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

Abstract

This request is for a renewal of a currently approved information collection through the *Environmental Compliance Questionnaire for National Oceanic and Atmospheric Administration Notice of Federal Funding Opportunity Applicants* (Questionnaire). This Questionnaire has not been revised since 2021. NOAA adjusted the estimated time per response from 3 hours up to 10 hours based on respondent feedback. See the response at question 8 for more information.

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 take a "hard look" at the environmental consequences of all "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C) (2023); *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 374 (1989). Major federal actions may include funding non-federal activities through federal financial assistance awards where federal participation in the funded activity is expected to be significant, or where the private action is "federalized" through receipt of more than a minimal amount of federal funding. The Questionnaire is used in conjunction with NOAA's 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 by preparing NEPA and other environmental compliance documents. This Questionnaire has not been revised since 2021.

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

1. The **Proposed Activity Information** section is used by NOAA to determine whether any extraordinary circumstances exist that subsequently require a certain type of NEPA document.
2. The **Proposed Activity Location** section is used by NOAA to identify the specific location, as well as the condition of the location of the proposed activity.
3. The **Proposed Activity Time Frame** section is used by NOAA to identify the start date, duration, and schedule of the proposed activity.
4. The **Project Partners, Permits, and Consultations** section is used by NOAA to 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 is used by NOAA to clarify specific details about the proposed activity relative to which program office is providing the funding.
6. The **Data, Safety and Environmental Impacts, Monitoring, and Habitat Restoration** section is used by NOAA to identify the proposed activity's sampling, collecting, or observation protocols and operational procedures. This may include but is not limited to: information about the equipment that will be used to sample and collect data, mitigation and monitoring measures and protocols, processing methods and untested scientific technology or methods, the cataloging of data acquired, safety concerns originating from the proposed activity, the proposed activity's resource use, any potential to impact air and water quality, impacts of the proposed activity on transportation infrastructure, and use of aircrafts or vessels for data collection. NOAA intends to continue to use the data collected for the above enumerated purposes as it has in the past and there are no new or other uses planned.

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's 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) In order to be recommended for funding, Applicants 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 of NOAA's 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-Stevens 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 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 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.

NOAA published a 60-day notice soliciting public comments in the Federal Register: Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Environmental Compliance Questionnaire for NOAA Federal Funding Opportunity Applicants, 89 Fed. Reg. 66692 (Aug. 16, 2024). No comments were received.

One public comment was received by the Federal Register point of contact after the comment period closed and was found to be outside the scope of this collection. The comment was forwarded to NOAA's FOIA Office for processing.

NOAA also consulted with five grant applicants who have filled out the questionnaire to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure, reporting format, and the data elements to be recorded, disclosed, or reported. NOAA received two responses.

Both commenters reported that they believed it is both important and necessary to collect the information in the questionnaire because it highlights critical information needed by the agency to process funding applications. Both commenters also recommended streamlining or targeting the questions that do not apply to a particular respondent. One commenter gave the example of a research ship captain and a primary investigator who both may be responsible for environmental compliance under a grant submitting duplicate information under the same project. Both commenters recommended electronic collection for the questionnaire and recommended some extent of automatic form filing or filtering based on prior answers. Both commenters also provided examples of how instructions for the questionnaire could be improved. One recommendation was to include resource links and information about essential fish habitat areas, areas of particular concern, links to a list of species protected under the Endangered Species Act, and the Marine Mammal Protection Act, and links to lists of areas on the National Register of Historic Places when the questions ask about such characteristics. It was also recommended that the accompanying instructions provide details specifying the types and format of information needed by the agency in order to minimize follow-up with respondents. An example provided was stating that the agency needs the GPS coordinates when the question asks where an action

will take place, rather than a satellite image.

Regarding the estimated time burden of the collection, one commenter stated that it was hard to determine if the estimate was accurate or not since the applicable questions are unique for each project and respondent. The commenter described that the time burden of the form "really varies by project." The other commenter stated that the time to complete the form including locating the required information in order to complete it "can be quite lengthy" and is longer than the three-hour estimate. NOAA followed up with this commenter who clarified that it took them approximately ten hours to complete the questionnaire.

NOAA thanks the commenters for their responses. NOAA will consider alternative electronic or automated collection techniques in order to collect the information from the Questionnaire in a more efficient manner. NOAA has begun the process of revising the guidance and instructions sent to recipients in coordination with NEPA offices in order to clarify expectations for respondents.

NOAA has also updated the burden tables in this Supporting Statement, and the response time in the PRA Burden Statement in response to feedback from commenters.

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

No payments or gifts have been, or will be provided to any 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 has been, or 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	10	7,360	48.61	357,770
Totals				**736**		**7,360**		**$ 357,770**

* The estimate of average burden per response is based on expert review of proposed questions.
Occupational Code 19-2000, Physical Scientists, was used to determine the mean hourly wage rate.
(https://www.bls.gov/oes/current/oes_nat.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 incurs 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	$ 252.802.50	100%		$ 252,802.50
Other Federal Positions					
Contractor Cost					
Travel					
Other Costs:					
TOTAL					**$ 252,802.50**

The Rest of U.S. locality wage rate for a ZP-IV was used since NOAA staff is geographically dispersed. A multiplier of 1.5 was used to calculate the loaded salary.

https://www.commerce.gov/sites/default/files/2024-01/CAPS_rpStandard_2024.pdf

15. Explain the reasons for any program changes or adjustments reported in ROCIS.
There have been no program changes or adjustments, as this Questionnaire has not been revised since 2021.

The burden response time for completing the questionnaire was increased from 3 hours to 10 hours per response based on feedback from recent respondents as noted in question 8. This increased the total annual burden hours from 2,208 to 7,360.

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 are not published.

NOAA retains control over the information collected and safeguards 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 the Treasury and General Government Appropriations Act, Pub. L. 106-554 (2001).

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 has, and will continue 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 C.F.R. § 1320.9 and the related provisions of 5 C.F.R. § 1320.8(b)(3).