0:00

Alright, so we're going to go ahead and get started. Thank you everyone for being on with us today and dealing with one more Zoom or GoTo Webinar or whatever you want to call this. I appreciate it. The goal of today was really to take one of our first steps with the NEPA POC or the point of contacts for me to the state programs and try to provide some information to you guys that you can then relate to your programs. And try to help us streamline this process and ensure that we have the information we need to do the best environmental review for our network. Online, today, you have myself. As many of you already know me, my name is Rebecca Briggs. I am the Environmental Compliance Program Manager for the National Sea Grant College Program. I'm also a Program Officer and the research lead for our office. We have Kelly Samek, who's on with us today, although, she's not on her video, which is fine. You don't have to. Kelly is going to be moderating for us and facilitating in the background, so if you guys have questions, we're gonna ask that you use the chat box, and just, (yes, Lane the Rebecca has taken over) but use your chat box, You can ask them questions, and she'll start compiling those questions, that we have them all at the end. There's roughly about 30 to 40 people on right now, so I don't really want to open all the mics for everybody. I think the chat box is going to be our best way to do this, but, you know, if some of the questions need a longer conversation, the Rebeccas are here for you. And then I'll let Rebecca Certner introduce herself and get us going. All right, hi, everyone. I've talked to some of you it looks like on the attendees, but my name is Rebecca Certner I'm relatively newish, just shy of a year to the National Office and I am amongst other things the NEPA staff lead for the Office. And I am also the Program Officer for Lake Champlain, Pennsylvania, and Delaware. All right, so let's get started. Um, so today is the first of two webinars we will be holding like Becky said. We will have time for questions at the end. And actually, this webinar will also be recorded if you want to go back to it. So, today is our NEPA 101. So today we're going to go over roles and responsibilities for you and the programs and us and NSGO. We're also going to go over the nuts and bolts of NEPA as a law. And then the September third webinar, which will also be at 3 PM Eastern. We'll discuss best management practices and review examples of specific documents that's going to be more of a deep dive. So next slide. Right, so before we begin I just want to go over the questions that we're going to be answering today. So, first what is NEPA? We'll dive into NEPA background and what the law actually says. Second, what is Sea Grant’s NEPA policy? We're going to discuss how Sea Grant interprets and implements NEPA. Next, what is your role is your program's NEPA point of contact? We're going to talk about what you're responsible for as the NEPA POC. Fourth, what documents do I need to complete NEPA compliance for my program? We're going to talk about what you and your subawardees or PI's actually need to do, what forms you need to fill out. And finally how do I respond to a NEPA related SAC on an award? So we're going to end up with talking about one of our more common SACs or any related SACs. Next slide. So, to begin, let's start with the law itself. NEPA stands for 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. So, this law was signed into effect by Nixon in 1970, and basically, all this boils down to one essential thing and that is that we must consider the environmental effect of government actions. Next slide. So, NEPA has two main objectives to disclose analyze, and especially consider environmental information as a criteria when making decisions about federal actions, and also to inform the public of potential impacts and alternatives and involve the public in decision making. So, yep. Next slide. So, NEPA applies to all federal actions, every single one, even administrative ones, so what exactly is a federal action? And a federal action is a project or program that is funded by assisted by regulated by conducted by approved by or permitted by federal agency. So, basically everything.

5:07

Next slide. So, now that we know every federal action will have a NEPA determination, what are these actual determinations? And there are three of them. So every action will have assigned to it one of these three determinations. And they are a categorical exclusion or CE, an environmental assessment, which is an EA or an environmental impact statement, an EIS. And NSGO, us in NSGO, we are the ones responsible for actually making that determination. So that would be me and Becky, or your program officers for every action that you bring to them. Your job as NEPA POCs is to provide the information that we need for us to make that decision. Next slide. So the three NEPA determinations are not created equal. They range from categorical exclusion, which has generally, are actions that have a low level of environmental effect to an environmental impact statement, which generally have a high level of environmental effect. So not surprisingly, as you can see from this pyramid, federal actions that call for a CE are easier to document than ones than ones that call for an EIS. So they sort of correlate to how much they're going to be invasive or involve environmental impact. And that sort of distinguishes how much effort we actually have to put into them. Next slide. So a little bit more detail about each of the three nipa determinations. Categorical exclusions, like I said, are actions that do not individually or cumulatively have a significant environmental impact. And Sea Grant primarily uses this determination. Almost every action that we process is going to be a categorical exclusion. Although, some category exclusions do require more documentation than others, but we'll get into that more in Webinar two. Environmental assessments determine whether or not an action has the potential to cause significant environmental impact. So you do an EA to see if an action basically will need a further analysis. Or can it be categorically excluded or what have you? And then finally an EIS is kind of the most involved the highest level of environmental impact and it is an actual official document that outlines the impact whether good or bad at the proposed action on the environment. Next slide. So NEPA itself is an umbrella law. So many other laws and regulations are part of the NEPA process, and this basically means that when considering NEPA, it may lead you to have to consider another regulation or law, and then you'll have to comply with that regulation. So, as you can see here, there are a bunch of regulations under the umbrella of NEPA. In Sea Grant, we mostly deal with three of them. The Endangered Species Act, or ESA, Magnuson-Stevens, Fisheries Act or MSA, and the Marine Mammal Protection Act. So, you can think of this as NEPA itself doesn't, for example, doesn't protect endangered species or marine mammals or essential fish habitat. However, the NEPA process feeds into the ESA, which specifically protects endangered species, so they kind of all go together. So when we're doing NEPA, we're actually taking into account these other laws as well. Next slide. Jump a little bit into ESA first, because it's probably the most common regulation we run up against. So the Endangered Species Act was enacted in 1973. It's the primary law in the US for protecting imperiled species and aims to prevent extinction of vulnerable species and facilitate their recovery. And specifically, Section seven of the ESA directs federal agencies like NOAA to help conserve listed species. And a good ESA resource is if you follow this link if you want to lookup whether an animal is under the ESA protection or not, you can type it in here. And it'll tell you. Finally, most importantly, as it applies to NEPA and your roles as NEPA POCs, it is your responsibility to know and document the endangered species in your project areas. However, when I say your responsibility, I mean that you as the POC must tell us about any ESA species in your project area. However, that expert information should really come from the PI or the subawardee. They can and should be helping you make the determinations on which ESA species are in your research areas.

10:01

And ESA is one reason why project location information is really important to disclose, as well, but we'll discuss that more in webinar number two. All right, next slide. So, moving on to the Magnuson-Stevens Fishery Conservation and Management Act or MSA. This is another big regulation we have to deal with. And specifically, the clause about essential fish habitat or EFH. So Magnuson-Stevens was enacted in 1976, and basically, it says the National Marine Fisheries Service determines when a stock is overfished, and then it can apply catch limits. But this law also protects essential fish habitat or EFH and EFH are defined as waters and substrate necessary to fish for spawning breeding, feeding or growth to maturity. And like the endangered species mapper that we had on the previous slide, you can also go to fisheries website and look up whether your project is taking place in EFH areas. And, again, it is your responsibility to know and document essential fish habitat in your project areas. But this should also be coming from your experts who are actually doing the research. Moving on finally, we also have the Marine Mammal Protection Act. We sometimes run into MMPA, but less often, but still important to take into account. MMPA was enacted in 1973 and it prohibits the taking of marine mammals. So that includes everything from otters and walruses all the way up through dolphins and whales as well as polar bears. So take is defined as hunting, killing, capturing, and/or general harassment of these animals. And like with essential fish habitat and ESA, it is your responsibility to know and document the marine mammals in your project areas. Really MMPA would only be triggered if you were doing research in an area where Marine mammals are common are gathering. Great, thanks, Becca. So I'm going to take over now, and I'm going to talk a little bit about the program's responsibilities. Becca hit on some of them, I'll elaborate on that, and then our responsibilities and how we, at the National Sea Grant Office want to work collaboratively with our programs and the PIs to get the information we need to do this properly. So, the role of the programs is really to provide the information that we need to complete our tasks and to do our assessment. It's not to assess if there is an impact, that's on us. It's to provide permits and supplementary information that show that there's compliance with Federal, State, local, or tribal regulations. And then lastly, it's to fulfill SACs and sorry that we didn't define this but SACs are the specific award conditions that will be on your grant. That may be associated with NEPA. And we'll talk about those in some detail. Some today and definitely at the second webinar as well. So the National Sea Grant Office, what we do up here and your program officers play a heavy role in this is we review all the submitted materials. We determine the level of environmental impact. We determine the level of NEPA associated with that environmental impact and then we actually have to document the NEPA process. And in that documentation process if needed, we will conduct consultations on ESA, MSA, and MMPA. Then, when, and if we don't have the information we need at the time of funding, will create those specific award conditions and put them on your awards, and then we'll follow up. So, program roles and responsibilities to dive into it a little bit more. Really, what we're asking is that you educate your subawardees so that they know which forms they need to complete and what information needs to be documented. When we say it's your responsibility to tell us about ESA, MSA and MMPA, what we really mean is, that question is on the form that your subawardees should be filling out. And just really educating them to say, you're the experts, you're working in this bay. You should know if there's an endangered species there and if so list it. And when we say it's your responsibility, ultimately, it is our responsibility to do the analysis. And if that information is missing it is on us and our program officers to do the dive on it. And we are currently doing that. So don't feel as though if you accidentally missed something and you haven’t informed your sub awardees correctly that suddenly we're not legally compliant because we are, we are also going through that. But really we can ask you these questions and you should be helping us gather this information. So the other thing you should be doing is quality checking the NEPA documents that are coming up to our office. So you're collecting documents from your subawardees and your PIs, and then you're sending them up to NSGO. But you should be quality, checking those. And that's what we're going to talk about at webinar two, is how do you conduct that quality check? You know, how do you look at that? And say, OK, they left every question blank including what location? Obviously they should be able to answer the location question. Right. So we'd expect the programs to play a role in doing that. You also need to keep track of and complete All of your NEPA related sacks many of these specific award conditions actually prohibit funding and activities on the award. So, it's your responsibility to know that these specific award conditions are on there to work with your program officer, and to address them appropriately so that you can continue the activities.

15:44

You also need to notify your federal Program Officer of research based Program Development projects and provide NEPA documentation for those. And I'm going to talk about that in a slide a little bit later, because this is fairly new. We've kind of been doing it one off with the programs, anyways, but we really do need to make sure that we are tracking these program development projects, because while we don't necessarily, we've always said that anything under $10000, you don't study Program Officer. You don't put it in Grants Online, But even if it's under $10000, and you want to go out and tag an endangered Turtle, we need to documents are compliance. Because if we ever had legal scrutiny on that and we didn't have ourselves documented, we could be at a legal risk for noncompliance with ESA. So we do need to tackle some of these program development projects and work together to try to make sure that we're doing the proper level of environmental review on them. And finally, you want to notify your program officer of changes to research projects that might require additional NEPA analysis. A great example is if you're going to change if one of your researchers informed you that they're going to fully change the location of their research, we probably need to re-evaluate NEPA, the new location. So those are the sorts of things, and we don't want to formalize this. We want this to be an open conversation between the programs and the program officers so that you guys can work through it and make sure that we're doing the proper amount of environments or review without causing too much undue burdens. So as most of you already know, part of the program roles and responsibilities is to collect two major pieces of documentation for us. The first is the abbreviated NOAA Environmental Compliance Questionnaire. This questionnaire, what most people don't realize, or it says, I guess it says it right on the top there. This questionnaire is actually developed by NOAA. It's the full questionnaires NOAA environmental compliance questionnaire. And it is a 62 question environmental compliance questionnaire that many programs at NOAA use and ask every PI to fill out. It has OMB approval, which is the Office of Management and Budget, for Paperwork Reduction Act, which means we are allowed to ask applicants to fill this out at every award. However, we find that to be very lengthy, and we're not getting the level of detail we like and want when we asked 62 questions. So, what Becca I have worked on, and others in this office was saying, well, what questions does the program officer and us really need in order to do Our level of environmental review to at least trigger and say, Alright, we probably do need more information, or This is enough information. Let's move on and do our review. So we've abbreviated that down, I think it's about 17 questions now. And hopefully that's helpful for you guys, as well, to be able to get robust questionnaires from your PIs. Then the other thing that is relatively new, but not really is that the Abbreviated Environmental Compliance Questionnaire has a question related to permits. And in that question related to permits, it explicitly states, if, yes, you must attach copies of permits. This is where there's probably the biggest lack of compliance from our programs is really making sure that those permits get in hand and get attached with the award file, which sends us down a path after the fact trying to look for the permits and trying to find them. Because a permit issued by another agency does not necessarily mean compliance for NOAA. And that's a really weird space that we have to sit within. You know, just because Army Corps has a permit out for an aquaculture activity does not mean that it would meet the same. And in that permit, and those permitted activities have undergone NEPA review does not mean that those permitted activities will pass the scrutiny of NOAA's NEPA review. So it's our job as program officers to read the permit, read all the compliance information, and to say, No, really. I think that they've done the appropriate quantity of environmental review for the actions that are being funded, that we are funding in order for us to approve our environmental review as well. So we do need to see all of those permits, which be what it is, that's what our lawyers are telling us. So we need to work together on trying to get those ahead of time.

20:12

So the questionnaire, like I said, it's required. When and how we required, is listed below, and it's in every NOFO. NOFO is a notice of federal opportunity. I think. So every federal opportunity that the National Sea Grant office puts out, but basically we require the environmental compliance questionnaire for all fieldwork lab work modeling work and socioeconomics work. Basically all of your research projects will need one. The PIs should complete and the NEPA POC should review before you send to us. And we have provided guidance on inside Sea grant on the NEPA Compliance section that actually gives you examples of the worksheets completed so you can understand the level of detail that we're hoping to get on those worksheets. And in general, our next webinar, the 202, we will actually go through a questionnaire as well, and talk to you a bit more about the questions. What they're asking. What we really need for answers and what we're trying to get at. So you also have a better understanding of that. You'll note that we also talk about non research projects that don't require a questionnaire, and this is also in all of our federal opportunity announcements. We don't need a questionnaire for a Workshop, communications, and Administrative actions. While we at the national office still need to do NEPA review for all those actions because those actions are still federal actions. We pretty much know what they are and don't need to answer a bunch of questions in order for us to do the review of those actions. So one thing that is going to be a slight change you're going to see in our new opportunities, is we're going to ask that you actually provide a statement that says, the project does not necessitate NEPA documentation because the actions fall under one of the non-research descriptions. This project is a workshop, this project is salary for staff, you know, something along those lines because, and you guys already do this for Data Management plans. If you don't submit a data management plan, you actually have to have a line that says we haven't included a data management plan because this does not include environmental data. This actually has to do with the minimum requirements checklists and making sure that when we get an application from you. And it doesn't have a NEPA questionnaire that. It doesn't have one, because you've considered it, and you don't believe one is needed, not that you just forgot it, and didn't do a minimum requirement. So the new opportunities will ask that. You respond to NEPA with a line just like you do for data management. And I'll make sure that that is highlighted with any new opportunity, as it comes out, as you guys get used to that new requirement. Permits, so some projects namely fieldwork and some socioeconomics work require permits. The questionnaire is going to prompt you to provide details on permits and consultations. And then it also says, you need to provide copies. So we need copies of all permits those particularly related to aquaculture and farm permits. And that's primarily because no surprise to our network. But aquaculture has a little bit more of a lens on it right now. So we need to make sure that we've got all of our ducks in alignment, when we think about environmental review for a big part of our portfolio. Which right now does consist of aquaculture projects. We also need institutional review board approvals, and this has gone back and forth. And it is actually, just within the last couple months that, we finally got weigh in from the grants management division, who said, no, you guys actually needs to be documenting your IRB approvals with the grant file. And we understand that most of the times, when you're submitted an application, you don't have IRB because you wouldn't get IRB unless you knew you were getting funded and similar to permits. And that's fine. So, if a permit or an IRB is pending, that's fine. Just state that, and what we're going to do, is, we're going to add those specific award conditions on the project, that says, PI now that they've been notified of funding is going to go after their permits, or IRB. Once you have those in hand, please submit them. You cannot start field activities until this is in hand. And that's typically what the specific award condition will say. So, and that allows us to still process the awards, but it does limit what you can work on, until we have the permanent. And that was essentially an agreement we've made with our lawyers, to say, we still got to get the money out the door, we can't have everything be held up, I think this is a good workaround. So, as we mentioned, what is my role now? At the NSGO we need to document NEPA compliance for every action. To give you guys an idea, we process over 500 actions last year for the National Sea Grant College program. And every one of those documentations takes some time. So, it is a lot of what your program officers’ work on when they're processing your awards.

25:12

Actions can range from everything from routine administrative processes, like Knauss. We have to have a document for every Knauss award that goes out the door to really documenting large scale fieldwork, or, you know, giant aquaculture hubs and things like that. You know, we're documenting all of this. We need to determine whether the actions have an environmental impact, whether they can be categorically excluded for NOAA policies or whether they're going to necessitate an EA or EIS. Another thing we often do is we'll figure out if maybe the actions that we're doing are covered by an existing NOAA EA or EIS. So NOAA has other programs that have crafted fairly lengthy environmental assessments and environmental impact statements. A really popular one is the Habitat Conservation Restoration program. And we do often, it's called tiering off of an existing EA or EIS, and we will also create these tiering memos so that we can say the work we're doing isn't covered by a categorical exclusion, but it's covered under this existing NOAA document. So that's really what your program officers trying to figure out is are recovered with the actions that you guys want to undertake and can we document that coverage. So the program officer and the NEPA leads document these decisions using our own internal process. And the process we use as I mentioned, is we first ask ourselves Do we think that the impacts and potentially significant? If the answer is no, then we're going to look to see if they're already covered by an existing categorical exclusion. If we think that they're potentially significant, we're gonna look and see if maybe we need to do an EA and once we do the EA, if we determine actually the impacts are. I think that this was a copy error here. The impacts are actually. The EA will ask the question of our impacts are significant and if no. Then we do what is called a finding of no significance or a FONSI. But the EIS is what will actually do if we find that there's significant impacts. And, and that's a fairly lengthy process that can take us up to a couple of years. Oops, Sorry, I am clicked on the wrong thing. Oops. And as Becca mentioned, the vast majority of the actions that we do are covered by categorical exclusions. That NOAA has crafted and developed, but categorical exclusions aren’t always as simple as a categorical exclusion. As Becca mentioned, NEPA as an umbrella law. So while I might come through and say, OK, you guys want to put some drones out in a sanctuary for a couple hours to do some collection of data on the surface drones, great. Only problem is the area you guys want to go out? Actually happens to be a Humpback Whales or Right Whale sanctuary. Well, now you're in endangered species zone, so now what I have to do is actually work with the agency that covers the regulatory requirements for that animal. And ensure that not only can I say, well NEPA, I don't think there's any significant impact to the environment. They're going to put a drone out for 10 hours, and then pick it up. No big deal, but I have to work with the agency that covers the ESA to say, well, is that drone going to hit a whale in the meantime or does it have anything hanging onto that? There will get tangled and things along those lines. So, with while a categorical exclusion sounds great. There is sometimes lengthier work underneath it that we still need to work on in. The key element here is that NEPA has no Um, meat behind it really in the sense that there is no action that a PI must take at the back end of NEPA, and that is not true for ESA, EFH, MMPA, because those are regulatory. What that means is that they can come back at the end of an ESA consultation and say, Actually, we don't want you to do this, or an order to do this. You can only go with these months. You can only do this quantity, you can, so they can have actions that we must take in order to continue the work we want to do. Because of that, again, these specific award conditions become very important to us, because if we can limit the work, move your money. Limit your work, and then work on all the regulatory stuff we need, we can make changes if we need once our actions are done from our environmental review. So how do you know if your award has a NEPA SAC? As I mentioned, when a determination by NSGO can't be made at the time of the award process. And we put these specific award conditions on the on your award, it's your job to track these for every award amendment. So you might have your Omnibus, but then we add things to your Omnibus. Every time we saw add something to your Omnibus, we may or may not add a specific award condition with that amendment. You should be asking your Sponsored Programs office for a download of your specific award conditions, whenever there's something new on your award, if they don't tell you about it already. Most sponsored programs offices, know that this is there and they, they download them and look at them and we'll notify you.

30:28

You need to read it carefully and determine what you need to fulfill the SAC. More often than not, it's usually related to pending or missing permits. You gotta get the permits. You got to submit them to us and then we can finish our work. And often times, we will limit fieldwork actions until these are fulfilled. So, when that's done you need to submit your paperwork to your program officer. Well actually, if there's a SAC on the award, you will most likely have to submit it via grants online. Then, because, once your program officer has approved it, they're going to direct you and tell you to put it in grants online via an award action request. There's actually an Award Action Request on Grants Online that says, fulfill SAC. Your Fiscal Officer should know where this is, and how to submit these for you. So, in order to fulfill it, you would initiate an award action request, attach all the documents, and include a descriptive example. And then your PO is going to accept or reject it. Once it's accepted, GMD accepts it, or if it's rejected, it'll come back. Once it's done, that's it, and you're good to move forward on your project. That's the general thing. So PD, I just want to come back to that really quickly, because that was something that might be fairly new and just make sure we're clear on this. Research base PD projects, and these are your program development projects, require NEPA documentation. So well, you don't need permission from your PO to award a PD project under $10000. And the directors know this. We still have to do NEPA on those actions. So it's your job to notify your program officer. If a PD project needs NEPA, use the same criteria we use for everything else. If it’s research, or if it includes fieldwork, socioeconomic work, lab work, it needs a NEPA environmental compliance or an abbreviated environmental compliance questionnaire. And so, you're using that same lens that you do for all the work that you do. When do I need an environmental compliance questionnaire? You don't need it for workshops. You don't need it if you're doing a PD project. That's communications. You don't need it. If you're doing a PD project, that's primarily administrative and salary. So use the same criteria, and all you have to do is just notify your program officer and just say, hey, we're going to select this PD project. We collected the abbreviated environmental compliance questionnaire, can you review this for this, for us, and the program officer is going to work with you and do the environmental review offline. We don't have to go through grants online. We don't have to make it bigger than it needs to be, but it ensures that if there was ever scrutiny on that project, we at the National office have a legal record that shows that we've reviewed that for environmental compliance. And, as I mentioned before, it's also your job to notify a PO if you notice significant changes to a research project, those can include anything from a change in location, change and collections, if they're going to change species that they want to collect and things along those lines. Again, it's not your job necessarily, to You know, reach out to every PI every month, and say, you make any changes? We’re not expecting that. But if you are notified of changes, have a conversation with your PO and say, do you think we need to look at this? And that's really what we're asking, is just have an open line of communication with your program officer so that they can make a judgement call. And, if needed, conduct subsequent environmental review. So, with that, we're going to stop, and we're going to take some questions. We wanted to make sure we didn't do too much in one day and overload you. Really, today's job was to really just go over the big picture, NEPA. And then, like I said, the next time we meet, our plan was to really dive into those questionnaires. Look at the questionnaire, is look at what you may or may not need. And talk a bit more about that. So, Kelly: We do have some questions already in the question box. If you haven't put yours in here, go ahead. And yes I’ve already anticipated and taken a stab. Let's go through some of these questions and if people want to correct me or add additional information we have time to do that. The first question was someone might have requested a resource so I put that link in the chat. We're providing these slides too. So people will be able to go back. The question was whether the MMPA covers freshwater mammals for instance, beavers, otters similar. And I responded not, generally, otters. There are three species of otter that are covered under the MMPA and they are marine species. It does cover manatees.

35:23

Anything to add there? Yeah. The one thing I'll add is that when, you know, the idea of freshwater, you know, we focus in right now on ESA and MMPA and MSA. But there is obviously a much larger set of laws that we need to review. You know? So don't feel as though we aren't looking at the freshwater funds as well, or the land as well. Because if you look at, you know, even ESA. There are times we're working with fish and wildlife because they're actually land based. And there are times that we are working with NOAA, who carries the regulations for ESA for all marine mammal, marine species. So on I don't know off the top of my head, And Becca, you actually might know better than me. I want to say that mammals covered are actually under ESA fish and wildlife that there isn't a separate act, so that it's actually in the ESA for fish and wildlife, right? Yeah, the non-marine animals that we've had to do, consultations on, have all been fish and wildlife, and we do it all under ESA, not MMPA, so that's the kind of I think, ESA will cover a lot of those freshwater species. So we aren't just on Marine, we are actually covering everything that Sea Grant works on, and there's a lot of overlap. Like, so, like Becky mentioned, the right whales that's going to fall under marine mammals and ESA. So they bleed into each other. OK, next question: So all projects funded at 5000 or less require NEPA review even if they do not involve and sampling in the environment. I started the conversation with right. It's not the funding level that matters in this realm if it's a research project, regardless of whether it's in the field or not you need the questionnaire and categorizing. Yeah, and this comes back to that, you know, again, use that same criteria. You would see in any of our opportunities. And the main reason why is I hear you it's not happening in the environment. But you know what your program officer has to do when they see a project like that. They actually have to look up to see if that wastewater treatment facility has an outflow and whether or not that outflow is properly documented and permitted. That's the kind of level that we're actually doing. It's kind of crazy, but your sampling somewhere that potentially could have downstream effects on the environment. And it is our job to make the determination that the action, you’re taking this case. If you're just sample and wastewater, it's fine. But if you were working with the wastewater treatment and actually investing federal dollars into the actions that you're doing and those actions resulted in spillage in a bay, we, as the Federal agency, that funded portions of that, could get wrapped up into things. So that's where your Federal Program Officers are working on it. And it's our job to make the assessment about whether or not even your, what seems like non environmental sampling has downstream environmental effects. So anything that is really research based, we're asking to send in that questionnaire. Similar, but more focus, a couple of questions on modeling projects. Why within the NEPA, do we need the questionnaires for modeling work? There is no fieldwork or chemicals involved. This project involves computer time. The other question is, I don't understand why computer modeling requires NEPA. Again I started with our categorical exclusions are characterized by different activities. We need to know the activity details in order to assign the correct categorical exclusion. Categorical exclusions are not just field based activities, they’re in labs and mesocosms and computer work. We need to know if there are mixed activities. And let me elaborate on that. So, the as I mentioned, there's a, we have to do every federal action, even if the actions of workshop we have to do it. When we tried to make the determination of when you guys should give us the questionnaire, the modeling came up a lot should that be with that workshopping communications pool of stuff that you really don't need to send us a questionnaire for. The problem is, is that often than not, that modeling work isn't always just modeling. It's mixed activities. And, more often than not, that's missed. It's also, it's missed in the write up of the research project, and it's not until you get to the questionnaire. And a researcher looks at that, and I'm like, oh, I'm actually going to collect 10 samples here to ground truth, my model. And all of a sudden, I'm like, well, this is no longer modeling work. So that is why we've decided to keep that with the research project pool of activities that need a questionnaire, because, as I mentioned, what we have found, and we were very deliberate about trying to find the best way to take the burden off of you guys And, you know, Don't do it for workshops. Don't do it for Comms. Let's try to keep that burden as low as possible. But, honestly, we felt as, though we really do still need it for the model, and because we were missing those mixed activities.

40:38

Yeah, and, and I will say, and we'll talk about this more in webinar number two. But if your project is truly just on the computer, or just in the lab, that questionnaire will be pretty easy to fill out. You'll be answering none or NA for a lot of the questions. Yeah. So based on the earlier question. Research products, it doesn't matter whether it's in the field, you need the questionnaire information to get information. Someone asks, What about extension? What about extension or Education activities? And I pointed back to your slide Becky where talk about some non-research projects do not require questionnaire workshops, communications, administrative actions, etc. Instead of a questionnaire, an explanation will suffice. This project does not need NEPA documentation because Project work falls under one of the non-research project descriptions. Our new opportunities or NOFOs are going to describe that. There was a later question that asked where we put that statement. Yeah, and we'll get to that. But I actually think on this particular, Julianna, you can reach me offline, if you want. I think what she's actually saying is, what about Extension education activities that have research components? To be clear, you still need to submit one then, and that's where that nuance is, it's all research projects or projects that include research activities? You need to submit one. And this is going to be, again, as we get into the Omnibus, we'll probably have another webinar before the Omnibus and break you through a typical omnibus application and talk to you about, OK Let's look at the Omnibus. You've got your research projects. Those are really easy to know what to do with NEPA, but it's really hard to figure out where I need to submit NEPA forms for this like gray, area of education, Extension, and everything else. Your program officer will have those candid conversations with you. They will look at it with you and say you get a seed planting extension project. I'm going to need a NEPA questionnaire for that. You've got a research activity. That's going to have students go out and collect water samples I'm going to need a questionnaire for that. So we will work with you and help you define where you do and don't need them and try to make it as streamlined as we can. I encourage you to engage early and often with your program officers as you're starting to build those packages. And then also keep in mind that when we have even the supplemental work and other stuff that you might be submitting education extension activities with research components or field components, those still need a NEPA questionnaire. And when they are able to use the statement that the documentation is not needed, that's going to be in their application, similar to the data management plan statement. Yep. Yeah, so similar to how in your applications, right now, if you don't have environmental data, you just add a sentence under that, somewhere on your application. I think they normally put it in the Project narrative, or you can even have it as its own page. You’re just going to need a statement in your application materials that says, Environmental questionnaires are not needed because this is a workshop. Should we submit, PD NEPAs via email? Yes, yep, and your program officer will review them and get back to you. And typically the PD projects are small enough and with enough, not too much impact. We can get back to you quickly. But again, I mean, we just had one come across our desk that was a student one for $8000 to go tag some turtles that are endangered, and we were like, we actually have to do a consultation on this. So be prepared that if it is you know something a little bit lengthier. Consultations can take up to 30 days and we needed the time to reach out and do a consultation. Fortunately, with Fish and Wildlife, and they are much faster at Consultations than NOAA. So we were able to get back quickly. So just be prepared for that time that's needed, even if it's a PD project. Some of us asked if this is taped. Yes, we are recording this and as soon as we can get the editing and the compliance done on it. Can you remind us whether student research products require a NEPA form? Right. So, this is kind of a weird area, and we actually, under our opportunities, will elaborate on this, I think, in this slide, we didn't. But if you are funding students, salary only, and no research activities, then our federal action is administrative in nature. Because we don't have the discretion over the work that they're doing in the lab, in the fields. This is a big thing.

45:25

Discretion, that word, and I spend a lot of time with different lawyers and experts to say, well, who has discretion? Because that discretion is what, who puts the owners of the responsibility of environments and compliance. So if you have a student that's going to use NSF funds from their PI and you're just going to give them salary, but the work that they're doing is funded by a state or federal agency that has the discretion over those activities. Then you don't need to do it. But say you're going to fund a student, and in addition to the salary of the tuition for the student, you're going to add five or $6000 for research activities for them to add onto an existing project, we would need one for those research activities. So, again, this becomes kind of that split of hairs of just making sure that we are reviewing the actions, we are funding. So work with your PO right? Yep, work with your PO, They are there to help you tease through that new those nuances. The same for the next question, whether undergrad, research Fellowships, need NEPA overview, the same analysis. Where do we add this? So we covered that about statements. The next question, I'm curious, about the NEPA reporting requirements for Sea Grant extension activities that are not part of research grants and more day-to-day activities or internal projects. Should these be reported to the program officer and how? The comments and a little bit on that, but want to address that again? Yeah, I mean, most of the time, this is going to be addressed at the Omnibus application. And we do kind of a blanket. And I will, and, again, work with your program officers. Because one of the things I like to do, extension at the time of application is always a little vague, because it's hard to say what you're going to do four years from now. But what I like to do is work with my programs to say, OK, what is the breadth of work you could be doing? And if the breadth of work you could be doing includes X, Y, and Z, whether it be working with communities, potentially going out and grabbing some sea level rise data with them, or some stream gauge data, or whatever. But primarily doing workshops and outreach. And creating products, then when I'm going to do is, I'm going to look at the breadth of the activities you could do over the next four years, and I'm going to categorically exclude all of them to the best of my ability. Or environmentally review all of them. And hopefully, we cover ourselves in that sense, and we don't have to come back every time. You want to start another small thing. So that's, in general, how we handle extension right now, as we try to do it at the Omnibus stage, and last year for the Omnibus, it was difficult for the programs. And for our office to try to figure out what that nuance was, we've been doing it for four years now. I think the program officers have a better feeling on how they can approach the extension portfolio to say, what's the best way that we can document compliance of a much broader portfolio. And ensure that we have it. And ensure that we don't have to keep coming back for every individual action underneath that. But that being said, if you suddenly, and again, only Sea grant funding, So if an extension agent suddenly wins a huge award from NFWF, they're responsible for all the work you're doing under that. So keep that in mind. But for the Omnibus money, we typically do your review at the time of the application, the time that we allocate the funds. And we try to do it for the broad scope of what you will be doing over the lifespan of the award. We have a question about SACs and Grants Online. So in Grants Online, selecting Award Action Requests and the Specific Award Conditions drop-down menu for the SAC name. This is confusing to look for the exact SAC to respond to. Can more information be provided like SAC award or post award Data Management perhaps attach to the amendment number the specific SAC name. Pete, it’s a great idea, here's the problem. I would love to do that. I would love to, in the SAC Say, this applies to Amendment 11 because GMD I mean, I just sent an e-mail back to GMD saying you're working on this, the SAC does not apply to this, applies to this. Because what happens from our office. I'll walk you through June, we process all the Covids, all the base and all the aquaculture supplementals. Everyone worked really, really hard and got all of the GMD on the first of July. It's all over there. GMD, now randomly selects which ones are going to work on and processes them. So, I have no idea for the three words that went over to New Jersey, whether or not one is going to be 13, 14, or 15 amendment. So, I can't, when I'm applying the SAC, I can apply the amendment number because I don't know what the amendment number will be, because that's based upon when GMD approves it. Sorry, that was kinda lengthy, but I hope that makes you understand that. While we'd love to help you with that, we really can’t, but, again, if you have a question, your program officer is very good at downloading these. We know exactly where on grants online to download your SAC report.

50:43

To figure it out, to connect which amendment and which one you're trying to answer, and to give you that answer, So just send an e-mail to your program officer and say, Hey, what amendment does this go to, so I know which one I'm supposed to be selecting. Alright. Love this next one. Which is worse sending in a NEPA form when you don’t need one or not sending one in when you do. It's up to you. I would start by saying, send them in. If you don't send one in, your program officer decides that you need one, it could create a much longer timeline. Then you may have right many off, more often than not, you're trying to get your work going immediately. And if you have to go back to the PI and get one, and then we've got a slow process, it, it can, it can set you down a bad path. I would say that what you should be doing is dropping a quick e-mail to your program officer to say, hey, I got this project, this is what it is. I'm going to be submitting this. Do you think I need one? And your program officer is pretty quickly going to be able to tell you, So work with your program officer, but more often than not, if you send ones that we don't need, Your program officer can also come back to me. Like, you know, I really don't need these for all these projects and you guys can figure out the calibration. All right, so you touched on this before but what we're interested in is what Sea Grant is funding but what someone's asked. We work with EPA and Sea Grant on a research competition in Long Island Sound. Do we need these forms for the EPA funded research? Nope. Only the research. That Sea Grant, the National Sea Grant Office is funding, so none of your leveraged managed. Do we need a separate NEPA for each specific task that stems from the extension award? Yes. It depends. Typically, the way that I train the program officers on this is, are they working to the same common objectives and goals? So if you have a research project, that its ultimate goal is to create a sea level rise mapper, OK. But within that, they're going to be doing fieldwork. They're going to be doing workshops, they're going to be doing conferences, and they’re going to be, you know, all those things. You would do one NEPA questionnaire for the broader project that you're trying to do. However, there are some people, some programs that submit an extension of awards that is. We're going to fund extension $400,000. Within that, there are multiple projects, and we need to kind of tease those out because within that broader extension project in the Omnibus, you might have some Hassett training. You might have some sea level rise work, you might have some resiliency work, and what we probably want to do is tease those out because those are working on very discrete objectives. So I really look at kind of the overarching objective or goal and try to tease it out by that. So more often than not, research projects are all working towards 1, 5 objectives, but like common goals and objectives. So you can do one questionnaire for all of it, and then the program officer determines the most. Ah, that's more information they need, sorry. So yeah, I would work on it like that. And again, that's where your program officer is going to be able to help you, but that was why during the last round with the Omnibus it was we couldn't just say, do one for every extension. Do one for every A dash or R dash project. Because some programs lump a lot underneath that A dash project. And we do need to have a little bit more lens and within that. OK, if a project, where students or educators are collecting data, and this is meant to happen in year 3 of the Omnibus, and they don't necessarily know the specific location at the submission stage, does that mean that this particular project has a SAC? And how much turnaround time should programs budget? For example, identify locations by day X to ensure SAC is processed by when the work is meant to be done. All difficult things. Here's what I would recommend first and foremost. If you know the general location of the SAC of the research, tell us that. you know, if the location is somewhere in Lake Erie, OK, we'll start with that and we'll see if we can categorically exclude it to the extent that location really won't matter where they're operating. Because the work they're doing is so benign, it's OK, so start with that.

55:25

If we kind of dive into it and we're like, no we really need to. Like if they are, you know. Depending on where they are on the lake, they could have an impact because there is XYZ in the area. Then we actually might have to SAC the award. No time it takes again becomes an issue because our office can process the NEPA review fairly quickly a week or so depending on workload of your program officer. But if it needs consultation under one of the other acts depending on the level of consultation, it can take anywhere from 30 to 180 days. And sometimes longer. formal ESA consultations. We have a project right now that has been stuck in formal consultation for a year and a half. I think this is one where talking this over particularly in the Omnibus context with your PO will go a long way. At least with my programs there were a lot of these types of things. But as you said, we can generally describe the work in these areas. These habitats know these number of days doing this type of activity, and we’re able to clear it, because it didn't really trigger, it wasn't really sensitive species or habitats. They weren't, you know, that, disruptive to the environment. We're able to get that done and put to rest. That's when you can flag whether you are doing something that’s extra special. OK, can we address extension related NEPA generally in the Omnibus or do we need a NEPA for each activity? I think I got this the last time around. It really has to do with the objective. So, if all of your Extension agents are doing the old same types of work, just in different locations, sure, you could probably lump those together. I could see you know, a program that might have six watershed stewards that are doing the same type of work in different watersheds. You could lump that together. You have watershed stewards and then aquaculture specialists working in hatcheries and farms. Those are two very distinct activities are distinct objectives, and those should have separate NEPA questionnaires. This comes from one of my programs. So, I'm happy to review how we did what we did with this current Omnibus and give those very specific examples to Charles in terms of where we have a suite essentially of NEPA analyses for the Extension program based on looking at, you know, what different agents were doing in different regions of trying to do. But I knew it was Charles in Florida, so it was like, well, I know that your county agents, you have a lot of county agents that might do really similar work. You can group those. It’s a big state with a lot of activities so we're not going to get away with one. Yep. Do I need to get these forms from PIs of Career Development awards that are research? Now, let's not re-invent the wheel. This is we're trying to, you know, just do better at every step that we move forward, And honestly 2017, NOAA rewrote the NEPA regulations. I've told you most of you this already. And when that happened, we were no longer able to do what we call the grouped analysis for the entire Omnibus, and just say it's all research, and it's all good, and just walk away. They made us look at each action within it. When that happens, we had a really scramble at the national office to say, oh, my gosh. How are we going to handle this? It's taken us a couple of years to streamline and get to a point where we have a workload that we can manage, or we can say, We're still missing a fair number of projects as we look at the PD portfolio, and we probably need to make sure that we're just covering our ducks there as well. So we have, we were trying to do better every day, so let's not go back. But let's look to the future and try to do better in the future. This a great question does the SAC restrict funding for that research project or for all research projects submitted for that RFP? We typically will only restrict it for one. And just let you guys know, there's a little, we have to play some tricks and grants online to do that, because grants online doesn't always let us add a SAC for just one when we want to. So this last round, we played some tricks and added SACs when we allocated so we can add individual and not SAC everything. So we are trying to make sure that it never stops the bigger reward. Or the whole suite of research projects, your SAC language should be very explicit about that. It should say, In this Omnibus Research Project, titled, blah, blah, blah, R, dash, blah, blah, blah, is limited in activities XYZ. So we also don't want to limit, if you need money, if you're a researcher, needs money to go after the permits, We want you to have that flexibility. So oftentimes, we will only limit the activities associated with the missing permit. Not any activity that's needed to get it, so we, we're really trying to give the max flexibility we can within the SACs.

1:00:50

That is the last written question I have right now to give folks a chance to get in any other question before we conclude do we want to give them a little preview of what's next and what's covered on the next webinar. Yeah, I think a lot of these questions will probably come up with the next webinar again, but we'll, we'll lay it out so that we have it all on the slide that's all well laid out. But, um, and we'll also look at these and make sure that we've answered them all correctly. And we'll put the questions and answers out with the slides. We'll add them to the website so that anybody that was missing it, or if you want to go back to the questions, we'll make sure that they're answered as thoroughly as possible and get those out. But, again, it could take us a little while. We have to get the slideshow up to ADA Compliance, Yeah. So, we've got a question about how we hear about the next webinar, so that has been announced. I'm going to be sending a reminder for that? Yeah, I think it was announced without a link, right, Becca. So we still need to send the link for it. I believe the link actually, was. We will send a follow-up e-mail and just make sure everybody's aware after maybe later this week. It's Thursday. Next week. Anyone else? Perfect. I appreciate everybody joining. I know that, you know, this is not a sexy topic that everybody wants to dive into and it's a burden for the programs and for us. But I hope that this added some clarity and I hope that we can work together and streamline the process as we move forward. So, thank you all, for joining, and for taking on the role of really making sure that your programs understand these rules and policies at our office and making sure that we're all working towards the same Goal because, honestly, NEPA for what it's worth while documenting everything is, it's a good law. It is supposed to protect the environment and we are all environmentalists. So, yeah, something there. So thank you all for joining.