

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 whether the proposed activity would occur in different locations and/or have multiple phases.
 - Explain who would lead the project and degree of supervision of participants in the project.

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 the project's initial objectives/goals; and
 - Provide any additional information, previous environmental review documents, and/or reports from previous years.

**Proposed Activity –
Location**

For all phases of the proposed activity:

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 previous or ongoing uses at the location of the proposed activity or, if not known, describe how previous or ongoing uses will be determined.

7. Describe the characteristics of the location of the proposed activity:
 - Indicate degree to which the location has been disturbed. Examples include highly developed, light development, active harbor use, public beach, open space, etc.
 - Indicate whether the area is a unique geographic area of notable recreational, ecological, scientific, cultural, historical, scenic, economic, or aesthetic importance;
 - Identify ESA-listed and/or MMPA species that may occur and overlap with the proposed activity;
 - Describe any anticipated changes over time to the natural landscape and/or viewshed

that would result from the proposed activity;

- List any ecologically significant or critical (e.g., spawning, nursery, or foraging grounds) areas in the location of the proposed activity, including areas that are normally inundated by water (wetlands including permanent or temporary wetlands) or other aquatic habitat or areas within the 100- year flood plain;
- List any designated Essential Fish Habitat and Habitat Areas of Particular Concern designated under the Magnuson-Stevens Fishery Conservation and Management Act;
- List any critical habitat areas for Endangered Species Act-listed species;
- List any marine protected areas including national marine sanctuaries and national marine monuments in the location of the proposed activity;
- List any National Wildlife Refuge areas, wild or scenic rivers, wetlands, or prime/unique farmland in the location of the proposed activity;
- List any properties listed or eligible for listing on the National Register of Historic Places, National Historic Landmarks, or National Monuments; and
- List 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 project 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 that may potentially be interested and/or affected by the action.

12. Are there any minority or low-income communities located in the area of the proposed activity? If yes, then describe how the minority or low-income communities might be affected by the proposed activity.
13. Are Federal, state, or local permits, authorizations, waivers, determinations, or consultations required in order for the proposed activity to begin? 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.
 - If an aquaculture facility is permitted under the Clean Water Act, provide a copy of the NPDES permit.

Proposed Activity Details and Impacts –

All Activities

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.).

Fishing Activities

15. Describe potential effects of the proposed fishing activity on species and/or habitats protected under Federal, state, or local laws in accordance with the list enumerated in question #14 above and:

- Describe fishing behavior (e.g., area fished) and effort (e.g., number of vessels, gear soak/tow duration, amount of gear set or towed) under the proposed fishing activity. Relative to current operating conditions in the fishery, describe how the proposed fishing activity does or does not change fishing behavior and effort.
16. 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;
 - The impacts to protected species (i.e., ESA-listed and/or MMPA protected), including takes (as defined by 50 C.F.R. § 216.3, 50 C.F.R. § 222.102, and 15 C.F.R. § 922.3) and whether the continuation of the project is expected to result in reduced (e.g., gear modifications to reduce entanglement risk introduced), elevated, or similar levels of impacts to protected species;
 - The 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.
 17. For the proposed action, 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?
 18. If any organisms would be released alive, how many of each species would be tagged, measured, or sampled before being released? What is the probability of individuals surviving after being handled (e.g., tagged, measured) and released (e.g., percent survival post-release)? Describe any best practices that would be used to improve post-capture and post-release survival.
 19. 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.
 20. Would the proposed fishing activity involve commercial fishing or be conducted for ~~research~~ 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.
 21. Please quantify the amount of each species caught as part of the research fishing that would be sold or used for personal consumption or community exchange.
 22. What type and size of gear would be used? Describe any differences between proposed research gear and currently regulated gear.
 23. 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.)?

24. 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) to reduce interactions with protected species (e.g., turtle exclusion device (TED); scallop chain mat modified dredge and turtle deflector dredge; Mid-Atlantic Large Mesh Gillnet Restriction Area)? If not, explain why the gear does not conform and the reason for the nonconformance.
25. How long the fishing gear would be deployed? List average soak time for each gear type. Wet storage of trap/pot gear is not advised. If wet storage is planned, indicate whether wet storage of gear will occur during or between survey periods and provide an explanation for why it is necessary.
26. What is the proposed number of gear hauls for each gear type (e.g., trawl gear, fixed gear, longline, troll, etc.)?
27. What is the proposed duration and speed of each tow for mobile gear such as trawl, trolled, or towed gear?
28. 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.
29. Describe measures to be taken to minimize injury and maximize survival after release of fish, sea turtles, seabirds, marine mammals, or other bycatch species incidentally caught on the fishing gear.
30. 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.
31. 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? Would it result in a shift in effort?

If so, when, where, and/or how would effort increase in the area? Would it create incentive for more vessels to operate in the fishery, more fixed gear being set or trawls being towed, and/or longer gear soak or tow durations?

32. How many proposed fishing days are expected within the year for each gear type?

Aquaculture and Mesocosms and Hawaiian Coastal Fishponds

33. Would the proposed activity be conducted in a closed system mesocosm/aquaculture facility, in open water (coastal or Federal waters), or in a Hawaiian fishpond?

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

35. 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? How often would the aquaculture facility be serviced or tended?

36. 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?

37. 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?

38. 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), sound pressure level (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. In addition, the introduction of anthropogenic sound sources into the aquatic environment has the potential to modify the acoustic soundscape of the environment, as well as result in the direct exposure of fish, ESA-listed species, MMPA protected species, and/or other marine species, to elevated levels of underwater noise, which in turn, has the potential to result in physiological and behavioral impacts to these species. Given this, an assessment of the acoustic impacts to these species, as well as the acoustic soundscape of the affected environment, will need to be provided.

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.

Marine debris

42. 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.
43. Describe how the proposed activities would complement or encourage other similar marine debris removal activities in the area.
44. Describe the disposal technique and the extent to which recycling, reuse, or other sustainable disposal alternatives were considered.
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.

Equipment Installation, Construction and/or Maintenance

46. 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;
 - Include a description of and plan diagram for the proposed impact area. Include how the project would affect traffic and human use patterns; and
 - Describe mitigation measures such as spill prevention and response, siltation prevention barriers, and other best practices to be followed for the protection of the environment.
47. 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.
48. 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?).
 - Describe maintenance of the new facility or equipment and whether construction is needed for utilities such as water, electricity, drains, and sewers.
 - Describe who would use the equipment and the intensity of use.
 - Describe whether the equipment, storage facilities and use would be in keeping in terms of scale and use intensity (noise, traffic) of the existing locale.

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.

**Data, Safety and Environmental Impacts, Monitoring,
And Habitat Restoration**

51. Describe sampling, collecting, or observation protocols and operational procedures.
52. 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.
53. Describe any proposed mitigation or monitoring measures and protocols.
54. Describe the data processing methods to be used to conduct the research.
55. 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.
56. Will the proposed activity require the cataloging and compiling of sources of socioeconomic data? If yes, then please explain.
57. Does the proposed activity consist solely of software research and manipulation? If yes, please explain.

Safety

58. Describe potential unique or unknown risks to human health or the environment from the proposed activity.
59. 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 would be involved in this project and any hazardous wastes (as defined by 40 C.F.R. § 261.3) that could potentially be generated during the proposed activity;
 - Any hazardous contaminants that may be uncovered and/or disturbed by the proposed activity;

- A list of the procedures/protocols that will be followed to ensure safe handling, storage, use, collection and transport of hazardous substances and proper disposal of all hazardous wastes;
 - A Spill Prevention and Response Plan; and
 - A Safety Plan.
60. 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.
61. 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.
62. 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.
63. 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.
64. If the proposed activity involves satellite sensors and/or 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);
 - A copy of the evaluation, if available; and
 - Mitigation measures and controls to ensure safety of users, bystanders, wildlife, structures, and habitat (for all hazardous materials/waste).

Energy and Atmosphere

65. Would the proposed activity require large amounts of water or electricity for an extended period of time? If yes, then explain.
66. Does the project include measures that would conserve energy resources? If so, describe.

67. 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.
68. 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.
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?
70. 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

71. Would the proposed activity, during development or long term operation, change transportation infrastructure or increase local traffic? If yes, then explain.
72. 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.
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?

Surveys, Monitoring, and Filming

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?; and
 - 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.

Habitat Restoration

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.).

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.