SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Office of the Secretary
DOC National Environmental Policy Act
Environmental Questionnaire and Checklist
OMB Control No. 0690-0028

A.   JUSTIFICATION

This request is for a revision and extension of a current information collection. This revised supporting statement updates the response to Question 8.

1. Explain the circumstances that make the collection of information necessary.

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 Department of Commerce (DOC) bureau-level funding, DOC must assess information which can only be provided by the applicant for federal financial assistance (grant).   These include mainly grants to applicants for federal assistance and federal entities proposing construction or infrastructure projects. NEPA requires that a number of items be considered prior to funding and conducting any activity.

The Environmental Questionnaire and Checklist (EQC) provides federal financial assistance applicants and DOC staff with a tool to ensure that the necessary project and environmental information is obtained. The EQC was developed to collect data concerning potential environmental impacts and help educate the Federal reviewer about the project, streamline the collection of data, and maintain consistency in quality and quantity of information received. The EQC will allow for a more rapid review of infrastructure projects and facilitate DOC in evaluating the potential environmental impacts of a project and level of NEPA required. DOC 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 the National Historic Preservation Act (NHPA).

Initially, this collection was used for Recovery Act grants awarded by two DOC bureaus, and these projects have concluded. During the extension of this collection it was determined the National Oceanic and Atmospheric Administration will be the lead bureau-level for NEPA projects.

Revision: The checklist is being revised to improve understanding and clarity of the questions.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The EQC is designed to be used by both grants applicants and Federal entities proposing construction or infrastructure projects. The questions address a diverse range of potential environmental issues covered under Federal environmental laws and regulations and are designed to provide a reviewer enough information to determine the level of NEPA documentation necessary to comply with the law.

 If the project is either Categorically Excluded or requires the completion of an Environmental Assessment (EA), the supporting documentation is kept at the certifying Operating Unit and not published in the Federal Register. If the information indicates an Environmental Impact Statement (EIS) is required to comply with NEPA, that document will be published in the Federal Register and the associated administrative record (including the responses to this EQC) will be available through the responsible DOC program office.

Other than in the instances in which publication in the Federal Register is required, the information in the checklist is for use solely by the DOC NEPA reviewer assigned to the project and is not to be disseminated to the public.

DOC will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with DOC standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The document is designed to be filled out and submitted electronically. It will be available on the DOC forms website (http://ocio.os.doc.gov/s/groups/public/@doc/@os/@ocio/@oitpp/documents/content/prod01_008657.pdf).

4. Describe efforts to identify duplication.

This data is not supplied through any other method. It is specific to compliance with NEPA and NHPA. This data is not part of any other submission for either DOC grants or Federal projects, thus there is no duplication of effort associated with the document.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

If the entity is a small business, a Native American Tribe, or a disadvantaged or minority entity, the responsible program office is encouraged to perform outreach to educate the entity about the informational needs, as necessary. This outreach can take the form of telephone, mail, or email correspondence with the applicant.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If this collection does not occur, DOC would be unable to accurately determine the extent of NEPA documentation required. Under those circumstances, DOC would have no choice but to require the most onerous and comprehensive level of documentation possible to ensure compliance with NEPA. This would mean at a minimum that an environmental analysis would have to be prepared on all projects seeking Federal funding or other Federal resources. The time delay associated with performing an EA versus assigning an EQC to the project can be as much as a year and a cost differential of potentially thousands of dollars. The difference between performing an EIS and assigning an EQC can be as much as two years and hundreds of thousands of dollars.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not Applicable.

8. Provide information of the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice soliciting public comment was published on February 18, 2014 (79 FR 9168). No comments were received.

Three respondents to the NOAA NEPA questionnaire submitted comments on the DOC questionnaire, as there are no recent respondents available for the DOC questionnaire:

1) John Nicholas Scottii (Cornell University); jns8@cornell.edu

Response:

1. Questions are specific, and are not generic. If project activities don't apply to a given section, you can move on to another which makes completing the form go faster than it otherwise might. Applicants can go to specific sections that are applicable to a given project. Can "opt out" of those sections that don't apply.

2. Number of pages is reasonable. Probably wouldn't be 3 hours.

3. Layout is clear.

2) Tom Pogson (Alaska Kayak School); alaskakayakschool@gmail.com

Response: This form certainly levels the playing field in terms of getting these data on all your projects. In some ways it all seems appropriate.

3) Christine Miller (North Carolina Coastal Federation); christinem@nccoast.org

I think that three hours is probably on the high side, time-wise. As long as you're not requiring project leads to supply documentation for every negative answer or perform significant consultations prior to the project beginning, most of our projects would require 1-2 hours to fill it in.

The organization was fine, and the clarity should be good, too.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Not Applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

No assurance of confidentiality is provided. The EQC, however, would be made available under the Freedom of Information Act and would be included in the Administrative Record of an EIS.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

The EQC does not contain any questions that could be construed as "sensitive" in nature. All information requested are in accordance with existing environmental and historic preservation requirements and laws, and as such do not address sexual behavior, attitudes, religious beliefs or other matters commonly considered private.

12. Provide an estimate in hours of the burden of the collection of information.

The estimated response time is 3 hours and the estimated number of respondents/responses is 1,000, for an estimated total of **3,000 burden hours.**

The time it takes to fill out the application is dependant on the size of the project and the potential environmental issues present on the site. Generally, it should not take more than three hours to fill in the data. However, on a complex site covering multiple jurisdictions, it could take several days to obtain the data necessary to complete the checklist.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

$1,000 in miscellaneous costs is estimated ($5 x approximately 200 respondents who would mail attachments rather than emailing them).

14. Provide estimates of annualized cost to the Federal government.

It is estimated that reviewing and distributing the information provided in the questionnaire will require 3 hours of an FTE's time per application reviewed. With an annual average salary of $24.00 an hour per FTE, it is estimated that each application reviewed will cost the government $72.00 for a total of $72,000 annually.

15. Explain the reasons for any program changes or adjustments.

Adjustments: The estimated respondents, and time to respond, have both been adjusted upward because more DOC bureaus will use the EQC. Costs have been corrected to reflect that some respondents mail attachments.

Program change: the checklist has been revised to improve understanding and clarity of the questions. No change in estimated respondents/responses/burden hours.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Not Applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This data collection does not include statistical information.