
This summary, provided by the [National Institute of Standards and Technology \(NIST\)](#), is not intended to replace or supersede the terms of the award. Where information in this guide differs from the terms of an award, the award terms shall prevail. Reference the award document or contact the Program Officer or Grants Specialist listed in the award document for any questions regarding a particular award.

National Environmental Policy Act

The [National Environmental Policy Act \(NEPA\)](#) (42 U.S.C. §§ 4321 *et seq.*) and associated implementing regulations (40 CFR Parts 1500-1508) require “that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.”

Section G.04 of the [Department of Commerce Financial Assistance Standard Terms and Conditions, dated November 12, 2020](#) (STCs) identifies several environmental laws, including NEPA, that may be applicable to construction awards. Under the STCs, NIST requires environmental information.

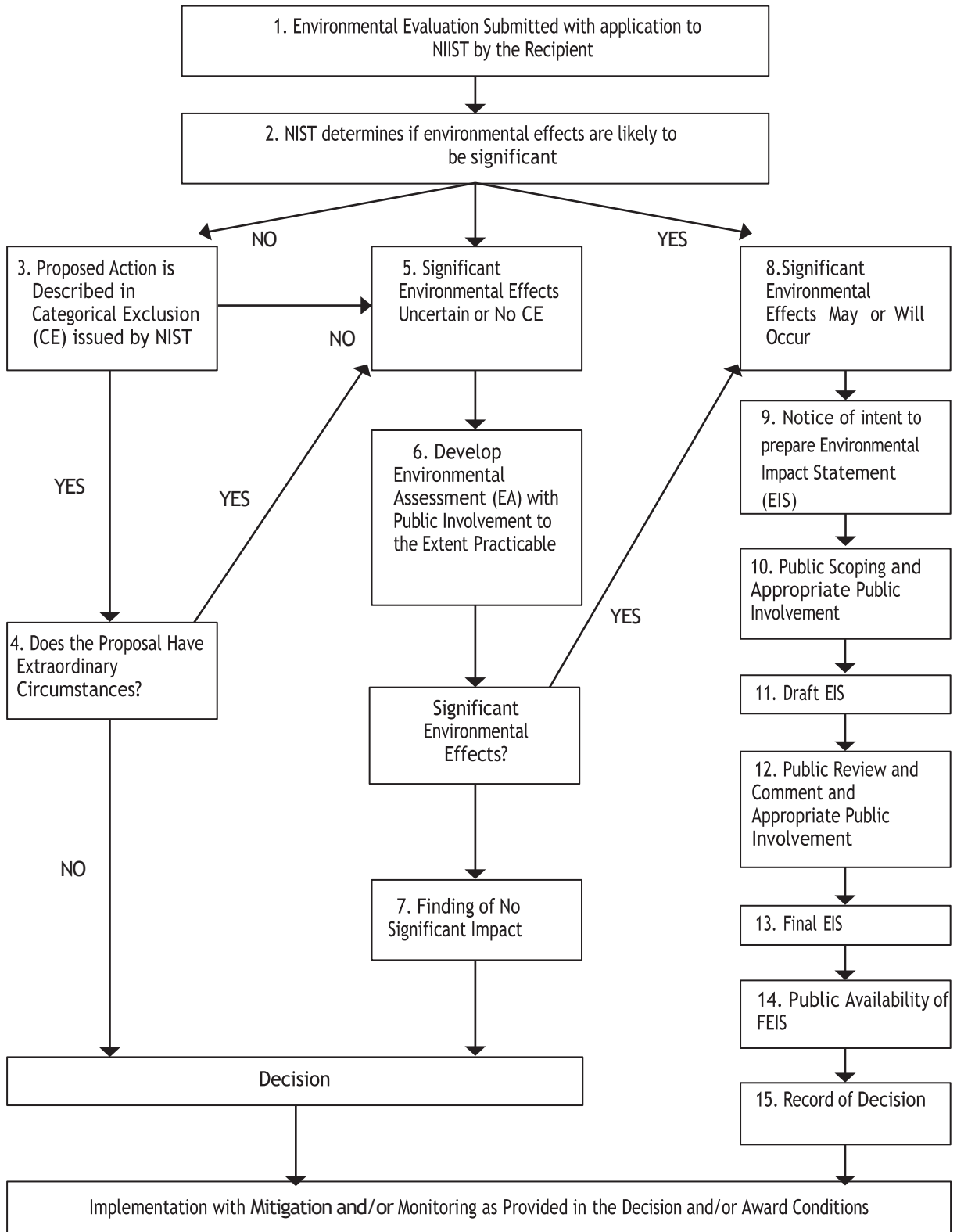
Upon notice of Congressionally designated federal construction funding, NIST will request project information of the recipient under a formal request for application process. The environmental portion of the request for application is necessary for NIST to complete an environmental evaluation.

The NIST NEPA Coordinator will determine the appropriate level of environmental review under the NEPA criteria. The levels of environmental review are summarized here: [National Environmental Policy Act Review Process](#). Categorical Exclusions and Environmental Assessments are common levels of environmental review for NIST construction projects.

A complete and accurate response by the recipient to the request for application will serve to improve the review process and award schedule. Under NEPA, no disturbance, demolition, renovation, or construction with federal construction funding may occur prior to NEPA clearance. No such funding will be released by NIST until the NEPA process has been completed.

A full explanation of the NEPA process is provided by the Council on Environmental Quality in "A Citizen's Guide to NEPA". The document is available for download here: [Citizen's Guide to NEPA](#). Included in the guidebook is a flowchart depicting the NEPA process. The flowchart provided on the following page is sourced from the guidebook to depict the recipient and NIST roles under a construction grant.

The NEPA Process



Frequently Asked Questions

Question: How does the environmental evaluation process start?

Answer: The process starts with the environmental evaluation completed by the recipient. After reviewing the recipient's submission, NIST may request additional information.

Question: What is considered an environmental evaluation?

Answer: Upon the grant award, a project application is requested of the recipient. The environmental evaluation questionnaire in the application includes a request for the following information: i. a site map; ii. nature of the site; iii. project area in square feet; iv. ownership of the site and the surrounding lands; v. existing, planned, and pending environmental communication, documentation, and permitting; vi. Site activity underway or completed under the project; vii. resource consumption rates and effluent emissions streams and impacts. viii. vegetation and wildlife resources; ix. conservation areas; x. coastal zones and navigable waters; xi. wetlands; xii. floodplains 100- year and 500-year; xiii. endangered species; xiv. land use and zoning; xv. solid waste type and quantities; xvi. hazardous or toxic substances; xvii. impacts to water quality/water resources; xviii. water supply and distribution system; xix. wastewater collection and treatment facilities. xx. environmental justice & socioeconomics; xxi. transportation; xxii. air quality; xxiii. greenhouse gases and their environmental effects; xxiv. noise; xxv. health and safety; xxvi. permits and other government agency involvement. xxvii. public notification/controversy; and xxviii. environmental experience and approach.

Question: What is the Climate Informed Science Approach (CISA) to establish a flood hazard area/elevation.

Answer: Executive Orders 13990 and 13690 require an effort to apply a climate informed scientific data, under [CISA](#), when establishing a flood hazard area/elevation. If there is no CISA data available, the greater of the Freeboard Value Approach or the 500-year floodplain, will be considered.

Question: What is the role of the environmental evaluation?

Answer: NIST, as the funding agency administering federal construction funds, is required to assess the environmental impacts of the construction, operation and related activity of funded projects. Consequently, construction funds cannot be released until the environmental evaluation and NEPA process described above are complete. Timely and accurate information provided by the recipient will serve NIST in evaluating a project.

Question: What happens after the environmental evaluation?

Answer: The NEPA Coordinator will determine the appropriate level of environmental review, of those provided in the flow chart above, i.e. Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS). NIST will determine whether a proposed action falls within an available CE. If a proposed action is not likely to have significant effects or the significance of the effects is unknown, and no agency CE is applicable, NIST will prepare or request the recipient to prepare an EA. The EA document is also posted for stakeholder and public review and input. If, based on the EA, NIST determines that the proposed action will not have a significant effect on the human environment, it will prepare a "finding of no significant impact," or FONSI. If the EA finds significant impacts from the proposed action,

an EIS would be required. This is typically beyond the scope of a congressionally designated construction project.

Question: How long does each review category require?

Answer: Each project is unique, so there is no standard review timeframe. However, a Categorical Exclusion typically requires weeks to months, an Environmental Assessment typically requires multiple months, while an Environmental Impact Statement may require one or more years.

Question: Who is involved in the environmental evaluation process?

Answer: The recipient may provide the evaluation information directly to NIST. For projects of greater size or complexity, the recipient may have a consultant involved. The Program Officer will engage the NIST NEPA Coordinator and NIST Federal Preservation Officer. Local government officials, other interested stakeholders, the Advisory Council on Historic Preservation, and the public may also be involved.

Question: Who makes the determination regarding the appropriate level of review?

Answer: The NEPA Coordinator is ultimately responsible for execution of the process required under NEPA. The NEPA Coordinator will take many factors into account prior to arriving at a determination regarding the appropriate level of NEPA review. This determination will be based on information provided by the recipient, including the environmental evaluation questionnaire and any supporting studies or reports, as well as any other relevant information. The determination may also require consultation with other federal agencies with jurisdiction over aspects of the proposed project.

Question: Where can I go for more information?

Answer: In addition to the online resources above, the Program Officer and the NIST NEPA Coordinator will be available to your project team upon award of your grant.

Acronyms

- CE Categorical Exclusion
- CEQ Council on Environmental Quality
- CFR Code of Federal Regulations
- CISA Climate Informed Science Approach
- EA Environmental Assessment
- EIS Environmental Impact Statement
- EO Executive Order
- EPA U.S. Environmental Protection Agency
- ESA Endangered Species Act of 1973
- FEIS Final Environmental Impact Statement
- FONSI Finding of No Significant Impact

- FFRMS Federal Flood Risk Management Standard
- FR Federal Register
- FWS U.S. Fish and Wildlife Service
- MOU Memorandum of Understanding
- NEPA National Environmental Policy Act
- NHPA National Historic Preservation Act
- NOI Notice of Intent
- U.S.C. United States Code