

**SUPPORTING STATEMENT
ENVIRONMENTAL COMPLIANCE QUESTIONNAIRE FOR NATIONAL OCEANIC
AND ATMOSPHERIC ADMINISTRATION FEDERAL
FINANCIAL ASSISTANCE APPLICANTS
OMB CONTROL NO. 0648-0538**

A. JUSTIFICATION

This request is for a renewal of this information collection.

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

This information collection is needed to ensure that all projects supported by the National Oceanic and Atmospheric Administration (NOAA) through grants or other financial assistance awards comply with the [National Environmental Policy Act](#) (NEPA 42 U.S.C. 4321-4347), the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA ([40 CFR 1500-1508](#)), and [NOAA Administrative Order 216-6](#). The National Environmental Policy Act and CEQ implementing regulations require that an environmental analysis be completed for all major federal actions significantly affecting the environment. Those federal 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 being funded by NOAA, NOAA must assess information which can only be provided by the federal financial assistance applicant.

Each fiscal year, NOAA publishes Announcements of Federal Funding Opportunity in the [Federal Register](#) inviting applications from persons who are interested in obtaining grants to carry out a wide variety of projects. The solicitations contain a description of the grant program, along with evaluation criteria and weights. Applications for federal financial assistance are submitted through [grants.gov](#). In addition, NOAA also awards non-competitive grants.

In Fiscal Year 2011, NOAA awarded approximately 2,016 grant projects, supported by \$846,050,000. It is critical to ensure that an adequate level of detail is provided in every grant application to allow the agency to evaluate the environmental impacts, as required by NEPA, of activities conducted through the support of NOAA funds.

NOAA is responsible for regulatory compliance and must be provided with all of the relevant project information to determine the level of NEPA review and to prepare the subsequent NEPA analysis. The NEPA analysis must be completed prior to awarding any grant. Recipient cooperation to provide NOAA with specific project and environmental information has been an on-going issue. Despite detailed application instructions that outline what information is needed, applicants often do not provide NOAA with the appropriate level of project detail in their applications necessary for NOAA to make NEPA determinations and prepare the subsequent analysis. The information collection tool (questionnaire) was developed to collect all relevant project information required to comply with NEPA and expedite both the NEPA and award processes.

The questionnaire includes questions that encompass a broad range of subject areas. Applicants will not be required to answer every question in the questionnaire. Each program will draw from the comprehensive list of questions to create a relevant subset of questions for applicants to answer. It is the responsibility of the Federal Program Officer and/or NEPA Coordinator, in coordination with the NOAA Grants Division, to incorporate applicable questions into each Announcement of Federal Funding Opportunity or other solicitation announcement. Programs may also choose not to include the questionnaire as part of the application requirements, but to follow up with applicants via mail/email/phone to collect the required information. In addition, applicants conducting activities that have been identified to consistently qualify for a categorical exclusion (i.e., modeling, GIS mapping, planning activities, etc.) would not be required to complete the questionnaire or provide the information by any other means.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

The information collected as part of the regulatory review of grant proposals will be used by NOAA Federal Program Officers, NOAA NEPA coordinators, NOAA NEPA analysts, DOC attorneys, and NOAA attorneys to determine the applicability of NEPA to the activity to be funded. If NEPA applies to the activity, the information would be used to determine the level of NEPA analysis required and for preparation of the analysis.

The collected information would also be a key element of “frontloading” the NEPA process and determining, along with the required level of NEPA analysis, additional regulatory requirements, such as the need for any permits or consultation that would also be subject to NEPA. For example, information provided as part of the regulatory review questionnaire would help program staff determine the need for Magnuson-Stevens Fishery Conservation and Management Act (MSA) Exempted Fishing Permits, Section 7 consultation under the Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA) incidental authorization permits, and National Marine Sanctuary permits.

The information would be collected from grant applicants as part of the application package and reviewed during the application review process.

Section A of the questionnaire includes general questions that provide NOAA information about the project, information for NEPA compliance, and information regarding other regulatory reviews that may need to be completed or have been completed. NOAA will use this information to determine the level of NEPA analysis required, for preparation of the analysis, and to gather information on other environmental documents that may have been prepared for the activity.

Section B includes questions regarding funding of the proposed activity. NOAA will use this information to determine the level of NOAA and other federal agency funding of the activity. This information will be used to determine the applicability of NEPA to the activity to be funded.

Section C includes questions regarding the level of NOAA and other federal agency involvement of the proposed activity. This information will be used to determine the applicability of NEPA to the activity to be funded.

Section D includes questions regarding the location of the proposed activity. NOAA will use this information to determine the level of NEPA analysis required and for preparation of the analysis.

Section E includes questions regarding permits, authorizations or waivers that may be required to conduct the proposed action. NOAA will use this information to determine the level of NEPA analysis required, for preparation of the analysis, and to gather information on other environmental documents that may have been prepared for the activity.

Section F includes questions regarding potential impacts of the proposed action. NOAA will use this information to determine the level of NEPA analysis required and for preparation of the analysis.

Section G includes questions for activities related to damage assessment and restoration. NOAA will use this information to determine the level of NEPA analysis required and for preparation of the analysis.

Section H includes questions for activities related to fisheries research and sampling. NOAA will use this information to determine the level of NEPA analysis required and for preparation of the analysis.

NOAA will 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 will 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 techniques or other forms of information technology.

The responses to the questions may be developed on a personal computer. Electronic submission of the information to be collected will be encouraged but not required. No other type of information technology is necessary to collect the majority of information that will be requested. The downloadable and fillable form is available from the Grants Management Division website: <http://www.ago.noaa.gov> and may be submitted via e-mail. Over 90% of submissions are via email.

4. Describe efforts to identify duplication.

There are no other collections that gather similar information. The information requested is unique to each financial assistance proposal. 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 federal financial assistance 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.

The questions NOAA has developed are specific to the trust resources we manage under our mission and NOAA 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). I would find it very difficult to harmonize these forms for content with other agencies, as our NOAA mission and subject matter is so specific and different from that of EPA and USFWS. If anything, the forms would get longer, more generic, and less helpful to the NOAA Program Officer overseeing the award process, and trying to determine what may be the potential impacts and level of NEPA required based on less clear/specific answers.

If in some rare cases, our question may be similar to information being asked by another Federal agency. In the digital world, we would find there is very little burden (perhaps 10 seconds) to the applicant to just electronically cut and paste an already existing answer for a NOAA question for a different agency questions (e.g. USFWS).

5. If the collection of information involves small businesses or other small entities, describe the 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 receive NOAA funds to produce this information. Furthermore, the applicant conducting the research or applying for funds should already have this information available as part of their research or project plan.

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

Detailed project information must be collected for every unique grant application in order to determine NEPA compliance requirements and to prepare the subsequent NEPA analysis. If detailed project specific information is not collected upfront from the applicant, NOAA staff must request and wait for additional information from the federal financial assistance applicants in order to fully implement NEPA. This may cause several weeks of delays in awarding and distributing federal financial assistance (grant) awards. If proper NEPA 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 require the collection to be conducted in a manner inconsistent with OMB guidelines.

The proposed collection of information will be conducted in a manner that is consistent with OMB guidelines.

8. Provide information on 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 published on February 21, 2012 (77 FR 9896) solicited public comment on this information collection. No substantive comments were received.

A question that is commonly received from potential applicants responding to a competitive solicitation, is whether or not a response to the questionnaire can a statement to refer to the proposal, such as, "please refer to page 4, second sentence". Our response is "sure, as long as the response is provided".

It is also common for the prospective applicant to comment that the questionnaire is rather lengthy and not applicable to the work being proposed. In these instances, we've commented that the applicant is in the best position to note what questions are applicable. For the type of grant programs administered from our office we've advised applicants that they should give particular attention to questions A1, A2,A11, A12, B1, C1, D1-3, E1, E4, F10-13, H1-24, H26, and H27-29.

Such questions have been received within the last 12 months.

In addition, two biologists who are/have been NOAA grantees recently went through the questionnaire and provided feedback on the clarity and/or necessity of the questions. One went through and commented on each question, positively or negatively and the other had suggestions for improvement on just a few questions.

A few questions were commented on as redundant with others in the same or another section. NOAA replied back that, yes, these questions are necessary in order for NOAA to fully understand the potential for environmental impacts before funding is approved for the financial assistance award. NOAA is responsible for complying with the National Environmental Policy Act (NEPA) and responses to these questions provides NOAA with critical information to determine appropriate level of NEPA review that needs to be completed (CE, EA or even and EIS).

In several cases, both commenters commented on the vagueness of a term, e.g. "foreign substance", "controversial" or "impact". Here is an introductory comment from the email of the one biologist who went through and commented on all questions: "The challenge for me personally filling out the questionnaire has been the tension between being scrupulously honest (from a scientific point of view where a raindrop in the ocean is an "impact") and wanting to get the work done. Hence my multiple comments inserting "reasonable" to give people like me some sense of the scale of impact that might raise a concern. If ANY level of impact is a concern, perhaps that should be emphasized in the question specifically; otherwise, I think there is a tendency to overstate or understate impacts on all questions." Other comments focused on the relevance of certain questions, e.g. financial. Finally, some questions were commented on with "great question" and "I like it".

Based on the feedback from two biologists on the “Environmental Compliance Questionnaire for National Oceanic and Atmospheric Administration Federal Financial Assistance Applicants”, NOAA has informed these biologists (grantees) that we will begin working on revisions to this questionnaire in the following areas:

- 1) Reduce redundancy on different questions (consolidate number of questions)
- 2) Add a glossary to help define/clarify some of the specific NEPA terms used in the questions
- 3) Revise language in some of the questions to make them less ambiguous to the grantees providing answers.

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

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

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

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

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.

No information of a sensitive nature is collected.

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

It is estimated that 1,000 financial assistance applicants will complete the questionnaire. Depending on the number of questions the respondent is asked to answer, it is estimated to take the respondent 1 to 3 hours to complete the questionnaire. It is estimated to take most respondents 1 hour to complete the questionnaire. However, there is one grant program that may require respondents to answer numerous questions and it may take up to 3 hours for that group of respondents to answer the questionnaire. To account for those burden hours, the maximum number of hours was used. It is estimated that it will take the respondent no more than 3 hours to complete the questionnaire. The maximum total annual estimated burden hours will be 3,000.

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).

If the information is submitted electronically, as over 90% current are, this collection will incur no cost burden on respondents beyond the cost of response time (assuming the respondent has a computer). If respondents opt to copy or print the questionnaire it is estimated to cost \$0.05 per

page, or \$1.30. Mailing would cost of \$0.45 per envelope for standard mailing. If all respondents chose to copy and mail the questionnaire, the estimated maximum cost would be \$1.75 per respondent, for a total annual cost of \$1,750.00. However, it is assumed that most respondents would submit the information electronically.

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.

There is an adjustment to postage costs from \$920 to \$1,750, due to increased postage rates.

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

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 why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.