

National Oceanic and Atmospheric Administration	NOAA Administrative Order 216-6A	
NOAA ADMINISTRATIVE ORDER SERIES	DATE OF ISSUANCE April 22, 2016	EFFECTIVE DATE April 22, 2016
SUBJECT: Compliance with the National Environmental Policy Act, Executive Orders 12114, Environmental Effects Abroad of Major Federal Actions; 11988 and 13690, Floodplain Management; and 11990, Protection of Wetlands		

SECTION 1. PURPOSE AND SCOPE.

.01 This Order establishes the National Oceanic and Atmospheric Administration (NOAA) policy and procedures for compliance with the National Environmental Policy Act (NEPA); the Council on Environmental Quality (CEQ) regulations as codified in Parts 1500-1508 of Title 40 of the Code of Federal Regulations (40 CFR 1500-1508); other related authorities; Executive Order (EO) 12114, *Environmental Effects Abroad of Major Federal Actions*; EO 11988, *Floodplain Management*; and EO 11990, *Protection of Wetlands*.

.02 This NOAA Administrative Order (Order) hereby authorizes the development of a Companion Manual entitled *Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities* (“Companion Manual”). The authorized Companion Manual will provide additional, specific policies pursuant to NEPA and related authorities.

SECTION 2. DEFINITIONS.

.01 The definitions in 40 CFR 1508; Executive Orders 12114, 11988, 13690 and 11990; and official CEQ interpretations apply to this Order and to the Companion Manual.

SECTION 3. POLICY.

.01 It is NOAA’s policy to maintain the personnel and resources required to comply with NEPA, CEQ regulations, other related authorities, and Executive Orders 12114, 11988, 13690, and 11990 in order to ensure that agency decision makers, described in Section 4.04 (also referred to as “responsible officials”), are provided with relevant environmental information throughout the decision making process, and consider final NEPA documents before a decision is made. The NOAA NEPA Coordinator, described in Section 4.03 of this Order, serves a supportive role for NOAA decision makers in complying with and using NEPA.

SECTION 4. ROLES AND RESPONSIBILITIES.

.01 In accordance with Department Organization Order (DOO) 10-15, section 3, the Under Secretary of Commerce for Oceans and Atmosphere (NOAA Administrator) has been delegated the responsibility to ensure NOAA’s compliance with NEPA.

.02 The NOAA Administrator hereby delegates responsibility to oversee the NOAA NEPA program to the NOAA General Counsel, who in turn may delegate these responsibilities to appropriate staff, including to a NOAA NEPA Coordinator.

.03 The NOAA General Counsel is responsible for administering the NOAA NEPA program, including the following duties: (1) assist decision makers and their staff in a cooperative manner in applying NEPA; (2) develop, maintain, and revise agency-wide NEPA policy and procedures, including the Companion Manual; (3) collect best practices to share with all decision makers; (4) provide NEPA tools and training to Line and Staff Offices; (5) serve as the interface on NEPA issues with the Council on Environmental Quality, the Department of Commerce, and other federal agencies; (6) convene a working group of all Line Office and Staff Office NEPA leads to facilitate the sharing of ideas and gain efficiencies, where appropriate, by collectively addressing cross-line-office NEPA issues; and (7) coordinate NOAA-wide NEPA reporting and NOAA-wide comments on NEPA documents prepared by other agencies. The NOAA General Counsel may designate a NOAA NEPA Coordinator to assure these duties are carried out.

.04 Line Office Assistant Administrators and Staff Office Directors are responsible for overseeing the use of NEPA as a decision making tool in their respective offices, including designating a Line/Staff Office NEPA Coordinator to assist with NEPA compliance. These Administrators/Directors may designate additional Line/Staff Office NEPA Coordinators for individual programs or regions (Program/Regional NEPA Coordinators) so long as responsibilities are made clear. The decision maker for a matter is the individual who has the authority and responsibility to make the NOAA decision that is being informed by the NEPA process, and the decision maker is responsible for ensuring that the NEPA process is fully and effectively conducted to support that decision making.

.05 This Order's authorized Companion Manual will have additional information on the responsibilities of NOAA management and staff pertinent to NEPA, CEQ regulations, other related authorities, and Executive Orders 12114, 11988, 13690 and 11990.

SECTION 5. AUTHORITIES AND REFERENCES.

.01 The authorities listed below are the regulatory drivers for the policies established in this Order.

- a. 42 U.S.C. §§ 4321-4361, National Environmental Policy Act.
- b. 40 CFR 1500-1508, Regulations for Implementing the National Environmental Policy Act.
- c. DAO 216-6, Implementing the National Environmental Policy Act.
- d. EO 12114, Environmental Effects Abroad of Major Federal Actions.
- e. DAO 216-12; Environmental Effects Abroad of Major Federal Actions.
- f. EO 11988 and EO 13690, Floodplain Management.
- g. EO 11990, Protection of Wetlands.
- h. EO 13141, Environmental Review of Trade Agreements.
- i. Other authorities as listed in this Order's authorized Companion Manual.


SECTION 6. EFFECT ON OTHER ISSUANCES.

.01 This revision supersedes NOAA Administrative Order NAO 216-6 dated May 20, 1999, with the exception of those provisions implementing CEQ regulation 40 C.F.R. 1507.3(b), including the NEPA categorical exclusions and related provision for extraordinary circumstances. These provisions temporarily remain in effect until superseded by this Order's authorized Companion Manual and any amendments to the Manual. The National Marine Fisheries Service's February 23, 2016, supplement to NAO 216-6, entitled "Revised and Updated NEPA Procedures for Magnuson-Stevens Fishery Management Actions," remains in effect.

.02 The Under Secretary of Commerce for Oceans and Atmosphere signs because the Chief Administrative Officer (CAO) does not have a delegation of authority for the NAO.

An electronic copy of this Order will be posted on the NOAA Office of the Chief Administrative Officer website under the NOAA Administrative Issuances Section.

<http://www.corporateservices.noaa.gov/~ocao/index.html>



Under Secretary of Commerce
for Oceans and Atmosphere