

NEPA 101: Sea Grant Network Roles and Responsibilities

NY Sea Grant



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NEPA Webinars

- Today is the first of two webinars
- You will have time for questions at the end and webinars will be recorded
- Today is the NEPA 101 - we will go over roles and responsibilities for the programs and NSGO
- The September 3 webinar will discuss best management practices and review examples of specific documents



Webinar #1 Objectives

What is NEPA?

What is Sea Grant's NEPA Policy?

What is your role as your program's NEPA point of contact?

What documents do I need to complete NEPA compliance for my program?

How do I respond to a NEPA-related SAC on an award?



WA Sea Grant



SC Sea Grant



OR Sea Grant



AK Sea Grant

What is the National Environmental Policy Act?

The purpose of the Act is to... “declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.”

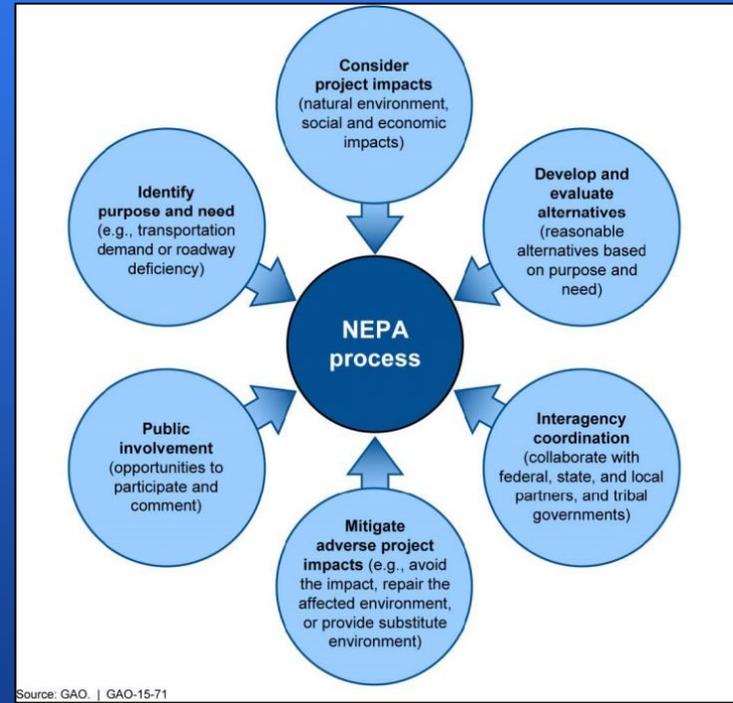
Sec. 2 [42 USC § 4321]

January 1, 1970

NEPA's Objectives

Disclose, analyze, and consider environmental information as a criteria when making decisions about federal actions

Inform the public of potential impacts and alternatives and involve the public in decision making.



What is a Federal Action?

Major federal actions include projects or programs entirely or partially...

1. Funded by
2. Assisted by
3. Regulated by
4. Conducted by
5. Approved by
6. Permitted by

... a Federal Agency

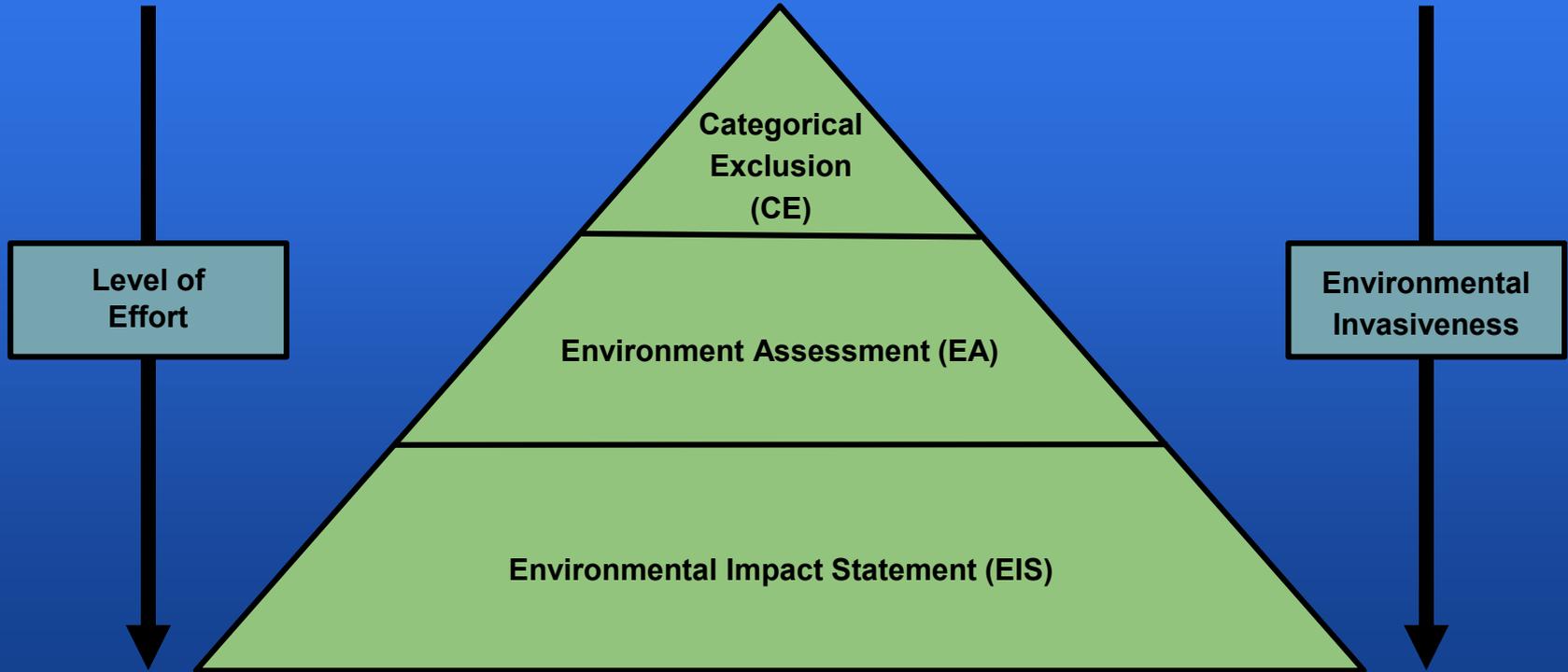


NEPA Documentation

Under NEPA, federal actions have three determinations:

1. Categorical Exclusion (CE)
2. Environmental Assessment (EA)
3. Environmental Impact Statement (EIS)

NEPA Documentation



NEPA Documentation

Categorical Exclusions (CEs) are actions that do not individually or cumulatively have a significant environmental impact. Sea Grant primarily uses this determination.

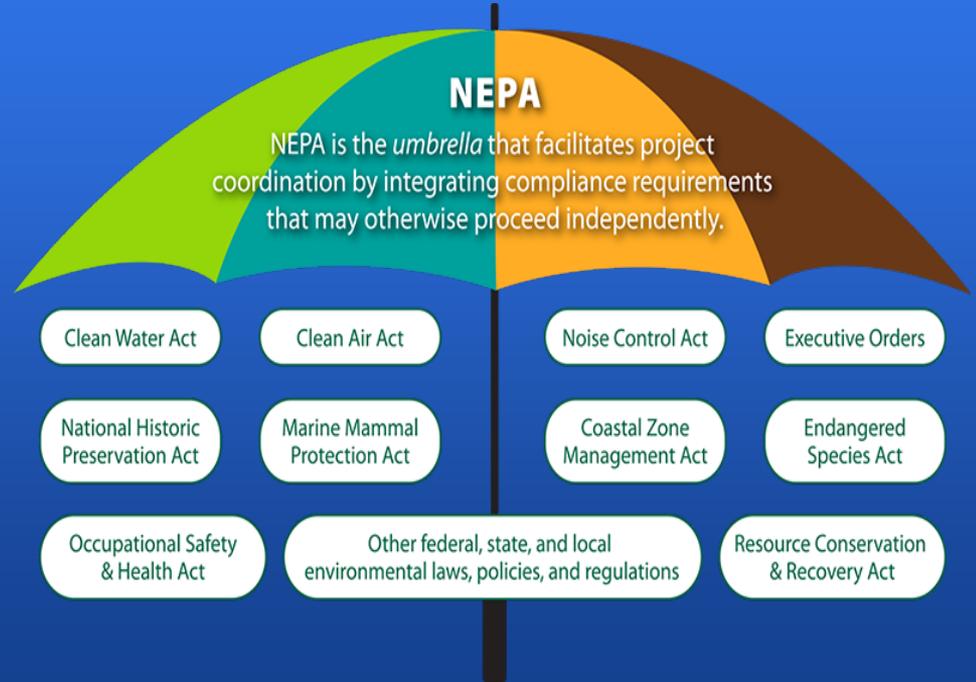
Environmental Assessments (EAs) determine whether or not an action has the potential to cause a significant environmental impact.

An **Environmental Impact Statement (EIS)** is a document that outlines the impact (good or bad) of a proposed action on the environment.

NEPA is an Umbrella Law

Many other laws and regulations are part of the NEPA process.

Sea Grant mostly deals with the Endangered Species Act (ESA), the Magnuson-Stevens Act (MSA), and the Marine Mammal Protection Act (MMPA)



Endangered Species Act (ESA)

- Enacted in 1973
- Primary law in the US for protecting imperiled species
- Aims to prevent extinction of vulnerable species and facilitate their recovery
- Section 7 directs federal agencies to help conserve listed species
- ESA resource: <https://www.fws.gov/endangered/species/us-species.html>
- ***It is “your” responsibility to know and document the endangered species in your project areas***



EFH Magnuson-Stevens Fishery Conservation and Management Act (MSA)

- Enacted in 1976
- NMFS determines when a stock is overfished and applies catch limits
- Protects Essential Fish Habitats (EFH)
 - “Waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”
 - EFH Mapper:
<https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>

- ***It is “your” responsibility to know and document the Essential Fish Habitat in your project areas***



Marine Mammal Protection Act (MMPA)

- Enacted in 1973
- Prohibits the “taking” of marine mammals
 - Otters, walruses, polar bears, manatees, dugongs, seals, sea lions, whales, and dolphins
- “Take” is defined as hunting, killing, capturing, and/or harassment
- ***It is “your” responsibility to know and document the marine mammals in your project areas***



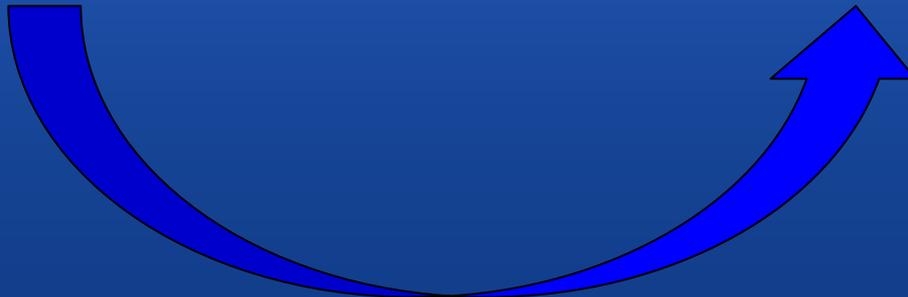
Roles and Responsibilities

Programs

- Provide the information NSGO needs to complete our tasks
- Provide permits and supplementary documentation that show compliance with Federal, State, Local, and/or Tribal regulations
- Fulfill SACs

NSGO

- Review submitted materials
- Determine the level of environmental impact
- Determine the level of NEPA
- Document the NEPA process
- Conduct consultations on ESA, MSA, and MMPA
- Create SACs



Program Roles and Responsibilities

- Educate subawardees so they know which forms to complete and what information needs to be documented
- Quality check NEPA documents going to NSGO
- Keep track of and complete NEPA-related SACs
- Notify your federal program officer (PO) of research-based program development projects and provide NEPA documentation
- Notify your PO of changes to research projects that might require additional NEPA analysis



Program Roles and Responsibilities - NEPA Documentation

Abbreviated NOAA Environmental Compliance Questionnaire

~ AND ~

Permits (or information regarding the
status of forthcoming permits)

(OMB Approval Number: 0648-0538; exp. 11/30/21)

ABBREVIATED NOAA ENVIRONMENTAL COMPLIANCE QUESTIONNAIRE
Instructions: Answer EVERY question in the yellow square below it.

Questions are selected from the full 62-question NOAA Environmental Compliance Questionnaire (available at www.nepa.noaa.gov), as such questions are not in numerical order.

Grant number and/or Project ID (if available)
Project Title
Name and contact information for the person completing this form
State Sea Grant Program
PROPOSED ACTIVITY
Describe the proposed activity, including: <ul style="list-style-type: none">• The purpose, objectives, and goals
Is the proposed activity a continuation or part of an ongoing activity? If yes, then: <ul style="list-style-type: none">• Describe any changes to the proposed activity since it was initiated, including progress toward achieving its objectives/goals; and• Provide any additional information, previous environmental review documents, and/or reports from previous years.
Describe sampling, collecting, or observation protocols and operational procedures
Will the proposed activity require the cataloging and compiling of sources of socioeconomic data? If yes, then please explain.
Does the proposed activity consist solely of software research and manipulation? If yes, please explain.
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.

NEPA Environmental Compliance Questionnaire

- This questionnaire is **REQUIRED** for fieldwork, labwork, modeling work, or socioeconomics work (basically all research projects).
- PI should complete and the NEPA POC should review
- [Guidance](#) is provided on Inside Sea Grant → Implementation → NEPA Compliance.
 - Example questionnaires for [fieldwork](#), [labwork](#), and [socioeconomics](#) work are also provided.
- Some non-research projects do not require a questionnaire.
 - Workshops, communications, administrative actions, etc
 - Instead of the questionnaire, an explanation will suffice: *“This project does not necessitate NEPA documentation because the actions described fall under one of the non-research project descriptions. This project involves...”*
 - New Opportunities from our office will require a response to NEPA

NEPA Permits

- Some projects (namely fieldwork and socioeconomics work) require permits
 - The questionnaire will prompt you to provide details on permits and consultations
- NSGO needs a copy of **ALL** permits, particularly aquaculture/farm permits and all Institutional Review Board (IRB) approvals
- If a permit is pending, NSGO will put a SAC (Specific Award Condition) on the project until the permit is provided
- These awards can still be processed but you can only work on parts of the project unrelated to the permit

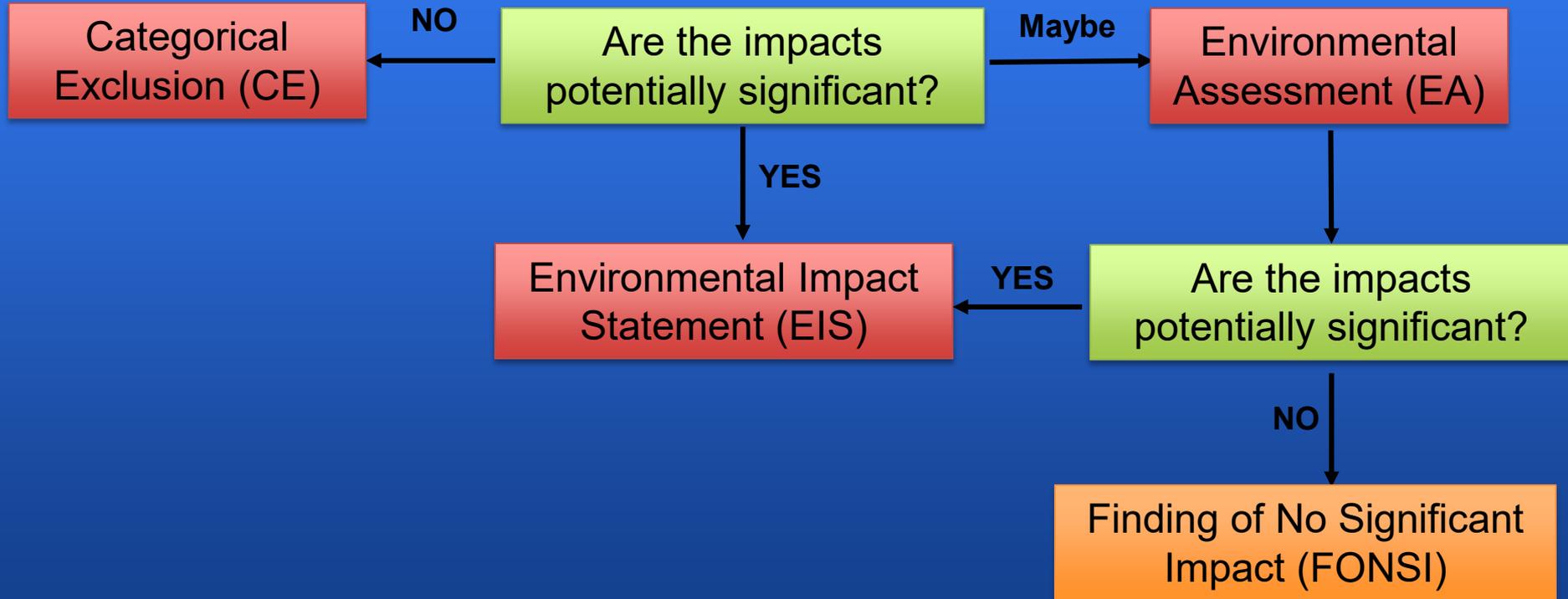


NSGO Roles and Responsibilities

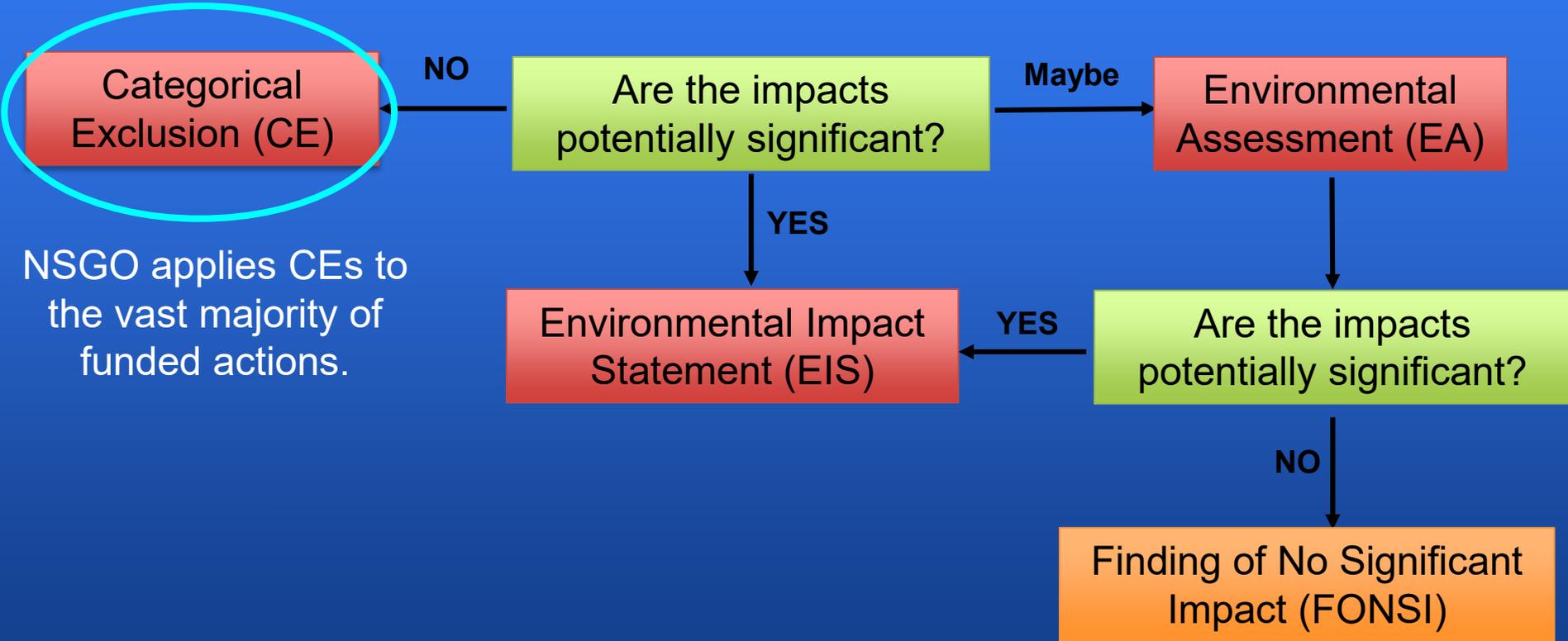
- NSGO must document NEPA compliance for every action
 - We processed 500+ actions last year!
- Actions range from routine administrative processes (like Knauss) to large-scale fieldwork
- NSGO determines whether these actions have an environmental impact or can be Categorically Excluded per NOAA policies.
- In rare instances, actions may necessitate an EA or EIS
- The Program Officer and the NEPA leads document these decisions using an internal process



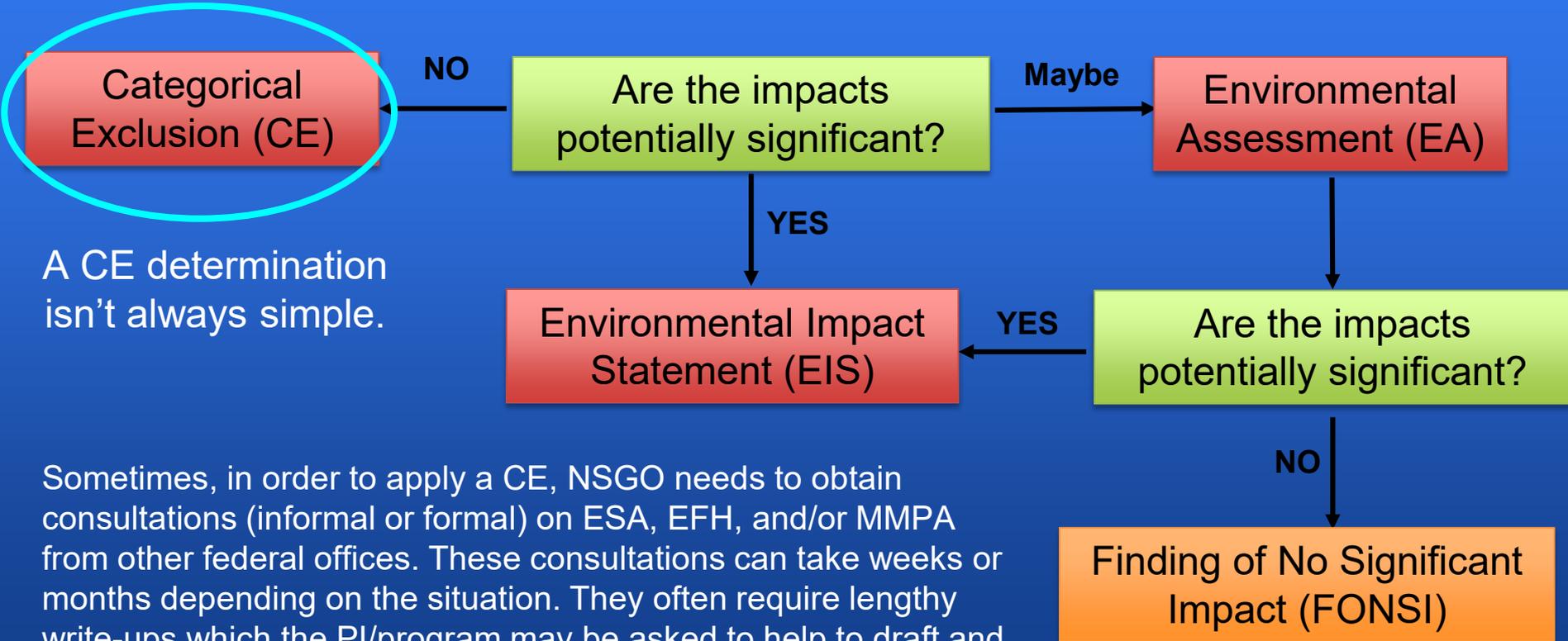
NSGO Roles and Responsibilities



NSGO Roles and Responsibilities



NSGO Roles and Responsibilities



A CE determination isn't always simple.

Sometimes, in order to apply a CE, NSGO needs to obtain consultations (informal or formal) on ESA, EFH, and/or MMPA from other federal offices. These consultations can take weeks or months depending on the situation. They often require lengthy write-ups which the PI/program may be asked to help to draft and results may require edits or changes to the project under review.

How to know if an award has a NEPA SAC?

When a determination by NSGO cannot be made at the time of award processing, the NSGO will put a Specific Award Condition (SAC) on the award

- **It is YOUR job to keep track of and fulfill SACs**
- For every award amendment, look at the SAC list
 - Ask the sponsored programs office
- Determine what you need to do to fulfill the SAC
 - NEPA-related SACs usually involved pending and/or missing permits
 - NEPA-related SACs often limit field work or actions on the grant until they are fulfilled
- Submit the paperwork to your PO
- If you have the necessary documents, the PO will direct you to initiate an Award Action Request (AAR)

Fulfilling a NEPA SAC

- Initiate an Award Action Request (AAR)
- Attach the documents and include a descriptive explanation
- Your PO will either accept or reject
- If accepted, the action will get cleared with GMD
- If rejected, the AAR will come back to you



PD Projects and Project Changes

- Research-based PD projects also require NEPA documentation
- While you do not need “permission” from your PO to award PD projects under \$10K, NSGO is STILL responsible for NEPA on those actions
- **It is YOUR job to notify POs of PD projects needing NEPA analysis**
 - Use the same criteria for when an Abbreviated Environmental Compliance form must be submitted to our office (i.e. for all awards that fund research activities)
- It is also your job to notify POs when subawardees make changes to their research projects
 - Discuss with your PO whether these changes (i.e. new locations, change in collections, etc) warrant further NEPA review

Questions?

All NEPA-related inquiries should be sent to
oar.sg.nepa@noaa.gov