



National Marine Fisheries Service, Southeast Region

National Environmental Policy Act (NEPA)

Quality Assurance Plan (QAP)



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St. Petersburg, Florida

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## **Acronyms and Abbreviations Used in this Document**

AO	Action Officer
ARA	Assistant Regional Administrator
CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DEIS	Draft Environmental Impact Statement
DIVRA	Divisional Records Analyst
DNS	Division NEPA Specialist
DRA	Deputy Regional Administrator
EA	Environmental Assessment
EDMS	Electronic Data Management System
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FMC	Fishery Management Council
FMP	Fishery Management Plan
FONSI	Finding of No Significant Impact
FR	Federal Register
GC	General Counsel
GCSE	General Counsel Southeast
GIS	Geographic Information System
HC	Habitat Conservation
HQ	Headquarters
IAW	In accordance with
IDT	Interdisciplinary Team
IISD	Internal Initial Scoping Document

MMPA	Marine Mammal Protection Act
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
NAEP	National Association of Environmental Professionals
NAO	NOAA Administrative Order
NCR	NEPA Compliance Record
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
OG	Operational Guidelines
OMI	Operations, Maintenance, Information
PL	Public Law
PPI	Planning, Programming, Integration
PR	Protected Resources
RA	Regional Administrator
RFMC	Regional Fishery Management Council
ROD	Record of Decision
RPM	Responsible Program Manager
SD	Science Director
SEFSC	Southeast Fisheries Science Center
SEIS	Supplemental Environmental Impact Statement
SER	Southeast Region
SERO	Southeast Regional Office
SF	Sustainable Fisheries
SNC	SER NEPA Coordinator
USC	United States Code
USEPA	U.S. Environmental Protection Agency

## **INTRODUCTION**

### **Purpose**

National Marine Fisheries Service (NMFS) Policy Directive 30-131, March 5, 2007, Delegation of Authorities for Completing National Environmental Policy Act (NEPA) Documents, requires that each Regional Administrator (RA) and Science Director (SD) delegated with the responsibility of the Responsible Program Manager (RPM) must develop and implement a Quality Assurance Plan (QAP) no later than six months from the effective date of the policy. The QAP has several purposes as specified in the Authorities, Responsibilities, and Measuring Effectiveness section on page 6. Overall, the QAP's purpose is to establish procedures for the review and clearance of NEPA documents. In addition, Attachment 5 of the policy, pages 13-14, specifies certain criteria that the QAP must cover. In summary, the QAP must specify the interactions among proponent staff, the RPM (the RA or SD in this case), and other reviewers necessary to ensure frontloading of the review process, so there are no review-related delays or surprises that need to be corrected at a later date in the timeline of the Agency action. This QAP, by mutual agreement between the two organizations, covers both the Southeast Regional Office (SERO) and the Southeast Fisheries Science Center (SEFSC).

### **Review of NEPA Documents**

SERO's NEPA documents must meet the test of scrutiny by other agencies and the public while fulfilling NEPA and Council on Environmental Quality (CEQ) NEPA Regulations (40 CFR 1500-1508) requirements. It is essential a sound system of intra-agency review be established and followed. If inadequacies are uncovered in a rigorous internal review process, these problems should be solved prior to the public release of the document.

There are three different types of reviews:

1. administrative compliance
2. general document overview
3. technical content

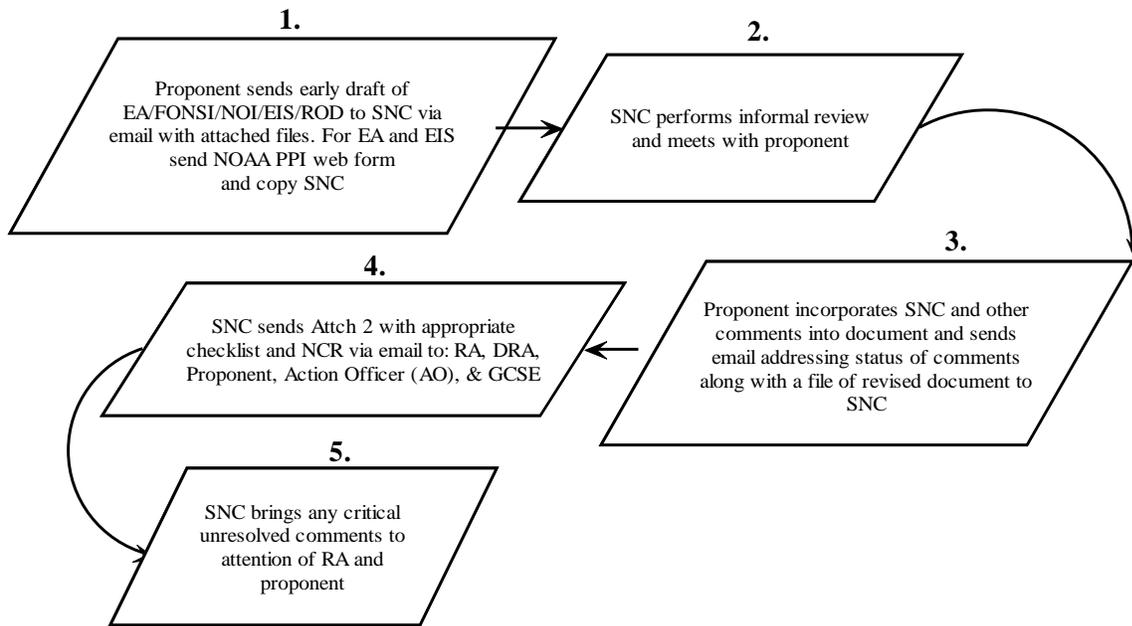
The administrative compliance review seeks to determine the adequacy of the NEPA document with respect to the NEPA statute (P.L. 91-190, 42 USC 4321-4347), the CEQ NEPA Regulations, and NAO 216-6. NEPA's basic philosophy and Section 102(2)(C) serve as a primary basis of evaluation. The CEQ NEPA Regulations provide guidance regarding format, length, general content outline, and other details that must be included.

The general document review is concerned with clearness, completeness, and correctness. Clearness refers to the use of visual aids, the use of language and organization, use of headings, and consistency in physical layout. Completeness refers to the inclusion and coverage of all reasonable alternatives, incorporation of all necessary supporting data and information, and the limitation of that information to only what is relevant to the project being analyzed. Correctness refers to ascertaining the validity of the environmental impact statement (EIS) document content.

The technical review is perhaps the most difficult aspect of the review. However, it is also probably the most important. Many of the concerns in technical review are the same as those voiced in general document review, only these aspects are more subtle in discussions of complex processes and interrelationships. It is doubtful that any one individual can accurately determine the technical adequacy in all categories of a completed EIS. The technical review is thus usually the sum of several reviews by specialists.

The Southeast Region (SER) has three Fishery Management Councils, seventeen fishery management plans (FMPs), hundreds of marine species to manage (including threatened and endangered species), and numerous environmental issues (including essential fish habitat), which create the need for many environmental documents (e.g., categorical exclusion (CE), environmental assessment (EA), finding of no significant impact (FONSI), EIS, record of decision (ROD), notice of intent (NOI)) that we initiate. Hence, the RA and Deputy Regional Administrator (DRA) need to know at any given moment how many environmental actions exist in the region, what their status is, what stage they are in, what the critical issues are concerning each one, and what the timelines are. The RA and DRA also need to know that all environmental documents have been fully coordinated and thoroughly reviewed by the staff before they are transmitted out of the region, or comments are made on other agencies' environmental documents.

Two major levels of NEPA document oversight and review for SER documents are 1) CEs and 2) all other types of NEPA documents (EA, FONSI, NOI, EIS, and ROD). The CE review is relatively simple and is performed by the proponent of the action and the Regional NEPA Coordinator with an accompanying signature by the RA or DRA. All other NEPA documents are reviewed in accordance with Figure 1 below using the appropriate checklists in Appendixes 2-6. The number of NEPA document reviews is the minimum necessary to comply with the national standards and to meet agency missions within given timeframes established by Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and NEPA.



**NEPA Review for EAs, FONSI, NOIs  
EISs, and RODs initiated by the SER**

**Figure 1**

In addition, the SER is also asked to cooperate on or comment on hundreds of other agencies EAs and EISs where we have special expertise and/or jurisdiction by law. The SER follows the policy set forth in NOAA PPI Instruction 001, Procedures For Submitting Comments On Another Federal Agency’s Environmental Impact Statement, March 6, 2007, for those EISs initiated by other governmental agencies in which the SER has special expertise, jurisdiction by law, or is a cooperating agency. We coordinate internally and with NOAA PPI on these other agencies’ EISs by use of a group email address that includes the DRA, Regional NEPA Coordinator, and the Assistant Regional Administrators (ARAs) from the Sustainable Fisheries (SF), Protected Resources (PR), and Habitat Conservation (HC) divisions.

**Frontloading**

Frontloading is defined as “the active participation of all regional, science center, and Council staff in key responsibilities (e.g., sustainable fisheries, protected resources, habitat, economics, and legal review) at the early stages of fishery management action development -- a “no-surprises approach.” Frontloading occurs mainly by integrating the NEPA process early in the project, using compatible forms of electronic applications, and providing constant feedback between action proponents and all reviewers.

NEPA is integrated early into the planning process in order to reduce delays and improve NEPA efficiency. This early integration will occur through creation and use of Interdisciplinary Teams

(IDTs). In the SER, the IDTs will prepare and review all EISs. The IDTs will consist of subject matter experts (SME) from the three main divisions (SF, PR, and HC), the Regional NEPA Coordinator, regional fishery management council (RFMC) staff, General Counsel Southeast (GCSE) staff, and others as deemed necessary by the RA. These IDTs will frontload all NEPA and other information as necessary to implement Agency action on time and in compliance with national standards. The IDTs will use the NEPA checklists found at Appendixes 2-6 when creating NEPA documents to help ensure all NEPA issues are adequately covered. The Southeast Regional NEPA Coordinator (SNC) should make every attempt to identify and resolve NEPA deficiencies in the early stages of document development.

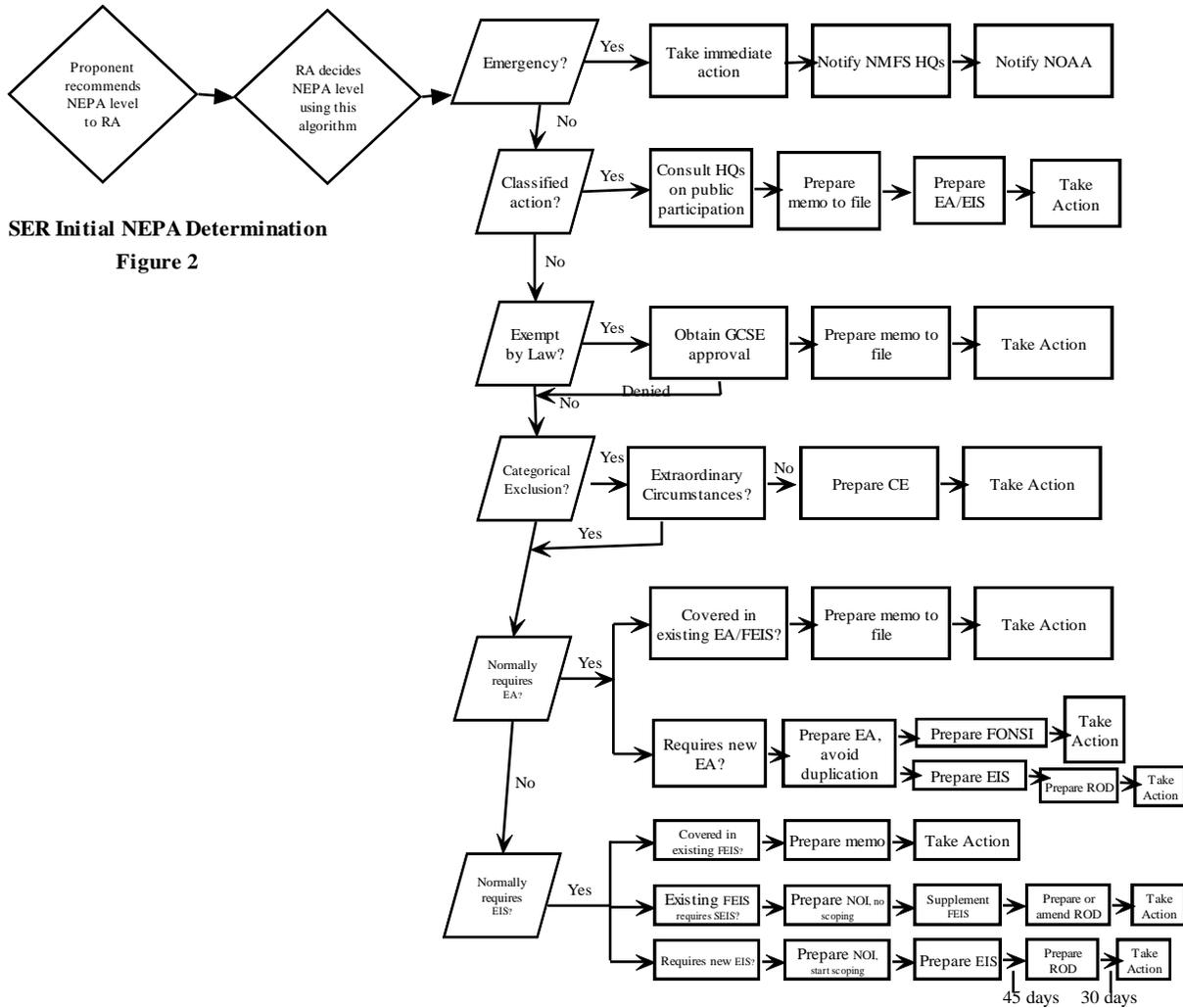
The RA will not make or record any decision on a proposed action until the later of the following dates:

- 90 days after publication of the notice for a draft EIS (DEIS).
- 30 days after publication of the notice for a final EIS (FEIS).
- The minimum 90 days required between the DEIS and the final action, or recording of the decision, and the 30-day waiting period after the FEIS can be concurrent. However, a minimum of 45 days must be provided for comments by other agencies and the public.
- The lead agency may extend prescribed periods.

## **ROLES AND RESPONSIBILITIES**

### **Responsible Program Manager (RPM)**

The RPM for all actions requiring NEPA analysis and documentation is the RA. The RA, in coordination with the SNC, technical staff, and GCSE is responsible for making an initial determination as to the level of NEPA analysis (i.e., CE, EA, or EIS) required to support the proposed action in question. See Figure 2 below. The RA also designates the IDTs in writing.



**Regional Fishery Management Councils (RFMCs)**

The RFMCs assist the SER staff with the preparation of environmental documentation and assess proposed plans, amendments, and rules to determine their environmental consequences.

**SER NEPA Coordinator (SNC)**

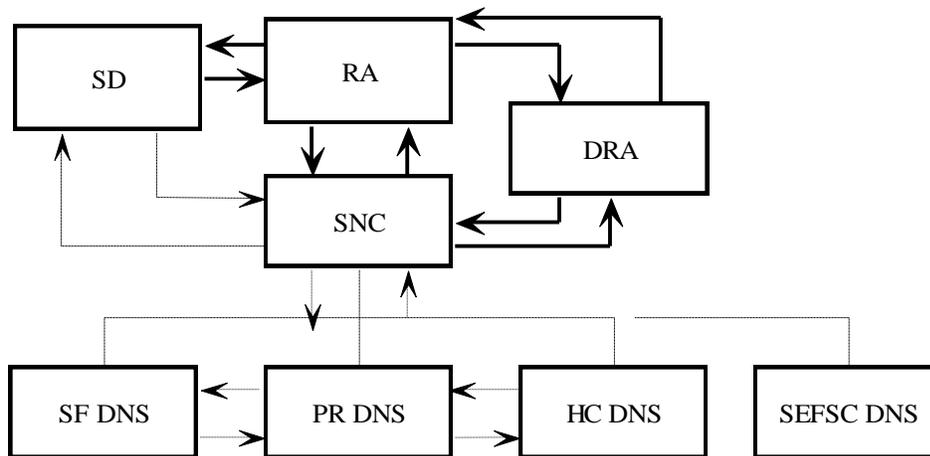
The SNC has the following specific responsibilities related to NEPA:

- Develops and implements a quality control system for tracking NEPA compliance
- Promotes consistency and quality of the SER’s NEPA documents
- Develops and recommends a long-term strategy for NEPA compliance
- Reviews all CEs, EAs, FONSI, EISs, NOIs, and RODs initiated by the SERO
- Completes an EA or EIS checklist for all EAs and EISs initiated by the SERO
- Completes the NEPA Compliance Record (NCR) for all EAs and EISs initiated by the SERO

- Completes Attachment 2 memorandums in accordance with the NEPA Delegation Policy for all EAs and EISs initiated in the SERO
- Serves as the principal technical source for NEPA training

The SNC also has responsibility for coordinating all NEPA actions in the SER. The only feasible way to coordinate all of these activities is to appoint qualified Division NEPA Specialists (DNSs) in each of the three divisions (SF, PR, and HC) and at the Science Center. The Southeast Fisheries Science Center and SER Divisions may appoint multiple DNSs, which would provide the Science Center Director and SER Division Assistant Regional Administrators (ARAs) the option of requiring the primary authors of NEPA documents, or their supervisors, to be responsible for document compliance with environmental policy, rather than making this the responsibility of a single staff member. Each DNS must complete a basic NEPA training course, and pursue additional training as necessary and practicable.

The DNSs must be appointed in writing with copies of the appointment signed by the appropriate SD and ARA and forwarded to the RA, DRA, SNC, and GCSE. This coordinating action is best accomplished via scanned appointment memos and email. A flowchart for general NEPA coordination follows.



*The dashed lines indicate informal lines of communication in NEPA technical channels.*

**General NEPA Coordination  
Figure 3**

### SER Divisions

ARAs for the divisions (SF, PR, and HC) have the following responsibilities related to NEPA:

*Coordination.* Coordinate all NEPA and decision documents produced in the SER with the SNC and designated DNS.

*DNS designation.* Designate and report in writing (email) the DNS to the RA (cc: SNC and DRA), and within 10 working days of changing the primary DNS.

*Document review.* Assist in the review of NEPA documents prepared by the SER, and other Federal agencies, as required.

*Reporting.* All SER divisions will make appropriate, timely entries into the NOAA Cooperating Agency Report, which is due annually, in January, and is sent to CEQ, NOAA PPI, and HQ NMFS. They will also complete the SER EIS status form quarterly and send to the SNC. Refer to Appendix 7-4.

*Categorical Exclusions.* The divisions will provide copies of their RA and SNC signed CEs to the SNC quarterly (Oct, Jan, Apr, and Jul). The SNC will review and, when approved, sign these CEs as the “THRU” addressee and then forward them to the RA for final signature. At a minimum, the appropriate DNS will review and initial the routing slip on all CEs. For the SEFSC, the DNS is the “THRU” addressee, the SD signs the CE, and the SNC is copied.

*Correspondence routing.* Include the SNC (F/SER), and the appropriate DNS, as copy furnished (cc:) on all NEPA correspondence produced in the SER (for example, but not limited to: decision and transmittal memorandums, NOIs; notices of availability (NOA); CEs; draft, final and supplemental EAs and EISs; and essential fish habitat (EFH), Endangered Species Act (ESA), and Marine Mammal Protection Act (MMPA) consultations where NEPA is applicable). Send copies of all NEPA training certificates to the SNC and DNS within 10 working days of receiving such certificate.

### **Southeast Fisheries Science Center (SEFSC)**

The SEFSC DNSs provide NEPA documents to the SNC for coordination and review and comment purposes. The SD is the RPM for these proposed actions and as such has approval authority for CEs, EAs, FONSI, and EISs that are initiated at the SEFSC.

### **General Counsel Southeast (GCSE)**

The GCSE provides document review of draft EAs, FONSI, EISs, and RODs and final clearance, as well as legal interpretation of current regulations and laws governing the preparation of NEPA documents. Additionally, the GCSE will be invited to participate in the IDTs to frontload the analysis and avoid delays.

## **INITIAL NEPA LEVEL DETERMINATION and SCOPING**

Timing is of the essence and it is critical that the NEPA process be initiated within SERO’s MSFCMA decision making process at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. An initial NEPA level recommendation is made to the RA by the proponent on all proposed actions with input from the appropriate RFMC, SNC, GCSE, and technical staff. This recommendation is briefed to the RA for a decision on which NEPA level will be used concerning an EA or EIS. Unless extraordinary circumstances exist, CEs do not rise to the RA level for a determination. This decision point is critical to the whole NEPA analysis and it is the

place where efficiencies can be gained. Refer to Figure 2 above and the NEPA threshold determination checklist at Appendix 8.

For controversial cases requiring either an EA or EIS, an internal initial scoping process and document shall be completed. Controversy is in relation only to the environmental impacts of the proposed action and will be determined by the RA on a case-by-case basis. The internal initial scoping document (IISD) is a protocol and is located at Appendix 9. It is a question-based process that helps IDTs manage and document their reasoning for complex decision making processes. In using the protocol, the thinking and communication processes—not the document that records them—are the focal points.

## **TRACKING NEPA ACTIONS**

NEPA actions are tracked in the SER via four methods. The first three are required by NOAA PPI. The last one is used here in the SER to track FMPs/Amendments and their associated NEPA documents.

First, SERO completes and submits through channels to NOAA annually in January the Council on Environmental Quality's (CEQ) annual Cooperating Agency Report. Second, SERO submits a Categorical Exclusion Report quarterly to NOAA PPI via an emailed spreadsheet. Third, SERO completes and submits NOAA PPI's webform for reporting major federal actions. Fourth, the SERO divisions update quarterly the EIS Status spreadsheet and forward it to the SNC. Examples of all of these tracking tools are found in Appendix 7.

NOAA PPI has established a new reporting procedure whereby SERO is required to inform the NOAA NEPA Coordinator whenever the region is proposing to take a major federal action that would require the preparation on an EA or EIS. At a minimum, reporting should occur no later than the Federal register publication of the Notice of Intent (NOI). Reporting is accomplished via a web based form available at: <https://www.intranet.nepa.noaa.gov/> This policy is contained in NOAA PPI Instruction 003, Reporting Procedure for Major Federal Actions, May 21, 2007.

## **DOCUMENTATION AND RECORD KEEPING**

### **Documentation and records for CE, FONSI, and ROD Updating NEPA Records**

*Who Maintains:* The program office processing the document (the proponent) needs to retain these records as part of the file covering the underlying rule.

Not every record generated in the development of the CE, EA, FONSI, EIS, or ROD rises to the level of a permanent record. Instead some records have minimal importance. The Divisional Records Analyst (DIVRA) and the analyst could purge the file of these records at the appropriate time. An example of such a record is a meeting notice or an inquiry from the supervisor asking about the status of the rule. Such records have transitory importance and ought to be deleted after the statute of limitations on filing a lawsuit ends.

*What form:* The final form and any draft copies that were part of an outside review, i.e., outside of the division, are the key documents to keep. These documents form the core set of permanent records that demonstrate technical compliance with the NEPA and the SERO compliance process. The team leader and divisional comments are transitory records. Only comments such as from the RA, SNC, other divisions, and from outside the Southeast Regional Office rise to the level of a permanent record. The DIVRA should review these records and keep only those comments received from outside the unit during the public review phase for long term retention.

*Who edits:* The plan coordinator or analyst in charge of the rule should make the final edits.

*Security:* Document security is very important. Securing the document from unauthorized tampering, will occur through use of the records management controls in the electronic records management system in the SER. At present, the SER is transitioning from a paper-based system to the Laserfiche electronic records management system.

*Who can access:* Access control is important. Only the analyst preparing the rule, the DIVRA, the Laserfiche Electronic Data Management System (EDMS) supervisor and the SERO Records Manager need full access to the document. Others need viewing access, and copying privileges only.

### **Checklists and the NEPA Compliance Record (NCR)**

The main purpose of using the EA, FONSI, NOI, EIS, and ROD checklists and the NCR is to establish uniformity and consistency in evaluating the SER's NEPA documents. This uniformity and consistency will help guarantee a quality document. Both the final checklist and the final NCR will be appended to the Attachment 2 for administrative record purposes.

One of SERO's goals in complying with NEPA is to remove the subjective opinion as much as possible by completing the appropriate checklist and the associated NCR. The appropriate NEPA document checklist is a primary line of defense in a lawsuit because it provides the document for recording an actual review to demonstrate compliance with NEPA. Consequently, this is a document that auditors and the courts would examine to determine compliance with NEPA. Any individual that requests the NEPA documents as part of a request for records under the Freedom of Information Act would also review the checklist for compliance.

Initially, the SNC completes the appropriate checklist attached at Appendixes 2-6 for all EAs, FONSI, NOIs, EISs, and RODs initiated by the SER. After this review has been completed, the SNC creates a record for EAs and EISs by completing the NCR attached at Appendix 1. The RA/SD may then use the NCR in determining:

- Changes or modifications in the NEPA document
- Decisions to release the document for public and interagency review
- Decisions to proceed with, modify, or halt the project

The core of an EIS is composed of four chapters: Purpose and Need, Alternatives, Affected Environment, and Environmental Consequences. One can summarize the intent of these four chapters in eight basic questions. The eight questions<sup>1</sup> of the NCR that any EA or EIS should readily answer are:

1. What action is proposed?
2. Why?
3. What other action would meet the same need?
4. What would it mean not to meet the need?
5. What are the effects of the proposed action, and alternative actions in comparative form?
6. What factors will be used when making the decision among alternatives?
7. Are there any ways to mitigate adverse effects?
8. What monitoring is necessary that is not included in the proposed action or alternative actions?

The SNC completes the draft checklist and draft NCR (for EAs and EISs) and discusses them with the proponent's action officer. The SNC answers the eight questions either directly on the form or in a narrative style on separate sheets depending on the situation. The appropriate checklist lists the technical requirements that an EA, FONSI, NOI, EIS, or ROD must have in accordance with 40 CFR Parts 1500-1508 and 42 U.S.C. 4332 *et seq.*

Step 2. in Figure 1 requires the action officer meet with the SNC and afterwards send the SNC confirmation, email or marked up checklist, addressing the reconciliation of comments in the revised NEPA document along with the document. This email must address three critical areas of the comments. For the EA or EIS checklist, it must specifically discuss how those areas evaluated as "NO" have been resolved. For the NCR, the memorandum must address those "Evaluation" comments that specify a change is necessary.

### **UNRESOLVED COMMENTS**

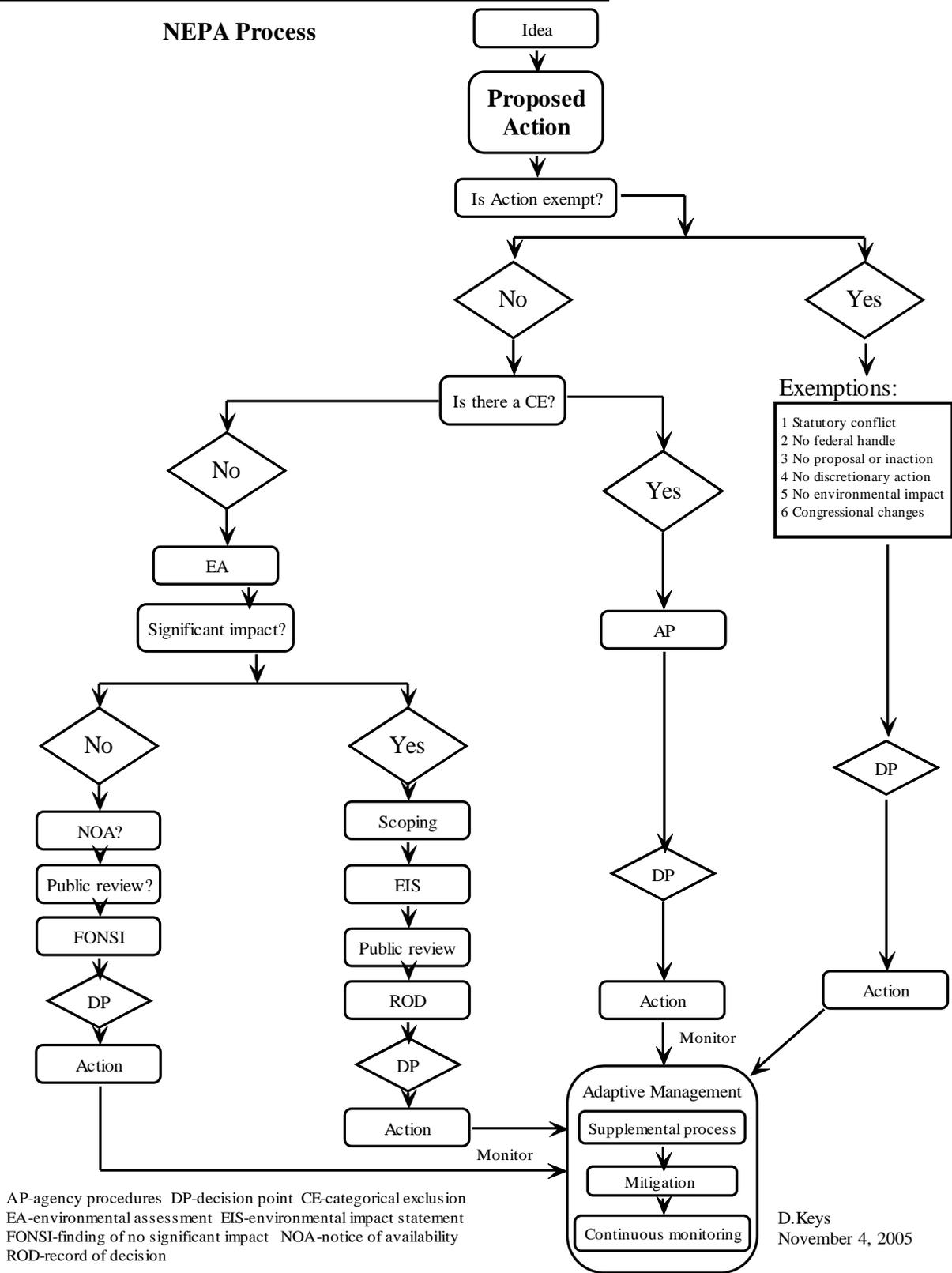
Even with constant communication among proponents and reviewers, on occasion there will be times when comments go unresolved, where the parties in question will agree to disagree. If the unresolved comments are perceived to be critical in nature, then the party making that determination must bring it to the attention of the RA, DRA, the proponent of the action, and GCSE in writing. Resolution of these comments is extremely important. In the event that critical comments are not resolved among staff, an amended Attachment 2 will reflect the status of all unresolved comments.

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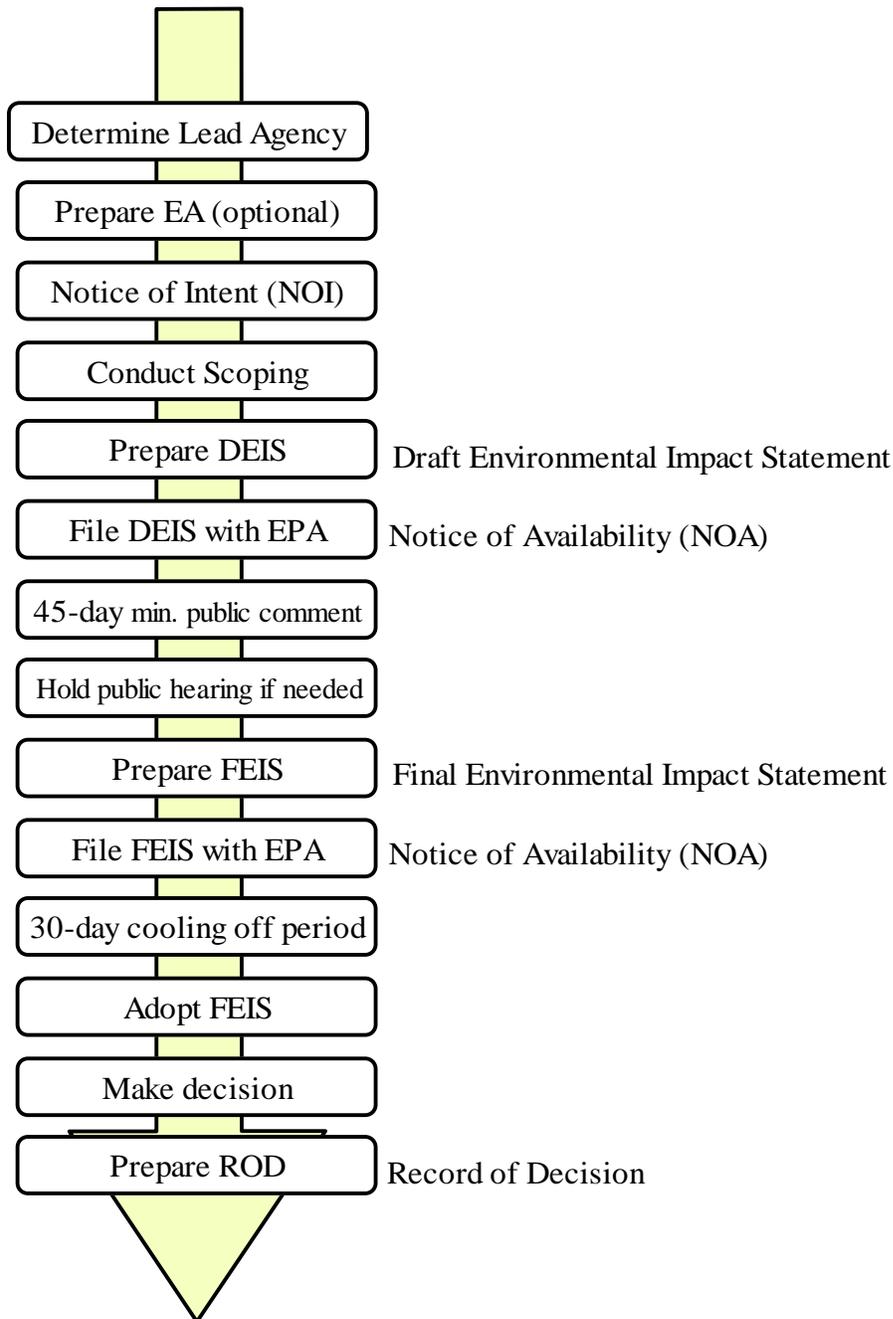
<sup>1</sup> These questions were developed by Owen L. Schmidt, attorney, USDA, OGC, Portland, OR (retired).

# INFORMATION AND TOOLS FOR NEPA ANALYSIS

## NEPA Process



## Steps in the EIS Preparation Process



### Important Reference Documents:

1. The National Environmental Policy Act (NEPA), P.L. 91-190, 42 USC 4321-4347
2. Council on Environmental Quality, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR 1500-1508

3. National Oceanic and Atmospheric Administration, Administrative Order 216-6, Environmental Review Procedures for Implementing The National Environmental Policy Act, May 20, 1999.
4. NMFS Instruction 30-124-1, July 22, 2005, FONSI Preparation Policy
5. NMFS Policy Directive 30-131, March 5, 2007, Delegation of Authorities for Completing NEPA Documents
6. *Considering Cumulative Effects Under NEPA*, CEQ, 118 pages, January 1997.
7. *Environmental Justice: Guidance Under NEPA*, 34 pages, December 10, 1997.
8. *How to Write Quality EISs and EAs* (3<sup>rd</sup> Ed.), The Shipley Group, Woods Cross, UT, 186 pages, 2003.
9. *Modernizing NEPA Implementation*, The NEPA Task Force Report to the Council on Environmental Quality, 93 pages, September 2003.
10. *Draft Operational Guidelines for Development and Implementation of Fishery Management Actions*, Headquarters, National Marine Fisheries Service, Silver Spring, Maryland, 23 pages, August 23, 2005.

#### **Useful Websites:**

The SERO is only responsible for maintaining and updating its own website. All other website information and accuracy are the responsibility of the host organization. Please inform the SNC if the information on any of the following sites is unavailable or incorrect.

SER: <http://sero.nmfs.noaa.gov> (Under “Hot Topics”, click on NEPA)

NOAA NEPA: <http://www.nepa.noaa.gov>  
<https://www.intranet.nepa.noaa.gov/>

NEPANet: <http://www.NEPA.gov>

Council on Environmental Quality: <http://www.whitehouse.gov/ceq>

U.S. EPA: <http://www.epa.gov/compliance/nepa/>

NMFS main: <http://www.nmfs.noaa.gov/>

Draft Operational Guidelines: For Development and Implementation of Fishery Management Actions, August 23, 2005:

[http://home.nmfs.noaa.gov/sf/regstream/Operational%20Guidelines/DraftOGs\\_082405.pdf](http://home.nmfs.noaa.gov/sf/regstream/Operational%20Guidelines/DraftOGs_082405.pdf)

Economic Review of NMFS Regulatory Actions (Instruction 01-111-05, March 20, 2007):  
<http://www.nmfs.noaa.gov/directives/>

NMFS Intranet: <http://home.nmfs.noaa.gov> (look under: Regulatory Streamlining Project, Examples of Rulemaking Documents, Examples-Table of Contents, especially paragraph 25).

GIS: <http://www.nmfs.noaa.gov/gis/>

Reader-Friendly Documents: <http://www.wsdot.wa.gov/ta/T2Center/ToolKitDocument.pdf>

Reviewing EISs for FMPs:

<http://www.epa.gov/compliance/resources/policies/nepa/reviewing-EISs-fishery-management-plans-pg.pdf#search='reviewing%20environmental%20impact%20statements%20for%20fishery%20management%20plans'>

EFH Consultation:

<http://www.nmfs.noaa.gov/habitat/efh/Consultation/consultationguidance.pdf#search='EFH%20consultation'>

Section 7 Consultation Handbook (joint U.S. Fish and Wildlife Service and National Marine Fisheries Service): <http://www.fws.gov/endangered/consultations/s7hndbk/s7hndbk.htm>

### **ACTING REGIONAL NEPA COORDINATOR**

According to the NMFS NEPA Delegation Policy, Directive 30-131, page 4, footnote 12:

*“If the absence of a NMFS NEPA Coordinator may delay the release of a final NEPA document to the NOAA NEPA Coordinator, the RA, SD, or the DRA, DSD, may appoint an acting NMFS NEPA Coordinator. That appointment should be limited to either staff reporting to the originating office’s NMFS NEPA Coordinator or a NEPA specialist within a program office.”*

In the extended absence of the incumbent Regional NEPA Coordinator, the DRA must select and appoint an acting SNC. This appointment must be a DNS from a division *other* than the proponent for the action in question in order to maintain an independent review of the action at the regional directorate level. This appointment must be in writing with a copy furnished to the RA, SD, GCSE, and the incumbent SNC. The appointment must be limited to those circumstances that make it necessary to review and comment on an EA, FONSI, EIS, or ROD and submit the Attachment 2 in order to meet a critical deadline or resolve an emergency or crisis situation in the extended absence of the incumbent SNC. All written reviews and comments, and Attachments 2 made by the acting SNC, will be furnished to the incumbent SNC at the time they are created.

## **TRAINING**

The Science Center Director and SER Division ARAs must identify who among their staff needs NEPA training based on their job description and responsibilities and schedule these people for appropriate training as soon as practicable. The SNC provides refresher training on a quarterly basis (see Training Opportunities under NEPA under “Hot Topics” on the SERO web site), or will provide special training upon request as time and resources allow. Advanced training in special NEPA topics may be required of certain employees depending on their job function. Students are responsible for sending copies of all NEPA training certificates to the SNC and appropriate DNS within 10 working days of receiving such certificate.

The SER has sponsored numerous in-house NEPA classes over the years tailored to fisheries management and conservation of living marine resources. This training has been collective training where 10 to 50 students are gathered in a classroom to receive expert instruction. Future classes like these will be largely dependent on funding availability and need. In the event funds are unavailable, or available only sporadically, there are several options available to SER staff to maintain proficiency in NEPA skills.

One option to collective in-house training, which may be limited due to funding constraints, is individual training at institutions such as Duke University (<http://www.nicholas.duke.edu/del/continuinged/certificates.html>), The Shipley Group (<http://www.shipleygroup.com/index.html>), or the US Fish and Wildlife Service’s National Conservation Training Center (<http://training.fws.gov/>). This type of training must be approved by the student’s supervisor and is scheduled individually. A new and developing option for NEPA training is E-learning courses offered by Environmental Impact Training (<http://www.eiatraining.com/>). These E-learning courses consist of interactive CDs that use video instruction, interactive exercises and reading materials. There are currently five different E-learning courses in various phases of development. Another option is small group or individual discussions with the SNC, coordinated in advance so that the topic(s) can be defined and focused. Another option is to attend another agency’s training, such as the USEPA (<http://netionline.com>) or the National Association of Environmental Professionals annual conference training sessions (<http://www.naep.org>). You should also check the NEPA section of the SER web page to see if the SER or other NMFS regions are offering training. Be sure to check with the SNC for other training ideas and opportunities.

## **QAP REVIEW AND CHANGES**

This QAP will be reviewed biennially, or more often if the RA or DRA decide a review is needed. Any changes to either the MSFCMA or NEPA statutes will trigger an automatic review of this QAP within 15 days of the changes. The RA, SD, DRA, SNC, division DNSs, and GCSE will review the QAP. The SNC will document all reviews by preparing a memo to the file for the RA’s signature. Users are invited to send comments and suggested improvements to the SNC.

## Appendix 1 NEPA Compliance Record (NCR)

EA   EIS

**Proponent:**  
**NEPA Doc Date:**

**NEPA Doc Title:**  
**Comments Sent to Proponent on:**

**Reviewer:**

<b>REVIEW FACTORS</b>	<b>Looking for</b>	<b>CEQ: 40 CFR</b>	<b>Evaluation</b>
1. What action is proposed?	Proposal	1502.4(a); 1502.14; 1502.5	
2. Why?	Underlying need (ULN)	1502.13	
3. What other action would meet the same need?	Alternatives	1502.14; 1508.25(b)	
4. What would it mean not to meet the need?	No action alternative	1508.25(b)(1)	
5. What are the effects of the proposed action, and alternative actions—in comparative format?	Impacts, events	1508.25 (c); 1508.8; 1502.16	
6. What factors will be used when making the decision among alternatives?	Purposes	1502.23	
7. Are there any ways to mitigate adverse effects?	Mitigation	1508.25(b)(3); 1508.20; 1500.2(e)	
8. What monitoring is necessary that is not included in the proposed action or alternative action?	Monitoring	1505.3; 1505.2 (c)	

## Appendix 2 EA Checklist

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
EA Title:				
Reviewer:				
Date/version of EA:				
Does the EA include an analysis of determining the significance of NOAA's actions?	NAO 216-6, 6.01b.1-11			
Does the EA include an analysis of the specific guidance on significance of fishery management actions?	NAO 216-6, 6.02a.-i.			
Is the EA concise?	1508.9(a)			
Does the EA state how it will be made available to the public?	1508.9(a)			
Does the EA briefly provide sufficient evidence and analysis for determining whether to prepare an EIS or a FONSI?	1508.9(a)(1)			
Does the EA aid in the agency's compliance with NEPA when no EIS is necessary?	1508.9(a)(2)			
Does the EA facilitate preparation of an EIS when one is necessary?	1508.9(a)(3)			
Does the EA include brief discussions of the need for the proposal?	1508.9(b)			
Does the EA briefly discuss alternatives as required by Sec. 102(2)(E) of NEPA?	1508.9(b)			
Does the EA include brief discussions of the environmental impacts of the proposed action and alternatives?	1508.9(b)			
Does the EA include a listing of agencies and persons consulted?	1508.9(b)			
Did the agency involve environmental agencies, applicants, and the public, to the extent practicable, in preparing the EA required by 40 CFR 1508.9(a)(1)?	1501.4(b)			
Was this EA prepared by tiering from a broader EIS?	1502.20			
Was this EA prepared by an applicant?	1506.5(b)			

### Appendix 3 FONSI Checklist

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
FONSI Title:				
EA Title:				
Reviewer:				
Date/version of FONSI:				
Is the FONSI brief?	1508.13			
Does the FONSI include the EA, or a summary of the EA?	1508.13			
If the FONSI includes the EA, does the FONSI incorporate by reference discussions in the EA rather than repeat those discussions?	1508.13			
Does the FONSI present reasons why an action will not have a significant effect on the human environment?	1508.13			
Does the FONSI state whether any other documents are related to it?	1508.13			
Does the FONSI follow NMFS Instruction 30-124-1, July 22, 2005, Guidelines for the Preparation of a Finding of No Significant Impact?	30-124-1			
Does the FONSI indicate how it will be made available to the affected public?	1501.4(e)(1)			
Does the FONSI state whether it has been prepared on an action which is, or is similar to, one which normally requires the preparation of an EIS, or is without precedent?	1501.4(e)(2)			
If the action is or is similar to one which normally requires an EIS, or is one without precedent, does the FONSI state whether it will be available for public review for 30 days before the agency makes its final determination whether to prepare an EIS?	1501.4(e)(2)			

## Appendix 4 NOI Checklist

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
NOI Title:				
EIS Title:				
Reviewer:				
Date/Version of NOI:				
Does the NOI state that an EIS will be prepared and considered?	1508.22			
Does the NOI describe:				
The proposed action?	1508.22(a)			
Possible alternatives?	1508.22(a)			
The agency's proposed scoping process?	1508.22(b)			
Whether, when, and where any scoping meeting will be held?	1508.22(b)			
Does the NOI state the name and address of a person within the agency who can answer questions about the proposed action and the EIS?	1508.22(c)			
Has the NOI been prepared "as soon as practicable" after the decision to prepare an EIS?	1501.7			
If there is a lengthy time between the decision to prepare an EIS and the actual preparation, has the NOI been prepared "at a reasonable time" in advance of preparation of the DEIS?	1507.3(e)			

## Appendix 5 EIS Checklist

CONTENTS				AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
EIS Title:							
Draft	Final	Supplement	Program				
Reviewer:							
Date/Version of EIS:							
<b>Significance</b>							
Does the EIS include an analysis of determining the significance of NOAA's actions?				NAO 216-6, 6.01b.1.-11.			
Does the EIS include an analysis of the specific guidance on significance of fishery management actions?				NAO 216-6, 6.02a.-i.			
Does the EIS provide a full and fair discussion of significant environmental impacts?				1502.1			
Does the EIS serve as an action-forcing device to ensure that the policies and goals defined in NEPA are infused into the ongoing programs and actions of the agency?							
Does the EIS inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment?							
Is the EIS supported by evidence that the agency has made the necessary environmental analyses?							
Is the EIS concise, clear and to the point?							
<b>Implementation</b>							
Is the EIS analytic rather than encyclopedic?				1502.2(a)			
Does the EIS discuss impacts in proportion to their significance and only briefly discuss other than significant issues?				1502.2(b)			
Does the EIS discuss impacts in proportion to their significance and only briefly discuss other than significant issues?				1502.2(c)			

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
EIS Title:				
Does the EIS encompass the range of alternatives considered by the ultimate agency decisionmaker?	1502.2(e)			
Does the EIS serve as a means of assessing the environmental impact of proposed agency actions rather than justifying decisions already made?	1502.2(g)			
<b>Interdisciplinary preparation</b>				
Was the EIS prepared using an interdisciplinary approach?	1502.6			
<b>Page Limits</b>				
Is the text of the FEIS (the sections required by 40 C.F.R. 1502.10(d), (e), (f), and (g)), less than 150 pages?	1502.7			
If the text of the FEIS exceeds 150 pages, are the reasons given why this FEIS is on unusual scope or complexity?				
Is the text of the FEIS less than 300 pages?				
Is the text of the FEIS less than 150 pages or less than 300 pages for proposals of unusual scope or complexity?				
<b>Writing</b>				
Is the EIS written in plain language (using appropriate graphics) so that decisionmakers and the public can readily understand it?	1502.8			
<b>Draft, final, and supplemental statements</b>				
Does the DEIS fulfill and satisfy to the fullest extent possible the requirements established for final EISs in section 102(2)(C) of NEPA?	1502.9(a)			
Does the DEIS disclose and discuss at appropriate points all major points of view on the environmental impacts of the alternatives including the proposed action?				
Does the DEIS permit meaningful analysis?				
Was the DEIS prepared in accordance with the scope decided upon in the scoping process?				
Does the FEIS discuss at appropriate points any responsible opposing view which was not adequately discussed in the DEIS and indicate the agency's response to the issues raised?	1502.9(b)			

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
EIS Title:				
<b>Recommended format</b>				
Does the EIS have a cover sheet?	1502.10(a)			
Does the EIS have a summary?	1502.10(b)			
Does the EIS have a table of contents?	1502.10(c)			
Is the table of contents accurate?	1502.10(c)			
Does the EIS state a purpose of and need for action?	1502.10(d)			
Does the EIS have a section on alternatives including the proposed action?	1502.10(e)			
Does the EIS have an affected environment section?	1502.10(f)			
Does the EIS have an environmental consequences section?	1502.10(g)			
Does the EIS have list of preparers?	1502.10(h)			
Does the EIS list the agencies, organizations, and persons to whom copies of the statement are sent?	1502.10(i)			
Does the EIS have an index?	1502.10(j)			
Does the EIS have Appendices?	1502.10(k)			
<b>Cover sheet</b>				
Does the cover page list the responsible agencies including the lead agency and any cooperating agencies?	1502.11(a)			
Does the cover page give the title of the proposed action?	1502.11(b)			
Does the cover page give the titles of related cooperating agency actions, if appropriate?				
Does the cover page give the names of the state(s) and county(ies) (or other jurisdiction, if applicable) where the actions are located?				
Does the cover page give the name, address, and telephone number of the person at the agency who can supply further information?	1502.11(c)			
Does the cover page designate the EIS as a draft, final, or draft or final supplement?	1502.11(d)			
Does the cover page include a one-paragraph abstract of the statement?	1502.11(e)			
Does the cover page include the date by which comments must be received?	1502.11(f)			

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
EIS Title:				
<b>Summary</b>				
Does the summary adequately and accurately summarize the statement?	1502.12			
Does the summary stress the major conclusions, areas of controversy (including issues raised by the agencies and the public), and the issues to be resolved (including the choice among alternatives)?				
Is the summary 15 pages or less?				
<b>Purpose and need</b>				
Does the statement specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action?	1502.13			
Is the purpose and need section brief?	1502.13			
<b>Alternatives including the proposed action</b>				
Reasons why alternatives which were eliminated from detailed study were eliminated?	1502.14(a)			
Rigorously explore and objectively evaluate all reasonable alternatives?				
Substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits?	1502.14(b)			
Reasonable alternatives not within the jurisdiction of the lead agency?	1502.14(c)			
The no action alternative?	1502.14(d)			
A statement on whether one or more alternative(s) is the agency's preferred alternative(s)?	1502.14(e)			
If the agency has a preferred alternative, identification of that alternative?				
Does the DEIS state whether the agency has a preferred alternative or alternatives?				
If the agency has a preferred alternative or alternatives, does the DEIS identify such alts?				
If the agency has a preferred alternative or alternatives, does the FEIS identify such alternative(s)?				
Appropriate mitigation measures not already included in the proposed action or alternatives?	1502.14(f)			

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
EIS Title:				
<b>Affected environment</b>				
Does the affected environment section of the EIS describe the environment of the areas to be affected or created by the alternatives under consideration?	1502.15			
Is the affected environment section no longer than necessary to understand the effects of the alternatives?				
Is the affected environment section written to a level of detail commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced?				
Is the affected environment section succinct?				
<b>Environmental consequences</b>				
Does the discussion in this section include any adverse environmental effects which cannot be avoided should the proposal be implemented?	1502.16			
Does the discussion in this section include the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity?	1502.16			
Does the discussion in this section include any irreversible or irretrievable commitment of resources which would be involved in the proposal should it be implemented?	1502.16			
Direct effects and their significance?	1502.16(a)			
Indirect effects and their significance?	1502.16(b)			
Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned?	1502.16(c)			
The environmental effects of alternatives including the proposed action?	1502.16(d)			
Energy requirements and conservation potential of various alternatives and mitigation measures?	1502.16(e)			
Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures?	1502.16(f)			

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
EIS Title:				
<b>Environmental consequences (continued)</b>				
Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures?	1502.16(g)			
Means to mitigate adverse environmental impacts if not fully covered under 40 C.F.R. 1502.14(f), which is, "Include appropriate mitigation measures not already included in the proposed action or alternatives."	1502.16(h)			
<b>List of preparers</b>				
Does this section of the EIS list the names and qualifications (expertise, experience, professional disciplines) of the persons who were primarily responsible for preparing the EIS?	1502.17			
Is this section of the EIS two pages or less?	1502.17			
<b>Appendix</b>				
If there is an appendix, does it consist of material prepared in connection with the EIS (as distinct from material which is not so prepared and which is incorporated by reference)?	1502.18(a)			
If there is an appendix, does it substantiate any analysis fundamental to the impact statement?	1502.18(b)			
Is the appendix analytic and relevant to the decision to be made?	1502.18(c)			
If there is an appendix, is it either circulated with the EIS or readily available on request?	1502.18(d)			
<b>Circulation of the EIS</b>				
Does this section of the EIS show that the entire draft and final EIS is being circulated (except for certain appendices, 1502.18(d); unchanged statements, 1503.4(c); and unusually long statements, 1500.4(h))?	1502.19			
Does this section of the EIS show that the statement will be circulated to any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved?	1502.19(a)			
Does this section of the EIS show that the statement will be circulated to any appropriate Federal, State, or local agency authorized to develop and enforce environmental standards?				

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
EIS Title:				
<b>Circulation of the EIS (continued)</b>				
Does this section of the EIS show that the statement will be circulated to the applicant, if any?	1502.19(b)			
Does this section of the EIS show that the statement will be circulated to any person, organization, or agency requesting the statement?	1502.19(c)			
Does this section of the FEIS show that the statement will be circulated to any person, organization, or agency which submitted substantive comments on the DEIS?	1502.19(d)			
Does the FEIS indicate that it is being circulated to any person, organization, or agency which submitted substantive comments on the draft?				
<b>Environmental review and consultation requirements</b>				
To the fullest extent possible prepared concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 USC Sec. 661 et seq.), the National Historic Preservation Act of 1966 (16 USC Sec. 470 et seq.), the Endangered Species Act of 1973 (16 USC Sec. 1531 et seq.), and other environmental review laws and executive orders?	1502.25(a)			
Does the DEIS indicate if it is uncertain whether a federal permit, license, or other entitlement is necessary?	1502.25(b)			
Does the DEIS list all federal permits, licenses, and other entitlements which must be obtained in implementing the proposal?	1502.25(b)			

## Appendix 6 ROD Checklist

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
ROD Title:				
FEIS Title (if different from ROD title):				
Reviewer:				
Date/Version of ROD:				
Does the ROD state what the decision was?	1505.2(a)			
Does the ROD identify all alternatives considered in reaching the decision?	1505.2(b)			
Does the ROD specify which alternative or alternatives were considered to be environmentally preferable and why?	1505.2(b)			
Does the ROD identify and discuss all relevant factors including any essential considerations of national policy which were balanced by the agency in making its decision?	1505.2(b)			
Does the ROD state how those factors identified and discussed in the above question entered into the decision?	1505.2(b)			
If the chosen alternative was not an environmentally preferable alternative, does the ROD state why an environmentally preferable alternative was not chosen?	1505.2(b), 1500.2(f)			
Does the ROD state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not?	1505.2(c)			
Does the ROD state whether a monitoring and enforcement program is applicable for any mitigation?	1505.2(c)			
Does the ROD state whether any applicable monitoring and enforcement program has been adopted?	1505.2(c)			
Does the ROD summarize monitoring and enforcement programs which have been adopted?	1505.2(c)			

CONTENTS	AUTHORITY 40 C.F.R.	YES	NO	PAGE(S)
Is the ROD concise?	1505.2			
Does the ROD state how it will be made publicly available?	1505.2			

## **Appendix 7 Reports**

Tracking tools:

7-1 Cooperating Agency Report, Annually in January from SNC through channels to CEQ

7-2 Categorical Exclusion Report, Quarterly from SNC through channels to NOAA PPI

7-3 NOAA PPI webform for reporting a major federal action

7-4 SER EIS Status, Quarterly from SER ARAs to SNC

## 7-1 Cooperating Agency Report

required	
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<b>Line #</b>				
<b>1</b>	<b>EIS Title</b>	<b>F/GOM: Joint Reef Fish Coastal Migratory Pelagic Amendment 25/17</b>	<b>F/GOM: Reef Fish Amendment 26</b>	<b>F/GOM: Joint Reef Fish Shrimp Amendment 27/14 and interim rule</b>
<b>2</b>	<b>State(s)/Territory</b>	West FL-TX	West FL-TX	
<b>3</b>	<b>Milestones (dates)</b>			
<b>4</b>	<b>NOI</b>	4/7/2005	8/10/2004	10/05/2005 (amended -01/10/2006)
<b>5</b>	<b>Scoping</b>	06/09/2004-06/30/2004	08/11/2004-08/31/2004	
<b>6</b>	<b>DEIS NOA</b>	07/22/05	01/20/06	10/13/06
<b>7</b>	<b>Comment Period</b>	07/22/2005-09/6/2005	01/20/2006-03/06/2006	10/13/2006-11/27/2006
<b>8</b>	<b>FEIS NOA</b>	02/24/06	08/11/06	
<b>9</b>	<b>ROD Signature</b>	05/08/06	10/2006 (expected)	
<b>10</b>	<b>SDEIS NOA</b>			
<b>11</b>	<b>SFEIS NOA</b>			
<b>12</b>	<b>Revised/supplemental ROD Signature</b>			
<b>13</b>	<b>All Coop Agencies</b>	US Coast Guard; US Fish & Wildlife Service; CZMA - FL, AL, TX, MS, LA; FFWCC; ADCMR; MDMR; LDWF; TPWD	US Coast Guard; US Fish & Wildlife Service; CZMA - FL, AL, TX, MS, LA; FFWCC; ADCMR; MDMR; LDWF; TPWD	US Coast Guard; US Fish & Wildlife Service; CZMA - FL, AL, TX, MS, LA; FFWCC; ADCMR; MDMR; LDWF; TPWD
<b>14</b>	<b>Name(s) of Agency/ies not cooperating - reason #</b>			
<b>15</b>	<b>Potential Fed Coop agencies</b>			
<b>16</b>	<b>Invited Fed Coop Agencies</b>			
<b>17</b>	<b>Requesting Fed Coop agencies</b>			
<b>18</b>	<b>Fed Coop agencies</b>			
<b>19</b>	<b>Potential State Coop Agencies</b>			
<b>20</b>	<b>Invited State Coop Agencies</b>			
<b>21</b>	<b>Requesting State Coop Agencies</b>			
<b>22</b>	<b>State Coop Agencies</b>			

## 7-2 Categorical Exclusion Report

Line Office and Region	NMFS	SERO
Fiscal Year and Quarter:	FY07	2Q
CE Category	# of Non-grant CEs	# of Grant CEs
6.03a.3(b)		
6.03a.3(b)(1)		
6.03a.3(b)(2)		
6.03b.2		
6.03b.3		
6.03b.3(a)		
6.03b.3(a)(1)		
6.03b.3(a)(2)		
6.03b.3(a)(3)		
6.03b.3(a)(4)		
6.03b.3(b)		
6.03b.3(b)(1)		
6.03b.3(b)(2)		
6.03b.3(c)		
6.03b.3(c)(1)		
6.03b.3(c)(2)		
6.03c.3(a)		
6.03c.3(b)		
6.03c.3(c)		
6.03c.3(d)		
6.03c.3(e)		
6.03c.3(f)		
6.03c.3(g)		
6.03c.3(h)		
6.03c.3(i)		
6.03d.4		
6.03d.4(a)		
6.03d.4(b)		
6.03e.3(a)		
6.03e.3(b)		
6.03e.3(c)		
6.03e.3(d)		
6.03f.2(a)		
6.03f.2(b)		
<b>TOTAL</b>		



# Report a Major Federal Action:

*(Required sections appear in red)*

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## Point of Contact Information:

Name:

Line Office:

Program Office:

Phone Number:

Email address:

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## Title (if known) or Subject of the Action:

## Summary of the Proposed Action:

Insert a brief, two to three sentence description of the proposed action. Include informati

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## Document Type:

- Environmental Assessment
  - Environmental Impact Statement
  - Unsure
- 

## Special Document Type (check all that apply):

- None
  - Programmatic
  - Supplemental
- 

## Notice of Intent:

Has a Notice of Intent been published in the Federal Register?

- Yes
- No

If yes, on what date was it published?

If yes, please provide the URL in the first box or upload a file.

URL

Upload File

---

## Deadlines/ Timelines:

Provide any known or estimated deadlines or timelines associated with this project. For instance, if a permit must be issued by a certain date, enter that information here. Examples are "The Gulf of Mexico Fishery Management Council expected to accept this document during a meeting on March 5th." or "By regulation, the permit must be issued by 12/1/2006."

## Special Topics (check all that apply):

- Military-involved action
  - Acoustic-related action
- 

## Adopting a Document:

Is NOAA adopting another agency's NEPA document?

- Yes
- No If "no", skip the rest of this section.

If adopting, who is the lead agency?

If adopting, is NOAA a cooperating agency on the document?

- Yes
  - No
- 

## Attach any Pertinent Background Files:

---

## Issues/ Problems:

State any known or potential issues or problems with this project, specifically information regarding potentially contentious actions, accelerated timelines, problems with inter- or intra-agency cooperation, disagreement on required level of NEPA analysis, and other issues related to NEPA compliance.

#### 7-4 SER EIS Status

<b>FMC</b>	<b>Name of FMP or Action</b>	<b>Base EIS</b>	<b>Supplemental EIS Date</b>
Caribbean	Spiny Lobster	1983	SEIS 2005, Amend 1
Caribbean	Reef Fish	1985	SEIS 1993, Amend 2; SEIS 2005, Amend 3
Caribbean	Corals and Reef Associated Plants and Invertebrates	1995	SEIS 1999, Amend 1; SEIS 2005, Amend 2
Caribbean	Queen Conch	1996	SEIS 2005, Amend 1
Caribbean	Generic EFH EIS	2004	None
Gulf of Mexico	Stone Crab	1979	SEIS 2002, Amend 8
Gulf of Mexico	Shrimp	1981	SEIS 1998, Amend 9; SEIS 2002, Amend 12; SEIS 2007E, Amend 14-27
Gulf of Mexico	Reef Fish	1984	SEIS 1994, Amend 5; SEIS 2002, Amend 19; SEIS 2004, Amend 22; SEIS 2005, Amend 23; SEIS 2006, Amend 25; SEIS 2006E, Amend 27
Gulf of Mexico	Red Drum	1986	SEIS 2002, Amend 4
Gulf of Mexico	Generic EFH EIS	2004	None
South Atlantic	Snapper-Grouper	1983	SEIS 1998, Amend 8; SEIS 1999, Amend 9; SEIS 2000, Amend 10; SEIS 2000, Amend 12; SEIS 2006, Amend 13C; SEIS 2006E, Amend 14; SEIS 2007E, Amend 15
South Atlantic	Red Drum	1990	SEIS 2000, Amend 1
South Atlantic	Shrimp	1993	SEIS 1997, Amend 2; SEIS 2000, Amend 3; SEIS 2003, Amend 5; SEIS 2005, Amend 6
South Atlantic	Dolphin/Wahoo	2004	None
South Atlantic	Sargassum	2003	None
South Atlantic	Golden Crab	None	EA 2000, Amend 1, No EIS

## Appendix 8 NEPA Threshold Checklist

Describe the context of the proposed action along with the following intensity criteria:

1. Are the impacts both beneficial and adverse? NO\_\_\_\_\_ YES\_\_\_\_\_
2. Are public health or safety affected? NO\_\_\_\_\_ YES\_\_\_\_\_ (Also see question 15)
3. Are there unique characteristics of the geographic area? NO\_\_\_\_\_ YES\_\_\_\_\_
4. Are the effects on the human environment likely to be highly controversial?  
NO\_\_\_\_\_ YES\_\_\_\_\_ (Also see question 20)
5. Are the effects highly uncertain or involve unique or unknown risks?  
NO\_\_\_\_\_ YES\_\_\_\_\_
6. Does the action establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration? NO\_\_\_\_\_ YES\_\_\_\_\_
7. Are the impacts individually insignificant but cumulatively significant?  
NO\_\_\_\_\_ YES\_\_\_\_\_ (Also see question 17)
8. Does the action adversely affect entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources? NO\_\_\_\_\_ YES\_\_\_\_\_
9. Does the action adversely affect endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973? NO\_\_\_\_\_ YES\_\_\_\_\_ (Also see question 16)
10. Does the action violate Federal, state, or local environmental protection laws?  
NO\_\_\_\_\_ YES\_\_\_\_\_
11. Can the action introduce or spread nonindigenous species? NO\_\_\_\_\_ YES\_\_\_\_\_
12. Can the proposed action be reasonably expected to jeopardize the sustainability of any target species that may be affected by the action? NO\_\_\_\_\_ YES\_\_\_\_\_
13. Can the proposed action be reasonably expected to jeopardize the sustainability of any non-target species? NO\_\_\_\_\_ YES\_\_\_\_\_
14. Can the proposed action be reasonably expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs? NO\_\_\_\_\_ YES\_\_\_\_\_
15. Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety? NO\_\_\_\_\_ YES\_\_\_\_\_ (Also see question 2)

16. Can the proposed action be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

NO \_\_\_\_\_ YES \_\_\_\_\_ (Also see question 9)

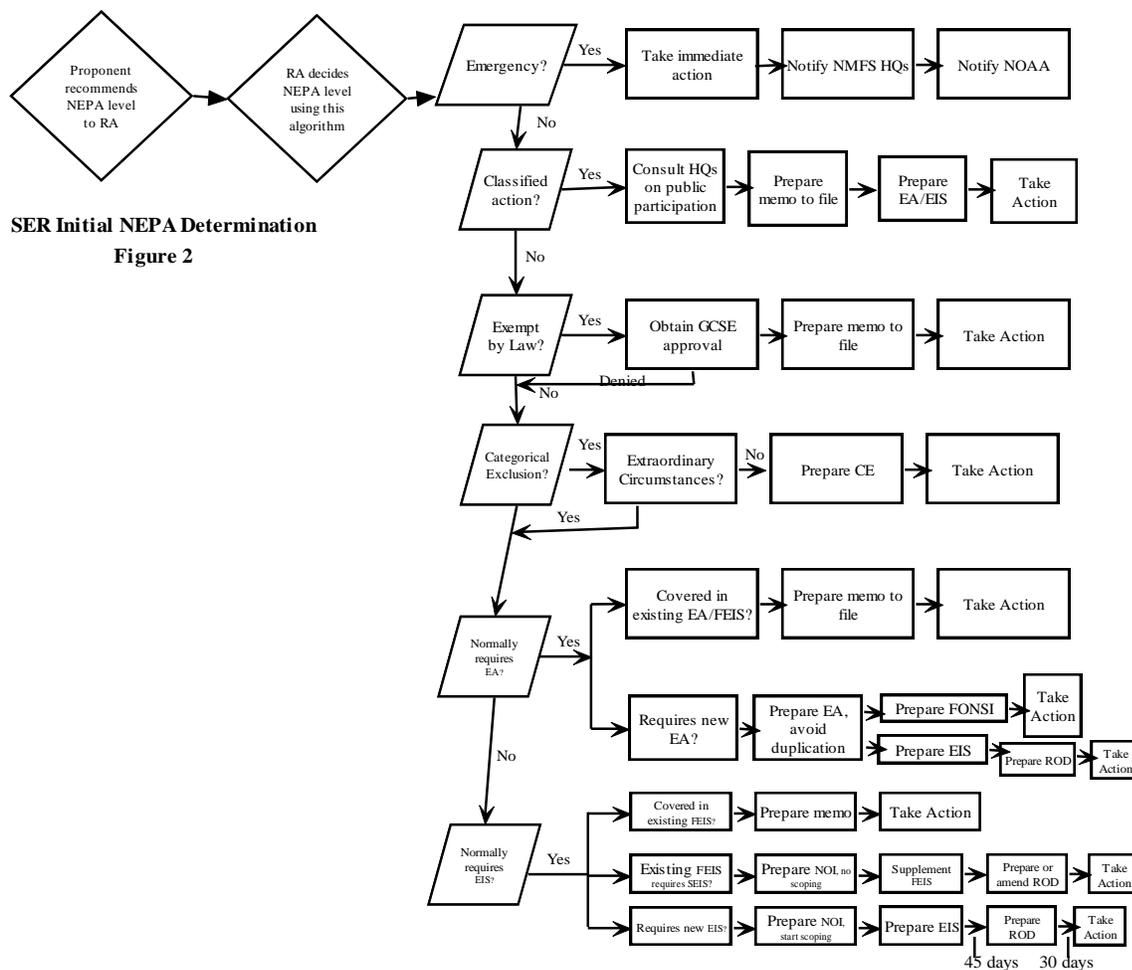
17. Can the proposed action be reasonably expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

NO \_\_\_\_\_ YES \_\_\_\_\_ (Also see question 7)

18. Can the proposed action be expected to have a substantial impact on biodiversity and ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc)? NO \_\_\_\_\_ YES \_\_\_\_\_

19. Are there significant social or economic impacts interrelated with significant natural or physical environmental effects? NO \_\_\_\_\_ YES \_\_\_\_\_

20. Are the effects on the quality of the human environment likely to be highly controversial? NO \_\_\_\_\_ YES \_\_\_\_\_ (Also see question 4)



Based on the above analysis and discussion of the proposed action the recommended NEPA threshold determination is (check one):

\_\_\_\_\_ Categorical Exclusion (CE) No. \_\_\_\_\_

\_\_\_\_\_ Environmental Assessment (EA)

\_\_\_\_\_ Environmental Impact Statement (EIS)

\_\_\_\_\_  
IDT Leader Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

1. I concur. \_\_\_\_\_  
SER RA Date

2. I do not concur. \_\_\_\_\_  
SER RA Date

## Appendix 9 Internal Initial Scoping Document (IISD)

A protocol to determine NEPA Compliance level for controversial proposed action(s)\*

Proposed Action \_\_\_\_\_

Date: \_\_\_\_\_

Is there a proposal for action? Yes \_\_\_\_\_ No \_\_\_\_\_

Is the action subject to NEPA? Yes \_\_\_\_\_ No \_\_\_\_\_

Is the action Federal? Yes \_\_\_\_\_ No \_\_\_\_\_

Has Congress exempted the action from NEPA? Yes \_\_\_\_\_ No \_\_\_\_\_

Is there a statutory conflict that precludes NEPA compliance? Yes \_\_\_\_\_ No \_\_\_\_\_

Are there other circumstances that exclude the action from NEPA? Yes \_\_\_\_\_ No \_\_\_\_\_

Does a categorical exclusion (CE) apply? Yes \_\_\_\_\_ No \_\_\_\_\_

CE number from NAO 216-6 \_\_\_\_\_

CE Date: \_\_\_\_\_

If no CE applies, will an Environmental Assessment (EA) apply? Yes \_\_\_\_\_ No \_\_\_\_\_

If an EA applies, will the proposed federal action significantly affect the quality of the human environment? Yes \_\_\_\_\_ No \_\_\_\_\_

If No, prepare a Finding of No Significant Impact (FONSI).

If Yes, prepare an Environmental Impact Statement (EIS).

For an EA or EIS (use additional pages as necessary):

A. Summary of proposed action(s):

B. Summary of possible alternatives:

C. Summary of analyses needed to support an EA or EIS:

*\*Complete this form for each action determined to require either an EA or EIS.*