

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Environmental Compliance Questionnaire for NOAA Notice of Federal Financial Assistance
Applicants
OMB Control No. 0648-0538

Abstract

This request is for a revision and extension of a currently approved information collection through the *Environmental Compliance Questionnaire for National Oceanic and Atmospheric Administration Federal Financial Assistance Applicants* (Questionnaire). This Questionnaire has been revised to (1) remove repetitive questions; (2) revise specific questions to use plain language; and (3) add 18 new questions that would be helpful to a wider range of NOAA programs.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This Questionnaire is used by the National Oceanic and Atmospheric Administration (NOAA) to collect information about proposed activities for the purpose of complying with the National Environmental Policy Act (“NEPA,” 42 U.S.C. §§4321-4370) and other environmental compliance requirements associated with proposed activities. NEPA requires federal agencies to complete an environmental analysis for all major federal actions, including funding non-federal activities through federal financial assistance awards where federal participation in the funded activity is expected to be significant. The Questionnaire is used in conjunction with NOAA Notices of Funding Opportunity (NOFO).

The NOFO will indicate the specific questions to which an applicant must 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.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information is collected as part of the application package submitted by applicants requesting Federal financial assistance from NOAA through a NOFO posted on www.grants.gov. The information is used by NOAA Federal Program officers, NOAA NEPA coordinators, NOAA NEPA analysts, DOC attorneys, and NOAA attorneys to assist NOAA in examining the environmental and historic/cultural resource impacts of a proposed project level by preparing NEPA and other environmental compliance documents. This Questionnaire has been revised to (1) remove repetitive questions; (2) revise specific

questions to use plain language; and (3) add 18 new questions that would be helpful to a wider range of NOAA programs.

The Questionnaire has six sections with questions about a proposed activity relevant to the NOFO.

1. The **Proposed Activity Information** section would be used by NOAA to determine whether any extraordinary circumstances exist that may qualify the proposed activity for a certain type of NEPA document.
2. The **Proposed Activity Location** section would identify the specific location, as well as the condition of the location of the proposed activity.
3. The **Proposed Activity Timeframe** section would identify the start date, duration, and schedule of the proposed activity.
4. The **Project Partners, Permits, and Consultations** section would identify groups involved in or potentially impacted by the proposed activity and requirements for other environmental compliance requirements besides NEPA.
5. The **Proposed Activity Details and Impacts** section would help NOAA clarify specific details about the proposed activity relative to which program office is providing the funding. Within this section is one new subsection entitled “All Activities.” This new subsection contains the following question that was previously ascribed to the subsection entitled “Fishing Activities” to clarify that applicants for all proposed projects should consider the following:
 14. Describe potential effects of the proposed activity on species and/or habitats protected under Federal, state, or local laws:
 - List potential environmental impacts on species caught or specimens collected, habitats, water and air quality, noise, natural resources and ecological communities;
 - List 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;
 - List 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.) impacted;
 - List species that would be transplanted, introduced, or cultured at the site or in its immediate vicinity;
 - List any non-native and/or invasive species that would be introduced incidentally or removed from the proposed activity area and how introduced or removed; and
 - List ESA listed species and/or MMPA protected species potentially affected by the proposed activity. Include available information on the level and type of interaction risk posed by the proposed by the fishing gear type to be used (e.g., bycatch estimates, serious injury and mortality estimates, information on observed takes, etc.).

Furthermore, additional questions were added to the subsection previous entitled “Aquaculture and Mesocosms” and retitled “Aquaculture and Mesocosms and Hawaiian Coastal Fishponds” as follows:

39. Describe mitigation measures for each gear component that would prevent loss, allow detection of uncoupling, allow recovery, and prevent escape of cultured organisms and

prevent entanglement or other interaction with marine species.

40. Describe the number and operations of other aquaculture activities in the vicinity of the proposed activity.
41. For Hawaiian fishponds, describe who would supervise the activities, whether an approved Fishpond Plan exists, wildlife expected in the area, and mitigation measures planned that would reduce effects of the activity on natural resources.

A new question was also added to the subsection entitled “Marine Debris” as follows:

45. If marine debris is to be collected in a single area or facility, describe who would be responsible for disposal and what permits would be required to collect, store, and dispose of the collected marine debris.

Furthermore, new questions were added to the subsection entitled “Equipment, Installation, and/or Maintenance” as follows:

49. If the proposed activity involves installing equipment or antennas that would require structural support, describe the nature and extent of such support.
50. 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.

6. The previously titled section “Data, Risk, and Mitigation” was retitled “**Data, Safety and Environmental Impacts, Monitoring, and Habitat Restoration**” and proposes to collect information concerning the proposed activity’s sampling, collecting, or observation protocols and operational procedures, equipment that will be used to sample, collect, etc., mitigation and monitoring measures and protocols, processing methods and untested scientific technology or methods, cataloging of data acquired, information pertaining to safety concerns originating from the proposed activity, the proposed activity’s resource use and potential to impact air and water quality, and information pertaining to impacts of the proposed activity on transportation infrastructure and whether the proposed activity would require use a previously scheduled flight or sea voyage or require a special trip. It includes several new questions under the subsections entitled “Energy and Atmosphere,” “Transportation,” and two new subsections – “Surveys, Monitoring, and Filming” and “Habitat Restoration” containing new questions. Changes under subsection entitled “Energy and Atmosphere” include the addition of two new questions as follows:

66. Does the project include measures that would conserve energy resources? If so, describe.
69. Does the project have the potential to increase dust, noise or fumes? What mitigation measures would be used to avoid or prevent adverse emissions/outputs into the atmosphere?

The subsection entitled “Transportation” has the addition of the following new question:

73. Would the proposed activity, during development or long term operation, change transportation, infrastructure or increase local vessel traffic? If yes, explain. In addition, if yes, how could the increase in vessel traffic impact marine life and fishing communities? For instance, how would the increase in vessel traffic affect fishing operations that occur around the facility? How would the changes in vessel traffic (both by fishing vessels and vessels working at the aquaculture facility) impact ESA-listed and MMPA protected species that occur in and around the project facility?

The new subsection entitled “Surveys, Monitoring, and Filming” has the following new questions:

74. Would any of the following be used?
- Unmanned aircraft (Drones)
 - Unmanned marine craft and equipment
 - Arrayed or single hydrophones /cameras deployed on the seabed?
 - Remotely operated vessels or vehicles (tethered or untethered)
 - Video and filming equipment
 - SCUBA
75. For each type of monitoring and survey equipment:
- Describe the equipment to be used including size, and method of use.
 - Describe any licenses required to operate the equipment.
 - Describe operational methods including any restrictions to the use (e.g., height limits, depth limits).
 - If the proposed action involves training or supervised use of the gear, describe this.
 - What methods of refueling would be used?
 - What measures would be in place to protect the environment during storage, transport, and refueling of the gear?
 - Describe any emergency response and recovery activities in case the equipment fails.
76. If a drone is used in survey work, how would the ground be marked for geo-referencing? Would the materials and methods used be non-destructive and temporary, or would vegetation clearing be needed?
77. What actions would be taken to avoid or reduce the effects of the gear on wildlife and natural habitat, human safety, and environmental integrity? (e.g., avoid bird roosting sites, maintain operating buffers around wildlife, survey at times that consider wild animal or human needs, move away if a seal is resting.)
78. Would using the equipment during tests, training, or long term operation, affect other uses of the same or adjacent areas?
79. If filming is involved, is there any aspect of the subject being filmed that would change because filming is occurring? (For example, if filming fish tagging, would filming require a fish to be out of water longer than normal?). If so, describe, and mitigation measures to reduce adverse environmental effects.
80. For site surveys: Is there a potential for wildlife or their nesting, resting, breeding, feeding, or migration habitats to be affected? If so:

- Describe best practices that would be taken to prevent disturbing wildlife;
- If the survey might harm, harass, or result in other types of take of a listed species, describe any authorizations needed to conduct the surveys (e.g., ESA incidental take, if applicable); and
- If marking survey plots or transects is required, would it have the potential to disturb the qualities of the habitat? What means would be taken to protect the habitat.

The new subsection “Habitation Restoration” has the following new question:

81. Would the project involve restoring natural areas? If so:
- Describe methods;
 - Describe whether there is a potential to disturb wildlife, habitats, or other important natural or cultural resources; and
 - Describe best practices involved to prevent or reduce disturbance or damage to resources. (Examples could include following an approved restoration plan, operating under supervision of a knowledgeable, trained leader, having only authorized people use power equipment, notifying experts of any special finds or circumstances that arise, etc.).

NOAA would retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA decide to disseminate the information, it would be subject to the quality control measures and 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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The Questionnaire is used in conjunction with NOAA Notices of Funding Opportunity (NOFO), which are advertised on www.grants.gov. Applicants are only required to provide the information from this Questionnaire that is specified in the NOFO to which they are applying. The NOFO can present these questions in one of three ways: (1) The applicable questions can be inserted directly into the NOFO with reference to the OMB Control 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; and (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. The Questionnaire is available at www.nepa.noaa.gov. Electronic submission of the information to be collected is required. No other type of information technology is necessary to collect the information that is requested.

4. Describe efforts to identify duplication. Show specifically why any similar information already

available cannot be used or modified for use for the purposes described in Question 2

There are no other collections that gather similar information. The information requested is unique to each NOAA Notices of Funding Opportunity (NOFO). The questions NOAA has developed are specific to the trust resources managed under NOAA's mission and authorities (i.e., National Marine Sanctuary Act, Magnuson-Steven Fishery Conservation and Management Act, Coastal Zone Management Act, Endangered Species Act, and Marine Mammal Protection Act). No duplication of effort exists with other Federal Government information collection efforts.

Some of the questions may overlap with material provided in other parts of the NOFO 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.

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

The information to be collected is very basic in its nature and should not be a hardship or burden for small entities that request NOAA funds to produce this information. Furthermore, the applicant should already have this information available as part of the research or project plan.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Detailed project information must be collected for every unique financial assistance award application for the purpose of complying with the NEPA and other environmental compliance requirements associated with proposed activities. If project specific information is not collected upfront from the applicant, NOAA staff must request and wait for additional information from the applicant in order to fully implement NEPA and other environmental compliance requirements. This may cause several weeks of delays in awarding and distributing federal financial assistance awards. If proper NEPA and other environmental compliance documentation cannot be completed for a particular activity, project or program, NOAA is not authorized to award or release any funds to the project or program applicant.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection of information will be conducted in a manner consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A Federal Register Notice published on June 8, 2021 (86 FR 30445) soliciting public comments. No comments were received.

NOAA reached out to five previous federal financial assistance applicants 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. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts would be provided to any of the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The information collection does not request any proprietary or confidential information. No confidentiality is promised or will be provided.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No information of a sensitive nature will be collected.

12. Provide estimates of the hour burden of the collection of information.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Environmental Compliance Questionnaire	Physical Scientist	736	1	736	3	2,208	\$ 44.98	\$ 99,315.84
Totals				736		2,208		\$ 99,315.84

***Cite official source of hourly wage rate - The estimate of average burden per response is based on expert review of proposed questions. BLS's *Occupational Outlook Handbook* - a good wage source. <https://www.bls.gov/bls/blswage.htm>**

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The information being requested is submitted electronically. As such, this information collection would incur no cost burden on respondents.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP-IV	\$ 212,322	100%		\$ 212,322
Other Federal Positions					
Contractor Cost					
Travel					
Other Costs:					
TOTAL					\$ 212,322

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

This Questionnaire has been revised to 1) remove repetitive questions; 2) revise specific questions to use plain language; and 3) add 18 new questions that will gather additional information to help a wider range of NOAA programs. Its revision was based upon input from line and staff office experts who use this Questionnaire on a regular basis. The Questionnaire now contains questions that are more pointed, easier to understand, and cover areas that were not covered in the previous version of the Question that reflect areas where NOAA continues to receive more applications for funding than in the past. These new, additional questions will ensure that NOAA collects information that it needs to conduct all necessary and appropriate environmental analyses prior to selecting an applicant and awarding funds.

No adjustments were made because the anticipated number of respondents, respondent burden hours and respondent costs will remain the same from the last collection of information renewal in 2018.

Although new questions were added to this collection of information renewal, not all of the questions will be required for each respondent applicant, including the new questions. As such, NOAA believes that the burden hours and costs will largely remain the same as they were during the last collection of information renewal in 2018. NOAA continues to require all respondents to complete grant applications on-line through Grants.gov and this requirement eliminates costs associated with applying for a grant.

The cost to the federal government has increased due to a change in the way the cost is calculated. Instead of using a standard \$40 per hour rate, standard pay tables were used for the pay band/interval of the government employee and the salary was loaded, rather than using the base rate only.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this collection will not be published.

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

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).