

Environmental Compliance Questionnaire for National Oceanic and Atmospheric Administration Notice of Federal Funding Opportunity Applicants

This form is to be used in conjunction with Notices of Funding Opportunity (NOFO) from the National Oceanic and Atmospheric Administration (NOAA). You must refer to the specific NOFO for complete eligibility and application requirements. This form addresses information requirements specific to compliance with the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321- 4370.

NEPA requires Federal agencies to complete an environmental analysis for all major Federal actions, including funding non-federal projects through Federal financial assistance awards where Federal participation in the funded activity is expected to be significant. This *Environmental Compliance Questionnaire for National Oceanic and Atmospheric Administration Notice of Federal Funding Opportunity Applicants* (“Questionnaire”) is used by NOAA to collect information about proposed activities for NEPA and other environmental compliance requirements associated with the proposed project, such as Federal consultations under the Endangered Species Act.

You are only required to provide information that is specifically requested in the NOFO to which you are applying. The NOFO will indicate the specific questions to which you are to respond in one of three ways:

- 1) The applicable questions are inserted directly into the NOFO with reference to the OMB Approval Number (0648-0538) for this form;
- 2) The NOFO will specify which questions (e.g., 1, 2) an applicant must answer, with the entire OMB-approved Questionnaire attached to the NOFO; or
- 3) Applicants to be recommended for funding will be required to answer relevant questions from the Questionnaire. The Federal program officer will determine which questions are relevant to each specific applicant. Answers must be provided before the application can be submitted for final funding approval.

If a question required under the NOFO is not applicable to your proposed activity, please explain why the requested information is not relevant. Failure to do so or failure to answer questions required under the NOFO in sufficient detail may result in NOAA considering your application incomplete.

Proposed Activity
Information

1. Describe the proposed activity, including:
 - Explain the purpose, objectives, and goals; and
 - Explain if the proposed activity will occur in different locations and/or multiple phases.
2. Is the proposed activity a continuation or part of an ongoing activity? If yes, then:
 - describe any changes to the proposed activity since it was initiated, including progress toward achieving its objectives/goals; and
 - provide any additional information, previous environmental review documents, and/or reports from previous years.

Proposed Activity
Location

3. Describe the proposed activity location, including, if available and appropriate, geographic coordinates (latitude, longitude in DD MM.MMM), river mile markers, etc. for all distinct phases of the proposed activity.
4. Provide maps and graphics of the proposed location, if available (at a scale that clearly shows site location(s) relative to the surrounding area and nearby features).
5. Is the location of the proposed activity in a previously undisturbed area? If yes, then explain if the proposed activity would degrade or disturb the previously undisturbed area.
6. Are there pre-existing or ongoing uses at the location of the proposed activity? If yes, then describe and explain the pre-existing or ongoing uses at the location of the proposed activity or, if not known, describe how pre-existing/ongoing uses will be determined.
7. Describe the characteristics of the location of the proposed activity by:
 - indicating whether it includes unique geographic areas of notable recreational, ecological, scientific, cultural, historical, scenic, economic, or aesthetic importance;
 - describing any anticipated changes over time to the natural landscape and/or viewshed that would result from the proposed activity;
 - listing any ecologically significant or critical areas in the location of the proposed activity, including areas that are normally inundated by water or areas within the 100-year flood plain;
 - essential fish habitat and habitat areas of particular concern designated under the

Magnuson-Stevens Fishery Conservation and Management Act;

- listing any critical habitat areas for Endangered Species Act-listed species;
- listing any marine protected areas or national marine sanctuaries in the location of the proposed activity;
- listing any part of refuge lands, wild or scenic rivers, wetlands, or prime/unique farmland in the location of the proposed activity;
- listing any properties listed or eligible for listing on the National Register of Historic Places, National Historic Landmarks, or National Monuments; and
- listing any religious or cultural sites of any Federally recognized Indian Tribes or Native Hawaiian organizations in the proposed activity area.

Proposed Activity
Timeframe

8. Specify the proposed start date and duration of the proposed activity for all distinct phases of the project.
9. Provide proposed activity schedules for all distinct phases of the proposed activity, including:
 - implementation dates of major elements of the proposed activity;
 - frequency of activities within the proposed activity schedule (e.g. once per week, 10 days per month, daily); and
 - deployment and recovery schedules of equipment or structures that would be temporarily or permanently placed in the environment.

Project Partners, Permits, and Consultations

10. Is this proposed activity funded in any way by another Federal or state agency? If yes, then:
 - identify the Federal or state agency; and
 - include information on whether an environmental assessment or environmental impact statement was completed or is in the process of being completed for the proposed activity.
11. List all other interested or affected Federal, state, and local agencies, Native American tribes or Native Hawaiian organizations, non-governmental organizations, and private individuals which may potentially be interested and/or affected by the action.
12. Are minority or low-income communities located in the area of the proposed activity? If yes, then describe how the minority or low-income communities may be impacted by the

proposed activity.

13. Are Federal, state, or local permits, authorizations, waivers, determinations, or consultations required for the proposed activity to comply with all applicable environmental laws and regulations? If yes, then:

- list and provide the status of all required Federal, state, or local permits, authorizations, waivers, determinations, conditions, and consultations, as applicable; and
- provide copies of all required Federal, state, or local permits, authorizations, waivers, or determinations that you have secured.

Proposed Activity Details and Impacts

Fishing Activities

14. Describe potential effects of the proposed activity on species and/or habitats protected under Federal, state, or local laws by

- listing potential environmental impacts on specimens, habitats, water quality, communities, etc.;
- listing any coral reefs, essential fish habitat and habitat areas of particular concern designated under the Magnuson-Stevens Fishery Conservation and Management Act, or critical habitat designated under the Endangered Species Act;
- listing the species of plants and animals protected under Federal, state, or local laws that are subjects of the proposed activity and describe the numbers (by species, age, sex, stock, location, etc.) to be targeted;
- listing species that would be transplanted, introduced, or cultured at the site or in its immediate vicinity; and
- listing any non-native and/or invasive species that would be introduced incidentally or removed from the proposed activity area and how introduced or removed.

15. If the proposed activity is a continuation of an on-going project involving fishing, provide information/reports for previous years addressing the following:

- the number of fish and other species that were collected for the activity/monitoring needs;
- any impacts to protected species, including takes (as defined by 50 C.F.R. 216.3, 50 C.F.R. 222.102, and 15 C.F.R. 922.3);
- any impacts to sensitive or protected habitats, including critical habitat that has been identified under the Endangered Species Act or essential fish habitat that has been identified under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act); and

- the number of non-target fish/invertebrates/protected species (listed by species) that were incidentally captured.
16. 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 targeted for capture?
 17. If any organisms would be released alive, how many of each species would be tagged, measured, or sampled? What is the probability of individuals surviving after being handled (e.g., tagged, measured) and released (e.g., percent survival post-release)?
 18. List non-target species that may occur in the proposed sampling area and specify how many of each non-targeted species are expected to be caught.
 19. If the proposed activity involves commercial fishing, would the proposed activity be for research purposes only? If fish would be retained for sale or personal consumption, quantify the amount of each species that would be sold or used for personal consumption.
 20. What type and size of gear would be used? Describe any differences between proposed research gear and currently regulated gear.
 21. If using fixed fishing gear, how many traps, pots, gillnets, or other fixed gear would be used during the course of the study? Would new gear be added to the water or would existing, permitted fishing gear be used? If new gear would be added to the water, how many extra vertical lines would be associated with any fixed gear such as traps, pots, or gillnets? What lengths of gillnet would be used (e.g., number of nets per string, gillnet panel lengths, etc.)?
 22. Would the fishing gear being used conform to that allowed for use under take reduction plan regulations (e.g., regulations for the Atlantic Large Whale Take Reduction Plan, Harbor Porpoise Take Reduction Plan, Bottlenose Dolphin Take Reduction Plan, etc.) and other appropriate fishing regulations (e.g. sea turtle gear requirements)? If not, explain why the gear does not conform and the reason for the nonconformance.
 23. How long would the fishing gear be deployed? List average soak time for each gear type.
 24. What is the proposed number of gear hauls for each gear type (e.g., trawl gear, fixed gear, etc.)?
 25. What is the proposed duration and speed of each tow for mobile gear such as trawl gear?
 26. If trawls are proposed to be used, would a turtle exclusion device (TED) or marine mammal exclusion device be used? Please describe the TED or marine mammal exclusion device that will be used.

27. If the applicant is applying for an exemption to any of the following, please explain what the exemptions would be and why the exemption is necessary for the proposed activity:

- fishing gear restrictions;
- other regulatory requirements such as Days At Sea (DAS), Total Allowable Catch (TAC), and/or possession limits;
- use areas closed to proposed activities (e.g., fishery management closed area, habitat closed area, etc.);
- any closed or otherwise restricted fishing seasons; and
- minimum size limits.

28. If the proposed activity would increase fishing effort, describe the extent of the increase. For example, would catches contribute to an annual catch total? What proportion of the total catch limit would the proposal result in?

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

Aquaculture and Mesocosms

30. Will the proposed activity be conducted in a closed system mesocosm/aquaculture facility or in open water (coastal or Federal waters)?

31. Will the proposed activity introduce genetically modified organisms, species bred for specific traits (e.g. disease resistant stocks), or non-indigenous species into an area?

32. If using aquaculture gear, describe whether gear would be deployed short-term (1-2 years) or long-term (2+ years) and describe the number of cages/nets, lines, anchors, etc. that would be used during the course of the study. What type and size of cages/nets, lines, anchors, etc. would be used?

33. What amount (total numbers and/or whole weight in pounds) of fish or invertebrates are proposed to be captured for culture purposes (i.e., broodstock)? What is the target size (weight and length) and age class of each species to be captured for culture purposes?

34. What amount (total numbers and/or whole weight in pounds) of fish or invertebrates are proposed to be cultured? What is the estimated size (weight and length) and age class of each species targeted for harvest at the end of each culture period?

35. If the proposed activity involves the use of any specialized equipment that may introduce sound into the environment, then provide a description of the noise(s), including frequency (Hz), amplitude (dB), angle (or degrees) radius the noise may travel from the source, and other relevant technical specifications. Compare the noise(s) generated by the proposed activity with ambient noise conditions, if known. Also, discuss the length of time and frequency of occurrence that the noise is expected to be introduced into the environment.

Marine debris

36. Will the proposed activity identify, determine sources of, assess, prevent, reduce, remove, dispose, or recycle marine debris? If yes, then describe the targeted debris type, debris condition, and why the proposed action is needed in the project area.
37. Describe how the proposed activities would complement or encourage other similar marine debris removal activities in the area.
38. Describe the disposal technique and the extent to which recycling, reuse, or other sustainable disposal alternatives were considered.

Equipment Installation, Construction and/or Maintenance

39. Does the proposed activity involve construction, restoration, dredging, excavation, and/or fill? If yes, then:
 - describe the extent of the construction, restoration, dredging, excavation, and/or fill; and
 - include a description and plan diagram of the proposed impact area.
40. If the proposed activity involves installing equipment or antennas on buildings or property, has the owner of the property granted written approval for the use of their property? If yes, provide copies of the approvals.
41. If the proposed activity involves installing equipment, describe how the equipment would get to its final location (i.e. would gasoline or diesel engine vehicles be used to transport the equipment)?
42. If the proposed activity involves installing equipment or antennas that would require structural support, describe the nature and extent of such support.

Data, Risk, and Mitigation

43. Describe sampling, collecting, or observation protocols and operational procedures.
44. Describe and provide specification of the equipment or structures (e.g. scientific monitoring equipment, deployment platforms, etc.) that would need to be temporarily or permanently placed in the environment.
45. Describe any proposed mitigation or monitoring measures and protocols.
46. Describe the processing methods to be used to conduct the research.

47. Does the proposed activity utilize a new or untested scientific technology or method? If yes, then describe briefly the technological process or methodology and potential environmental effects of the proposed activity.
48. Will the proposed activity require the cataloging and compiling of sources of socioeconomic data? If yes, then please explain.
49. Does the proposed activity consist solely of software research and manipulation? If yes, please explain.

Safety

50. Describe potential unique or unknown risks to human health or the environment from the proposed activity.
51. Describe the potential to generate, use, store, transport, or dispose of hazardous or toxic substances. Please include the following:
 - a list of any hazardous substances (as defined by 29 C.F.R. 1910.120(a)(3)) that will be involved in this project and any hazardous wastes (as defined by 40 C.F.R. 261.3) that may be generated during the proposed activity;
 - any hazardous contaminants that may be uncovered and/or disturbed by the proposed activity; and
 - a list of the procedures/protocols that will be followed to ensure safe handling of hazardous substances and proper disposal of all hazardous wastes.
52. If biological agents would be used, specify how the proposed activity would meet all conditions of the Biosafety Level 1 (BL1) standard from the most current version of the National Institutes of Health (NIH) and the Center for Disease Control and Prevention (CDC) Biosafety in Microbiological and Biomedical Laboratories (BMBL) guidelines.
53. If the proposed activity has electromagnetic properties or creates electromagnetic fields, specify how those aspects would comply with the Institute of Electrical and Electronics Engineers (IEEE) standard C95.1-1991 (recognized by the American National Standards Institute (ANSI)), or newer guidance.
54. If the proposed activity involves ionizing radiation, specify:
 - whether the appropriate radiation safety authority has been consulted or when consultation would occur;
 - the results of the radiation safety authority's review; and
 - how the proposed activity complies with NOAA's U.S. Nuclear Regulatory

Commission (NRC) materials license #05-11997-01.

55. If the proposed activity involves lasers, specify how the proposed activity would meet the American National Standards Institute (ANSI) safety standards Z136.1-2000 and Z136.6-2000, or newer guidance.
56. If the proposed activity involves satellite sensors and experiments with radioactive materials, specify and include:
 - whether NASA has evaluated the payload or when the evaluation would occur;
 - the results of the evaluation (i.e. whether the proposed project is categorized as a Routine Payload On Expandable Launch Vehicles, as evaluated by the current version of NASA Routine Payload Environmental Checklist GSFC Form 23-78 and NASA Flight Projects Environmental Checklist GSFC Form 23-74); and
 - a copy of the evaluation, if available.

Energy and Atmosphere

57. Would the proposed activity require large amounts of water or electricity for an extended period of time? If yes, then explain.
58. Would any fuel be used for the proposed activity during development or long term operation, including any fuel used for powering small fuel cells? If yes, then explain.
59. Would the proposed activity, during development or long term operation, require large amounts of outdoor lighting, or create unusual odors? If so, describe the setting and effects of the proposed activity.
60. Would the proposed activity, during development or long term operation, change characteristics of the atmosphere or contribute to ozone-depletion? If yes, then explain.

Transportation

61. Would the proposed activity, during development or long term operation, change transportation infrastructure or increase local traffic? If yes, then explain.
62. If the proposed activity requires airplane or balloon/sonde flights (e.g. investigations over Arctic Sea ice using satellite and aircraft altimetry), would the proposed activity use a previously scheduled flight or sea voyage, or would a special trip be required? If yes, please explain.

Paperwork Reduction Act Statement

Because this Questionnaire is intended for members of the public, NOAA must use the Questionnaire in accordance with the Paperwork Reduction Act ("PRA"; 44 U.S.C. §§ 3501– 3521). Congress passed the PRA to minimize the paperwork burden for non-federal entities and members of the public that can result from the collection of information by or for the federal government. The PRA is administered by the Office of Management and Budget (OMB), which has reviewed and approved the Questionnaire (OMB Approval No. 0648-0538).

Public reporting burden for this collection of information is estimated to be a maximum of 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to NOAA NEPA Coordinator, NOAA Office of the General Counsel, Environmental Review and Coordination Section, SSMC 3, Room 15101, 1315 East West Highway, Silver Spring, MD 20910. The information collection does not request any proprietary or confidential information.

No confidentiality is provided.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.