
NEPA and the FPO – Everything you were afraid to ask & Need to Know

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Let me tell you

- **History of NEPA – its not just about fuzzy bunnies**
- **NEPA Requirements – Yes, Martha, NOAA has to do SOMETHING!**
- **NEPA and the FPO – You, yes you, are our first line of defense (should you choose to accept the mission).**

The History of NEPA

- It all started with the Cuyahoga River Fire of 22 June 1969 (Or did it?)
- Actually, it began with the building of the Interstate system
- Officially “the National Environmental Policy Act of 1969” (42 USC 4321 et. Seq.)
- Signed by Pres. Nixon 1 January 1970

The National Oceanic and Atmospheric
Administration
National Environmental Policy Act
Handbook



Version 2, December 2005

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What is the idea (of NEPA)?

▪ “The purposes of this Act are:

- 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. “ (42 USC 4321)

▪ **Yeah, OK, but how do you really do that as a federal agency?**

How do you do (NEPA that is)?

- **Go to the books – NAO 216-6 (§ 5 Implementing Procedures)**
- **a) define the proposed action;**
- **(b) consider the nature and intensity of the potential environmental consequences of the action in relation to the criteria and guidance provided in this Order to determine whether the action requires an EIS, EA, or CE;**
- **(c) prepare a CE memorandum, as appropriate;**
- **(d) prepare an EA or initiate planning and for an EIS where an EIS is known to be appropriate;**
- **(e) prepare a FONSI (which ends the NEPA environmental review process for actions found not to have a significant impact on the quality of the human environment) or initiate planning for an EIS/SEIS based on the EA;**

How do you do (NEPA that is)?

- An FPO won't likely do the CE memo or FONSI, but you need to look for them and know why they are there, and what they should contain.
- CE memo : for things that have been shown to have no impact – Computer modeling; fisheries monitoring; S-K; planting dune grass; project or program planning; Charting and mapping; Restoration of ecosystems w/o excavation;
- EA : One level “up;” larger scope projects, often more expensive, but with no “significant” impact;
- If it Says EIS

The “Long Form” CE Memo

MEMORANDUM FOR: The Record

FROM: David Givens
Director
NOAA Office of Coastal Studies

SUBJECT: Categorical Exclusion for Grant No. 123-456-78

NAO 216-6, Environmental Review Procedures, requires all proposed projects to be reviewed with respect to environmental consequences on the human environment. This memorandum addresses the applicability of issuing grant number 123-456-78 to Dr. T. Brown, of the Massachusetts Institute of Technology, to conduct research activities described below.

Description of project-

Grant number 123-456-78 would award Dr. Brown with \$200,000 to conduct a project entitled, “The role of competitive interactions between three species of macroalgae in determining the species density in the intertidal zone of Southeastern Massachusetts.” The project involves the conduct of the following activities: Transit to study site, Take water samples along transect, and Removal of all macroalgae species along transect.

Effects of the project-

The environmental effects of Dr. Brown’s project will be limited to some limited trampling of intertidal species, removal of approximately 1500 kilograms of macroalgae (total), and some disruption of wildlife (e.g., crabs, birds, fish, etc.) during the placement of the transect lines. All effects will be limited to the 2000 square feet that comprises the study area. All effects will be temporary in nature. Given the growth rate of the macroalgal species being taken, the 1500 kilograms permanently removed will be replaced within 30 days through natural recruitment to the disturbed site. No other disturbances to the intertidal area are planned for the vicinity being studied during this sampling season. Therefore no cumulative effects are anticipated.

Categorical exclusion-

This project would not result in any changes to the human environment. As defined in Sections 5.05 and 6.03c.3(a) of NAO 216-6, this is a research project of limited size or magnitude or with only short term effects on the environment and for which any cumulative effects are negligible. As such, it is categorically excluded from the need to prepare an Environmental Assessment.

The CE Memo – Abbreviated format

MEMORANDUM FOR: The Record

FROM: David Givens
Director
NOAA Office of Coastal Studies

SUBJECT: Categorical Exclusion for Grant No. 987-654-32

NAO 216-6, Environmental Review Procedures, requires all proposed projects to be reviewed with respect to environmental consequences on the human environment. This memorandum addresses the applicability of issuing grant number 987-654-32 to The Consortium for Risk Assessment to conduct the activities described below.

Description of project-

Grant number 987-654-32 would award the Consortium for Risk Assessment with \$200,000 to operate and maintain a database for archiving risk assessment data.

Effects of the project-

All work is office based and does not involve significant interaction or impacts to the environment.

Categorical exclusion-

This project would not result in any changes to the human environment. As defined in Sections 5.05 and 6.03c.3(c) of NAO 216-6, the proposed work is administrative in nature and as such it is categorically excluded from the need to prepare an Environmental Assessment.

What should you look for in reviewing NEPA?

- Remember – NEPA is a FEDERAL responsibility.
- Is there a NEPA document attached to the Application? It may be buried in the narrative appendices.
- Is the document scope adequate to the project at hand?
- Does the document actually describe the project?
- Is there evidence the PI has permits? Often, especially for in-water, you need ESA, MMPA, and/or U.S. Army Corps permits to do work.
 - Anything with whales, installing permanent or moored instruments, Pacific salmon, seals, commercial fisheries or restoration should trigger this.

What should you look for in reviewing NEPA?

- **“Big” projects often need more NEPA, but size and \$\$ don’t necessarily force NEPA decisions. Controversy is also a big driver.**
- **If NOAA has the lead, and the applicant is just part of a larger NOAA effort, it is likely that NOAA has done NEPA – you may just have dig a bit to find it.**
- **Sometimes applicants will be working with other federal agencies, and you can get their NEPA as well.**

Programmatic NEPA documents – living life in the easy lane

- Programmatic NEPA documents cover the actions of a whole area or program – they describe the Program impacts across the board.
- They cover groups of similar actions, or repetitive actions over several years.
- Also written for program with grants as one component.
- Some require annual Supplements attesting to project compliance.



Current Programmatic NEPA Grants documents

- **Coral Reef Conservation Grant Program**
- **CELCP**
- **CZMA – NEERS**
- **FWCA**
- **Community Based Restoration Program**
- **Pelagic Fisheries Research Program**

The Bottom Line

- **NEPA allows federal agencies to safeguard the environment by leveraging the actions and resources of others.**
- **NEPA is an important part of what NOAA does to meet its environmental obligations to the general public**
- **FPO's are integral to the success of NEPA implementation in NOAA.**

Who you gonna call (NEPA Busters)!

- **Steve Kokkanikas - NOAA NEPA Coordination**
 - Program Planning & Integration , 301-713-1622 x.189
- **NMFS – Aileen Smith (301)713-2239**
- **NOS Sanctuaries – John Armor, (301) 713-3125;
OCRM – Helen Farr (301) 713-3155**
- **NESDIS – Stan Chan (301) 713-9208**
- **NWS & OAR – TBD**
 - CI Program – Philip L. Hoffman [Acting] (301) 734-1096

Who you gonna call (NEPA Busters)!

- <https://www.intranet.nepa.noaa.gov/grants.html>

