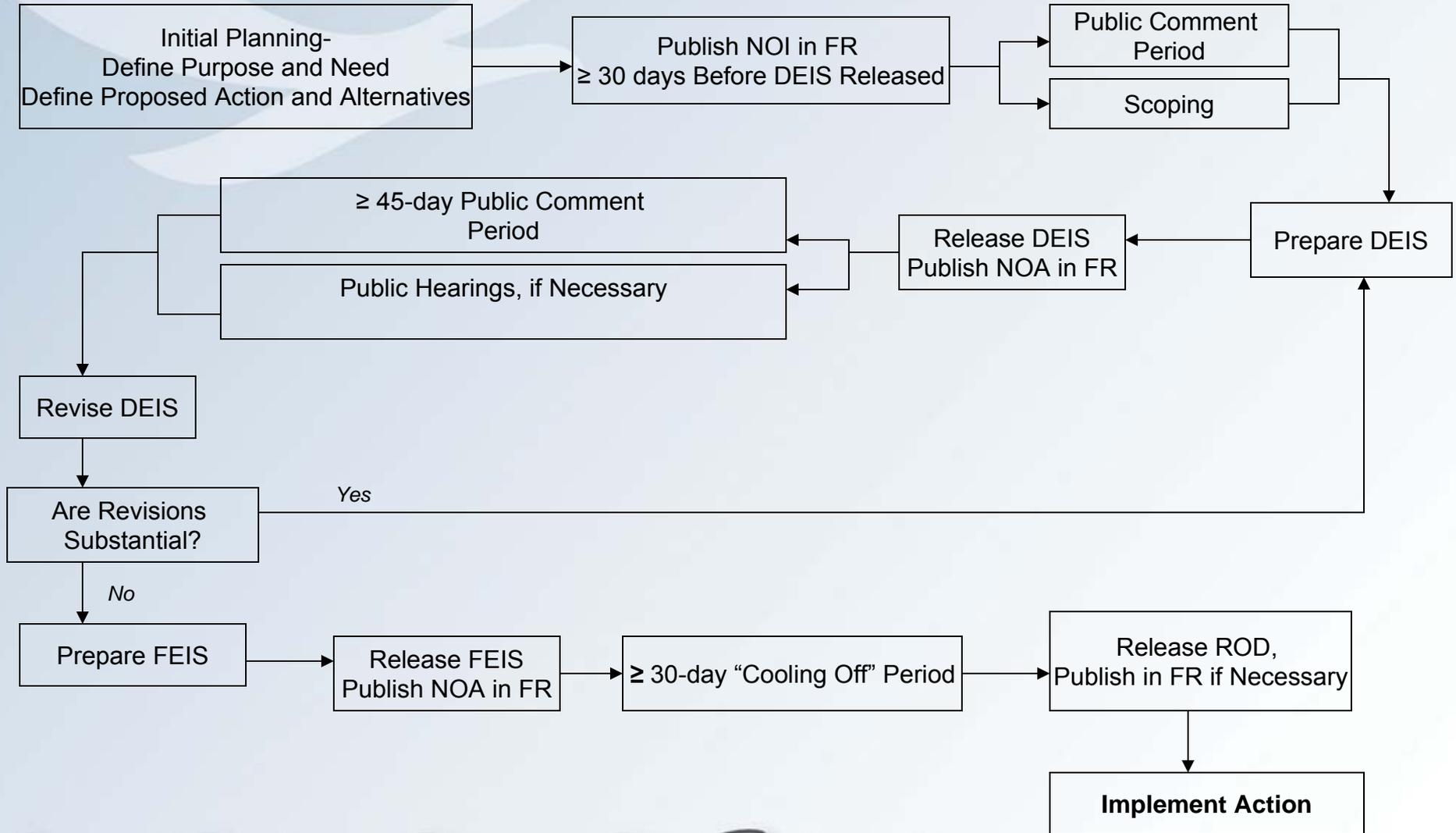
Environmental Assessment (EA)



Environmental Impact Statement (EIS)

- Detailed environmental review
- Analyzes impacts of proposed action, no action, and alternatives
- Offers mitigation for impacts
- Results in a Record of Decision
- Typically takes 12 months or more to prepare

Environmental Impact Statement (EIS)



Grantee Responsibilities

Omnibus Language

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities.

Applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal.

Grantee Responsibilities

Provide detailed project information:

- Location and timing
- Permits
 - If scientific research permit is required from NOAA typically NOAA Protected Resources prepares NEPA document
- Endangered species
- Cultural/historical resources
- Data collection
- Research methods
- Sampling methods

Grantee Responsibilities

- Cooperate with NOAA
- If an EA or EIS is needed may assist NOAA in preparation of environmental impact review



NOAA NEPA Tools

- **NOAA NEPA Website**

<http://www.nepa.noaa.gov>

- **NAO 216-6**

http://www.nepa.noaa.gov/NAO216_6_TOC.pdf

- **NOAA NEPA Handbook**

http://www.nepa.noaa.gov/NEPA_HANBOOK.pdf

- **NOAA NEPA Frequently Asked Questions**

http://www.nepa.noaa.gov/NEPA_FAQs.pdf

NOAA NEPA Contacts

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Questions

