



**Gulf Coast Ecosystem Restoration Council
Categorical Exclusion Determination Form**

This form is to be completed before the Gulf Coast Ecosystem Restoration Council (Council) uses one or more Categorical Exclusions (CEs) to comply with the National Environmental Policy Act (NEPA) for a specific action or group of actions, as appropriate. More information on the Council's NEPA compliance and use of CEs can be found in the Council's [NEPA Procedures](#).

Proposed Action Title:

Proposed Action Location: *(State, County/Parish)*

Proposed Action Description:

Categorical Exclusion(s) Applied:

Council Use of Member Categorical Exclusion(s)

If the Categorical Exclusion(s) was established by a Federal agency Council member, complete the following. If not, leave this section blank and proceed to the segmentation section.

Member with Categorical Exclusion(s)

Has the member with CE(s) advised the Council in writing that use of the CE(s) would be appropriate for the specific action under consideration by the Council, including consideration of segmentation and extraordinary circumstances (as described below)?

Yes No

Segmentation

Has the proposed action been segmented to meet the definition of a Categorical Exclusion? (In making this determination, the Council should consider whether the action has independent utility.)

Yes No

Extraordinary Circumstances

In considering whether to use a Categorical Exclusion for a given action, agencies must review whether there may be extraordinary circumstances in which a normally excluded action may have a significant environmental effect and, therefore, warrant further review pursuant to NEPA. Guidance on the review of potential extraordinary circumstances can be found in Section 4(e) of the Council’s NEPA Procedures. The potential extraordinary circumstances listed below are set forth in the Council’s NEPA Procedures.

The Council, in cooperation with the sponsor of the activity, has considered the following potential extraordinary circumstances, where applicable, and has made the following determinations. (By checking the “No” box, the Council is indicating that the activity under review would not result in the corresponding potential extraordinary circumstance.)

- | | | |
|-----|----|---|
| Yes | No | 1. Is there a reasonable likelihood of substantial scientific controversy regarding the potential environmental impacts of the proposed action? |
| Yes | No | 2. Are there Tribal concerns with actions that impact Tribal lands or resources that are sufficient to constitute an extraordinary circumstance? |
| Yes | No | 3. Is there a reasonable likelihood of adversely affecting environmentally sensitive resources? Environmentally sensitive resources include but are not limited to: |

- a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and
- b. Properties listed or eligible for listing on the National Register of Historic Places.

Yes	No	4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?
Yes	No	5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?
Yes	No	6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?
Yes	No	7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?
Yes	No	8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

Supplemental Information

Where appropriate, the following table should be used to provide additional information regarding the review of potential extraordinary circumstances and compliance with other applicable laws. The purpose of this table is to ensure that there is adequate information for specific findings regarding potential extraordinary circumstances.

Supplemental information and documentation is not needed for each individual finding regarding the potential extraordinary circumstances listed above. Specifically, the nature of an activity under review may be such that a reasonable person could conclude that there is a very low potential for a particular type of extraordinary circumstance to exist. For example, it would be reasonable to conclude that the simple act of acquiring land for conservation purposes (where

there are no other associated actions) does not present a reasonable likelihood of a release of petroleum, oils, lubricants, or hazardous or toxic substances.

For some types of activities, no supplemental information may be needed to support a finding that there are no extraordinary circumstances. For example, where the activity under review is solely planning (with no associated implementation activity), it may be reasonable to conclude that none of the extraordinary circumstances listed above would apply. In such cases, the table below would be left blank.

In other cases, it may be appropriate to include supplemental information to ensure that there is an adequate basis for a finding regarding a particular extraordinary circumstance. For example, it might be appropriate in some cases to document coordination and/or consultation with the appropriate agency regarding compliance with a potentially applicable law (such as the Endangered Species Act). In those cases, the table below should be used to provide the supplemental information.

Agency or Authority Consulted	Agency or Authority Representative: Name, Office & Phone	Date of Consultation	Notes: Topic discussed, relevant details, and conclusions. (This can include reference to other information on file and/or attached for the given action.)

Additional supplemental information may be attached, as appropriate. Indicate below whether additional supplemental information is attached.

Additional Information Attached: Yes No

If “Yes”, indicate the subject:

Determination by Responsible Official

Based on my review of the proposed action, I have determined that the proposed action fits within the specified Categorical Exclusion(s), the other regulatory requirements set forth above are met, and the proposed action is hereby Categorically Excluded from further NEPA review.

Responsible Official (Name)

Justin R. Ehrenwerth

Responsible Official (Signature)

Justin R. Ehrenwerth

Date

Dec 10, 2015



September 25, 2015

Justin Ehrenwerth
Executive Director
Gulf Coast Ecosystem Restoration Council
500 Poydras Street, Suite 1117
New Orleans, Louisiana 70130

Dear Mr. Ehrenwerth:

This letter is to advise you of the results of the environmental compliance review completed by the USDA Natural Resources Conservation Service (NRCS) for a project proposed by the USDA for RESTORE Act funding. The project is part of the USDA-NRCS Gulf Coast Conservation Reserve Program proposal.

NRCS has determined that this project meets USDA criteria for categorical exclusion from NEPA. Specifically, all activities to be undertaken in the project are authorized under one or more of eight USDA categorical exclusions (CE's) that have been determined applicable to the work to be conducted. No extraordinary circumstances were found in our analyses. See the enclosed NRCS Environmental Evaluation Worksheet for details of the analyses and applicable USDA CE's.

We therefore recommend this project for RESTORE Act funding in accordance with the Council CE entitled "Council Funded Activities that Fall under a CE of a Federal Council Member (Documentation Required)."

Sincerely,

KURT SIMON
Acting State Conservationist

cc:

John Ettinger, Director, Environmental Compliance, Gulf Coast Ecosystem Restoration Council
Michele Laur, Senior Advisor, USDA-NRCS, Gulf Coast Ecosystem Restoration Team
Steve Musser, Assistant State Conservationist-Programs, USDA-NRCS, Auburn, AL
Charles Ramsey, Assistant State Conservationist-Field Operations, USDA-NRCS, Grove Hill, AL

Enclosure: NRCS Environmental Evaluation Worksheet – *USDA-NRCS Gulf Coast Conservation Reserve Program – Baldwin & Mobile Counties, Alabama*

Natural Resources Conservation Service
P.O. Box 311 (36831)
3381 Skyway Drive
Auburn, Alabama 36830
www.al.nrcs.usda.gov

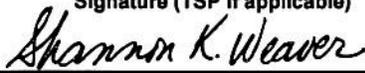
U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 4/2013		A. Client Name: USDA-NRCS	
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable): USDA-NRCS Gulf Coast Conservation Reserve Program Program Authority (optional): <u>RESTORE Act</u>	
				D. Client's Objective(s) (purpose): Reduce the discharge of sediments and pollutants from agricultural operations and associated critically eroding areas that drain to the Mobile Bay, Mississippi Sound, Bon Secour Bay and Perdido Bay by working with landowners over 5 years to implement activities that will improve infiltration and reduce pollutants (primarily sediment) in runoff. See the Gulf Coast Conservation Reserve Program proposal submitted by the USDA for more information.	
E. Need for Action: Improve hydrology, reduce sedimentation, and improve water quality in tributary streams and headwaters by stabilizing critical erosion areas (such as head cutting gullies and eroding agricultural land) and improving the infiltration and soil health of land draining to the Gulf, particularly, above critical erosion sites.		H. Alternatives			
		No Action <input type="checkbox"/> if RMS	Alternative 1 <input type="checkbox"/> if RMS	Alternative 2 <input type="checkbox"/> if RMS	
		N/A - Analysis conducted to determine whether agency criteria for categorically excluding the action are met.	Implementing conservation measures to stabilize eroding areas, increase infiltration and reduce off-site pollution. Practices include soil control measures such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, critical area planting, stream bank stabilization, soil health practices that increase infiltration and reduce runoff, planting of appropriate herbaceous and woody vegetation, and minor agricultural practices such as fencing, stream crossings, and off-stream watering facilities that are used to facilitate ecological restoration.	N/A	
Special Environmental Concerns: Environmental Laws, Executive Orders, policies, etc.					
In Section "G" complete and attach Environmental Procedures Guide Sheets for documentation as applicable. Items with a "*" may require a federal permit or consultation/coordination between the lead agency and another government agency. In these cases, effects may need to be determined in consultation with another agency. Planning and practice implementation may proceed for practices not involved in consultation.					
G. Special Environmental Concerns (Document existing/benchmark conditions)		J. Impacts to Special Environmental Concerns			
		No Action	Alternative 1	Alternative-2	
		Document all impacts (Attach Guide Sheets as applicable)	Document all impacts (Attach Guide Sheets as applicable)	Document all impacts (Attach Guide Sheets as applicable)	
		<input type="checkbox"/> if needs further action	<input type="checkbox"/> if needs further action	<input type="checkbox"/> if needs further action	
•Clean Air Act <i>Guide Sheet FS1 FS-2</i> No non-attainment areas present.			No Effect Soil stabilization will reduce likelihood of particulate emissions		
•Clean Water Act / Waters of the U.S. <i>Guide Sheet Fact Sheet</i> Section 303d listed Impaired Waters are present in project area watersheds			No Effect/May Effect - Beneficial Effect Activities and practices will serve to decrease sediment loading to tributaries and the Gulf.		
•Coastal Zone Management <i>Guide Sheet Fact Sheet</i> Not on coastal lands/waters seaward of the continuous 10' contour			No Effect Not subject to requirements of the Alabama's Coastal Zone Management Program.		
Coral Reefs <i>Guide Sheet Fact Sheet</i> none present in affected area			No Effect		

<p>•Cultural Resources / Historic Properties <i>Guide Sheet Fact Sheet</i> Cultural resources may be present on or near project sites.</p>		<p><input type="checkbox"/> No Effect Many activities are limited to ground disturbance within the top 6" of lands currently in row crop use or are in previously disturbed and/or eroding soils. All activities will undergo a site assessment to avoid disturbance of historic properties and will be in compliance with Section 106 of the NHPA, the NRCS National Prototype Agreement and Alabama NRCS State and Tribal Agreements.</p>			<input type="checkbox"/>
<p>•Endangered and Threatened Species <i>Guide Sheet Fact Sheet</i> Gopher tortoise potentially on sites. Gulf sturgeon critical habitat in rivers and tributaries within the project area.</p>		<p><input type="checkbox"/> Not Likely to Adversely Affect All requirements of the USFWS-NRCS Informal ESA Consultation for federally listed species will be followed. See Part L for mitigation measures. Installed practices will have a beneficial effect for many species, mainly due to reduction of sedimentation. For other species, there will be No Effect.</p>			<input type="checkbox"/>
<p>Environmental Justice <i>Guide Sheet Fact Sheet</i> communities present in both project counties</p>		<p><input type="checkbox"/> No Effect Outreach efforts will encourage participation from low income and/or minority producers</p>			<input type="checkbox"/>
<p>•Essential Fish Habitat <i>Guide Sheet Fact Sheet</i> project area does not incl. marine habitat (Gulf of Mexico or estuaries)</p>		<p><input type="checkbox"/> No Effect Mitigation measures for ESA will result in no effect on EFH or may even have a beneficial effect on estuarine resources</p>			<input type="checkbox"/>
<p>Floodplain Management <i>Guide Sheet Fact Sheet</i> 100-year floodplains are present in all project counties</p>		<p><input type="checkbox"/> No Effect Not likely to result in an increased flood hazard, incompatible development, or other adverse effect</p>			<input type="checkbox"/>
<p>Invasive Species <i>Guide Sheet Fact Sheet</i> Presence likely on all sites; particularly cogongrass and tallow tree</p>		<p><input type="checkbox"/> No Effect Control of invasives on the project sites will occur as part of practice implementation. No invasives will be planted.</p>			<input type="checkbox"/>
<p>•Migratory Birds/Bald and Golden Eagle Protection Act <i>Guide Sheet Fact Sheet</i> migratory birds and bald eagles may be present near project sites</p>		<p><input type="checkbox"/> No Effect Construction activities will be avoided within 660 feet of an active bald eagle nest between Oct 1-May 15.</p>			<input type="checkbox"/>
<p>Natural Areas <i>Guide Sheet Fact Sheet</i> Several, including Grand Bay NWR, Weeks Bay Natl. Estuarine Reserve, Bon Secour NWR</p>		<p><input type="checkbox"/> No Effect Activities and practices will serve to decrease nutrient and sediment loading to tributaries of these areas.</p>			<input type="checkbox"/>
<p>Prime and Unique Farmlands <i>Guide Sheet Fact Sheet</i> some project sites may contain prime farmland</p>		<p><input type="checkbox"/> No Effect Action will not convert any agricultural lands to non-agricultural use</p>			<input type="checkbox"/>
<p>Riparian Area <i>Guide Sheet Fact Sheet</i> may be adjacent or downstream of project areas.</p>		<p><input type="checkbox"/> No Effect/May Effect - Beneficial Effect Nutrient and sediment transport to these areas will decrease.</p>			<input type="checkbox"/>
<p>Scenic Beauty <i>Guide Sheet Fact Sheet</i> project sites are predominately rural</p>		<p><input type="checkbox"/> No Effect Eroding sites will be vegetated, improving landscape views</p>			<input type="checkbox"/>

<p>•Wetlands <i>Guide Sheet Fact Sheet</i></p> <p>may be present adjacent to project sites</p>	<input type="checkbox"/>	<p>No Effect/May Effect - Beneficial Effect Adverse effects to wetlands will be avoided. Beneficial effects are expected due to erosion control above wetlands.</p>	<input type="checkbox"/>	<input type="checkbox"/>																											
<p>•Wild and Scenic Rivers <i>Guide Sheet Fact Sheet</i></p> <p>Recreational River Segments in the project area include the Black-water, Chickasaw Creek, Majors Creek, Styx, Little, Perdido</p>	<input type="checkbox"/>	<p>No Effect No rip-rap, bank stabilization or erosion control structures are planned on these river segments. All actions will be consistent with the Recreational values of the Rivers.</p>	<input type="checkbox"/>	<input type="checkbox"/>																											
<p>K. Other Agencies and Broad Public Concerns</p>	No-Action	Alternative 1	Alternative-2																												
<p>Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.</p>		<p>None required or anticipated. However, the following may be consulted, as needed: Alabama Department of Environmental Management for Clean Water Act, US Fish & Wildlife Service for ESA, Alabama Historical Commission and Tribes for Section 106, and AL Dept. of Cons. and Natural Resources for CZM. 404 permits will be acquired if needed on a site specific basis.</p>																													
<p>Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)</p>	<p>Action will result in the installation of conservation practices that will reduce sediment, pesticides, nutrients, and fecal coliform entering priority watersheds near the Gulf, improving water quality of fresh, estuarine and marine waters.</p>																														
<p>L. Mitigation (Record actions to avoid, minimize, and compensate)</p>	<p>1. <u>For federally listed species:</u> In Mobile County, where the use of heavy equipment can not be avoided, use a 25 foot buffer around each gopher tortoise burrow. Staging areas will be sited away from burrows. Sensitive habitats for listed species will be avoided or mitigated as outlined in the NRCS/USFWS Programmatic Agreement/Conservation Practice Matrix.</p> <p>2. Construction activities will not occur within 660 ft. of active bald eagle nests during nesting season.</p>																														
<p>M. Preferred Alternative</p>	<p>√ preferred alternative</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																											
	<p>Supporting reason</p>	<p>No adverse effects of this action based on review of project information and application of the mitigation measures above and further described in the guide sheets.</p>																													
<p>N. Context (Record context of alternatives analysis)</p>		local	regional																												
<p>The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.</p>																															
<p>O. Determination of Significance or Extraordinary Circumstances</p> <p>Intensity: Refers to the severity of impact. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.</p> <p>If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.</p> <table border="0"> <tr> <td>Yes</td> <td>No</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Is the preferred alternative expected to cause significant effects on public health or safety?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?</td> </tr> </table>					Yes	No		<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative expected to cause significant effects on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? 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<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?																													

P. To the best of my knowledge, the data shown on this form is accurate and complete:

In the case where a non-NRCS person (e.g. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block to verify the information's accuracy.

Signature (TSP if applicable)  _____ Signature (NRCS)	Title Assistant State Conservationist - Technology _____ Title	Date 9/25/2015 _____ Date
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If preferred alternative is not a federal action where NRCS has control or responsibility and this NRCS-CPA-52 is shared with someone other than the client then indicate to whom this is being provided.

The following sections are to be completed by the Responsible Federal Official (RFO)

NRCS is the RFO if the action is subject to NRCS control and responsibility (e.g., actions financed, funded, assisted, conducted, regulated, or approved by NRCS). These actions do not include situations in which NRCS is only providing technical assistance because NRCS cannot control what the client ultimately does with that assistance and situations where NRCS is making a technical determination (such as Farm Bill HEL or wetland determinations) not associated with the planning process.

Q. NEPA Compliance Finding (check one)

	The preferred alternative:	Action required
<input type="checkbox"/>	1) is not a federal action where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
<input checked="" type="checkbox"/>	2) is a federal action ALL of which is categorically excluded from further environmental analysis AND there are no extraordinary circumstances as identified in Section "O" .	Document in "R.2" below. No additional analysis is required
<input type="checkbox"/>	3) is a federal action that has been sufficiently analyzed in an existing Agency state, regional, or national NEPA document and there are no predicted <u>significant adverse environmental effects or extraordinary circumstances</u> .	Document in "R.1" below. No additional analysis is required.
<input type="checkbox"/>	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects and has been formally adopted by NRCS . NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. (Note: This box is not applicable to FSA)	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below. No additional analysis is required
<input type="checkbox"/>	5) is a federal action that has NOT been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

R. Rationale Supporting the Finding

R.1 Findings Documentation	
R.2 Applicable Categorical Exclusion(s) (more than one may apply)	(1) Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the sites ecological functions and services; Requires that the established vegetative community maintain the sites ecological functions and services, which could not be accomplished by converting native forests or grasslands.
7 CFR Part 650 Compliance With NEPA, subpart 650.6 Categorical Exclusions states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 610.116.	(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;
	(4) Replacing and repairing existing culverts, grade stabilization, and water control structures and other small structures that were damaged by natural disasters where there is no new depth required and only minimal dredging, excavation, or placement of fill is required;
	(8) Stabilizing stream banks and associated structures to reduce erosion through bioengineering techniques following a natural disaster to restore pre-disaster conditions to the extent practicable, e.g., utilization of living and nonliving plant materials in combination with natural and synthetic support materials, such as rocks, riprap, geo-textiles, for slope stabilization, erosion reduction, and vegetative establishment and establishment of appropriate plant communities (bank shaping and planting, brush mattresses, log, root wad, and boulder stabilization methods);
	(9) Repairing or maintenance of existing small structures or improvements (including structures and improvements utilized to restore disturbed or altered wetland, riparian, in stream, or native habitat conditions). Examples of such activities include the repair or stabilization of existing stream crossings for livestock or human passage, levees, culverts, berms, dikes, and associated appurtenances;
	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition;

(19) Undertaking minor agricultural practices to maintain and restore ecological conditions in floodplains after a natural disaster or on lands impacted by human alteration. Examples of these practices include: mowing, haying, grazing, fencing, offstream watering facilities, and invasive species control which are undertaken when fish and wildlife are not breeding, nesting, rearing young, or during other sensitive timeframes;

(20) Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting;

I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances as defined by Agency regulation and policy and based on that made the finding indicated above.

S. Signature of Responsible Federal Official:



Acting State Conservationist

9/28/2015

Signature

Title

Date

Additional notes

**CLEAN AIR ACT
NECH 610.21
Evaluation Procedure Guide Sheet**

Client/Plan Information:	
USDA-NRCS	
RESTORE Act	
Individual project sites not yet identified. See map of	

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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NOTE: STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 helps determine whether the opportunity for emissions reduction credits exist. STEP 4 helps determine whether any other permitting, record keeping, reporting, monitoring, or testing requirements are applicable. Each of these steps should be updated with more specific language as needed, since air quality permitting and regulatory requirements are different for each state. In each step, if more information is needed or there is a question as to whether there are air quality requirements that need to be met, the planner or client should contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what air quality regulatory requirement must be met prior to implementing the planned action or activity.

STEP 1.

Is the action(s) expected to increase the emission rate of any regulated air pollutant?

NOTE: The definition of a “regulated air pollutant” differs depending on the air quality regulations in effect for a given site. For a federal definition of “regulated air pollutant,” please refer to the 40 CFR 70.2. Other definitions for “regulated air pollutant” found in state or local air quality regulations may be different. *States should tailor this question to the State air quality regulations and definitions since those will include any Federal requirements.*

- No **If "No,"** it is likely that no permitting or authorization is necessary to implement the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the planned action or activity. **Go to step 3.**
- Yes **If “Yes,” go to Step 2.**

STEP 2.

Can the action(s) be modified to eliminate or reduce the increase in emission rate of the regulated air pollutants?

NOTE: This Step is to prompt the planner to review the planned action or activity to see if there is an opportunity to either eliminate the emission rate increase (possibly remove a permitting requirement) or reduce the emission rate increase (possibly move to less stringent permitting).

- No **If "No,"** it is likely that permitting or authorization from the appropriate air quality regulatory agency will be required prior to implementing the planned action or activity. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the proposed action or alternative. **Go to Step 3.**
- Yes **If “Yes,”** modify the proposed action or alternative and **repeat Step 1.**

CLEAN AIR ACT (continued)

STEP 3.

Is the action(s) expected to result in a decrease in the emission rate of any criteria air pollutant for which the area in which the site is located in an EPA designated nonattainment area for that criteria air pollutant?

NOTE: For an explanation of criteria air pollutants and nonattainment areas, refer to Section 610.21 of the NECH. Further information regarding nonattainment areas can also be found on the U.S. EPA nonattainment area Web page.

- No **If "No," go to Step 4.**
- Yes **If "Yes,"** the opportunity for obtaining nonattainment pollutant emission credits may exist. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client of that potential opportunity. If the client is interested in registering nonattainment pollutant emission credits, advise him/her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented and/or registered for potential sale. **Go to Step 4.**

STEP 4.

Is the action(s) subject to any other federal (e.g., New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, etc.), State, or local air quality regulation (including odor, fugitive dust, or outdoor burning)?

NOTE: Refer to Section 610.21 of the NECH for a further discussion of air quality regulations.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** additional permits, authorizations, or controls may be needed before implementing the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what requirements must be met prior to implementing the proposed action or alternative.

Notes:

**CLEAN WATER ACT/WATERS of the U.S.
NECH 610.22**

Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1
	<input type="checkbox"/> Alternative 2
	<input type="checkbox"/> Other

Client/Plan Information:
USDA-NRCS
RESTORE Act
Individual project sites not yet identified. See map of

NOTE: This guide sheet should be tailored to meet the specific needs of individual State and local regulatory and permitting requirements. It is important for each State to coordinate with their individual State and Federal regulatory agencies to tailor State-specific protocols in order to prevent significant delays in processing permit applications.

Complete both sections of this guide sheet to address Federal as well as State-administered regulatory requirements of the Clean Water Act (CWA).

SECTION I

Federally Administered Regulatory Program - Section 404 of the CWA

STEP 1.

Will the action(s) involve or likely result in the discharge or placement of dredged or fill material or other pollutants into areas that could be considered to be waters of the United States (Including, but not limited to wetlands, lakes, streams, channels, and other water conveyances, including some small ditches)? *More detailed information regarding waters of the United States and Federal permitting programs under CWA is found in the NECH 610.22.*

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) an activity exempt from section 404 regulations (40 CFR Part 232)?

Note: the exemption should be verified with the local U.S. Army Corps of Engineers (Corps) district.

- No **If "No," go to Step 3.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used to verify the exemption applies and proceed with Section II below.**

STEP 3.

Can the action(s) be modified to avoid the discharge of dredged or fill material or other pollutants into waters of the United States?

- No **If "No," go to Step 4.**
- Yes **If "Yes," modify the action to avoid discharge. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 4.

Has the client obtained a section 404 permit (individual, regional, or nationwide) or a determination of an exemption from the appropriate Corps office?

- No **If "No,"** determine if the client has applied for a permit. If a permit has not been applied for, the client will need to do so. If a permit has been applied for, document this, and continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation. Complete Section II below.**
- Yes **If "Yes,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and complete Section II below. The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the Corps. **Complete Section II below.**

Notes:

Some minor short term runoff might occur during construction, but would be less than the no action alternative. Long-term, sites will be stabilized and will result in significant reductions of off-site discharge of sediments. Most would fall under Ag. exemption

SECTION II

State Administered Regulatory Programs, Sections 303(d) and 402 of CWA

STEP 1

Is the proposed action or alternative located in proximity to waters listed by the State as "impaired" under Section 303(d) of the CWA?

- No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.
- Yes **If "Yes,"** insure consistency with any existing water quality or associated watershed action plans that have been established by the State for that stream segment. Even if TMDLs have not been established by the State for that stream segment, ensure that the action will not contribute to further degradation of that stream segment. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.**

STEP 2

Will the proposed action or alternative likely result in point-source discharges from developments, construction sites, or other areas of soil disturbance, or sewer discharges [e.g. projects involving stormwater ponds or point-source pollution, including concentrated animal feeding operations (CAFOs) for which comprehensive nutrient management plans (CNMPs) are being developed]? *Section 402 of the CWA requires a permit for these activities through the National Pollutant Discharge Elimination System (NPDES) program which the States administer.*

- No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
- Yes **If "Yes,"** go to Step 3.

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 3

Has the client obtained a NPDES permit or a determination of an exemption from the appropriate EPA or State-regulatory office?

- No **If “No,”** determine if the client has applied for any necessary permits. If a permit has not been applied for, the client will need to do so. If they have applied, document this and continue the planning process in consultation with the client and the regulatory agency. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation.**
- Yes **If “Yes,”** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. The final NRCS conservation plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit should be coordinated with the appropriate State regulatory agency.

Notes:

CAFO participation is not likely since there are very few in the project area.

COASTAL ZONE MANAGEMENT AREAS NECH 610.23 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS
	RESTORE Act Individual project sites not yet identified. See map of
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

STEP 1.

Is the action(s) in an officially designated "Coastal Zone Management Area"?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) "consistent" with the goals and objectives of the State's Coastal Zone Management Program (as required by Section 307 of the Coastal Zone Management Act)?

- No **If "No," go to Step 3.**
- Yes **If "Yes," document the finding, including the reasons, on the NRCS-CPA-52 and proceed with planning.**

STEP 3.

Is NRCS providing financial assistance or otherwise controlling the action?

- No **If "No," NRCS should provide the landowner with relevant information regarding any local and State compliance requirements and protocols (permitting, etc.) in special management areas as appropriate to comply with local Coastal Zone Management Programs. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," the NRCS District Conservationist or an NRCS State Office employee must contact the State's Coastal Zone Program Office before the action is implemented to discuss possible modifications to the proposed action. NRCS may not provide assistance if the proposed action or alternative would result in a violation of a State's Coastal Zone Management Plan. NRCS shall provide a consistency determination to the State agency no later than 90 days before final approval of the activity. When concurrence is received from the State, document the agreed to items and reference or attach them to the NRCS-CPA-52.**

Notes:

Actions are not within 10' elevation Coastal Zone; therefore, action not subject to any enforceable policies of the CZMA.

CORAL REEFS**NECH 610.24****Evaluation Procedure Guide Sheet**

Client/Plan Information:

USDA-NRCS

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

RESTORE Act

Individual project sites not yet identified. See map of

STEP 1.

Are coral reefs or associated water bodies (e.g. embayment areas) present in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is there a potential for the action(s) to degrade the conditions of the coral reef ecosystem? (Refer to U.S. coral Reef Task Force Web site for local action strategies in your area.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to reduce or avoid degradation to the coral reef ecosystem?

- No **If "No," identify the component(s) of the system which will cause the potential impacts. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- Yes **If "Yes," modify the action or alternative and repeat Step 2.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," and degradation of the reefs is unavoidable, provide the client with information regarding the current status of U.S. coral reefs and the documented causes of degradation (including sedimentation and nutrient runoff), and the beneficial aspects of maintaining coral reefs.**
- Yes **If "Yes," the significance of the impacts must be determined. An Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.**

Notes:

CULTURAL RESOURCES / HISTORIC PROPERTIES
NECH 610.25
Evaluation Procedure Guide Sheet

Client/Plan Information:
USDA-NRCS
RESTORE Act
Individual project sites not yet identified. See map of potential

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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NOTE: This guidesheet provides general guidance to field planners and managers. States may need to tailor this Evaluation Procedure Guide Sheet to reflect State Level Agreements (SLAs) with SHPOs or Tribal consultation protocols or operating procedures pertinent to your State or other State-specific protocols that reflect the terms of the current National Programmatic Agreement among NRCS, the Advisory Council on Historic Preservation, and the National Conference of SHPOs. For additional information regarding compliance with Section 106 of the NHPA and NRCS cultural resource policy refer to Title 420, General Manual (GM), Part 401, Cultural Resources; for current operating procedures see Title 190, National Cultural Resource Procedures Handbook (NCRPH), Part 601.

NOTE regarding consultations: When dealing with undertakings with the potential to affect cultural resources or historic properties, it is important to follow NRCS policy and the regulations that implement Section 106 and complete consultation with mandatory (SHPOs, THPOs, federally recognized Tribes, and native Hawaiians) and identified consulting parties during the course of planning. This consultation is not documented on this guide sheet but would occur with Steps 2, 3, 4, and 6 and these must be conducted in accordance with NRCS State Office operating procedures to ensure appropriate oversight by Cultural Resources Specialists who meet the Secretary of Interior's Qualification Standards.

STEP 1.

Is the action(s) funded in whole or part or under the control of NRCS? **To make this determination, answer the following:**

- Is technical assistance carried out by or on behalf of NRCS? No Yes Unknown
- Is it carried out with NRCS financial assistance? No Yes Unknown
- Does it require Federal approval with NRCS as the lead federal agency (permit, license, approval, etc.)? No Yes Unknown
- Is it a joint project with another Federal, State, or local entity with NRCS functioning as lead federal agency? No Yes Unknown

- **If all of your responses are "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- **If any responses are "Yes," go to Step 2.**
- **If "Unknown," consult with your State Cultural Resources Coordinator or Specialist (CRC or CRS) to determine if this is an action/undertaking that requires review and then complete Step 1.**

STEP 2.

Is the action(s) identified as an "undertaking" (as defined in the 190-NCRPH and 420-GM) with the potential to cause effects to cultural resources/historic properties?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Has the undertaking's Area of Potential Effect (APE) been determined? **NOTE:** Include all areas to be altered or affected, directly or indirectly: access and haul roads, equipment lots, borrow areas, surface grading areas, locations for disposition of sediment, streambank stabilization areas, building removal and relocation sites, disposition of removed concrete, as well as the area of the actual conservation practice. Consultation is essential during determination of the APE so that all historic properties (buildings, structures, sites, landscapes, objects, and properties of cultural or religious importance to American Indian tribal governments and native Hawaiians) are included.

- No **If "No," or "Unknown," consult with your state specific protocols, or the CRC or CRS to determine the APE.**
- Unknown
- Yes **If "Yes," go to Step 4.**

CULTURAL RESOURCES (continued)

STEP 4.

Have the appropriate records (National, State and local registers and lists) been checked or interviews conducted to determine whether any known cultural or historic resources are within or in close proximity to the proposed APE or project area? **Note:** This record checking does not substitute for mandatory consultation with SHPO, THPO, Tribes, and other identified consulting parties.

- | | | | |
|--|-----------------------------|------------------------------|----------------------------------|
| National Register of Historic Places? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| State Register of Historic Places? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| The SHPO's statewide inventory or data base? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| Local/county historical society or commission lists? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| Client knowledge of existing artifacts, historic structures, or cultural features? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |

- **If any responses are "No" or "Unknown," work with your CRC or CRS** to be sure these files are checked (sometimes the SHPO will let only the CRS or CRC review the files). Follow all other operating procedures as required by NRCS policy and procedures, SLA, and Tribal consultation protocols or operating procedures, as appropriate.
- **If all responses are "Yes," and NRCS providing technical assistance only,** then use any known information, notify the landowner of any potential affects, and provide recommendations for consideration. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** If NRCS is providing more than technical assistance **go to Step 5.**

STEP 5.

Did Step 4 reveal the existence of any known or potential cultural resources in the APE, or were any cultural resource indicators observed during the field inspection of the APE? **NOTE:** Field inspections or cultural resource survey will need to be conducted by qualified personnel in your state. Check with your State Cultural Resources Specialist to determine qualification criteria.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," contact the CRC or CRS. Do NOT proceed with finalizing project design or project implementation until the final CRS response is received. Go to Step 6.**

STEP 6.

Can the proposed actions or alternatives be modified to avoid effects on the known cultural resources?

- No **If "No," go to Step 7.**
- Yes **If "Yes," modify the planned actions or activities and proceed according to CRS guidance and document this on the NRCS-CPA-52, or notes section below and continue with planning.**

STEP 7.

Has consultation with appropriate and interested parties been completed and documented? **NOTE:** The field planner completing the NRCS-CPA-52 generally does not do the consultation unless it is the CRS or CRC. Refer to the appropriate specialist for the documentation information.

- No **If "No" refer to State CRC or CRS** for further consultation and recommendations to the State Conservationist.
- Yes **If "Yes," and all necessary historic preservation activities of identification, evaluation, and treatment have been completed, document any consultation and proceed with planning.**

Notes:

Selection of all specific farm tracts and critically eroding areas has not yet been made. In lieu of above, NRCS uses a Cultural Resources Review form as agreed with SHPO and THPO. Protocol is to stop work and contact NRCS if cultural resource discovery occurs during construction.

**ENDANGERED AND THREATENED SPECIES
NECH 610.26**

Evaluation Procedure Guide Sheet

Check all that apply to this Alternative 1
Guide Sheet review: Alternative 2 Other

Client/Plan Information:

USDA-NRCS

RESTORE Act

Individual project sites not yet identified. See map of

STEP 1.

Are protected species or their habitat present in the area of potential effect?

Note: protected species include federally listed, proposed, and candidate species, as well as State and Tribal species protected by law or regulation. In addition, if a species' listing or status changes before implementation, you must complete this review again.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," document the species and relevant benchmark data on NRCS-CPA-52, then proceed to the applicable section(s) listed below:**
- Section 1- Federally listed endangered or threatened species/habitats
 - Section 2- Federally proposed species/habitats
 - Section 3- Federal candidate species/habitats
 - Section 4- State/Tribal species/habitats

SECTION 1: Federally listed endangered or threatened species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on endangered or threatened species or their habitat?

- No effect **If "No effect," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May affect **If "May affect," meaning that the action might affect endangered and threatened species or their habitat in some way, go to Step 2.**

Federally listed endangered or threatened species/habitats (continued)

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," and the effects are purely benign or beneficial,** continue with planning but ensure the client is aware endangered and threatened species or their habitat exists and conservation practices must be applied in a manner that avoids adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- No **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects or the client obtains a "take" permit from the FWS/NMFS. Refer the client to FWS/NMFS to address the client's responsibilities under Sections 9 & 10 of the ESA, for Federally listed species. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. If assistance is continued, document how the alternative conservation treatments avoid adverse effects and proceed with planning.**
- Yes **If "Yes," and the action will be implemented according to an existing informal consultation, biological opinion, or 4(d) special rule, document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and the action cannot be modified to avoid the effect,** inform client that in order to proceed with the action NRCS must consult with FWS/NMFS. Contact your area or State biologist for consultation procedures. The action can only be implemented according to the terms of the consultation. **When consultation is complete, attach the consultation documents to NRCS-CPA-52 or reference them in the notes section below and proceed with planning.**

Notes for Federally listed endangered or threatened species/habitats:

As documented in the NRCS/USFWS Programmatic Agreement/Conservation Practice Matrix, many of the proposed actions will result in Not Likely to Adversely Affect - Beneficial Effect. Stream work where a listed snail or mussel species is present will require consultation. None of the sites identified to date are located within a 12 digit HUC where these listed species may be present.

SECTION 2: Federally proposed species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on proposed species or their habitat?

No effect

If "No effect," additional evaluation is not needed concerning proposed species or proposed critical habitat. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

May effect

If "May affect," meaning that the action might affect endangered and threatened species or proposed critical habitat in any way, **go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

No

If "No," and the effects are purely benign or beneficial, continue with planning but ensure the client is aware proposed species or their habitat exists and conservation practices must be applied in a manner as to avoid adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

No

If "No," and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning proposed species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects, and to the extent practicable, provide long-term benefits to species and habitat. Should the client or landowner refuse to apply the recommended alternative conservation treatment, NRCS will inform the client and landowner of the NRCS policy and shall not provide assistance for the action or portion of the action affecting the proposed species.

Yes

If "Yes," and the action will be implemented according to an existing conference report or conference opinion. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

Yes

If "Yes," and the action cannot be modified to avoid the effect, inform client that the NRCS must conference with FWS/NMFS. Contact your area or State biologist for conference procedures. Further NRCS assistance can only be provided only if the client agrees to implement the conference recommendations to the extent practicable. **When the conference is complete, attach the conference documents to NRCS-CPA-52, or reference them in the notes section below, and proceed with planning.**

Notes for Federally proposed species/habitats:

SECTION 3: Federal candidate species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on candidate species or their habitat?

- No adverse effect If **"No adverse effect,"** additional evaluation is not needed concerning proposed species or proposed critical habitat. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May adversely effect If **"May adversely affect,"** recommend alternative treatments that avoid or minimize the adverse effects and, to the extent practicable, provide long-term benefit to the species. **Document the effects of the selected alternative on the NRCS-CPA-52 and proceed with planning.**

Notes for Federally proposed species/habitats:

SECTION 4: State/Tribal species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the proposed action or alternative on State/Tribal species or their habitat?

- No adverse effect If **"No adverse effect,"** additional evaluation is not needed concerning State or Tribal species of concern. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May adversely affect If **"May adversely affect,"** go to Step 2.

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

- No If **"No,"** and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning State and Tribal species and the need to use alternative conservation treatments to avoid or minimize adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids or minimizes adverse effects to the extent practicable. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** If assistance is continued, document how the alternative conservation treatments avoid or minimize those adverse effects and proceed with planning.
- Yes If **"Yes,"** and the action cannot be modified to avoid the adverse effect, inform client that the NRCS must coordinate with State/Tribal government and receive concurrence on recommended alternatives. Contact your area or State biologist for coordination procedures. Further NRCS assistance will be provided only if the client agrees to implement a concurred upon alternative and obtains any required permits. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes for State/Tribal species/habitats:

All practices will follow conditions as stated in the USFWS-NRCS Consultation Matrix for federally listed species.

ENVIRONMENTAL JUSTICE
NECH 610.27
Evaluation Procedure Guide Sheet

Client/Plan Information:
USDA-NRCS
RESTORE Act
Individual project sites not yet identified. See map of

Check all that apply to this Guide Sheet review:

Alternative 1
 Alternative 2
 Other

STEP 1.

In the area affected by the NRCS action, are there low-income populations, minority populations, Indian Tribes, or other specified populations that would experience disproportionately high and adverse human health impacts resulting from the proposed action or alternative?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**
- Unknown **If "Unknown,"** consult your State Environmental Specialist, or equivalent and Tribal Liaison for additional guidance, **and repeat Step 1.** **NOTE:** The USDA Departmental Regulation on Environmental Justice (DR 5600-002) provides detailed "determination procedures" for NEPA as well as non-NEPA activities and suggests social and economic effects for considerations.

STEP 2.

Is the action(s) the type that might have a disproportionately high and adverse environmental or human health effect on a low-income population, minority population, or Indian Tribe?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** initiate Tribal consultation or community outreach to affected and interested parties that are categorized as low-income, minority, or as Indian Tribes. The purpose is to encourage participation and input on the proposed program or activity and any alternatives or mitigating options. Participation of these populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historic, or other potential barriers to effective participation. If assistance is needed with this process, contact your State Public Affairs Specialist or Tribal Liaison. **Go to Step 3.**

STEP 3.

Considering the results of the outreach initiative together with other information gathered for the decision-making process, will the action(s) have a disproportionately high and adverse effect on the human health or the environment of the minority, low-income, or Indian populations?

- No **If "No," notify interested and affected parties of agency decision. Document on the NRCS-CPA-52, or notes section below, the finding and rationale.**
- Yes **If "Yes,"** consider the feasibility and appropriateness of the proposed alternatives and their effects and the possibility of developing additional alternatives or a mitigation alternative and **repeat Step 3.** **Document results of these early scoping sessions on the NRCS-CPA-52.** If it is determined that there remains a disproportionately high and adverse effect on human health or the environment, or the project or action carries a high degree of controversy then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.

Notes:

ESSENTIAL FISH HABITAT NECH 610.28 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS
	RESTORE Act Individual project sites not yet identified. See map of
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

STEP 1.

Is the action(s) in an area designated as Essential Fish Habitat (EFH) or in an area where effects could indirectly or cumulatively affect EFH?

NOTE: Additional information regarding EFH Descriptions and Identification can be found on NMFS's website.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) result in short-term or long-term disruptions or alterations that may result in an "adverse effect" to EFH? [16 U.S.C. 1855(b)(2); Magnuson Stevens Act (MSA) Section 305(b)(2)]

- No **If "No," consultation with NMFS and further evaluation is not needed concerning EFH unless otherwise specified by the State Biologist. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid the potential adverse effect?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- Yes **If "Yes," modify the action or activity and repeat Step 2.**

STEP 4.

Is NRCS providing assistance that would result in the funding, authorization, or undertaking of the action(s)? [MSA Section 305(b)]

- No **If "No," an alternative conservation system that avoids the adverse effect must be identified as the proposed action or NRCS must discontinue assistance.** If assistance is terminated, indicate the circumstances in the Remarks section of the NRCS-CPA-52 or contact the NRCS State Office for assistance. (Title 190, General Manual, Part 410, Subpart A, Section 410.3)
- Yes **If "Yes," inform the client that the NRCS District Conservationist or NRCS State Biologist must consult with NMFS before further action or activity can proceed [MSA, Section 305(b)(2)].**
Note: For specific information regarding consultation for EFH, see NMFS "Essential Fish Habitat Consultation Guidance," April 2004, available online.

Notes:

Projects could indirectly or cumulatively affect EFH in a POSITIVE manner (beneficial cumulative effect) since they are upstream of estuarine water bodies.

FLOODPLAIN MANAGEMENT
NECH 610.29
Evaluation Procedure Guide Sheet

Client/Plan Information:	
USDA-NRCS	
RESTORE Act	
Individual project sites not yet identified. See map of	

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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NOTE: This Guide Sheet is intended for evaluation of "non-project" technical and financial assistance only (individual projects). For "project" assistance criteria (those assisting local sponsoring organizations), consult Title 190, General Manual, Part 410, Subpart B, Section 410.25.

STEP 1.

Is the project area in or near a 100-year floodplain?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**
- Yes **If "Yes," go to Step 2.**
- Unknown **If "Unknown," review the HUD/FEMA flood insurance maps and other available data such as soils information relating to flood frequency. If still "Unknown", contact the appropriate field or hydraulic engineer. Repeat Step 1.**

STEP 2.

Is the planning area in the floodplain an agricultural area that has been used to produce food, fiber, feed, forage or oilseed for at least 3 of the last 5 years before the request for assistance?

- No **If "No," go to Step 4.**
- Yes **If "Yes," document the agricultural use history and go to Step 3.**

STEP 3.

Is the floodplain's agricultural production in accordance with official state or designated area water quality plans?

- No **If "No," advise the client of conservation practices or other measures that will bring the land into accordance with water quality plans and incorporate these into the conservation plan. Go to Step 4.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**

STEP 4.

Over the short or long term, will the proposed action or alternative likely result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the floodplain or lands adjacent or downstream?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," modify the action if possible to avoid adverse effects. Inform landuser of the hazards of locating actions in the floodplain and discuss alternative methods of achieving the objective and/or alternative locations outside the 100-year floodplain. If the action can be modified, describe the modification on the NRCS-CPA-52 and repeat 4. If the action cannot be modified to eliminate adverse effects, go to Step 5.**

FLOODPLAIN MANAGEMENT (continued)

STEP 5.

Is one or more of the alternative methods or locations practical?

- No **If "No,"** the District Conservationist will carefully evaluate and document the potential extent of the adverse effects and any increased flood risk before making a determination of whether to continue providing assistance. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**
- Yes **If "Yes," and the client agrees** to implement the alternative methods or locations outside the floodplain, **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and the client DOES NOT AGREE** to implement the alternative methods or locations, advise the client that NRCS may not continue to provide technical and/or financial assistance where there are practicable alternatives. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**

STEP 6.

Will assistance continue to be provided?

- No **If "No,"** provide written notification of the decision to terminate assistance to the client and the local conservation district, if one exists. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** the district conservationist should **design or modify the proposed action or alternative to minimize the adverse effects to the extent possible. Circulate a written public notice** locally explaining why the action is proposed to be located in the 100-year floodplain. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

Per MOA with ADEM, the NRCS developed Conservation Plan should suffice as meeting water quality/watershed plan provisions.

INVASIVE SPECIES NECH 610.30 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS RESTORE Act Individual project sites not yet identified. See map of
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

NOTE: Executive Order 13112 states that "a Federal agency shall not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction and spread of invasive species in the U.S. or elsewhere." Remember that invasive species can include plants, fish, animals, insects, etc.

STEP 1.

Is the action(s) in an area where invasive species are known to occur or where risk of an invasion exists?

NOTE: Executive Order 13112 (1999) directs Federal agencies to "prevent the introduction of invasive species, provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause."

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Conduct an inventory of the invasive species and identify areas at risk for future invasions (Title 190, General Manual, Part 414, Subpart D, Section 414.30). Delineate these areas on the conservation plan map and document management considerations in the plan or assistance notes. Have all appropriate tools, techniques, management strategies, and risks for invasive species prevention, control, and management been considered in the planning process?

- No **If "No," you must consider and include all appropriate factors relating to the existing and potential invasive species for the planning area and repeat Step 2.**
- Yes **If "Yes," describe strategies, techniques, and reasons on NRCS-CPA-52 and go to Step 3.**

STEP 3.

Is the action(s) consistent with the Executive Order 13112, the national invasive species management plan, and any applicable State or local invasive species management plan?

- No **If "No," modify the action and repeat Step 3.** If the client is unwilling to modify the proposed action, NRCS must discontinue assistance. **Document the circumstances on the NRCS-CPA-52, or notes section below, and in the case file.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

All fields and project sites will include control techniques for invasive plant species.

MIGRATORY BIRDS, BALD AND GOLDEN EAGLE PROTECTION ACT, NECH 610.31 Evaluation Procedure Guide Sheet

Client/Plan Information:
USDA-NRCS
RESTORE Act
Individual project sites not yet identified. See map of

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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NOTE: This guide sheet includes evaluation guidance for compliance with both the Migratory Birds Treaty Act, Executive Order 13186 (2001), and the Bald and Golden Eagle Protection Act. Both sections must be completed if eagles are identified within the area of potential effect.

SECTION I: MIGRATORY BIRDS TREATY ACT

In the lower 48 states, all species except the house sparrow, rock pigeon, common starling, and non-migratory game birds like pheasants, quail, grouse, and turkeys, are protected.

STEP 1.

Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, nest or egg? The term "take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR Section 10.12).

NOTE: The MBTA does not prohibit the destruction of a migratory bird nest alone (without birds or eggs) provided that no possession occurs during the destruction (USFWS, Migratory Bird Memorandum, MBPM-2, April, 2003).

No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," go to Step 2.**

STEP 2.

Is it the purpose of the action(s) to intentionally "take" a migratory bird or any part, nest or egg (such as, but not limited to: controlling depredation by a migratory bird, or removal of occupied nests of nuisance migratory birds)?

NOTE: Migratory game birds taken under state and Federal hunting regulations are exempt.

No **If "No," go to Step 3.**

Yes **If "Yes," document the effects, including the reasons, on the NRCS-CPA-52, or notes section below. Inform the client that they must obtain a permit from USFWS and any required state permit before the action is implemented.**

STEP 3.

Have adverse effects on migratory birds been mitigated (avoided, reduced, or minimized) to the maximum practicable extent?

No **If "No," modify the action and repeat Step 1. If client is unwilling to modify the action then NRCS must discontinue assistance until issue has been resolved with USFWS.**

Yes **If "Yes," document mitigation measures on the NRCS-CPA-52, or notes section below, and in the plan. Go to Step 4.**

MIGRATORY BIRDS TREATY ACT / BALD AND GOLDEN EAGLE PROTECTION ACT (continued)

STEP 4.

Will unintentional take of migratory birds, either individually or cumulatively, result in a measurable negative effect on a migratory birds population?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take (E.O. 13186(3)(e)(9)). Repeat Step 1 or indicate which of the following options is pursued by the client (pick one). Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**
- The client will obtain a permit from USFWS before the action is implemented; OR
 - NRCS may need to terminate assistance. Contact the NRCS State Environmental Specialist or Wildlife Biologist.

Notes:

SECTION II: BALD & GOLDEN EAGLE PROTECTION ACT

STEP 1.

Will the action(s) result in the take, possession, sale, purchase, barter, or offer to sell, purchase, or barter, export or import "of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit"? (The term "**take**" is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden eagle. The term "disturb" under this act means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle; a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effect? Refer to the National Bald Eagle Management Guidelines for measures that can be taken to avoid disturbing nesting bald eagles and their young.

- No **If "No," document the finding, including the reasons, on the NRCS-CPA-52, or notes section below. Contact the NRCS State Biologist or appropriate NRCS official about working with the client and USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action or alternative. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22.**
- Yes **If "Yes," modify the alternative and repeat Step 1. If the client is unwilling to modify the action then NRCS may need to discontinue assistance. Contact the NRCS State environmental specialist or wildlife biologist for assistance. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

Notes:

If active eagle nests are present within 660 feet of a construction site, the activity(s) will not be carried out during the nesting season (Oct 1-May 15) in accordance with the FFWCC Bald Management Plan (2008). If

avoidance is not possible, an incidental take permit from the USFWS may be required.

NATURAL AREAS

GM 190, Part 410.23

Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

Client/Plan Information:

USDA-NRCS

RESTORE Act

Individual project sites not yet identified. See map of

Natural Areas are defined as land and water units where natural conditions are maintained. They may be areas designated on Federal government, non-federal government, or on private land. Designation may be provided under Federal regulations, by foundations or conservation organizations, or by private landowners that specify it as such (GM 190. Part 410.23).

STEP 1.

Are there any designated natural areas present in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) affect the natural area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Are the effects consistent with maintaining, protecting, and preserving the integrity of the natural characteristics?

- No **If "No," Inform the client about the effects of the proposed action or alternatives on the identified natural areas. You must also encourage the client to consult with concerned parties to arrive at a mutually satisfactory alternative [GM 190, Part 410.23(c)4]. Document the effects of the action and any communications with the client on the NRCS-CPA-52, or notes section below, and proceed with planning.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

**PRIME AND UNIQUE FARMLANDS
NECH 610.32**

Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

Client/Plan Information:

USDA-NRCS

RESTORE Act

Individual project sites not yet identified. See map of

STEP 1.

Using the criteria found in the FPPA Rule (7 CFR Part 658.5), does the action(s) convert farmland to a nonagricultural use? **NOTE:** Conversion does not include construction of on-farm structures necessary for farm operations. Also, form AD-1006 entitled "Farmland Conversion Impact Rating" and form NRCS-CPA-106 entitled "Farmland Conversion Impact Rating for Corridor Type Projects" are used to document effects of proposed projects that may convert farmland. If you are uncertain about the effects on prime and unique farmlands in your planning area, consult the State Soil Scientist.

No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," go to Step 2.**

STEP 2.

Are prime or unique farmlands or farmlands of statewide or local importance present in or near the area that will be affected by the action(s)?

No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid adverse effects or conversion?

No **If "No," document the adverse effects on the NRCS-CPA-52, or notes section below, and proceed with planning.**

Yes **If "Yes," modify and repeat Step 1 or contact the State Soil Scientist for further assistance. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

Prime farmland are present within the project area counties. Activities will help further protect farmland by controlling headcutting gullies. No farmland will be converted to other uses.

RIPARIAN AREA**NECH 610.33****Evaluation Procedure Guide Sheet**

Client/Plan Information:

USDA-NRCS

RESTORE Act

Individual project sites not yet identified. See map of

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Is a riparian area present in or near the planning area? (Definition can be found in Title 190, General Manual, Part 411.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Do the action(s) address maintenance or improvement of water quality, water quantity, and fish and wildlife benefits provided by the riparian area?

- No **If "No," revise the plan to maintain or improve water quality, water quantity, and fish and wildlife benefits. Document the benchmark conditions and effects on the NRCS-CPA-52, or notes section below, go to Step 3.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Do the action(s) conflict with the conservation values/functions of the riparian area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," inform the client of the values and functions of riparian areas, including their contribution to floodplain function, stream bank stability and integrity, nutrient cycling, pollutant filtering, sediment retention, and biological diversity, and present alternatives that will resolve the conflict. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

Actions will not take place in riparian areas but nutrient and sediment transport to these areas will decrease.

SCENIC BEAUTY
GM Title 190, Part 410.24
Evaluation Procedure Guide Sheet

Client/Plan Information:

USDA-NRCS

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

RESTORE Act

Individual project sites not yet identified. See map of

STEP 1.

Will the action(s) adversely affect the scenic quality of the general landscape or any specifically designated unique or valuable scenic landscape? (Consult Section II of the FOTG for a listing of any identified areas of scenic beauty.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effects on the scenic quality of the landscape? NOTE: NRCS must provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty or improve the landscape (GM 190, Part 410.24).

- No **If "No," consider any state or local requirements. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," modify the planned action or activity and repeat Step 1.**

Notes:

WETLANDS NECH 610.34 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS RESTORE Act Individual project sites not yet identified. See map of
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

This guide sheet addresses policy found in Title 190, General Manual, Part 410, Subpart B, Section 410.26. Use the Clean Water Act Guide Sheet for addressing wetland concerns relating to the Clean Water Act.

STEP 1.

Are wetlands present in or near the planning area?

NOTE: This includes **all** wetlands except those artificial wetlands created by irrigation water. Thus, areas determined as prior converted (PC) in accordance with the 1985 Food Security Act and nonirrigation induced artificial wetlands (AW), which retain wetland characteristics, are wetlands as they relate to the wetland protection policy.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** (If the area could qualify as an "other water of the United States" such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide sheet.)
- Yes **If "Yes," document the extent and location of wetlands and go to Step 2.**

STEP 2.

Will the action(s) impact any wetland areas (this includes changing wetland types when considering wetland restoration projects)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," assess the wetland functions and describe (on the NRCS-CPA-52) the effects of the proposed activity on the wetland area. If effects are solely beneficial, continue with planning. If adverse effects exist, go to Step 3.**

STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

- No **If "No," go to step 4.**
- Yes **If "Yes," advise the client of the available alternatives. If the client chooses to implement the alternative that avoids adverse impact (including obtaining all necessary permits), document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. Otherwise, NRCS shall terminate all assistance for the project.**

WETLANDS (continued)

STEP 4.

Do other measures exist that will minimize adverse effects to wetlands?

- No **If "No," go to step 5.**
- Yes **If "Yes,"** advise the client of the minimization measures. If the client chooses to implement the minimization measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

STEP 5.

Does the client wish to pursue an action that will result in adverse impacts to wetlands (where no practicable alternatives or minimization measures exist)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

Notes:

NRCS policy is to Avoid first, then if no practical alternative, minimize and/or mitigate.

WILD AND SCENIC RIVERS NECH 610.35 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS RESTORE Act Individual project sites not yet identified. See map of
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

STEP 1.

Could the action(s) have an effect on the natural, cultural or recreational values of any nearby rivers?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," analyze the potential effects and develop alternatives, as necessary, that would mitigate potential adverse effects, then go to Step 2.**

STEP 2.

Is there a Federal or State designated Wild, Scenic, or Recreational River segment or a river listed in the Nationwide Rivers Inventory (NRI) in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and there is still potential for effect consult your State environmental liaison to assist with determining the nature and significance of the effect. Go to Step 3.**
NOTE: The State Office may request the administering federal or state agency (National Park Service in the case of NRI) to assist you in developing appropriate avoidance and mitigation measures.

STEP 3.

Could the proposed action or alternative have an adverse effect on the natural, cultural or recreational values of the wild, scenic, or recreational river segment that cannot be avoided or minimized?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 4.**

STEP 4.

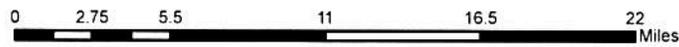
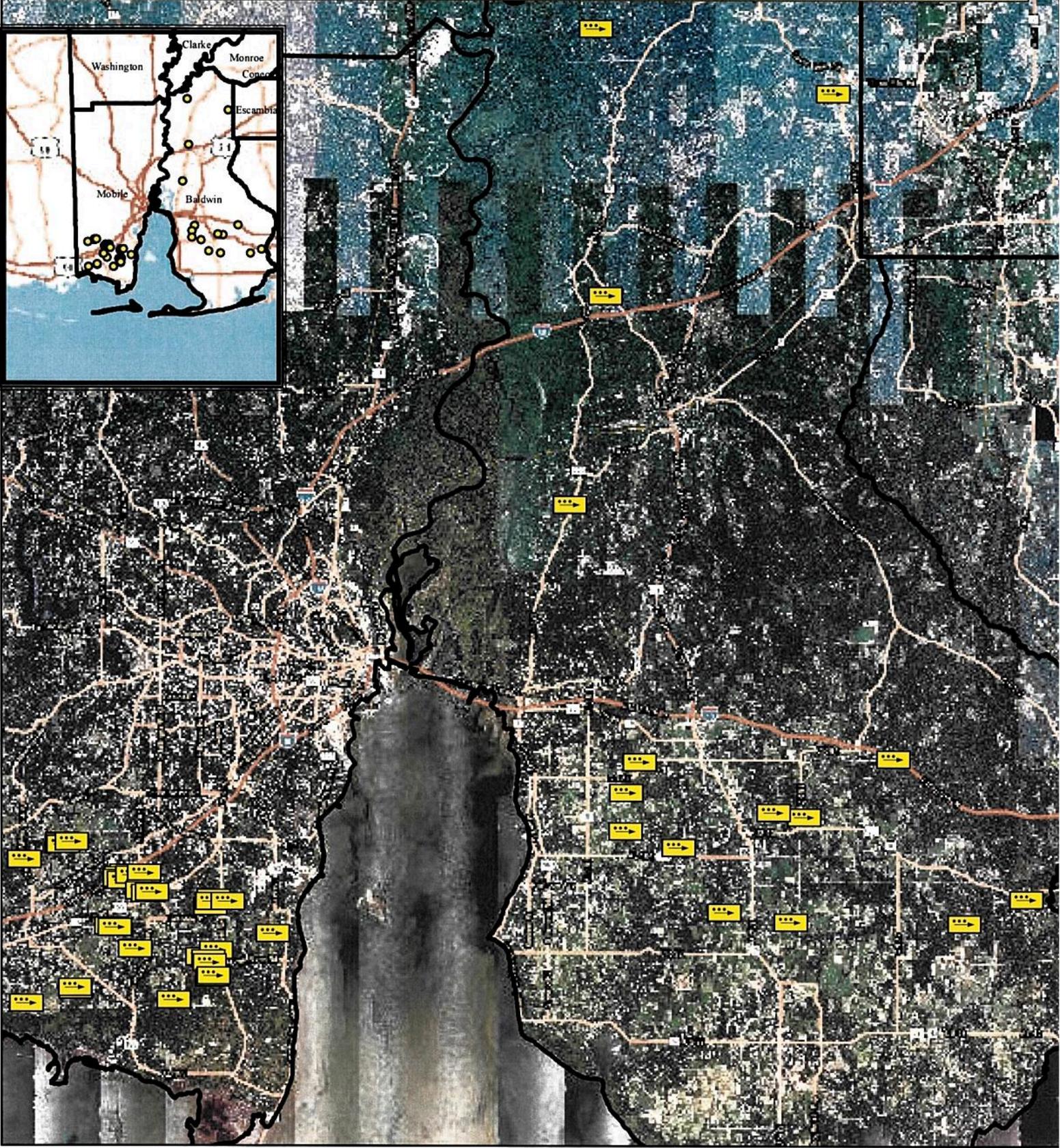
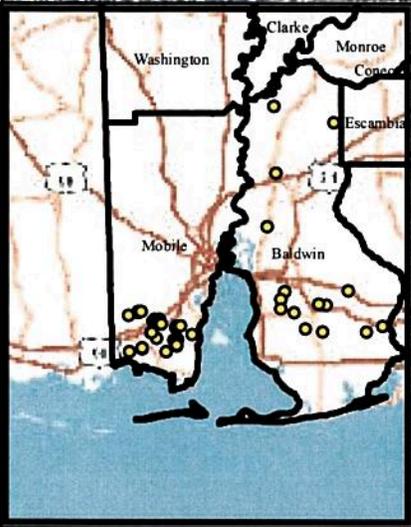
Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," inform the client that a permit may be required for their activities and they should consult with the administering federal or state agency. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation.**
- Yes **If "Yes," consult with the administering federal or state agency to determine whether the proposed action could foreclose options to classify any portion of the river segment as wild, scenic or recreational and to develop avoidance or mitigation measures. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

Effects on the listed river segments will result in reduction of nutrient and sediment pollutant loads.

USDA-NRCS Gulf Coast Conservation Reserve Program



Potential Erosion Control Project Sites

Justification for Approval of NRCS Categorical Exclusions

Gulf Coast Conservation Reserve Program (GCCRP) Description:

The Alabama Gulf Coast Conservation Reserve Program focuses on reducing erosion and downstream sedimentation, thus improving water quality in waters flowing into the Gulf of Mexico. The conservation planning and implementation will occur on private lands within Alabama Coastal watersheds, predominantly those draining to the Mobile Bay and Mississippi Sound. Primary objectives of this project are restoration, improvement and protection of water resources; while secondary objectives include restoration, enhancement, and protection of habitat. This landscape scale project meets RESTORE Act and Comprehensive Plan priority criteria by substantially contributing to the restoration and protection of the natural resources and wildlife habitats of Gulf Coast ecosystems.

This program will reduce the discharge of sediments and pollutants from agricultural operations and improve the tributary streams, rivers and groundwater that drain to the Gulf of Mexico. The ecosystems in the project area provide habitat for numerous threatened and endangered plants and animals, which will benefit from the proposed land treatments. Additionally, non-native invasive species will be controlled. To enhance this effort and ensure equal opportunity for participation, an outreach and education program targeting private land owners will be developed and implemented along with technical assistance. Financial assistance from this project will help landowners not only accomplish their restoration goals on property they own, but will have positive off-site and downstream benefits. This outreach program, a long history of cooperation among partners with proven restoration experience and shared restoration goals, provides a high probability of success and sustainability.

The USDA Natural Resources Conservation Service (NRCS) would oversee a technical and financial assistance program for private landowners in Baldwin and Mobile Counties in Alabama to implement NRCS conservation practices. It is estimated that between 25-50 landowners will participate in the program.

The planned NRCS activities fall within several NRCS categorical exclusions (CE). However to ensure applicable permits are obtained and consultations are conducted, including a review for extraordinary circumstances, each site will undergo an Environmental Evaluation (EE), the results of which will be documented on the NRCS-CPA-52, Environmental Evaluation Worksheet. A copy of the EE Worksheet is available at http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1097240.pdf.

Categorical Exclusions Proposed for Project Activities (NRCS Conservation Practices)

The USDA NRCS categorical exclusions described in Table 1 have been determined to be applicable for use in the activities described in this proposal.

All the actions identified as a NRCS categorical exclusion in Table 1 require documentation in accordance with 7 CFR §650.6 that address whether extraordinary circumstances are

determined to exist (see section III of this document). This documentation is to be done through use of the environmental evaluation process and documented on an NRCS-CPA-52, Environmental Evaluation Worksheet.

In addition, overarching criteria/sideboards for the NRCS categorical exclusions ONLY apply to proposed actions that (as applicable):

- (1) Are designed to mitigate soil erosion, sedimentation and downstream flooding;
- (2) Require disturbed areas to be vegetated with adapted species that are neither invasive nor noxious;
- (3) Are based on current Federal principles of natural stream dynamics and processes, such as those presented in the Federal Interagency Stream Corridor Restoration Working Group document, “Stream Corridor Restoration, Principles, Processes, and Practices;”
- (4) Incorporate the applicable NRCS conservation practice standards as found in the Field Office Technical Guide (FOTG)
- (5) Do not require substantial dredging, excavation, or placement of fill; and
- (6) Do not involve a significant risk of exposure to toxic or hazardous substances.

Table 1. Agency Justification for Categorical Exclusions for Applicable NRCS Conservation Practices

Applicable NRCS Conservation Practice Code(s)	CE Reference	Categorical Exclusion Description / Agency Justification
327, 342, 381, 386, 391, 393, 422, 490, 512, and 612	NRCS - 7 CFR 650.6 (d)(1)	Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the sites ecological functions and services; Requires that the established vegetative community maintain the sites ecological functions and services, which could not be accomplished by converting native forests or grasslands.
356, 587, 643, and 646	NRCS - 7 CFR 650.6 (d)(4)	Replacing and repairing existing culverts, grade stabilization, and water control structures and other small structures that were damaged by natural disasters where there is no new depth required and only minimal dredging, excavation, or placement of fill is required.
326,342, 382, 391, 578, 580 and 584	NRCS - 7 CFR 650.6 (d)(8)	Stabilizing stream banks and associated structures to reduce erosion through bioengineering techniques following a natural disaster to restore pre-disaster conditions to the extent practicable, e.g., utilization of living and nonliving plant materials in combination with natural and synthetic support materials, such as rocks, riprap, geo-textiles, for slope stabilization, erosion reduction,

USDA-NRCS Alabama GCCRP – Baldwin and Mobile Counties

		and vegetative establishment and establishment of appropriate plant communities (bank shaping and planting, brush mattresses, log, root wad, and boulder stabilization methods).
356, 472, 587, 643, and 646	NRCS - 7 CFR 650.6 (d)(9)	Repairing or maintenance of existing small structures or improvements (including structures and improvements utilized to restore disturbed or altered wetland, riparian, in stream, or native habitat conditions). Examples of such activities include the repair or stabilization of existing stream crossings for livestock or human passage, levees, culverts, berms, dikes, and associated appurtenances
314, 315, 327, 338, 342, 381, 386, 391, 393, 394, 422, 472, 490, 512, 612, 643, 644, 645, 646, 647, and 666	NRCS - 7 CFR 650.6(d)(11)	Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition. (NRCS routinely evaluates resource conditions and recommends the use of herbicides for controlling invasive species under Conservation Practices Codes 314, 315, and 666; and for site preparation prior to establishment of native species on non-federal lands under 314, 315, and 490. Restoring wildlife habitat/ecosystems is the primary objective of this category, and some of these practices may be planned as part of a Comprehensive Conservation Plan which not only addresses soil erosion, but overall ecosystem health to include plant health, animal health, and hydrologic function.)
314, 315, 362, 378, 381, 382, 460, 468, 511, 516, 528, 533, 560, 561, 576, 578, 590, 595, 614 and 642	NRCS - 7 CFR 650.6(d)(19)	Undertaking minor agricultural practices to maintain and restore ecological conditions in floodplains after a natural disaster or on lands impacted by human alteration. Examples of these practices include: mowing, haying, grazing, fencing, off-stream watering facilities, and invasive species control which are undertaken when fish and wildlife are not breeding, nesting, rearing young, or during other sensitive timeframes.
327, 342, 362, 386, 391, 393, 410, 412, 460, 466, 468, 512, 561, 600, 612, 638 and 620	NRCS - 7 CFR 650.6(d)(20)	Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting.
All	NRCS - 7 CFR Part 1b 3. (a)(3)	Inventories, research activities, and studies, such as resource inventories and routine data collection

		when such actions are clearly limited in context and intensity.
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OVERVIEW OF EXTRAORDINARY CIRCUMSTANCES

Use of the CEs identified in Table 1 does not constitute inappropriate segmentation because the activities do not represent connected actions, they occur on distinct ownerships and are based on activities that are part of the approved program and site specific conservation plans. The activities have independent utility because while many activities are related to achieving similar overall objectives of the proposal, they are not dependent on the completion of other activities. It is acknowledged that collectively their beneficial effects are enhanced when all activities are implemented, but it is not a prerequisite of implementation. Also it is acknowledged that some gullies and erosion control projects may occur across multiple land ownership, and in those cases, coordination between the landowners may be necessary for the activity to move forward.

In addition, there is a low likelihood these activities would result in a significant adverse cumulative effect either individually or collectively. Any adverse effects caused during implementation would be short-term in nature and limited to the immediate project area and are of the nature expected to occur when implementing categorically excluded activities. Long-term effects would be positive by reducing existing adverse effects caused by improperly functioning erosion control structures, reducing non-native species, and restoring and maintaining native ecosystems.

The following section outlines the reasons there are not likely to be extraordinary circumstances requiring preparation of an environmental assessment or impact statement associated with the projects to be implemented under the AL GCCRP. For confirmation, a site-specific review will be conducted for extraordinary circumstances before activities within this proposal are implemented.

Natural Resources Conservation Service Extraordinary Circumstances

1. **The proposed action cannot cause significant effects on public health or safety.** - This program is expected to have an indirect positive effect to public health and safety related to fishing, swimming, and health of shellfish for consumption through a reduction of pollutant loading and sediment generated from agricultural operations.

2. **The proposed action cannot significantly affect unique characteristics of the geographic area such as proximity to historic properties or cultural resources, park lands, prime farmlands, floodplains, wetlands, wild and scenic rivers, or ecologically critical areas.** - This program will have either no effect or a positive effect on unique characteristics of the geographic areas as the practices will reduce nutrient loads, conserve water, and improve water quantity. A survey of known artifacts will be done before work begins. Additionally, if any cultural or archaeological item is discovered work stoppage will immediately occur

and NRCS will determine further action needed. No critical habitat for endangered species exists on the active farmlands where work will occur nor will these practices adversely affect critical habitat that may be near the fields. The program will not result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the 100-year floodplain or lands adjacent or downstream.

- 3. The effects of the proposed action on the quality of the human environment cannot be highly controversial.** - This program is not expected to have any highly controversial effects on the quality of the human environment since only tried and proven technologies will be employed that have no known adverse effects on natural resources or adjacent landowners. It is anticipated to have a positive effect as the program will implement agricultural best management practices to reduce erosion, improve water infiltration and decrease nutrient runoff.
- 4. The proposed action cannot have highly uncertain effects, including potential unique or unknown risks on the human environment.** - The program is expected to have a positive human environment impact as it will reduce the current discharge of sediment loading and increase conservation by implementing best management practices thereby improving the water quality. The conservation practices to be employed are tried and true technologies and meet NRCS standards, therefore there are no uncertain effects or unique or unknown risks on the human environment.
- 5. The proposed action cannot include activities or conservation practices that establish a potential precedent for future actions with significant impacts.** - This program does not establish a precedent for future actions with significant impacts as similar programs with the same conservation practices have been and are currently in place in the state of Alabama.
- 6. The proposed action is known to have or reasonably cannot be expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time.** - This program will have a positive effect to the quality of the human environment as it will result in more efficient agricultural operations, reduced sediment loading and increased water conservation. It will strengthen the economic viability and environmental compatibility of agriculture within the focus area.
- 7. The proposed action cannot cause or promote the introduction of invasive species or have a significant adverse effect on any of the following special environmental concerns not previously identified in paragraph (c)(2)(B) of this section, such as: endangered and threatened species, environmental justice communities as defined in Executive Order 12898, wetlands, other waters of the United States, wild and scenic rivers, air quality, migratory birds, and bald and golden eagles.** - There will either be no effect or a benefit to environmental justice, coastal zones, coral reefs, essential fish habitat, clean air, riparian areas, natural areas, and invasive species. NRCS-approved minimization measures will be used to prevent any adverse effects to the gopher tortoise, Alabama red-bellied turtle, Gulf Sturgeon, and listed snails and/or mussels. In accordance with the Bald and Golden Eagle

Sturgeon, and listed snails and/or mussels. In accordance with the Bald and Golden Eagle Protection Act, activities will be avoided within any designated bald eagle buffers during nesting season. If any threatened or endangered species is discovered work stoppage will immediately occur and NRCS will determine further action needed. Environmental justice will be positively affected as NRCS and their partners will make every effort to reach out to these farmers to participate in the program.

8. **The proposed action will not violate Federal or other applicable law and requirements for the protection of the environment.** - Any required permits will be obtained prior to implementation of practices; however no Federal, State, or local permits are anticipated.

Per NRCS regulations that implement NEPA at 7 CFR Part 650, site-specific EE are developed as part of the conservation planning process. The EE evaluates conservation planning options developed to address and mitigate potential environmental resource concerns that may exist on the property or conservation management unit. The EE also determines if protected resources exist on the property and if those resources have the potential to be affected by conservation practices outlined in the conservation plan. NRCS guidance on the site-specific environmental evaluation process and definitions of protected resources can be found in the NRCS “National Environmental Compliance Handbook” (2011).

<http://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=29769>

Appendix A – List of Planned NRCS Conservation Practices and Associated Practice Code (#)

Access Control (472)
Access Roads (560)
Brush Management (314)
Conservation Cover (327)
Prescribed Burning (338)
Channel Bed Stabilization (584)
Clearing and Snagging (326)
Critical Area Planting (342)
Diversion (362)
Dike (356)
Pond (378)
Early Successional Habitat Development and Management (647)
Fence (382)
Field Border (386)
Filter Strip (393)
Firebreak (394)
Forage Harvest Management (511)
Forage and Biomass Planting (512)
Forest Stand Improvement (666)
Grade Stabilization Structure (410)
Grassed Waterway (412)
Heavy Use Area Protection (561)
Hedgerow Planting (422)
Herbaceous Weed Control (315)
Integrated Pest Management (595)
Land Clearing (460)
Land Smoothing (466)
Lined Waterway or Outlet (468)
Livestock Pipeline (516)
Livestock Shelter Structure (576)
Nutrient Management (590)
Prescribed Grazing (528)
Pumping Plant (533)
Riparian Forest Buffer (391)
Restoration and Management of Rare or Declining Habitats (643)
Shallow Water Development and Management (646)
Silvopasture Establishment (381)
Stream Crossing (578)
Streambank and Shoreline Protection (580)
Structure for Water Control (587)
Terrace (600)
Tree/Shrub Establishment (612)
Tree/Shrub Site Preparation (490)
Underground Outlet (620)
Upland Wildlife Habitat Management (645)
Watering Facility (614)
Water and Sediment Control Basin (638)
Water Well (642)
Wetland Wildlife Habitat Management (644)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

OCT 09 2015

IN REPLY REFER TO
2016-I-0023

Mr. John Ettinger, Environmental Compliance Officer
Gulf Coast Ecosystem Restoration Council
500 Poydras Street, Ste. 1117
New Orleans, LA 70130

Dear Mr. Ettinger:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled "Gulf Coast Conservation Reserve Program (GCCRP)". The Natural Resource Conservation Service (NRCS) has determined this action is categorically excluded from needing an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321 et seq.) because the proposed action would not result in a significant impact to the human environment. We submit this letter under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The Gulf Coast Conservation Reserve Program (GCCRP) would be established through USDA-NRCS (NRCS) in Texas, Mississippi, Alabama, and Florida for the purposes of protecting and restoring critical wildlife habitat and improving water quality through the implementation of wildlife habitat, conservation, and forest management plans. Conservation practices and restoration activities would be implemented to address the priority resource concerns identified in the Category 1 Planning Phase. Wildlife habitat restoration and natural resource conservation measures would be prioritized on individual land units and implemented based on best available science.

Activities that "may affect" a federally-listed species can only be permitted if the Federal action agency completes consultation under Section 7 of the ESA prior to construction. The Alabama Ecological Services Field Office has a programmatic agreement with NRCS regarding ESA Section 7 consultation for effect determinations contained within the: "NRCS Conservation Practice Effects on Federal Threatened & Endangered Species: USFWS-NRCS Interagency Consultation Matrix", for ESA listed species in Alabama. This programmatic consultation specifically outlines a proposed ESA compliance process that the NRCS would utilize to determine effects to federally listed species that may occur as the result of implementation of these practice standards in the state of Alabama.

With a majority wildlife habitats in Alabama maintained in private ownership, the NRCS has a unique opportunity to assist in the conservation and recovery of listed and candidate species in Alabama through direct contact with private landowner and with conservation programs and technical assistance efforts. Many of the conservation practices that are covered in this

programmatic consultation could directly benefit these species by controlling erosion and sedimentation, creating new habitats, or buffering, improving, or protecting existing habitats.

Based on the use of our existing programmatic agreement, the Service believes the proposed project should not result in any adverse impact to a listed species or their critical habitat and could provide information needed to help restore such populations and/or their habitats.

If you have any questions or comments regarding this letter, please contact Shannon Holbrook in this office at (251) 441-5871.

Sincerely,



William J. Pearson
Field Supervisor
Alabama Ecological Services Field Office



Sept 30, 2015

Justin Ehrenwerth
Executive Director
Gulf Coast Ecosystem Restoration Council

Dear Mr. Ehrenwerth:

This letter is to advise you of the results of the environmental compliance review completed by the USDA Natural Resources Conservation Service (NRCS) for a project we are proposing for RESTORE Act funding. The project is a component within the USDA proposal entitled "Strategic Land Protection, Conservation, and Enhancement of Priority Gulf Landscapes." The project is entitled "*Water Quality and Downstream Habitat Improvement in Big Coldwater Creek, Blackwater River Watershed.*" This project occurs on private lands.

NRCS has determined that this project meets USDA criteria for categorical exclusion from NEPA. Specifically, all activities to be undertaken are authorized under two USDA NRCS categorical exclusions (CE's) that have been determined applicable to the work to be conducted. No extraordinary circumstances were found in our analyses. See the enclosed NRCS Environmental Evaluation Worksheet for details of the analyses and applicable NRCS CE's.

We therefore recommend this project for RESTORE Act funding in accordance with the Council CE entitled "Council Funded Activities that Fall Under a CE of a Federal Council Member (Documentation Required)."

Sincerely,


RUSSELL MORGAN
State Conservationist

Cc: John Ettinger, Director, Environmental Compliance, Gulf Coast Ecosystem Restoration Council
Michele Laur, Senior Advisor, USDA NRCS, Gulf Coast Ecosystem Restoration Team

Enclosures: NRCS Environmental Evaluation Worksheet - *Water Quality and Downstream Habitat Improvement in Big Coldwater Creek, Blackwater River Watershed*

Justification for Application of NRCS Categorical Exclusions for Water Quality and Downstream Habitat Improvement in Big Coldwater Creek, Blackwater River Watershed, Santa Rosa County, Florida

U.S. Department of Agriculture Natural Resources Conservation Service ENVIRONMENTAL EVALUATION WORKSHEET		NRCS-CPA-52 4/2013		A. Client Name: <i>none - FL NRCS project proposal for RESTORE program funds</i>																																											
		B. Conservation Plan ID # (as applicable): Blackwater River Watershed Program Authority (optional): <u>RESTORE Act</u>																																													
D. Client's Objective(s) (purpose): The agency's objective is to reduce or eliminate gully erosion on private lands to improve water quality and downstream habitat, and protect private property and public infrastructure in portions of the watershed where sediment is causing impairment to water quality.		C. Identification # (farm, tract, field #, etc. as required): 2 individual project sites in the Big Coldwater Creek subwatershed, Santa Rosa County (see map in "Justification" attached below this Worksheet).																																													
E. Need for Action: Restore downstream habitat in the Blackwater River Watershed and Pensacola Bay.		H. Alternatives <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:33%;">No Action <input type="checkbox"/> if RMS</th> <th style="width:33%;">Alternative 1 <input type="checkbox"/> if RMS</th> <th style="width:33%;">Alternative 2 <input type="checkbox"/> if RMS</th> </tr> </thead> <tbody> <tr> <td>N/A - Analysis conducted to determine whether agency criteria for categorically excluding the action are met.</td> <td> Stabilize head cuts and side slopes of gullies to reduce or halt gully erosion via use of some or all of the following practices at each project site: Clearing and Snagging (Code 326) Critical Area Planting (Code 342) Dike (Code 356) Diversion, (Code 362) Grade Stabilization Structure, (Code 410) Grassed Waterway, (Code 412) Land Clearing (460) Land Smoothing (Code 466) Lined Waterway or Outlet (Code 468) Obstruction Removal, (Code 500) Streambank and Shoreline Protection, (Code 580) Structure for Water Control (Code 587) Underground Outlet (Code 620) </td> <td>N/A</td> </tr> </tbody> </table>				No Action <input type="checkbox"/> if RMS	Alternative 1 <input type="checkbox"/> if RMS	Alternative 2 <input type="checkbox"/> if RMS	N/A - Analysis conducted to determine whether agency criteria for categorically excluding the action are met.	Stabilize head cuts and side slopes of gullies to reduce or halt gully erosion via use of some or all of the following practices at each project site: Clearing and Snagging (Code 326) Critical Area Planting (Code 342) Dike (Code 356) Diversion, (Code 362) Grade Stabilization Structure, (Code 410) Grassed Waterway, (Code 412) Land Clearing (460) Land Smoothing (Code 466) Lined Waterway or Outlet (Code 468) Obstruction Removal, (Code 500) Streambank and Shoreline Protection, (Code 580) Structure for Water Control (Code 587) Underground Outlet (Code 620)	N/A																																				
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In Section "G" complete and attach Environmental Procedures Guide Sheets for documentation as applicable. Items with a "•" may require a federal permit or consultation/coordination between the lead agency and another government agency. In these cases, effects may need to be determined in consultation with another agency. Planning and practice implementation may proceed for practices not involved in consultation.																																															
G. Special Environmental Concerns (Document existing/benchmark conditions)		J. Impacts to Special Environmental Concerns <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:25%;">No Action</th> <th style="width:15%;"></th> <th style="width:25%;">Alternative 1</th> <th style="width:15%;"></th> <th style="width:20%;">Alternative 2</th> <th style="width:10%;"></th> </tr> <tr> <td>Document all impacts (Attach Guide Sheets as applicable)</td> <td><input type="checkbox"/> if needs further</td> <td>Document all impacts (Attach Guide Sheets as applicable)</td> <td><input type="checkbox"/> if needs further action</td> <td>Document all impacts (Attach Guide Sheets as applicable)</td> <td><input type="checkbox"/> if needs further</td> </tr> </thead> <tbody> <tr> <td>•Clean Air Act <i>Guide Sheet FS1 FS-2</i> No non-attainment areas present.</td> <td><input type="checkbox"/></td> <td>No Effect Proposed practices cause negligible or no effect on air quality.</td> <td><input type="checkbox"/></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>•Clean Water Act / Waters of the U.S. <i>Guide Sheet Fact Sheet</i> Sections 402 not applicable to proposed activities. No Section 303d Impaired Waters</td> <td><input type="checkbox"/></td> <td>No Effect Section 404 permits expected to apply to project work on both project sites.</td> <td><input checked="" type="checkbox"/></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>•Coastal Zone Management <i>Guide Sheet Fact Sheet</i> sites are in coastal zone</td> <td><input type="checkbox"/></td> <td>No Effect Consistency determinations will be made as part of Section 404 CWA permit authorizations as appropriate. See Guide Sheet for more information.</td> <td><input checked="" type="checkbox"/></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Coral Reefs <i>Guide Sheet Fact Sheet</i> none present in affected area</td> <td><input type="checkbox"/></td> <td>No Effect</td> <td><input type="checkbox"/></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>•Cultural Resources / Historic Properties <i>Guide Sheet Fact Sheet</i> No known cultural resources or high probability areas for resources in the APEs on the project sites.</td> <td><input type="checkbox"/></td> <td>No Effect If resources are found at any point during implementation work will stop until the resource can be evaluated and, if necessary, the activity will be modified to avoid effects.</td> <td><input type="checkbox"/></td> <td></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>				No Action		Alternative 1		Alternative 2		Document all impacts (Attach Guide Sheets as applicable)	<input type="checkbox"/> if needs further	Document all impacts (Attach Guide Sheets as applicable)	<input type="checkbox"/> if needs further action	Document all impacts (Attach Guide Sheets as applicable)	<input type="checkbox"/> if needs further	•Clean Air Act <i>Guide Sheet FS1 FS-2</i> No non-attainment areas present.	<input type="checkbox"/>	No Effect Proposed practices cause negligible or no effect on air quality.	<input type="checkbox"/>		<input type="checkbox"/>	•Clean Water Act / Waters of the U.S. <i>Guide Sheet Fact Sheet</i> Sections 402 not applicable to proposed activities. No Section 303d Impaired Waters	<input type="checkbox"/>	No Effect Section 404 permits expected to apply to project work on both project sites.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	•Coastal Zone Management <i>Guide Sheet Fact Sheet</i> sites are in coastal zone	<input type="checkbox"/>	No Effect Consistency determinations will be made as part of Section 404 CWA permit authorizations as appropriate. See Guide Sheet for more information.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	Coral Reefs <i>Guide Sheet Fact Sheet</i> none present in affected area	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>	•Cultural Resources / Historic Properties <i>Guide Sheet Fact Sheet</i> No known cultural resources or high probability areas for resources in the APEs on the project sites.	<input type="checkbox"/>	No Effect If resources are found at any point during implementation work will stop until the resource can be evaluated and, if necessary, the activity will be modified to avoid effects.	<input type="checkbox"/>		<input type="checkbox"/>
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<p>●Endangered and Threatened Species Guide Sheet Fact Sheet The Eastern Indigo Snake and Gopher Tortoise may be present. Gulf sturgeon has critical habitat downstream in the Blackwater River and Bay.</p>	<input type="checkbox"/>	<p>No Effect All mitigation measures of the USFWS-NRCS Florida ESA Consultation Matrix for federally listed species will be followed for the application of all practices. Grassed Waterway Code 412 may have specific additional requirements.. See Part L and the respective Guide Sheet for further information.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Environmental Justice Guide Sheet Fact Sheet Santa Rosa County is largely rural with demographic characteristics that include protected groups. Minorities comprise a small proportion of the population (12%) but the poverty rate is relatively high at 35%.</p>	<input type="checkbox"/>	<p>No Effect No negative economic or environmental consequences are expected to affect protected populations. Possible benefits to covered populations may accrue from improved public safety for local residents where gullies are encroaching on public highways and improved recreational/aesthetic values of downstream waterways upon</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>●Essential Fish Habitat Guide Sheet Fact Sheet Blackwater River and Blackwater Bay - Gulf Sturgeon</p>	<input type="checkbox"/>	<p>No Effect decreased sedimentation in the Blackwater River is expected to benefit the sturgeon. All mitigation measures of the USFWS-NRCS Florida ESA Consultation Matrix for federally listed species will be followed and will result in no adverse effect to EFH.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Floodplain Management Guide Sheet Fact Sheet One project site in or near 100-yr floodplain</p>	<input type="checkbox"/>	<p>No Effect project practices will improve floodplain functions by reducing or preventing loss of eroded land.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Invasive Species Guide Sheet Fact Sheet No data at present</p>	<input type="checkbox"/>	<p>No Effect Procedures in the Guide Sheet will be followed to ensure control of invasive species and compliance with Executive Order 13112</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>●Migratory Birds/Bald and Golden Eagle Protection Act Guide Sheet Fact Sheet Migratory birds may be present on project sites. No bald eagle nests have been identified within 660 feet of project sites.</p>	<input type="checkbox"/>	<p>No Effect Minimal or negligible incidental take of non-listed birds may occur if land clearing is applied as preparation for construction of certain practices.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Natural Areas Guide Sheet Fact Sheet Blackwater River is designated as an Outstanding Florida Water. Segments of Big Coldwater Creek and Blackwater River downstream of project site also have wild/scenic designation (see Wild & Scenic Rivers guide sheet)</p>	<input type="checkbox"/>	<p>No Effect water quality and riparian and in-stream habitat expected to improve due to reduction in sediment loading.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Prime and Unique Farmlands Guide Sheet Fact Sheet</p>	<input type="checkbox"/>	<p>No Effect No conversion or farmland to other use will occur. Projects will help to preserve prime and locally important farmland by prevention loss of topsoil.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Riparian Area Guide Sheet Fact Sheet present at both sites</p>	<input type="checkbox"/>	<p>No Effect substantial benefits are expected via prevention of the erosion of these areas. Short term impacts during construction will be minimized per applicable practice standard criteria.</p>	<input type="checkbox"/>	<input type="checkbox"/>

Scenic Beauty <i>Guide Sheet</i> <i>Fact Sheet</i>		<input type="checkbox"/>	No Effect restoration of riparian areas will improve scenic beauty	<input type="checkbox"/>		<input type="checkbox"/>
•Wetlands <i>Guide Sheet</i> <i>Fact Sheet</i> One site is immediately upstream of forested riparian wetland associated with Lower West Fork of Big Coldwater Creek.		<input type="checkbox"/>	No Effect Section 404 permit conditions as well as any state permits, E.O. 11990, and NRCS policy for avoidance of adverse effects will be followed to avoid any short term impacts while working in the gully area. Repair and stabilization of gully erosional features will benefit the adjacent forested wetland.	<input type="checkbox"/>		<input type="checkbox"/>
•Wild and Scenic Rivers <i>Guide Sheet</i> <i>Fact Sheet</i> Segments of Big Coldwater Creek and Blackwater River downstream		<input type="checkbox"/>	No Effect water quality and riparian and in-stream habitat expected to improve due to reduction in sediment loading.	<input type="checkbox"/>		<input type="checkbox"/>
K. Other Agencies and Broad Public Concerns	No Action		Alternative 1		Alternative 2	
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.			CWA Section 404 permits, state ERP Permits, and county permits for work in and adjacent to Creek may apply.			
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)	Project will restore the riparian area and contribute to reduction of sediment in Big Coldwater Creek and the Blackwater River, and in turn improve downstream riparian health, aquatic habitat, and recreational and economic values of the watershed. This effort will add to a history of similar work by NRCS in various portions of the watershed and is also expected to improve public safety, as it will serve to protect local structures on the subject properties and downstream infrastructure such as roads and bridges.					
L. Mitigation (Record actions to avoid, minimize, and compensate)	<ol style="list-style-type: none"> 1. Landowner must agree to NRCS requirements for maintenance and management of practices on his/her property after construction. 2. No natural streams will be diverted via use of Code 362 Diversion. 3. All practice criteria specified in the USFWS-NRCS Florida ESA Consultation Matrix for federally listed species will be followed, including all current eastern indigo snake minimization measures. If there are gopher tortoise burrows where a snake could be buried or trapped and injured during project activities (such as earth moving, permanent structure placement, plowing below 6 inches), a 25 ft buffer around the entrance to the burrow(s) will be maintained. 4. Directions in the Wetlands Guide Sheet will be followed to insure avoidance and minimization of wetland impacts. 5. If invasive species are present, NRCS procedures as stated in the respective Guide Sheet will be followed to ensure their control and compliance with Executive Order 13112 					
M. Preferred Alternative	preferred alternative	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
	Supporting reason		No adverse effects of this action based on analysis of practice effects and application of the mitigation measures above.			
N. Context (Record context of alternatives analysis)	local		regional			
The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.						
O. Determination of Significance or Extraordinary Circumstances						
Intensity: Refers to the severity of impact. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.						
If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.						
	Yes	No				
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Is the preferred alternative expected to cause significant effects on public health or safety?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?			

- Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.
- Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?

P. To the best of my knowledge, the data shown on this form is accurate and complete:
 In the case where a non-NRCS person (e.g. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block to verify the information's accuracy.

Signature (TSP if applicable)	Title	Date
ROSALIND MOORE 2015.09.29 16:08:16 -04'00'	State Environmental Compliance Liaison	9/29/2015
Signature (NRCS)	Title	Date

If preferred alternative is not a federal action where NRCS has control or responsibility and this NRCS-CPA-52 is shared with someone other than the client then indicate to whom this is being provided.

The following sections are to be completed by the Responsible Federal Official (RFO)

NRCS is the RFO if the action is subject to NRCS control and responsibility (e.g., actions financed, funded, assisted, conducted, regulated, or approved by NRCS). These actions do not include situations in which NRCS is only providing technical assistance because NRCS cannot control what the client ultimately does with that assistance and situations where NRCS is making a technical determination (such as Farm Bill HEL or wetland determinations) not associated with the planning process.

Q. NEPA Compliance Finding (check one)

		Action required
<input type="checkbox"/>	1) is not a federal action where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
<input checked="" type="checkbox"/>	2) is a federal action ALL of which is categorically excluded from further environmental analysis AND there are no extraordinary circumstances as identified in Section "O" .	Document in "R.2" below. No additional analysis is required
<input type="checkbox"/>	3) is a federal action that has been sufficiently analyzed in an existing Agency state, regional, or national NEPA document and there are no predicted <u>significant adverse</u> environmental effects or extraordinary circumstances.	Document in "R.1" below. No additional analysis is required.
<input type="checkbox"/>	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects and has been formally adopted by NRCS . NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. (Note: This box is not applicable to FSA)	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below. No additional analysis is required
<input type="checkbox"/>	5) is a federal action that has NOT been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

R. Rationale Supporting the Finding

R.1 Findings Documentation	
R.2 Applicable Categorical Exclusion(s) (more than one may apply)	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition; (20) Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting;
7 CFR Part 650 Compliance With NEPA, subpart 650.6 Categorical Exclusions table	

I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances as defined by Agency regulation and policy and based on that made the finding indicated above.

S. Signature of Responsible Federal Official:

RUSSELL MORGAN <small>Digitally signed by RUSSELL MORGAN DN: c=US, ou=U.S. Government, ou=Department of Agriculture, cn=RUSSELL MORGAN, o=9234211920030019001111200100000253 Date: 2015.09.29 16:18:49 -04'00'</small>	State Conservationist	9/29/2015
Signature	Title	Date

Additional notes

CLEAN AIR ACT
NECH 610.21
Evaluation Procedure Guide Sheet

Client/Plan Information:

none - FL NRCS project proposal for RESTORE program
 Blackwater River Watershed
 RESTORE Act
 2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

NOTE: STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 helps determine whether the opportunity for emissions reduction credits exist. STEP 4 helps determine whether any other permitting, record keeping, reporting, monitoring, or testing requirements are applicable. Each of these steps should be updated with more specific language as needed, since air quality permitting and regulatory requirements are different for each state. In each step, if more information is needed or there is a question as to whether there are air quality requirements that need to be met, the planner or client should contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what air quality regulatory requirement must be met prior to implementing the planned action or activity.

STEP 1.

Is the action(s) expected to increase the emission rate of any regulated air pollutant?

NOTE: The definition of a “regulated air pollutant” differs depending on the air quality regulations in effect for a given site. For a federal definition of “regulated air pollutant,” please refer to the 40 CFR 70.2. Other definitions for “regulated air pollutant” found in state or local air quality regulations may be different. *States should tailor this question to the State air quality regulations and definitions since those will include any Federal requirements.*

- No **If "No,"** it is likely that no permitting or authorization is necessary to implement the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the planned action or activity. **Go to step 3.**
- Yes **If “Yes,” go to Step 2.**

STEP 2.

Can the action(s) be modified to eliminate or reduce the increase in emission rate of the regulated air pollutants?

NOTE: This Step is to prompt the planner to review the planned action or activity to see if there is an opportunity to either eliminate the emission rate increase (possibly remove a permitting requirement) or reduce the emission rate increase (possibly move to less stringent permitting).

- No **If "No,"** it is likely that permitting or authorization from the appropriate air quality regulatory agency will be required prior to implementing the planned action or activity. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the proposed action or alternative. **Go to Step 3.**
- Yes **If “Yes,”** modify the proposed action or alternative and **repeat Step 1.**

CLEAN AIR ACT (continued)

STEP 3.

Is the action(s) expected to result in a decrease in the emission rate of any criteria air pollutant for which the area in which the site is located in an EPA designated nonattainment area for that criteria air pollutant?

NOTE: For an explanation of criteria air pollutants and nonattainment areas, refer to Section 610.21 of the NECH. Further information regarding nonattainment areas can also be found on the U.S. EPA nonattainment area Web page.

- No **If "No," go to Step 4.**
- Yes **If "Yes,"** the opportunity for obtaining nonattainment pollutant emission credits may exist. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client of that potential opportunity. If the client is interested in registering nonattainment pollutant emission credits, advise him/her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented and/or registered for potential sale. **Go to Step 4.**

STEP 4.

Is the action(s) subject to any other federal (e.g., New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, etc.), State, or local air quality regulation (including odor, fugitive dust, or outdoor burning)?

NOTE: Refer to Section 610.21 of the NECH for a further discussion of air quality regulations.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** additional permits, authorizations, or controls may be needed before implementing the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what requirements must be met prior to implementing the proposed action or alternative.

Notes:

**CLEAN WATER ACT/WATERS of the U.S.
NECH 610.22
Evaluation Procedure Guide Sheet**

Client/Plan Information:

none - FL NRCS project proposal for RESTORE program
Blackwater River Watershed
RESTORE Act
2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

NOTE: This guide sheet should be tailored to meet the specific needs of individual State and local regulatory and permitting requirements. It is important for each State to coordinate with their individual State and Federal regulatory agencies to tailor State-specific protocols in order to prevent significant delays in processing permit applications.

Complete both sections of this guide sheet to address Federal as well as State-administered regulatory requirements of the Clean Water Act (CWA).

SECTION I

Federally Administered Regulatory Program - Section 404 of the CWA

STEP 1.

Will the action(s) involve or likely result in the discharge or placement of dredged or fill material or other pollutants into areas that could be considered to be waters of the United States (Including, but not limited to wetlands, lakes, streams, channels, and other water conveyances, including some small ditches)? *More detailed information regarding waters of the United States and Federal permitting programs under CWA is found in the NECH 610.22.*

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) an activity exempt from section 404 regulations (40 CFR Part 232)?

Note: the exemption should be verified with the local U.S. Army Corps of Engineers (Corps) district.

- No **If "No," go to Step 3.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used to verify the exemption applies and proceed with Section II below.**

STEP 3.

Can the action(s) be modified to avoid the discharge of dredged or fill material or other pollutants into waters of the United States?

- No **If "No," go to Step 4.**
- Yes **If "Yes," modify the action to avoid discharge. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 4.

Has the client obtained a section 404 permit (individual, regional, or nationwide) or a determination of an exemption from the appropriate Corps office?

- No **If "No,"** determine if the client has applied for a permit. If a permit has not been applied for, the client will need to do so. If a permit has been applied for, document this, and continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation. Complete Section II below.**
- Yes **If "Yes,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and complete Section II below. The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the Corps. **Complete Section II below.**

Notes:

SECTION II

State Administered Regulatory Programs, Sections 303(d) and 402 of CWA

STEP 1

Is the proposed action or alternative located in proximity to waters listed by the State as "impaired" under Section 303(d) of the CWA?

- No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.
- Yes **If "Yes,"** insure consistency with any existing water quality or associated watershed action plans that have been established by the State for that stream segment. Even if TMDLs have not been established by the State for that stream segment, ensure that the action will not contribute to further degradation of that stream segment. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.**

STEP 2

Will the proposed action or alternative likely result in point-source discharges from developments, construction sites, or other areas of soil disturbance, or sewer discharges [e.g. projects involving stormwater ponds or point-source pollution, including concentrated animal feeding operations (CAFOs) for which comprehensive nutrient management plans (CNMPs) are being developed]? *Section 402 of the CWA requires a permit for these activities through the National Pollutant Discharge Elimination System (NPDES) program which the States administer.*

- No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
- Yes **If "Yes,"** go to Step 3.

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 3

Has the client obtained a NPDES permit or a determination of an exemption from the appropriate EPA or State-regulatory office?

- No **If “No,”** determine if the client has applied for any necessary permits. If a permit has not been applied for, the client will need to do so. If they have applied, document this and continue the planning process in consultation with the client and the regulatory agency. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation.**
- Yes **If “Yes,” document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** The final NRCS conservation plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit should be coordinated with the appropriate State regulatory agency.

Notes:

**COASTAL ZONE MANAGEMENT AREAS
NECH 610.23
Evaluation Procedure Guide Sheet**

Client/Plan Information:

none - FL NRCS project proposal for RESTORE program
Blackwater River Watershed
RESTORE Act
2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Is the action(s) in an officially designated "Coastal Zone Management Area"?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) "consistent" with the goals and objectives of the State's Coastal Zone Management Program (as required by Section 307 of the Coastal Zone Management Act)?

- No **If "No," go to Step 3.**
- Yes **If "Yes," document the finding, including the reasons, on the NRCS-CPA-52 and proceed with planning.**

STEP 3.

Is NRCS providing financial assistance or otherwise controlling the action?

- No **If "No," NRCS should provide the landowner with relevant information regarding any local and State compliance requirements and protocols (permitting, etc.) in special management areas as appropriate to comply with local Coastal Zone Management Programs. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," the NRCS District Conservationist or an NRCS State Office employee must contact the State's Coastal Zone Program Office before the action is implemented to discuss possible modifications to the proposed action. NRCS may not provide assistance if the proposed action or alternative would result in a violation of a State's Coastal Zone Management Plan. NRCS shall provide a consistency determination to the State agency no later than 90 days before final approval of the activity. When concurrence is received from the State, document the agreed to items and reference or attach them to the NRCS-CPA-52.**

Notes:

Consistency determination is made via issuance of Section 404 CWA permit. Any practices not requiring 404 permit will be directly consulted with CZ Program Office and consistency determination(s) requested as needed.

CORAL REEFS
NECH 610.24
Evaluation Procedure Guide Sheet

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program	
Blackwater River Watershed	
RESTORE Act	
2 individual project sites in the Big Coldwater Creek	

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Are coral reefs or associated water bodies (e.g. embayment areas) present in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is there a potential for the action(s) to degrade the conditions of the coral reef ecosystem? (Refer to U.S. coral Reef Task Force Web site for local action strategies in your area.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to reduce or avoid degradation to the coral reef ecosystem?

- No **If "No," identify the component(s) of the system which will cause the potential impacts. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- Yes **If "Yes," modify the action or alternative and repeat Step 2.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," and degradation of the reefs is unavoidable, provide the client with information regarding the current status of U.S. coral reefs and the documented causes of degradation (including sedimentation and nutrient runoff), and the beneficial aspects of maintaining coral reefs.**
- Yes **If "Yes," the significance of the impacts must be determined. An Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.**

Notes:

CULTURAL RESOURCES / HISTORIC PROPERTIES
NECH 610.25
Evaluation Procedure Guide Sheet

Client/Plan Information:

none - FL NRCS project proposal for RESTORE program
 Blackwater River Watershed
 RESTORE Act
 2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

NOTE: This guidesheet provides general guidance to field planners and managers. States may need to tailor this Evaluation Procedure Guide Sheet to reflect State Level Agreements (SLAs) with SHPOs or Tribal consultation protocols or operating procedures pertinent to your State or other State-specific protocols that reflect the terms of the current National Programmatic Agreement among NRCS, the Advisory Council on Historic Preservation, and the National Conference of SHPOs. For additional information regarding compliance with Section 106 of the NHPA and NRCS cultural resource policy refer to Title 420, General Manual (GM), Part 401, Cultural Resources; for current operating procedures see Title 190, National Cultural Resource Procedures Handbook (NCRPH), Part 601

NOTE regarding consultations: When dealing with undertakings with the potential to affect cultural resources or historic properties, it is important to follow NRCS policy and the regulations that implement Section 106 and complete consultation with mandatory (SHPOs, THPOs, federally recognized Tribes, and native Hawaiians) and identified consulting parties during the course of planning. This consultation is not documented on this guide sheet but would occur with Steps 2, 3, 4, and 6 and these must be conducted in accordance with NRCS State Office operating procedures to ensure appropriate oversight by Cultural Resources Specialists who meet the Secretary of Interior's Qualification Standards.

STEP 1.

Is the action(s) funded in whole or part or under the control of NRCS? **To make this determination, answer the following:**

- Is technical assistance carried out by or on behalf of NRCS? No Yes Unknown
- Is it carried out with NRCS financial assistance? No Yes Unknown
- Does it require Federal approval with NRCS as the lead federal agency (permit, license, approval, etc.)? No Yes Unknown
- Is it a joint project with another Federal, State, or local entity with NRCS functioning as lead federal agency? No Yes Unknown

- If all of your responses are "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
- If any responses are "Yes," go to Step 2.
- If "Unknown," consult with your State Cultural Resources Coordinator or Specialist (CRC or CRS) to determine if this is an action/undertaking that requires review and then **complete Step 1.**

STEP 2.

Is the action(s) identified as an "undertaking" (as defined in the 190-NCRPH and 420-GM) with the potential to cause effects to cultural resources/historic properties?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Has the undertaking's Area of Potential Effect (APE) been determined? **NOTE:** Include all areas to be altered or affected, directly or indirectly: access and haul roads, equipment lots, borrow areas, surface grading areas, locations for disposition of sediment, streambank stabilization areas, building removal and relocation sites, disposition of removed concrete, as well as the area of the actual conservation practice. Consultation is essential during determination of the APE so that all historic properties (buildings, structures, sites, landscapes, objects, and properties of cultural or religious importance to American Indian tribal governments and native Hawaiians) are included.

- No **If "No," or "Unknown," consult with your state specific protocols or the CRC or CRS to determine the APE.**
- Unknown **If "No," or "Unknown," consult with your state specific protocols or the CRC or CRS to determine the APE.**
- Yes **If "Yes," go to Step 4.**

CULTURAL RESOURCES (continued)

STEP 4.

Have the appropriate records (National, State and local registers and lists) been checked or interviews conducted to determine whether any known cultural or historic resources are within or in close proximity to the proposed APE or project area? **Note:** This record checking does not substitute for mandatory consultation with SHPO, THPO, Tribes, and other identified consulting parties.

- | | | | |
|--|-----------------------------|---|----------------------------------|
| National Register of Historic Places? | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| State Register of Historic Places? | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| The SHPO's statewide inventory or data base? | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| Local/county historical society or commission lists? | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| Client knowledge of existing artifacts, historic structures, or cultural features? | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Unknown |

- **If any responses are "No" or "Unknown," work with your CRC or CRS** to be sure these files are checked (sometimes the SHPO will let only the CRS or CRC review the files). Follow all other operating procedures as required by NRCS policy and procedures, SLA, and Tribal consultation protocols or operating procedures, as appropriate.
- **If all responses are "Yes," and NRCS providing technical assistance only,** then use any known information, notify the landowner of any potential affects, and provide recommendations for consideration. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** If NRCS is providing more than technical assistance **go to Step 5.**

STEP 5.

Did Step 4 reveal the existence of any known or potential cultural resources in the APE, or were any cultural resource indicators observed during the field inspection of the APE? **NOTE:** Field inspections or cultural resource survey will need to be conducted by qualified personnel in your state. Check with your State Cultural Resources Specialist to determine qualification criteria.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," contact the CRC or CRS. Do NOT proceed with finalizing project design or project implementation until the final CRS response is received. Go to Step 6.**

STEP 6.

Can the proposed actions or alternatives be modified to avoid effects on the known cultural resources?

- No **If "No," go to Step 7.**
- Yes **If "Yes," modify the planned actions or activities and proceed according to CRS guidance and document this on the NRCS-CPA-52, or notes section below and continue with planning.**

STEP 7.

Has consultation with appropriate and interested parties been completed and documented? **NOTE:** The field planner completing the NRCS-CPA-52 generally does not do the consultation unless it is the CRS or CRC. Refer to the appropriate specialist for the documentation information.

- No **If "No" refer to State CRC or CRS** for further consultation and recommendations to the State Conservationist.
- Yes **If "Yes," and all necessary historic preservation activities of identification, evaluation, and treatment have been completed, document any consultation and proceed with planning.**

Notes:

**ENDANGERED AND THREATENED SPECIES
NECH 610.26
Evaluation Procedure Guide Sheet**

Client/Plan Information:

none - FL NRCS project proposal for RESTORE program
Blackwater River Watershed
RESTORE Act
2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Are protected species or their habitat present in the area of potential effect?

Note: protected species include federally listed, proposed, and candidate species, as well as State and Tribal species protected by law or regulation. In addition, if a species' listing or status changes before implementation, you must complete this review again.

No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," document the species and relevant benchmark data on NRCS-CPA-52, then proceed to the applicable section(s) listed below:**

- Section 1- Federally listed endangered or threatened species/habitats
- Section 2- Federally proposed species/habitats
- Section 3- Federal candidate species/habitats
- Section 4- State/Tribal species/habitats

SECTION 1: Federally listed endangered or threatened species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on endangered or threatened species or their habitat?

No effect **If "No effect," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

May affect **If "May affect," meaning that the action might affect endangered and threatened species or their habitat in some way, go to Step 2.**

Federally listed endangered or threatened species/habitats (continued)

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," and the effects are purely benign or beneficial,** continue with planning but ensure the client is aware endangered and threatened species or their habitat exists and conservation practices must be applied in a manner that avoids adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- No **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects or the client obtains a "take" permit from the FWS/NMFS. Refer the client to FWS/NMFS to address the client's responsibilities under Sections 9 & 10 of the ESA, for Federally listed species. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. If assistance is continued, document how the alternative conservation treatments avoid adverse effects and proceed with planning.**
- Yes **If "Yes," and the action will be implemented according to an existing informal consultation, biological opinion, or 4(d) special rule, document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and the action cannot be modified to avoid the effect,** inform client that in order to proceed with the action NRCS must consult with FWS/NMFS. Contact your area or State biologist for consultation procedures. The action can only be implemented according to the terms of the consultation. **When consultation is complete, attach the consultation documents to NRCS-CPA-52 or reference them in the notes section below and proceed with planning.**

Notes for Federally listed endangered or threatened species/habitats:

Sites are within the ESA Consultation Area for the red cockaded woodpecker. However, there are no identified colonies in the Big Coldwater Creek subwatershed. Gulf sturgeon has critical habitat downstream in Blackwater River and Blackwater Bay. Code 362 Diversion will not be applied to natural streams. Stabilization of gullies will benefit Indigo Snake and Gopher Tortoise habitat. Standard NRCS protective measures will be followed as per the USFWS-FL NRCS Consultation Matrix for these species. Decreased sedimentation in the Blackwater River is expected to benefit the sturgeon.

SECTION 2: Federally proposed species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on proposed species or their habitat?

No effect

If "No effect," additional evaluation is not needed concerning proposed species or proposed critical habitat. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

May effect

If "May affect," meaning that the action might affect endangered and threatened species or proposed critical habitat in any way, **go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

No

If "No," and the effects are purely benign or beneficial, continue with planning but ensure the client is aware proposed species or their habitat exists and conservation practices must be applied in a manner as to avoid adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

No

If "No," and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning proposed species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects, and to the extent practicable, provide long-term benefits to species and habitat. Should the client or landowner refuse to apply the recommended alternative conservation treatment, NRCS will inform the client and landowner of the NRCS policy and shall not provide assistance for the action or portion of the action affecting the proposed species.

Yes

If "Yes," and the action will be implemented according to an existing conference report or conference opinion. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

Yes

If "Yes," and the action cannot be modified to avoid the effect, inform client that the NRCS must conference with FWS/NMFS. Contact your area or State biologist for conference procedures. Further NRCS assistance can only be provided only if the client agrees to implement the conference recommendations to the extent practicable. **When the conference is complete, attach the conference documents to NRCS-CPA-52, or reference them in the notes section below, and proceed with planning.**

Notes for Federally proposed species/habitats:

none present

SECTION 3: Federal candidate species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on candidate species or their habitat?

- No adverse effect **If “No adverse effect,”** additional evaluation is not needed concerning proposed species or proposed critical habitat. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May adversely effect **If “May adversely affect,”** recommend alternative treatments that avoid or minimize the adverse effects and, to the extent practicable, provide long-term benefit to the species. **Document the effects of the selected alternative on the NRCS-CPA-52 and proceed with planning.**

Notes for Federally proposed species/habitats:

Gopher tortoise protection measures will be followed for the use of Grassed Waterways.

SECTION 4: State/Tribal species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the proposed action or alternative on State/Tribal species or their habitat?

- No adverse effect **If “No adverse effect,”** additional evaluation is not needed concerning State or Tribal species of concern. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May adversely affect **If “May adversely affect,” go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

- No **If “No,” and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning State and Tribal species and the need to use alternative conservation treatments to avoid or minimize adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids or minimizes adverse effects to the extent practicable. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** If assistance is continued, document how the alternative conservation treatments avoid or minimize those adverse effects and proceed with planning.
- Yes **If “Yes,” and the action cannot be modified to avoid the adverse effect,** inform client that the NRCS must coordinate with State/Tribal government and receive concurrence on recommended alternatives. Contact your area or State biologist for coordination procedures. Further NRCS assistance will be provided only if the client agrees to implement a concurred upon alternative and obtains any required permits. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes for State/Tribal species/habitats:

Gopher tortoise protection measures will be followed for the use of Grassed Waterways.

ENVIRONMENTAL JUSTICE
NECH 610.27
Evaluation Procedure Guide Sheet

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program	
Blackwater River Watershed	
RESTORE Act	
2 individual project sites in the Big Coldwater Creek	

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

In the area affected by the NRCS action, are there low-income populations, minority populations, Indian Tribes, or other specified populations that would experience disproportionately high and adverse human health impacts resulting from the proposed action or alternative?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**
- Unknown **If "Unknown,"** consult your State Environmental Specialist, or equivalent and Tribal Liaison for additional guidance, **and repeat Step 1. NOTE:** The USDA Departmental Regulation on Environmental Justice (DR 5600-002) provides detailed "determination procedures" for NEPA as well as non-NEPA activities and suggests social and economic effects for considerations.

STEP 2.

Is the action(s) the type that might have a disproportionately high and adverse environmental or human health effect on a low-income population, minority population, or Indian Tribe?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** initiate Tribal consultation or community outreach to affected and interested parties that are categorized as low-income, minority, or as Indian Tribes. The purpose is to encourage participation and input on the proposed program or activity and any alternatives or mitigating options. Participation of these populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historic, or other potential barriers to effective participation. If assistance is needed with this process, contact your State Public Affairs Specialist or Tribal Liaison. **Go to Step 3.**

STEP 3.

Considering the results of the outreach initiative together with other information gathered for the decision-making process, will the action(s) have a disproportionately high and adverse effect on the human health or the environment of the minority, low-income, or Indian populations?

- No **If "No," notify interested and affected parties of agency decision. Document on the NRCS-CPA-52, or notes section below, the finding and rationale.**
- Yes **If "Yes,"** consider the feasibility and appropriateness of the proposed alternatives and their effects and the possibility of developing additional alternatives or a mitigation alternative and **repeat Step 3. Document results of these early scoping sessions on the NRCS-CPA-52.** If it is determined that there remains a disproportionately high and adverse effect on human health or the environment, or the project or action carries a high degree of controversy then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.

Notes:

ESSENTIAL FISH HABITAT
NECH 610.28
Evaluation Procedure Guide Sheet

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program	
Blackwater River Watershed	
RESTORE Act	
2 individual project sites in the Big Coldwater Creek	

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Is the action(s) in an area designated as Essential Fish Habitat (EFH) or in an area where effects could indirectly or cumulatively affect EFH?

NOTE: Additional information regarding EFH Descriptions and Identification can be found on NMFS's website.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) result in short-term or long-term disruptions or alterations that may result in an "adverse effect" to EFH? [16 U.S.C. 1855(b)(2); Magnuson Stevens Act (MSA) Section 305(b)(2)]

- No **If "No," consultation with NMFS and further evaluation is not needed concerning EFH unless otherwise specified by the State Biologist. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid the potential adverse effect?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- Yes **If "Yes," modify the action or activity and repeat Step 2.**

STEP 4.

Is NRCS providing assistance that would result in the funding, authorization, or undertaking of the action(s)? [MSA Section 305(b)]

- No **If "No," an alternative conservation system that avoids the adverse effect must be identified as the proposed action or NRCS must discontinue assistance. If assistance is terminated, indicate the circumstances in the Remarks section of the NRCS-CPA-52 or contact the NRCS State Office for assistance. (Title 190, General Manual, Part 410, Subpart A, Section 410.3)**
- Yes **If "Yes," inform the client that the NRCS District Conservationist or NRCS State Biologist must consult with NMFS before further action or activity can proceed [MSA, Section 305(b)(2)].**
Note: For specific information regarding consultation for EFH, see NMFS "Essential Fish Habitat Consultation Guidance," April 2004, available online.

Notes:

FLOODPLAIN MANAGEMENT
NECH 610.29
Evaluation Procedure Guide Sheet

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program	
Blackwater River Watershed	
RESTORE Act	
2 individual project sites in the Big Coldwater Creek	

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

NOTE: This Guide Sheet is intended for evaluation of "non-project" technical and financial assistance only (individual projects). For "project" assistance criteria (those assisting local sponsoring organizations), consult Title 190, General Manual, Part 410, Subpart B, Section 410.25.

STEP 1.

Is the project area in or near a 100-year floodplain?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**
- Yes **If "Yes," go to Step 2.**
- Unknown **If "Unknown," review the HUD/FEMA flood insurance maps and other available data such as soils information relating to flood frequency. If still "Unknown", contact the appropriate field or hydraulic engineer. Repeat Step 1.**

STEP 2.

Is the planning area in the floodplain an agricultural area that has been used to produce food, fiber, feed, forage or oilseed for at least 3 of the last 5 years before the request for assistance?

- No **If "No," go to Step 4.**
- Yes **If "Yes," document the agricultural use history and go to Step 3.**

STEP 3.

Is the floodplain's agricultural production in accordance with official state or designated area water quality plans?

- No **If "No," advise the client of conservation practices or other measures that will bring the land into accordance with water quality plans and incorporate these into the conservation plan. Go to Step 4.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**

STEP 4.

Over the short or long term, will the proposed action or alternative likely result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the floodplain or lands adjacent or downstream?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," modify the action if possible to avoid adverse effects. Inform landuser of the hazards of locating actions in the floodplain and discuss alternative methods of achieving the objective and/or alternative locations outside the 100-year floodplain. If the action can be modified, describe the modification on the NRCS-CPA-52 and repeat 4. If the action cannot be modified to eliminate adverse effects, go to Step 5.**

FLOODPLAIN MANAGEMENT (continued)

STEP 5.

Is one or more of the alternative methods or locations practical?

- No **If "No,"** the District Conservationist will carefully evaluate and document the potential extent of the adverse effects and any increased flood risk before making a determination of whether to continue providing assistance. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**

- Yes **If "Yes," and the client agrees** to implement the alternative methods or locations outside the floodplain, **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

- Yes **If "Yes," and the client DOES NOT AGREE** to implement the alternative methods or locations, advise the client that NRCS may not continue to provide technical and/or financial assistance where there are practicable alternatives. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**

STEP 6.

Will assistance continue to be provided?

- No **If "No,"** provide written notification of the decision to terminate assistance to the client and the local conservation district, if one exists. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

- Yes **If "Yes,"** the district conservationist should **design or modify the proposed action or alternative to minimize the adverse effects to the extent possible. Circulate a written public notice** locally explaining why the action is proposed to be located in the 100-year floodplain. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

Most practices will be conducted in gullies or riparian areas.

INVASIVE SPECIES
NECH 610.30
Evaluation Procedure Guide Sheet

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program	
Blackwater River Watershed	
RESTORE Act	
2 individual project sites in the Big Coldwater Creek	

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

NOTE: Executive Order 13112 states that “a Federal agency shall not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction and spread of invasive species in the U.S. or elsewhere.” Remember that invasive species can include plants, fish, animals, insects, etc.

STEP 1.

Is the action(s) in an area where invasive species are known to occur or where risk of an invasion exists?

NOTE: Executive Order 13112 (1999) directs Federal agencies to "prevent the introduction of invasive species, provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause."

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Conduct an inventory of the invasive species and identify areas at risk for future invasions (Title 190, General Manual, Part 414, Subpart D, Section 414.30). Delineate these areas on the conservation plan map and document management considerations in the plan or assistance notes. Have all appropriate tools, techniques, management strategies, and risks for invasive species prevention, control, and management been considered in the planning process?

- No **If "No," you must consider and include all appropriate factors relating to the existing and potential invasive species for the planning area and repeat Step 2.**
- Yes **If "Yes," describe strategies, techniques, and reasons on NRCS-CPA-52 and go to Step 3.**

STEP 3.

Is the action(s) consistent with the Executive Order 13112, the national invasive species management plan, and any applicable State or local invasive species management plan?

- No **If "No," modify the action and repeat Step 3. If the client is unwilling to modify the proposed action, NRCS must discontinue assistance. Document the circumstances on the NRCS-CPA-52, or notes section below, and in the case file.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

NOT YET ASSESSED.

MIGRATORY BIRDS, BALD AND GOLDEN EAGLE PROTECTION ACT, NECH 610.31 Evaluation Procedure Guide Sheet

Client/Plan Information:

none - FL NRCS project proposal for RESTORE program
Blackwater River Watershed
RESTORE Act
2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

NOTE: This guide sheet includes evaluation guidance for compliance with both the Migratory Birds Treaty Act, Executive Order 13186 (2001), and the Bald and Golden Eagle Protection Act. Both sections must be completed if eagles are identified within the area of potential effect.

SECTION I: MIGRATORY BIRDS TREATY ACT

In the lower 48 states, all species except the house sparrow, rock pigeon, common starling, and non-migratory game birds like pheasants, quail, grouse, and turkeys, are protected.

STEP 1.

Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, nest or egg? The term "take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR Section 10.12).

NOTE: The MBTA does not prohibit the destruction of a migratory bird nest alone (without birds or eggs) provided that no possession occurs during the destruction (USFWS, Migratory Bird Memorandum, MBPM-2, April, 2003).

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is it the purpose of the action(s) to intentionally "take" a migratory bird or any part, nest or egg (such as, but not limited to: controlling depredation by a migratory bird, or removal of occupied nests of nuisance migratory birds)?

NOTE: Migratory game birds taken under state and Federal hunting regulations are exempt.

- No **If "No," go to Step 3.**
- Yes **If "Yes," document the effects, including the reasons, on the NRCS-CPA-52, or notes section below. Inform the client that they must obtain a permit from USFWS and any required state permit before the action is implemented.**

STEP 3.

Have adverse effects on migratory birds been mitigated (avoided, reduced, or minimized) to the maximum practicable extent?

- No **If "No," modify the action and repeat Step 1. If client is unwilling to modify the action then NRCS must discontinue assistance until issue has been resolved with USFWS.**
- Yes **If "Yes," document mitigation measures on the NRCS-CPA-52, or notes section below, and in the plan. Go to Step 4.**

MIGRATORY BIRDS TREATY ACT / BALD AND GOLDEN EAGLE PROTECTION ACT (continued)

STEP 4.

Will unintentional take of migratory birds, either individually or cumulatively, result in a measurable negative effect on a migratory birds population?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take (E.O. 13186(3)(e)(9)). Repeat Step 1 or indicate which of the following options is pursued by the client (pick one). Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**
 - The client will obtain a permit from USFWS before the action is implemented; OR
 - NRCS may need to terminate assistance. Contact the NRCS State Environmental Specialist or Wildlife Biologist.

Notes:

No ground nesting bird species in this area. Removal of trees will be minimized in accordance with practice standards for Land Clearing and Streambank and Shoreline Protection.

SECTION II: BALD & GOLDEN EAGLE PROTECTION ACT

STEP 1.

Will the action(s) result in the take, possession, sale, purchase, barter, or offer to sell, purchase, or barter, export or import "of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit"? (The term "**take**" is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden eagle. The term "disturb" under this act means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle; a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effect? Refer to the National Bald Eagle Management Guidelines for measures that can be taken to avoid disturbing nesting bald eagles and their young.

- No **If "No," document the finding, including the reasons, on the NRCS-CPA-52, or notes section below. Contact the NRCS State Biologist or appropriate NRCS official about working with the client and USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action or alternative. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22.**
- Yes **If "Yes," modify the alternative and repeat Step 1. If the client is unwilling to modify the action then NRCS may need to discontinue assistance. Contact the NRCS State environmental specialist or wildlife biologist for assistance. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

Notes:

NATURAL AREAS
GM 190, Part 410.23
Evaluation Procedure Guide Sheet

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program	
Blackwater River Watershed	
RESTORE Act	
2 individual project sites in the Big Coldwater Creek	

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

Natural Areas are defined as land and water units where natural conditions are maintained. They may be areas designated on Federal government, non-federal government, or on private land. Designation may be provided under Federal regulations, by foundations or conservation organizations, or by private landowners that specify it as such (GM 190. Part 410.23).

STEP 1.

Are there any designated natural areas present in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) affect the natural area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Are the effects consistent with maintaining, protecting, and preserving the integrity of the natural characteristics?

- No **If "No," Inform the client about the effects of the proposed action or alternatives on the identified natural areas. You must also encourage the client to consult with concerned parties to arrive at a mutually satisfactory alternative [GM 190, Part 410.23(c)4]. Document the effects of the action and any communications with the client on the NRCS-CPA-52, or notes section below, and proceed with planning.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

**PRIME AND UNIQUE FARMLANDS
NECH 610.32
Evaluation Procedure Guide Sheet**

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program	
Blackwater River Watershed	
RESTORE Act	
2 individual project sites in the Big Coldwater Creek	

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Using the criteria found in the FPPA Rule (7 CFR Part 658.5), does the action(s) convert farmland to a nonagricultural use? **NOTE:** Conversion does not include construction of on-farm structures necessary for farm operations. Also, form AD-1006 entitled "Farmland Conversion Impact Rating" and form NRCS-CPA-106 entitled "Farmland Conversion Impact Rating for Corridor Type Projects" are used to document effects of proposed projects that may convert farmland. If you are uncertain about the effects on prime and unique farmlands in your planning area, consult the State Soil Scientist.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Are prime or unique farmlands or farmlands of statewide or local importance present in or near the area that will be affected by the action(s)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid adverse effects or conversion?

- No **If "No," document the adverse effects on the NRCS-CPA-52, or notes section below, and proceed with planning.**
- Yes **If "Yes," modify and repeat Step 1 or contact the State Soil Scientist for further assistance. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

RIPARIAN AREA
NECH 610.33
Evaluation Procedure Guide Sheet

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program Blackwater River Watershed	
RESTORE Act	2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Is a riparian area present in or near the planning area? (Definition can be found in Title 190, General Manual, Part 411.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Do the action(s) address maintenance or improvement of water quality, water quantity, and fish and wildlife benefits provided by the riparian area?

- No **If "No," revise the plan to maintain or improve water quality, water quantity, and fish and wildlife benefits. Document the benchmark conditions and effects on the NRCS-CPA-52, or notes section below, go to Step 3.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Do the action(s) conflict with the conservation values/functions of the riparian area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," inform the client of the values and functions of riparian areas, including their contribution to floodplain function, stream bank stability and integrity, nutrient cycling, pollutant filtering, sediment retention, and biological diversity, and present alternatives that will resolve the conflict. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

SCENIC BEAUTY
GM Title 190, Part 410.24
Evaluation Procedure Guide Sheet

Client/Plan Information:

none - FL NRCS project proposal for RESTORE program
Blackwater River Watershed
RESTORE Act
2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Will the action(s) adversely affect the scenic quality of the general landscape or any specifically designated unique or valuable scenic landscape? (Consult Section II of the FOTG for a listing of any identified areas of scenic beauty.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effects on the scenic quality of the landscape? NOTE: NRCS must provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty or improve the landscape (GM 190, Part 410.24).

- No **If "No," consider any state or local requirements. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," modify the planned action or activity and repeat Step 1.**

Notes:

WETLANDS
NECH 610.34
Evaluation Procedure Guide Sheet

Client/Plan Information:

none - FL NRCS project proposal for RESTORE program
 Blackwater River Watershed
 RESTORE Act
 2 individual project sites in the Big Coldwater Creek

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

This guide sheet addresses policy found in Title 190, General Manual, Part 410, Subpart B, Section 410.26. Use the Clean Water Act Guide Sheet for addressing wetland concerns relating to the Clean Water Act.

STEP 1.

Are wetlands present in or near the planning area?

NOTE: This includes **all** wetlands except those artificial wetlands created by irrigation water. Thus, areas determined as prior converted (PC) in accordance with the 1985 Food Security Act and nonirrigation induced artificial wetlands (AW), which retain wetland characteristics, are wetlands as they relate to the wetland protection policy.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** (If the area could qualify as an "other water of the United States" such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide sheet.)
- Yes **If "Yes," document the extent and location of wetlands and go to Step 2.**

STEP 2.

Will the action(s) impact any wetland areas (this includes changing wetland types when considering wetland restoration projects)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," assess the wetland functions and describe (on the NRCS-CPA-52) the effects of the proposed activity on the wetland area. If effects are solely beneficial, continue with planning. If adverse effects exist, go to Step 3.**

STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

- No **If "No," go to step 4.**
- Yes **If "Yes," advise the client of the available alternatives. If the client chooses to implement the alternative that avoids adverse impact (including obtaining all necessary permits), document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. Otherwise, NRCS shall terminate all assistance for the project.**

WETLANDS (continued)

STEP 4.

Do other measures exist that will minimize adverse effects to wetlands?

- No **If "No," go to step 5.**
- Yes **If "Yes,"** advise the client of the minimization measures. If the client chooses to implement the minimization measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

STEP 5.

Does the client wish to pursue an action that will result in adverse impacts to wetlands (where no practicable alternatives or minimization measures exist)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

Notes:

Wetlands exist in close proximity to Gully 2, although it is not known at this time whether work will affect these areas. If work occurs in or near wetlands, procedures found in GM 190 Part 410.26 will be followed to mitigate effects to these areas.

WILD AND SCENIC RIVERS
NECH 610.35
Evaluation Procedure Guide Sheet

Client/Plan Information:	
none - FL NRCS project proposal for RESTORE program	
Blackwater River Watershed	
RESTORE Act	
2 individual project sites in the Big Coldwater Creek	

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

STEP 1.

Could the action(s) have an effect on the natural, cultural or recreational values of any nearby rivers?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," analyze the potential effects and develop alternatives, as necessary, that would mitigate potential adverse effects, then go to Step 2.**

STEP 2.

Is there a Federal or State designated Wild, Scenic, or Recreational River segment or a river listed in the Nationwide Rivers Inventory (NRI) in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and there is still potential for effect consult your State environmental liaison to assist with determining the nature and significance of the effect. Go to Step 3.**
NOTE: The State Office may request the administering federal or state agency (National Park Service in the case of NRI) to assist you in developing appropriate avoidance and mitigation measures.

STEP 3.

Could the proposed action or alternative have an adverse effect on the natural, cultural or recreational values of the wild, scenic, or recreational river segment that cannot be avoided or minimized?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 4.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," inform the client that a permit may be required for their activities and they should consult with the administering federal or state agency. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation.**
- Yes **If "Yes," consult with the administering federal or state agency to determine whether the proposed action could foreclose options to classify any portion of the river segment as wild, scenic or recreational and to develop avoidance or mitigation measures. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

River Segments:
 River: Big Coldwater and East Fork County: Santa Rosa Reach: RM 2, FL 191 bridge, to RM 11, Coldwater Church Length: 9 miles
 River: Blackwater River County: Santa Rosa, Okaloosa Reach: RM 4, above city of Milton, to RM 44, AL State line Length: 40 miles



Justification for Application of NRCS Categorical Exclusions for Water Quality and Downstream Habitat Improvement in Big Coldwater Creek, Blackwater River Watershed

Santa Rosa County, Florida

Project Description:

Restoring water quality and habitat are goals of the Comprehensive Plan of the RESTORE Council and the RESTORE Act. The primary focus of this project is to restore and protecting water quality and aquatic habitat in portions of the Blackwater River watershed, but downstream waters in the Gulf ecosystem are expected to benefit.

The Blackwater River watershed consists of approximately 860 square miles, of which about 700 square miles are in the western Florida panhandle. The watershed is composed of the Blackwater River and its principal tributaries Big Juniper Creek, Big Coldwater Creek, Clear Creek, and Pond Creek. The Blackwater River itself runs approximately 62 miles from its origin in Alabama through Okaloosa County, FL, and then Santa Rosa County, FL, to Blackwater Bay. From Blackwater Bay the waters of the Blackwater River watershed eventually reach Pensacola Bay near where it empties into the Gulf of Mexico.

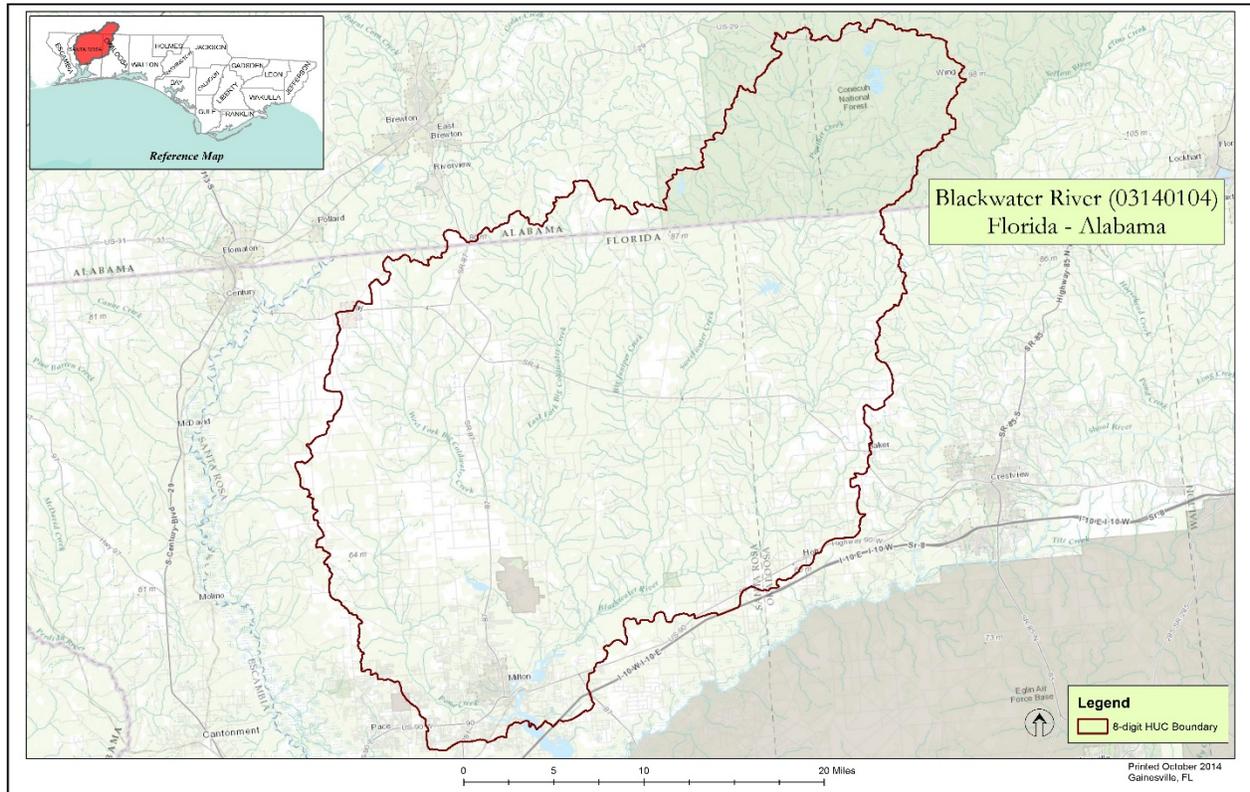


Figure 1. Blackwater River Watershed

The Blackwater River is the smallest riverine component of the Pensacola Bay system and is classified as a small “blackwater” system with sand bottom. (Thorpe et al., 1997). “Blackwater” rivers are named for their reddish water color due to the presence of tannic and organic acids in the water. The Blackwater River is designated as an Outstanding Florida Waters (OFW) under the Florida Water Quality Standards (<http://www.dep.state.fl.us/water/wqssp/ofwqa.htm>). An OFW is a waterbody that has been deemed worthy of special protection because of its natural attributes (e.g., excellent water quality, or exceptional ecological, social, educational, or recreational value). Only 2% of the water bodies in the state have received this designation. Partly because of the OFW designation the Blackwater River is one of the most popular waterbodies in the state for canoers and kayakers and serves as an economic engine for the area as a result of recreational tourism.

The Blackwater River watershed ecosystem provides habitat for a wide diversity of plants and animals, many of which are listed as endangered or threatened including the red-cockaded woodpecker (*Picoides borealis*), gopher tortoise (*Gopherus Polyphemus*), and Sherman's Fox squirrel (*Sciurus niger shermani*). The rivers of the watershed provide habitat for a diversity of fish species including largemouth bass (*Micropterus salmoides*), longnose gar (*Lepisosteus osseus*), channel catfish (*Ictalurus punctatus*), and the blackmouth shiner (*Notropis melanostomus*; FFS, 2013).

Land use in the watershed is primarily forestry, but row crop agriculture, particularly cotton farming, is a prominent feature on the western side of the watershed in the Big Coldwater Creek subwatershed, shown below in blue.

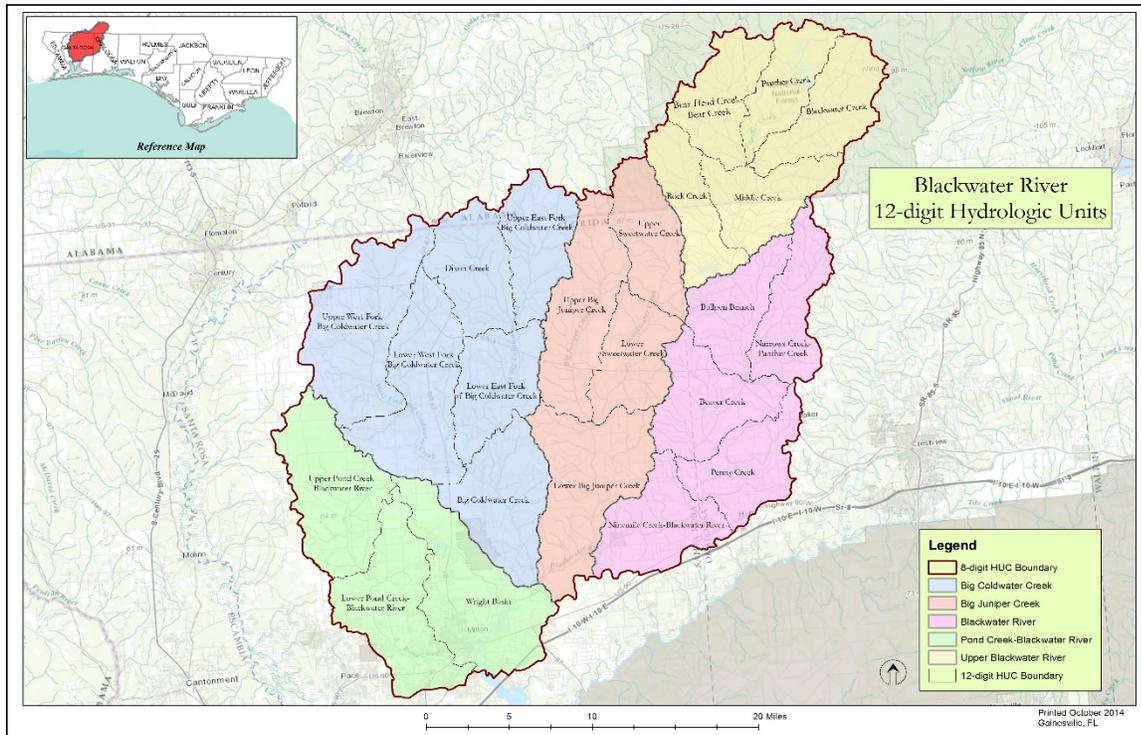
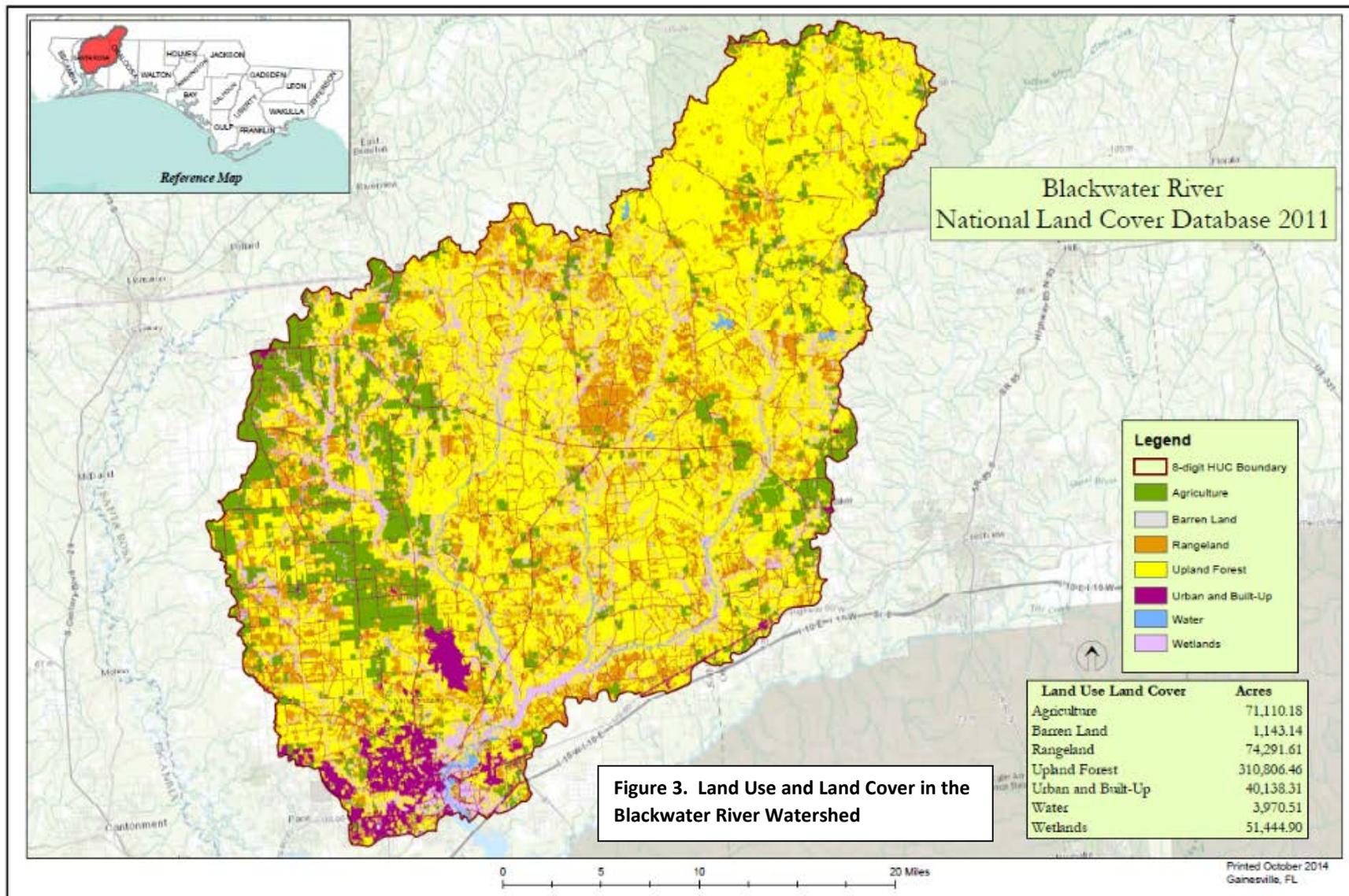


Figure 2. Subwatersheds in the Blackwater River Watershed



Santa Rosa County is comprised primarily of rural communities depending on industries such as agriculture, manufacturing, and service-related professions for income. Relatively limited development in the Blackwater River watershed is thought to be the reason water quality in Blackwater Bay is still relatively good compared to other river systems in the Pensacola Bay watershed, but it is considered one of the more threatened watersheds in the state. Sedimentation due to erosion has been identified as a major concern in the watershed by local and state government agencies and non-governmental organizations (FDEP, 2005; FFS, 2013; TNC, undated). It reduces water holding capacity of natural and artificial impoundments, reduces recreational use, can disrupt natural stream flow and affect adjacent structures, destroy marine and terrestrial habitat, disrupt aquatic food chain, and impair reproduction of some fish species (Blair et al., 2010). A Florida Dep. Environmental Protection study in 2005 determined that sediments were disrupting between 86 and 92% of the potential productive habitat at two test locations on the Blackwater River in 2005 (FDEP, 2005).

The combination of heavy rains, swift water, and sandy soils that occur in the Blackwater River watershed make this area ideal for severe erosion. During natural rain events, water erodes areas not sufficiently

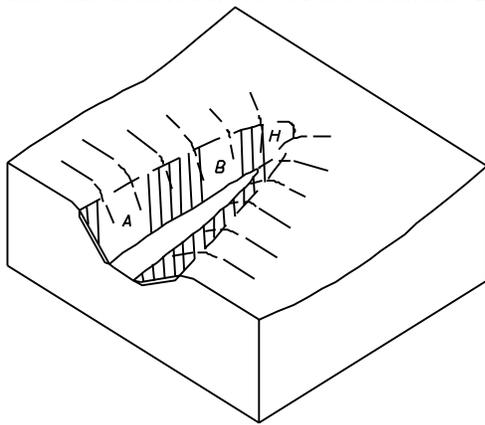


Fig. 4. Illustration of Classic Gully Erosion
 H=Headcut
 A,B=Sloughing

protected to resisting forces exerted by water flow. Once a gully starts to form (Fig. 4), the water flowing becomes more concentrated into the gully and eventually cuts a deeper trench. The sides start to slough off adding more and more sediment to the water course. As the water falls into the gully, the energy produced creates turbulence that erodes the bottom of the gully, and as the soil above sloughs off, the gully moves upslope. This type of erosion is called a head cut. Thus, erosion can form huge gullies with loss of tons of soil. Gullies in this part of the state can spread to 100 feet wide or more and result in tons of sedimentation in surface water bodies. Until erosion is slowed or stopped the gully will continue to grow, negatively impacting water quality and wildlife habitat.

NRCS works with private farmers, ranchers and forest landowners across the country to help them sustain agricultural productivity and protect natural resources through voluntary conservation measures. Two agricultural landowners in the West Fork of the Big Coldwater Creek subwatershed have agreed to work with NRCS to implement measures to repair severe gully erosion and prevent future erosion from impacting the creek and downstream areas. The two farms in question each contain a large gully that is a major source of sediment to the Creek. NRCS has calculated that approximately 116,200 tons of soil have been eroded from one site (Gully 1) and 57,000 tons from the other (Gully 2).

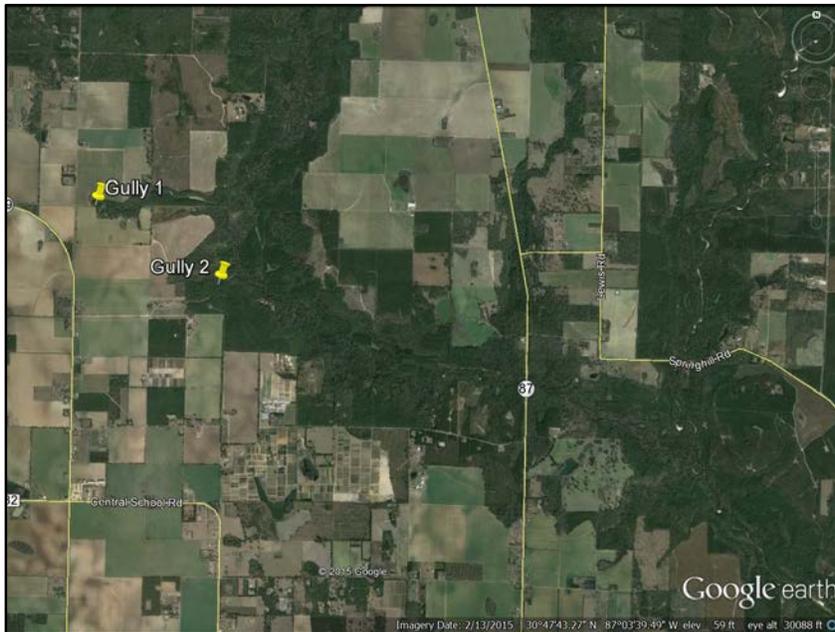
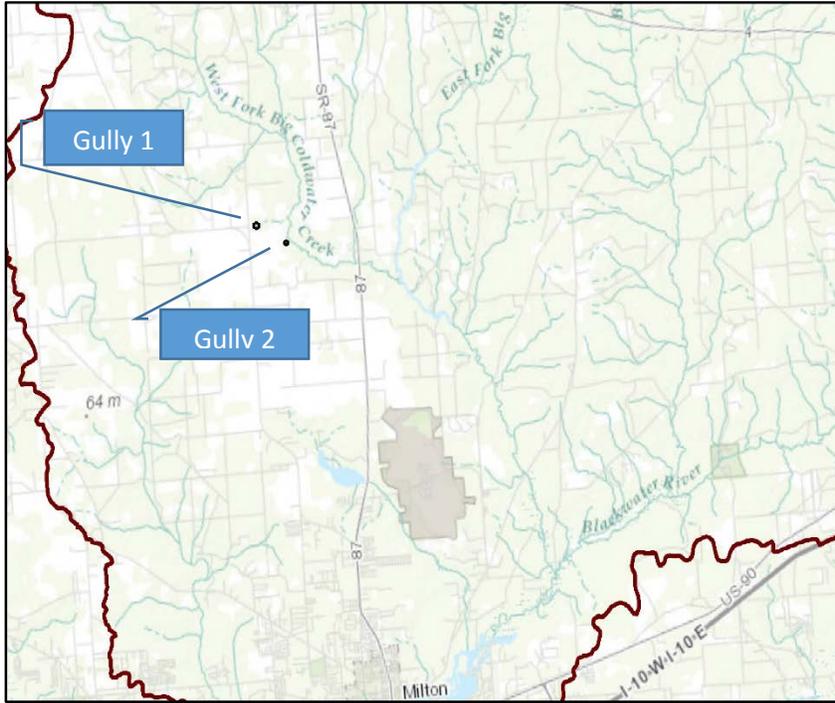
Categorical Exclusions Proposed for the Action:

Combinations of several of the following NRCS conservation practices will be utilized as needed to repair the gullies to prevent excessive erosion and restore the surrounding landscape and downstream waters:

- | | |
|-----------------------------------|---|
| Clearing and Snagging (Code 326) | Diversion, (Code 362) |
| Critical Area Planting (Code 342) | Grade Stabilization Structure, (Code 410) |
| Dike (Code 356) | Grassed Waterway, (Code 412) |

- Land Clearing (460)
- Land Smoothing (Code 466)
- Lined Waterway or Outlet (Code 468)
- Obstruction Removal, (Code 500)
- Streambank and Shoreline Protection, (Code 580)
- Structure for Water Control (Code 587)
- Underground Outlet (Code 620)

Figure 5. General Project Site locations



The USDA NRCS categorical exclusions proposed for application are:

7 CFR 650.6(d)(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition;

7 CFR 650.6(d)(20) Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting;

A total of thirteen Florida NRCS conservation practices have been found appropriate for application to the proposed gully repair and restoration work. These practices and associated implementation requirements and guidance may be viewed in Section IV of the NRCS Field Office Technical Guide at: <http://efotg.sc.egov.usda.gov/>.

The following sideboards are required for use of the practices associated with this Categorical Exclusion. All activities subject to this Categorical Exclusion must:

- (i) Be designed to mitigate soil erosion, sedimentation, and downstream flooding;
- (ii) Require disturbed areas to be vegetated with adapted species that are neither invasive nor noxious;
- (iii) Incorporate the applicable NRCS conservation practice standards as found in the Field Office Technical Guide;
- (iv) Must be based on current Federal principals of natural stream dynamics and processes, such as those presented in the Federal Interagency Stream Corridor Restoration Working Group document, "Stream Corridor Restoration, Principles, Processes, and Practices;"
- (v) Must not require substantial dredging, excavation, or placement of fill.

The remaining sideboard for use of NRCS Categorical Exclusions does not apply to the proposed activities:

- (vi) Must not involve a significant risk of exposure to toxic or hazardous substances

Implementation Methods for Restoration of Riparian and Aquatic Habitat

Typical scenarios for the two project sites are:

Soil Stabilization: Heads of the gullies would be treated with a grade stabilization structure (e.g., pipe drop structure, rock chute, lined waterway) to prevent further erosion. This generally also includes diverting storm water runoff to one location and providing a way for the storm water to be conveyed to the channel below without causing further erosion. Sides of the gullies, where active, would be addressed by grading, shaping and re-vegetating with sod. Slope toes and gully channels would be stabilized using grade stabilization methods to prevent further head cutting within the channel. Lined waterways, streambank stabilization, and grassed waterways could be used to treat the channel.

Stream Restoration: Stream channels would be assessed to determine how to reconstruct the stream with stable dimensions. Methods to prevent further head cutting and reestablish stable primary channels will be based on stream geomorphic characteristics and other factors. Streambanks will be shaped back



Fig. 6. Gully erosion in Blackwater River watershed
October 2014

to a stable grade and re-vegetated with sod (Critical Area Planting, Code 342) and native riparian plant species. NRCS may also work with landowner to fence out the restored riparian area so that stream restoration work would be protected.

Both projects will be completed within five years of receipt of funding.

Analysis of Extraordinary Circumstances

As required by NEPA, NRCS has analyzed the activities involved with this proposal for the following extraordinary circumstances that would preclude the application of its categorical exclusions:

1 Expected to cause significant effects on public health or safety

No adverse effects to public health are expected. The project should positively affect public safety by preventing washing out or other incapacitation of property or infrastructure, e.g., downstream roads or bridges, via halting of the excessive erosion process.

2 Expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

These resources will be protected and in most cases enhanced via the restoration of these riparian areas, as they will no longer be subject to loss from erosive forces or degradation of water quality.

3 Effects on the quality of the human environment likely to be highly controversial

NRCS has a decades-long record of successfully completing similar projects in this part of the state and under similar conditions, particularly in the context of its Emergency Watershed Protection Program where hurricanes and tropical storms have caused or exacerbated similar gully erosional features. EWP projects are completed according to NRCS conservation practice standards and are done in partnership with local governments. These projects and similar NRCS projects have not been controversial in the past.

4 Has highly uncertain effects or involve unique or unknown risks on the human environment

Similar projects conducted by NRCS in the past have had predictable | stabilizing results to targeted lands and water bodies and served to remove risk to the human environment.

5 Establishes a precedent for future actions with significant impacts or represent a decision in principle about a future consideration

Project will not establish precedent or represent a decision in principle for a future consideration for the reasons presented in Items 3 and 4 above.

6 Known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time

Project purpose is to repair environmental damage and prevent future damage, thus restoring and protecting adjacent and downstream resources and structures. No individual or cumulative potentially significant adverse effects are expected.

7 Will likely have a significant adverse effect on ANY of the special environmental concerns. Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.

No areas of high probability for cultural resources have been identified for the two project sites; however, if resources are found at any point during implementation, work will stop until the resource can be evaluated and, if necessary, the activity will be modified to avoid effects. No listed species are known to occur in the areas of work, but all mitigation measures of the USFWS-NRCS Florida ESA Consultation Matrix for federally listed species will be followed for the application of all practices. This includes measures to protect the Eastern Indigo Snake and Gopher Tortoise, which may be at special risk in areas of intensive ground disturbance. Protection measures for wetlands, floodplains and riparian areas will be instituted as part of project work in these areas and are described in the relevant NRCS practice standards and related policies. Beneficial effects are expected to accrue indirectly to environmental justice populations, the coastal zone, and essential fish habitat and wild/scenic rivers, downstream of the project sites. No effects have been identified to invasive species, air quality, or coral reefs.

8 Will threaten a violation of Federal, State, or local law or requirements for the protection of the environment

NRCS abides by all applicable federal, state, and local laws and requirements when conducting its work and is well acquainted with the statutory and legal requirements of the type of project being proposed herein.



References:

Blair, S., A. Cathey, A. Darrow, H. Hall, K. Martinez, A. Pinzino and T.T. Ankersen. 2010. Blackwater River Watershed Master Plan. <http://www.blackwaterriver.org/documents/BWRWatershedMasterPlan.pdf>

Florida Department of Environmental Protection. 2005. Blackwater River Blackwater River Below Kennedy Bridge. http://blackwaterriver.org/documents/EcoSummary-BlackwaterRiverbelowKennedyBridgeRoad2005_000.pdf

Florida Forest Service (FFS), FL. Dep. Agric. Consum. Serv. 2013. Ten Year Resource Management Plant for the Blackwater River State Forest.

http://www.freshfromflorida.com/content/download/34257/821537/BRSF_FINAL_2013_PLAN.pdf

The Nature Conservancy (TNC), undated. A Guide to Understanding and Protecting the Blackwater River Watershed.

<http://www.blackwaterriver.org/documents/AGuidetoUnderstandingandProtectingtheBWRWatershed.pdf>

Thorpe, P., R. Bartel, P. Ryan, K. Albertson, T. Pratt, and D. Cairns. 1997. The Pensacola Bay System Surface Water Improvement and Management Plan. 149 pp. NFWFMD.

http://www.nfwfmd.state.fl.us/system/assets/575/original/Pensacola_SWIM_Plan_Update_1997.pdf



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Field Office

1601 Balboa Avenue

Panama City, FL 32405-3721

Tel: (850) 769-0552

Fax: (850) 763-2177

October 13, 2015

Mr. John Ettinger
Gulf Coast Ecosystem Restoration Council
500 Poydras Street, Suite 1117
New Orleans, La 70130

Re: Gulf Restoration - RESTORE Act -
USDA-NRCS Water Quality and
Downstream Habitat Improvement in Big
Coldwater Creek, Blackwater River
Watershed

Dear Mr. Ettinger:

The Fish and Wildlife Service (Service) has reviewed the Natural Resource Conservation Service (NRCS) project titled, "Water Quality and Downstream Habitat Improvement in Big Coldwater Creek, Blackwater River Watershed". This project is a component within the United States Department of Agriculture (USDA) Restore Act funding proposal titled "Strategic Land Protection, Conservation, and Enhancement of Priority Gulf Landscapes". Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The USDA-NRCS has identified two severe erosional areas contributing sediment loading into the Blackwater River and Pensacola Bay. These erosional "gullies" have been calculated to have contributed 116,000 tons (gully 1) and 57,000 tons (gully 2) of sediment. The project's objective is to reduce or eliminate gully erosion on private lands to improve water quality and downstream habitat, and protect private property and public infrastructure in portions of the watershed where sediment is causing impairment to water quality. This proposal will restore the riparian area and contribute to a reduction of sediment in Big Coldwater Creek and the Blackwater River, and in turn, improve downstream riparian health, aquatic habitat, and recreational and economic values of the watershed.

Activities that "may affect" a federally-listed species can only be permitted if the Federal action agency completes consultation under Section 7 of the ESA prior to construction. The Panama City Ecological Services Field Office has a programmatic agreement with USDA-NRCS regarding ESA Section 7 consultation for effect determinations contained within the: "NRCS Conservation Practice Effects on Federal Threatened & Endangered Species: USFWS-NRCS Interagency Consultation Matrix", for ESA listed species in Florida. This programmatic consultation specifically outlines a proposed ESA compliance process that the NRCS would

utilize to determine effects to federally listed species that may occur as the result of the implementation of these practice standards in the state of Florida.

As such, for this proposal standard NRCS protective measures will be followed per the USFWS-NRCS Interagency Consultation Matrix for these species. Gulf sturgeon has critical habitat downstream in Blackwater River and Blackwater Bay. However, decreased sedimentation in the Blackwater River is expected to benefit the sturgeon. Gopher tortoise protection measures will be followed for the use of Grassed Waterways and the stabilization of gullies will benefit the indigo snake and gopher tortoise habitat. In addition, there are no known red-cockaded woodpecker (RCW) colonies in the Big Coldwater Creek sub-watershed.

Based on the use of the USFWS-NRCS Interagency Consultation Matrix¹ and additional mitigation measure 1 for RCW (see below), the Service would concur with a "May Effect, Not Likely to Adversely Affect" (NLAA) determination for Eastern indigo snake, Gulf sturgeon, and RCW's. Following mitigation measure 2 (see below), will provide additional protections for migratory birds and will reduce impacts under the Migratory Bird Treaty Act (MBTA).

Additional mitigation measures:

- 1) Pine trees that are 30 years old or greater that are contiguous within one-half mile of an active RCW cluster, please reinitiate consultation under ESA
- 2) We encourage tree and vegetation clearing removal to occur during the non-nesting season for neotropical migrants to reduce impacts to birds protected under the MBTA.

If you have any questions about these comments, please contact Channing St. Aubin of this office at extension 248 for additional information and coordination.

Sincerely,



Dr. Sean Blomquist
Ecological Services Chief

(1) NRCS – USFWS Consultation Matrix: This document establishes USDA – Natural Resources Conservation Service (NRCS) Florida policy for implementing the NRCS-USFWS Consultation Matrix. This programmatic consultation tool streamlines the Endangered Species Act (ESA), Section 7, consultation requirements of NRCS and allows for more efficient and timely implementation of conservation measures and practices. This policy shall be used in conjunction with NRCS national policy, General Manual (GM), Title 190, Part 410, Subpart B, Related Environmental Concerns, Section 410.22(e), Endangered and Threatened Species of Plants and Animals and State Species of Concern, NRCS Policy, located in the national Electronic Directive System at <http://directives.sc.usgov.usda.gov/>.

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 4/2013	
ENVIRONMENTAL EVALUATION WORKSHEET		A. Client Name: Individual private landowners within the GCCRP priority area. Also see Section C below.	
		B. Conservation Plan ID # (as applicable): Gulf Coast CRP Program Authority (optional): RESTORE Act	
D. Client's Objective(s) (purpose): Promotion of at-risk species habitat conservation including development and improvement of wildlife habitat within forestland, pasture and/or hayland. Invasive species will be treated within project area. Primary species include species such as Cogongrass and Chinese Tallow Tree. Reduce the discharge of sediments and pollutants from agricultural operations and associated critically eroding areas that drain to the Gulf of Mexico by working with landowners over 5 years to implement conservation activities. See the Gulf Coast Conservation Reserve Program proposal submitted by the USDA for more information.		C. Identification # (farm, tract, field #, etc as required): Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.	
E. Need for Action: Competing vegetation hinders the development & productivity of preferred native trees &/or other desired shrubs, grasses, forbs and legumes. Food, cover/shelter for at-risk species are lacking or of low value due to undesirable, invasive vegetation out-competing desirable vegetation. Habitat restoration/enhancement is needed to promote at-risk species conservation. Also need to improve hydrology, reduce sedimentation, and improve water quality in tributary streams and headwaters by stabilizing critical erosion areas (such as headcutting gullies and eroding agricultural land) and improving the infiltration and soil health of areas above the treatment sites.	H. Alternatives		
	No Action <input type="checkbox"/> <i>√ if RMS</i>	<input type="checkbox"/> <i>√ if RMS</i>	<input type="checkbox"/> <i>√ if RMS</i>
	N/A - Analysis conducted to determine whether agency criteria for categorically excluding the action are met.	Forest Management Plan (106), Grazing Management Plan (110), Brush Management (314) Herbaceous Weed Control (315), Conservation Cover (327), Prescribed Burning (338), Critical Area Planting (342), Dike (356), Pond (378), Silvopasture Establishment (381), Fence (382), Field Border (386), Riparian Forest Buffer (391), Filter Strip (393), Firebreak (394), Grade Stabilization Structure (410), Hedgerow Planting (422), Land Clearing (460), Lined Waterway or Outlet (468), Access Control (472), Tree/Shrub Site Preparation (490), Forage Harvest Management (511), Forage and Biomass Planting (512), Livestock Pipeline (516), Prescribed Grazing (528), Pumping Plant (533), Heavy Use Area Protection (561), Livestock Shelter Structure (576), Stream Crossing (578), Streambank and Shoreline Protection (580), Structure for Water Control (587), Nutrient Management (590), Integrated Pest Management (595), Tree/Shrub Establishment (612), Watering Facility (614), Water Well (642), Restoration and Management of Rare or Declining Habitats (643), Wetland Wildlife Habitat Management (644), Upland Wildlife Habitat Management (645), Shallow Water Development and Management (646), Early Successional Habitat Development and Management (647), Forest Stand Improvement (666) will be planned and implemented to address site specific resource concerns.	

Special Environmental Concerns: Environmental Laws, Executive Orders, policies, etc.

In Section "G" complete and attach Environmental Procedures Guide Sheets for documentation as applicable. Items with a "•" may require a federal permit or consultation/coordination between the lead agency and another government agency. In these cases, effects may need to be determined in consultation with another agency. Planning and practice implementation may proceed for practices not involved in consultation.

G. Special Environmental Concerns (Document existing/ benchmark conditions)	J. Impacts to Special Environmental Concerns					
	No Action		Alternative 1		Alternative 1 continued	
	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action
•Clean Air Act <i>Guide Sheet FS1 FS-2</i> No non-attainment areas in the state.		<input type="checkbox"/>	May Effect - Minor Short Term Adverse Site specific burn plans required to be developed & conducted by Mississippi Forest Commission (MFC) certified prescribed burner. Burn plan will avoid sensitive areas and mitigate risks related to wind height and direction in accord with State burning permit conditions. See "Clean Air" Guide Sheet.	<input type="checkbox"/>		<input type="checkbox"/>
•Clean Water Act / Waters of the U.S. <i>Guide Sheet Fact Sheet</i> Section 303d listed Impaired Waters are present in parts of the project area.		<input type="checkbox"/>	No Effect Herbicides will be managed to prevent runoff and leaching. WINPEST evaluations will be conducted to identify measures to minimize/mitigate effects of herbicides. All label directions and restrictions relating to rates, timing and setbacks will be followed to insure control	<input type="checkbox"/>	Alternative 1 continued - while reducing the possibilities of the herbicides polluting surface and ground waters or <i>affecting non-target species</i> . See "Clean Water" Guide Sheet.	<input type="checkbox"/>
•Coastal Zone Management <i>Guide Sheet Fact Sheet</i> Some project sites may fall in the MS CZMA, located in Hancock, Harrison and Jackson Counties.		<input type="checkbox"/>	No Effect All of the proposed activities are common practices that are ongoing in the area and have routinely been approved by the State of Mississippi for compliance with the CZMA. After this proposal is funded, consistency determinations, if needed, will be requested for specific planned activities. See "Coastal Zone" Guide Sheet.	<input type="checkbox"/>		<input type="checkbox"/>
Coral Reefs <i>Guide Sheet Fact Sheet</i> No Coral Reefs present.		<input type="checkbox"/>	N/A	<input type="checkbox"/>		<input type="checkbox"/>
•Cultural Resources / Historic Properties <i>Guide Sheet Fact Sheet</i> Cultural resources may be present on or near project sites.		<input type="checkbox"/>	No Effect Actions are in compliance with terms of the NRCS National Prototype Agreement and draft MS NRCS State Prototype Programmatic Agreement. Established procedures agreed to with MS SHPO for Section 106 of the NHPA will be applied. See "Cultural Resources" Guide Sheet.	<input type="checkbox"/>		<input type="checkbox"/>
•Endangered and Threatened Species <i>Guide Sheet Fact Sheet</i> Dusky Gopher Frog, Gopher Tortoise and Black Pine Snake may have potential habitat on project sites. Gulf Sturgeon has critical habitat in rivers and tributaries within the 6 project counties.		<input type="checkbox"/>	May Effect - Beneficial All requirements of the USFWS-NRCS WLFW BOCO for the federally listed species, Gopher Tortoise, and other protected and declining species within the project area will be followed. Also consistent with 2010 informal consultation with the USFWS, stream setbacks and alternative herbicide application methods will be followed for Gulf Sturgeon designated critical	<input type="checkbox"/>	Alternative 1 continued - habitat. See the "Endangered and Threatened Species" Guide Sheet.	<input type="checkbox"/>

<p>Environmental Justice Guide Sheet Fact Sheet</p> <p>EJ communities and Choctaw tribal lands present in area.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>Outreach efforts will encourage participation from landowners. See "Environmental Justice" Guide Sheet.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>●Essential Fish Habitat Guide Sheet Fact Sheet</p> <p>Parts of the Gulf Sturgeon designated critical habitat is located in the project area.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>Consistent with 2010 informal consultation with USFWS & NMFS, stream setbacks and alternative herbicide application methods will be followed for Gulf Sturgeon designated critical habitat.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Floodplain Management Guide Sheet Fact Sheet</p> <p>100-year floodplains are present in project area.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>No actions affect floodplain functions.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Invasive Species Guide Sheet Fact Sheet</p> <p>Many undesirable plant pest species, including noxious and invasive species, such as Coggrass and Chinese Tallow Tree are present.</p>	<input type="checkbox"/>	<p>May Effect - Beneficial</p> <p>Competition from many undesirable plant pest species, including noxious and invasive species, such as Coggrass and Chinese Tallow Tree will be reduced or controlled. Survival and growth and diversity of desired vegetation within the local ecosystem will be maximized.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>●Migratory Birds/Bald and Golden Eagle Protection Act Guide Sheet Fact Sheet</p> <p>Migratory birds and bald eagles may be present near project sites.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>For migratory birds: Practices are to be conducted outside the primary nesting season - April 1 to August 15. For Bald Eagles: Activities will be avoided within 660 feet of an active bald eagle nest between Dec. 1 - June 30. See "Migratory Birds & Eagles" Guide Sheet notes for further information. Mitigation avoids all adverse effects.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Natural Areas Guide Sheet Fact Sheet</p> <p>There are some state and federal designations on public lands.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>No activities will be conducted in these areas. No adverse effects from off-site activities will occur.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Prime and Unique Farmlands Guide Sheet Fact Sheet</p> <p>Most project sites may contain prime or designated locally important farmland.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>Actions will not convert any agricultural lands to non-agricultural use. See "Prime Unique Farmlands" Guide Sheet notes.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Riparian Area Guide Sheet Fact Sheet</p> <p>Riparian areas are present in project area.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>Herbicides will be managed to prevent runoff and leaching. WINPEST evaluations will be conducted to identify measures to minimize/mitigate effects of herbicides. All label directions and restrictions relating to rates, timing and setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface and ground waters or <i>affecting non-target species</i>. See "Riparian Area" Guide Sheet.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Scenic Beauty Guide Sheet Fact Sheet</p> <p>There are some state & federal designations on public lands.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>No activities will be conducted in these areas. No adverse effects from off-site activities will occur.</p>	<input type="checkbox"/>	<input type="checkbox"/>

<p>•Wetlands Guide Sheet Fact Sheet Wetlands may be present on project sites. Site specific determinations will be required for individual contracts.</p>		<input type="checkbox"/>	<p>No Effect No activities will be conducted in wetland areas. No actions affect wetland functions. No adverse effects from off-site activities will occur. See "Wetlands" Guide Sheet notes.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>•Wild and Scenic Rivers Guide Sheet Fact Sheet Segments of Wolf River and Black Creek</p>		<input type="checkbox"/>	<p>No Effect No activities will be conducted within the streams. No adverse effects from off-site activities will occur. See "Wild Scenic Rivers" Guide Sheet notes.</p>	<input type="checkbox"/>		<input type="checkbox"/>
K. Other Agencies and Broad Public Concerns	No Action		Alternative 1		Alternative 1 continued	
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.			<p>Burn plan required to be developed & conducted by MFC certified prescribed burner. State burning permits will be obtained from MFC prior to conducting prescribed burns if needed for specific projects. Clean Water Act 404 permits are not expected to apply to activities. However, if required based on the site-specific EE, the permit will be applied for after funding has been approved.</p>		<p>Alternative 1 continued - If a permit is required, NRCS expects nationwide permits will apply. Activities are common practices that are ongoing in the area and when permits are required, they routinely are received and approved. Any required permits will be obtained by the landowner prior to implementation of practices.</p>	
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)	Native/other desirable vegetation survival & growth & natural diversity of vegetation within the local ecosystem will decline due to competition from many undesirable plant pest species, including noxious and invasive species.		The eradication/control of undesirable/invasive plants significantly increases habitat/ecosystem suitability. Profits will be made available as established marketable trees/forage mature with less vegetative competition.			
L. Mitigation (Record actions to avoid, minimize, and compensate)			Mitigation avoids all adverse effects. Refer to appropriate Guide Sheet(s) Notes section for guidance for mitigation measures.			
M. Preferred Alternative	√ preferred alternative	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
	Supporting reason		No significant adverse effects. Benefits at risk species and local ecosystems.			
N. Context (Record context of alternatives analysis)			local	regional		
The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.						
O. Determination of Significance or Extraordinary Circumstances						
<p>Intensity: Refers to the severity of impact. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.</p> <p>If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.</p>						
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Is the preferred alternative expected to cause significant effects on public health or safety?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.			
<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?			

P. To the best of my knowledge, the data shown on this form is accurate and complete:

In the case where a non-NRCS person (e.g. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block to verify the informations accuracy.

[Signature Line]

Signature (TSP if applicable)

[Title Line]

Title

[Date Line]

Date

[Signature Line]

Signature (NRCS)

State Wildlife Biologist

State Wildlife Biologist

Title

25-Sep-15

25-Sep-15

Date

If preferred alternative is not a federal action where NRCS has control or responsibility and this NRCS-CPA-52 is shared with someone other than the client then indicate to whom this is being provided.

[Empty Line]

The following sections are to be completed by the Responsible Federal Official (RFO)

NRCS is the RFO if the action is subject to NRCS control and responsibility (e.g., actions financed, funded, assisted, conducted, regulated, or approved by NRCS). These actions do not include situations in which NRCS is only providing technical assistance because NRCS cannot control what the client ultimately does with that assistance and situations where NRCS is making a technical determination (such as Farm Bill HEL or wetland determinations) not associated with the planning process.

Q. NEPA Compliance Finding (check one)

The preferred alternative:

Action required

<input type="checkbox"/>	1) is not a federal action where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
<input checked="" type="checkbox"/>	2) is a federal action ALL of which is categorically excluded from further environmental analysis AND there are no extraordinary circumstances as identified in Section "O" .	Document in "R.2" below. No additional analysis is required
<input type="checkbox"/>	3) is a federal action that has been sufficiently analyzed in an existing Agency state, regional, or national NEPA document and there are no predicted <u>significant adverse environmental effects or extraordinary circumstances</u> .	Document in "R.1" below. No additional analysis is required.
<input type="checkbox"/>	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects and has been formally adopted by NRCS . NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. (Note: This box is not applicable to FSA)	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below. No additional analysis is required
<input type="checkbox"/>	5) is a federal action that has NOT been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

R. Rationale Supporting the Finding

R.1
Findings Documentation

R.2
Applicable Categorical Exclusion(s)
(more than one may apply)

7 CFR Part 650 *Compliance With NEPA*, subpart 650.6 *Categorical Exclusions* states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 610.116.

- (1) Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the sites ecological functions and services; Requires that the established vegetative community maintain the sites ecological functions and services, which could not be accomplished by converting native forests or grasslands;
- (5) Restoring the natural topographic features of agricultural fields that were altered by farming and ranching activities for the purpose of restoring ecological processes;
- (8) Stabilizing stream banks and associated structures to reduce erosion through bioengineering techniques following a natural disaster to restore pre-disaster conditions to the extent practicable, e.g., utilization of living and nonliving plant materials in combination with natural and synthetic support materials, such as rocks, riprap, geo-textiles, for slope stabilization, erosion reduction, and vegetative establishment and establishment of appropriate plant communities (bank shaping and planting, brush mattresses, log, root wad, and boulder stabilization methods);
- (10) Constructing small structures or improvements for the restoration of wetland, riparian, in stream, or native habitats. Examples of activities include installation of fences and construction of small berms, dikes, and associated water control structures;
- (11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition;
- (19) Undertaking minor agricultural practices to maintain and restore ecological conditions in floodplains after a natural disaster or on lands impacted by human alteration. Examples of these practices include: mowing, haying, grazing, fencing, offstream watering facilities, and invasive species control which are undertaken when fish and wildlife are not breeding, nesting, rearing young, or during other sensitive timeframes;
- (20) Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting;
- (21) Implementing water conservation activities on existing agricultural lands, such as minor irrigation land leveling, irrigation water conveyance (pipelines), irrigation water control structures, and various management practices.

I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances as defined by Agency regulation and policy and based on that made the finding indicated above.

S. Signature of Responsible Federal Official:

Signature

Title

Date

Additional notes

**CLEAN AIR ACT
NECH 610.21
Evaluation Procedure Guide Sheet**

Client/Plan Information:

Individual private landowners within the GCCRP priority project area in Alabama, Georgia, and Florida
Gulf Coast CRP

RESTORE Act

Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Alternative 1
 Alternative 2 Other
 Check all that apply to this Guide Sheet review:

NOTE: STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 helps determine whether the opportunity for emissions reduction credits exist. STEP 4 helps determine whether any other permitting, record keeping, reporting, monitoring, or testing requirements are applicable. Each of these steps should be updated with more specific language as needed, since air quality permitting and regulatory requirements are different for each state. In each step, if more information is needed or there is a question as to whether there are air quality requirements that need to be met, the planner or client should contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what air quality regulatory requirement must be met prior to implementing the planned action or activity.

STEP 1.

Is the action(s) expected to increase the emission rate of any regulated air pollutant?

NOTE: The definition of a “regulated air pollutant” differs depending on the air quality regulations in effect for a given site. For a federal definition of “regulated air pollutant,” please refer to the 40 CFR 70.2. Other definitions for “regulated air pollutant” found in state or local air quality regulations may be different. *States should tailor this question to the State air quality regulations and definitions since those will include any Federal requirements.*

No **If "No,"** it is likely that no permitting or authorization is necessary to implement the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the planned action or activity. **Go to step 3.**

Yes **If “Yes,” go to Step 2.**

STEP 2.

Can the action(s) be modified to eliminate or reduce the increase in emission rate of the regulated air pollutants?

NOTE: This Step is to prompt the planner to review the planned action or activity to see if there is an opportunity to either eliminate the emission rate increase (possibly remove a permitting requirement) or reduce the emission rate increase (possibly move to less stringent permitting).

No **If "No,"** it is likely that permitting or authorization from the appropriate air quality regulatory agency will be required prior to implementing the planned action or activity. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the proposed action or alternative. **Go to Step 3.**

Yes **If “Yes,”** modify the proposed action or alternative and **repeat Step 1.**

CLEAN AIR ACT (continued)

STEP 3.

Is the action(s) expected to result in a decrease in the emission rate of any criteria air pollutant for which the area in which the site is located in an EPA designated nonattainment area for that criteria air pollutant?

NOTE: For an explanation of criteria air pollutants and nonattainment areas, refer to Section 610.21 of the NECH. Further information regarding nonattainment areas can also be found on the U.S. EPA nonattainment area Web page.

- No **If "No," go to Step 4.**
- Yes **If "Yes,"** the opportunity for obtaining nonattainment pollutant emission credits may exist. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client of that potential opportunity. If the client is interested in registering nonattainment pollutant emission credits, advise him/her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented and/or registered for potential sale. **Go to Step 4.**

STEP 4.

Is the action(s) subject to any other federal (i.g., New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, etc.), State, or local air quality regulation (including odor, fugitive dust, or outdoor burning)?

NOTE: Refer to Section 610.21 of the NECH for a further discussion of air quality regulations.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** additional permits, authorizations, or controls may be needed before implementing the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what requirements must be met prior to implementing the proposed action or alternative.

Notes:

State "Burning" permit required to be obtained from Mississippi Forestry Commission (MFC) just prior to each prescribed burn. Site specific burn plan required to be developed and conducted by a MFC certified prescribed burner. Burn plan will avoid smoke/fire sensitive areas & consider wind height & direction. Minor short term adverse effects can occur to air quality, however significant long term beneficial effects for at risk species and historically fire-dependent ecosystems are expected.

**CLEAN WATER ACT/WATERS of the U.S.
NECH 610.22
Evaluation Procedure Guide Sheet**

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP RESTORE Act
Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:
 Alternative 1
 Alternative 2 Other

NOTE: This guide sheet should be tailored to meet the specific needs of individual State and local regulatory and permitting requirements. It is important for each State to coordinate with their individual State and Federal regulatory agencies to tailor State-specific protocols in order to prevent significant delays in processing permit applications.

Complete both sections of this guide sheet to address Federal as well as State-administered regulatory requirements of the Clean Water Act (CWA).

SECTION I

Federally Administered Regulatory Program - Section 404 of the CWA

STEP 1.

Will the action(s) involve or likely result in the discharge or placement of dredged or fill material or other pollutants into areas that could be considered to be waters of the United States (Including, but not limited to wetlands, lakes, streams, channels, and other water conveyances, including some small ditches)? *More detailed information regarding waters of the United States and Federal permitting programs under CWA is found in the NECH 610.22.*

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) an activity exempt from section 404 regulations (40 CFR Part 232)?
Note: the exemption should be verified with the local U.S. Army Corps of Engineers (Corps) district.

- No **If "No," go to Step 3.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used to verify the exemption applies and proceed with Section II below.**

STEP 3.

Can the action(s) be modified to avoid the discharge of dredged or fill material or other pollutants into waters of the United States?

- No **If "No," go to Step 4.**
- Yes **If "Yes," modify the action to avoid discharge. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 4.

Has the client obtained a section 404 permit (individual, regional, or nationwide) or a determination of an exemption from the appropriate Corps office?

- No **If "No,"** determine if the client has applied for a permit. If a permit has not been applied for, the client will need to do so. If a permit has been applied for, document this, and continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation. Complete Section II below.**
- Yes **If "Yes,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and complete Section II below. The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the Corps. **Complete Section II below.**

Notes:

Clean Water Act 404 permits are not expected to apply to activities. However, if required based on the site-specific EE, the permit will be applied for after funding has been approved. If a permit is required, NRCS expects nationwide permits will apply. Activities are common practices that are ongoing in the area and when permits are required, they routinely are received and approved. Any required permits will be obtained by the landowner prior to implementation of practices.

SECTION II

State Administered Regulatory Programs, Sections 303(d) and 402 of CWA

STEP 1

Is the proposed action or alternative located in proximity to waters listed by the State as "impaired" under Section 303(d) of the CWA?

- No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.
- Yes **If "Yes,"** insure consistency with any existing water quality or associated watershed action plans that have been established by the State for that stream segment. Even if TMDLs have not been established by the State for that stream segment, ensure that the action will not contribute to further degradation of that stream segment. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.**

STEP 2

Will the proposed action or alternative likely result in point-source discharges from developments, construction sites, or other areas of soil disturbance, or sewer discharges [e.g. projects involving stormwater ponds or point-source pollution, including concentrated animal feeding operations (CAFOs) for which comprehensive nutrient management plans (CNMPs) are being developed]? *Section 402 of the CWA requires a permit for these activities through the National Pollutant Discharge Elimination System (NPDES) program which the States administer.*

- No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
- Yes **If "Yes,"** go to Step 3.

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 3

Has the client obtained a NPDES permit or a determination of an exemption from the appropriate EPA or State-regulatory office?

- No **If “No,”** determine if the client has applied for any necessary permits. If a permit has not been applied for, the client will need to do so. If they have applied, document this and continue the planning process in consultation with the client and the regulatory agency. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation.**
- Yes **If “Yes,” document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** The final NRCS conservation plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit should be coordinated with the appropriate State regulatory agency.

Notes:

All Mississippi Cooperative Extension Service (MCES) and Mississippi Agriculture and Forestry Extension Service (MAFES) pesticide application guides, such as proper application methods, calibration of application equipment, and storage and disposal of containers in a safe manner, will be followed. Chemicals used must be federally, state, and locally registered. Herbicides will be managed to prevent runoff and leaching. Site specific WINPEST evaluations will be conducted to identify measures to minimize/mitigate any effects of herbicides. Current recommended herbicides and methods will be applied to achieve control of undesirable species. All label directions and restrictions relating to rates, timing and setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface and ground waters.

**COASTAL ZONE MANAGEMENT AREAS
NECH 610.23
Evaluation Procedure Guide Sheet**

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP RESTORE Act
Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:
 Alternative 1
 Alternative 2 Other

STEP 1.

Is the action(s) in an officially designated "Coastal Zone Management Area"?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) "consistent" with the goals and objectives of the State's Coastal Zone Management Program (as required by Section 307 of the Coastal Zone Management Act)?

- No **If "No," go to Step 3.**
- Yes **If "Yes," document the finding, including the reasons, on the NRCS-CPA-52 and proceed with planning.**

STEP 3.

Is NRCS providing financial assistance or otherwise controlling the action?

- No **If "No," NRCS should provide the landowner with relevant information regarding any local and State compliance requirements and protocols (permitting, etc) in special management areas as appropriate to comply with local Coastal Zone Management Programs. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," the NRCS District Conservationist or an NRCS State Office employee must contact the State's Coastal Zone Program Office before the action is implemented to discuss possible modifications to the proposed action. NRCS may not provide assistance if the proposed action or alternative would result in a violation of a State's Coastal Zone Management Plan. NRCS shall provide a consistency determination to the State agency no later than 90 days before final approval of the activity. When concurrence is received from the State, document the agreed to items and reference or attach them to the NRCS-CPA-52.**

Notes:

The action(s) are "consistent" with the goals and objectives of the State's Coastal Zone Management Program (as required by Section 307 of the Coastal Zone Management Act). The conditionally approved non-point source program plan for MS states that USDA NRCS practices from the NRCS Field Office Technical Guide (FOTG) or combination of these practices are in conformity with the 6217(g) management measures. All of the proposed activities are common NRCS practices from the FOTG that are ongoing in the area and have routinely been approved by the State of Mississippi for compliance with the CZMA. After this proposal is funded, consistency determinations, if needed, will be requested for specific planned activities.

CORAL REEFS
NFCH 610.24
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP

RESTORE Act

Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175

Check all that apply to this Guide Sheet review:

Alternative 1
 Alternative 2 Other

STEP 1.

Are coral reefs or associated water bodies (e.g. embayment areas) present in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is there a potential for the action(s) to degrade the conditions of the coral reef ecosystem? (Refer to U.S. coral Reef Task Force Web site for local action strategies in your area.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to reduce or avoid degradation to the coral reef ecosystem?

- No **If "No," identify the component(s) of the system which will cause the potential impacts. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- Yes **If "Yes," modify the action or alternative and repeat Step 2.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," and degradation of the reefs is unavoidable, provide the client with information regarding the current status of U.S. coral reefs and the documented causes of degradation (including sedimentation and nutrient runoff), and the beneficial aspects of maintaining coral reefs.**
- Yes **If "Yes," the significance of the impacts must be determined. An Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.**

Notes:

CULTURAL RESOURCES / HISTORIC PROPERTIES
NECH 610.25
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority area.
 Gulf Coast CRP
 RESTORE Act
 Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:

- Alternative 1
 Alternative 2 Other

NOTE: This guidesheet provides general guidance to field planners and managers. States may need to tailor this Evaluation Procedure Guide Sheet to reflect State Level Agreements (SLAs) with SHPOs or Tribal consultation protocols or operating procedures pertinent to your State or other State-specific protocols that reflect the terms of the current National Programmatic Agreement among NRCS, the Advisory Council on Historic Preservation, and the National Conference of SHPOs. For additional information regarding compliance with Section 106 of the NHPA and NRCS cultural resource policy refer to Title 420, General Manual (GM), Part 401, Cultural Resources; for current operating procedures see Title 190, National Cultural Resource Procedures Handbook (NCRPH), Part 601.

NOTE regarding consultations: When dealing with undertakings with the potential to affect cultural resources or historic properties, it is important to follow NRCS policy and the regulations that implement Section 106 and complete consultation with mandatory (SHPOs, THPOs, federally recognized Tribes, and native Hawaiians) and identified consulting parties during the course of planning. This consultation is not documented on this guide sheet but would occur with Steps 2, 3, 4, and 6 and these must be conducted in accordance with NRCS State Office operating procedures to ensure appropriate oversight by Cultural Resources Specialists who meet the Secretary of Interior's Qualification Standards.

STEP 1.

Is the action(s) funded in whole or part or under the control of NRCS? **To make this determination, answer the following:**

- Is technical assistance carried out by or on behalf of NRCS? No Yes Unknown
 Is it carried out with NRCS financial assistance? No Yes Unknown
 Does it require Federal approval with NRCS as the lead federal agency (permit, license, approval, etc.)? No Yes Unknown
 Is it a joint project with another Federal, State, or local entity with NRCS functioning as lead federal agency? No Yes Unknown

- **If all of your responses are "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- **If any responses are "Yes," go to Step 2.**
- **If "Unknown," consult with your State Cultural Resources Coordinator or Specialist (CRC or CRS) to determine if this is an action/undertaking that requires review and then complete Step 1.**

STEP 2.

Is the action(s) identified as an "undertaking" (as defined in the 190-NCRPH and 420-GM) with the potential to cause effects to cultural resources/historic properties?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
 Yes **If "Yes," go to Step 3.**

STEP 3.

Has the undertaking's Area of Potential Effect (APE) been determined? **NOTE:** Include all areas to be altered or affected, directly or indirectly: access and haul roads, equipment lots, borrow areas, surface grading areas, locations for disposition of sediment, streambank stabilization areas, building removal and relocation sites, disposition of removed concrete, as well as the area of the actual conservation practice. Consultation is essential during determination of the APE so that all historic properties (buildings, structures, sites, landscapes, objects, and properties of cultural or religious importance to American Indian tribal governments and native Hawaiians) are included.

- No **If "No," or "Unknown," consult with your state specific protocols or the CRC or CRS to determine the APE.**
 Unknown
 Yes **If "Yes," go to Step 4.**

CULTURAL RESOURCES (continued)

STEP 4.

Have the appropriate records (National, State and local registers and lists) been checked or interviews conducted to determine whether any known cultural or historic resources are within or in close proximity to the proposed APE or project area? **Note:** This record checking does not substitute for mandatory consultation with SHPO, THPO, Tribes, and other identified consulting parties.

- | | | | |
|--|-----------------------------|------------------------------|----------------------------------|
| National Register of Historic Places? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| State Register of Historic Places? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| The SHPO's statewide inventory or data base? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| Local/county historical society or commission lists? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| Client knowledge of existing artifacts, historic structures, or cultural features? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |

- **If any responses are "No" or "Unknown," work with your CRC or CRS** to be sure these files are checked (sometimes the SHPO will let only the CRS or CRC review the files). Follow all other operating procedures as required by NRCS policy and procedures, SLA, and Tribal consultation protocols or operating procedures, as appropriate.
- **If all responses are "Yes," and NRCS providing technical assistance only,** then use any known information, notify the landowner of any potential affects, and provide recommendations for consideration. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** If NRCS is providing more than technical assistance **go to Step 5.**

STEP 5.

Did Step 4 reveal the existence of any known or potential cultural resources in the APE, or were any cultural resource indicators observed during the field inspection of the APE? **NOTE:** Field inspections or cultural resource survey will need to be conducted by qualified personnel in your state. Check with your State Cultural Resources Specialist to determine qualification criteria.

- | | |
|------------------------------|--|
| <input type="checkbox"/> No | If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. |
| <input type="checkbox"/> Yes | If "Yes," contact the CRC or CRS. Do NOT proceed with finalizing project design or project implementation until the final CRS response is received. Go to Step 6. |

STEP 6.

Can the proposed actions or alternatives be modified to avoid effects on the known cultural resources?

- | | |
|------------------------------|--|
| <input type="checkbox"/> No | If "No," go to Step 7. |
| <input type="checkbox"/> Yes | If "Yes," modify the planned actions or activities and proceed according to CRS guidance and document this on the NRCS-CPA-52, or notes section below and continue with planning. |

STEP 7.

Has consultation with appropriate and interested parties been completed and documented? **NOTE:** The field planner completing the NRCS-CPA-52 generally does not do the consultation unless it is the CRS or CRC. Refer to the appropriate specialist for the documentation information.

- | | |
|------------------------------|--|
| <input type="checkbox"/> No | If "No" refer to State CRC or CRS for further consultation and recommendations to the State Conservationist. |
| <input type="checkbox"/> Yes | If "Yes," and all necessary historic preservation activities of identification, evaluation, and treatment have been completed, document any consultation and proceed with planning. |

Notes:

Mississippi NRCS is required to use MS-CR-1 for site specific documentation. Actions are in compliance with terms of the NRCS National Prototype Agreement and draft MS NRCS State Prototype Programmatic Agreement. Established procedures agreed to with MS SHPO for Section 106 of the NHPA will be applied.

**ENDANGERED AND THREATENED SPECIES
NECH 610.26
Evaluation Procedure Guide Sheet**

Client/Plan Information:
Individual private landowners within the GCCRP priority Gulf Coast CRP RESTORE Act
Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:

Alternative 1
 Alternative 2 Other

STEP 1.

Are protected species or their habitat present in the area of potential effect?

Note: protected species include federally listed, proposed, and candidate specie, as well as State and Tribal species protected by law or regulation. In addition, if a species' listing or status changes before implementation, you must complete this review again.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," document the species and relevant benchmark data on NRCS-CPA-52, then proceed to the applicable section(s) listed below:**
- Section 1- Federally listed endangered or threatened species/habitats
 - Section 2- Federally proposed species/habitats
 - Section 3- Federal candidate species/habitats
 - Section 4- State/Tribal species/habitats

SECTION 1: Federally listed endangered or threatened species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on endangered or threatened species or their habitat?

- No effect **If "No effect," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May affect **If "May affect," meaning that the action might affect endangered and threatened species or their habitat in some way, go to Step 2.**

Federally listed endangered or threatened species/habitats (continued)

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," and the effects are purely benign or beneficial**, continue with planning but ensure the client is aware endangered and threatened species or their habitat exists and conservation practices must be applied in a manner that avoids adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- No **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects or the client obtains a "take" permit from the FWS/NMFS. Refer the client to FWS/NMFS to address the client's responsibilities under Sections 9 & 10 of the ESA, for Federally listed species. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. If assistance is continued, document how the alternative conservation treatments avoid adverse effects and proceed with planning.**
- Yes **If "Yes," and the action will be implemented according to an existing informal consultation, biological opinion, or 4(d) special rule, document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and the action cannot be modified to avoid the effect**, inform client that in order to proceed with the action NRCS must consult with FWS/NMFS. Contact your area or State biologist for consultation procedures. The action can only be implemented according to the terms of the consultation. **When consultation is complete, attach the consultation documents to NRCS-CPA-52 or reference them in the notes section below and proceed with planning.**

Notes for Federally listed endangered or threatened species/habitats:

May effect - Beneficial: All requirements of the July 2012 - United States Fish and Wildlife Service's (USFWS) programmatic biological opinion and conference report/opinion (BOCO) regarding the implementation of the NRCS's Working Lands for Wildlife Initiative (WLFW) for the gopher tortoise (*Gopherus polyphemus*) and other covered species on eligible private lands in the states of Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina will be followed. Informal consultation with the Service lead to the extension of these findings to other NRCS programs implementing the conservation practices covered in the BOCO. A summary list of all 20 of the conservation measures found to be necessary to avoid and minimize potential adverse affects to gopher tortoise and other associated species sharing the same habitat begins on p. 11 of the BOCO. Mississippi also has a programmatic biological assessment/biological opinion (BABO) with the USFWS for the Healthy Forest Reserve Program (HFRP) dated May 2007 for the gopher tortoise, gopher frog (*Rana sevosa*), black pine snake (*Pituophis melanoleucus ssp. lodingi*) and other covered species on eligible private lands that covers most of the same practices as the WLFW BOCO. Copies of the BOCO and the BABO are available upon request. Because mitigation measures identified in the resulting Biological Opinions are incorporated into the proposed action at each site, additional consultation is not anticipated; however, the site specific EE will determine whether there is a need for additional Section 7 consultation. Consistent with 2010 informal consultation with the USFWS and the National Marine Fisheries Service (NMFS) stream setbacks and alternative herbicide application methods will be followed for Gulf Sturgeon designated critical habitat.

SECTION 2: Federally proposed species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on proposed species or their habitat?

No effect

If "No effect," additional evaluation is not needed concerning proposed species or proposed critical habitat. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

May effect

If "May affect," meaning that the action might affect endangered and threatened species or proposed critical habitat in any way, **go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

No

If "No," and the effects are purely benign or beneficial, continue with planning but ensure the client is aware proposed species or their habitat exists and conservation practices must be applied in a manner as to avoid adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

No

If "No," and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning proposed species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects, and to the extent practicable, provide long-term benefits to species and habitat. Should the client or landowner refuse to apply the recommended alternative conservation treatment, NRCS will inform the client and landowner of the NRCS policy and shall not provide assistance for the action or portion of the action affecting the proposed species.

Yes

If "Yes," and the action will be implemented according to an existing conference report or conference opinion. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

Yes

If "Yes," and the action cannot be modified to avoid the effect, inform client that the NRCS must conference with FWS/NMFS. Contact your area or State biologist for conference procedures. Further NRCS assistance can only be provided only if the client agrees to implement the conference recommendations to the extent practicable. **When the conference is complete, attach the conference documents to NRCS-CPA-52, or reference them in the notes section below, and proceed with planning.**

Notes for Federally proposed species/habitats:

No known proposed species.

SECTION 3: Federal candidate species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on candidate species or their habitat?

- No adverse effect **If “No adverse effect,”** additional evaluation is not needed concerning proposed species or proposed critical habitat. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May adversely effect **If “May adversely affect,”** recommend alternative treatments that avoid or minimize the adverse effects and, to the extent practicable, provide long-term benefit to the species. **Document the effects of the selected alternative on the NRCS-CPA-52 and proceed with planning.**

Notes for Federally proposed species/habitats:

Black Pine Snake (*Pituophis melanoleucus ssp. lodingi*): See Notes in Section 1 - Federally listed species for guidance.

SECTION 4: State/Tribal species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the proposed action or alternative on State/Tribal species or their habitat?

- No adverse effect **If “No adverse effect,”** additional evaluation is not needed concerning State or Tribal species of concern. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May adversely affect **If “May adversely affect,” go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

- No **If “No,” and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS’s policy concerning State and Tribal species and the need to use alternative conservation treatments to avoid or minimize adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids or minimizes adverse effects to the extent practicable. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** If assistance is continued, document how the alternative conservation treatments avoid or minimize those adverse effects and proceed with planning.
- Yes **If “Yes,” and the action cannot be modified to avoid the adverse effect,** inform client that the NRCS must coordinate with State/Tribal government and receive concurrence on recommended alternatives. Contact your area or State biologist for coordination procedures. Further NRCS assistance will be provided only if the client agrees to implement a concurred upon alternative and obtains any required permits. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes for State/Tribal species/habitats:

See Notes in Section 1 - Federally listed species for guidance.

ENVIRONMENTAL JUSTICE
NECH 610.27
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP RESTORE Act
 Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:
 Alternative 1
 Alternative 2 Other

STEP 1.

In the area affected by the NRCS action, are there low-income populations, minority populations, Indian Tribes, or other specified populations that would experience disproportionately high and adverse human health impacts resulting from the proposed action or alternative?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**
- Unknown **If "Unknown,"** consult your State Environmental Specialist, or equivalent and Tribal Liaison for additional guidance, **and repeat Step 1.** **NOTE:** The USDA Departmental Regulation on Environmental Justice (DR 5600-002) provides detailed "determination procedures" for NEPA as well as non-NEPA activities and suggests social and economic effects for considerations.

STEP 2.

Is the action(s) the type that might have a disproportionately high and adverse environmental or human health effect on a low-income population, minority population, or Indian Tribe?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** initiate Tribal consultation or community outreach to affected and interested parties that are categorized as low-income, minority, or as Indian Tribes. The purpose is to encourage participation and input on the proposed program or activity and any alternatives or mitigating options. Participation of these populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historic, or other potential barriers to effective participation. If assistance is needed with this process, contact your State Public Affairs Specialist or Tribal Liaison. **Go to Step 3.**

STEP 3.

Considering the results of the outreach initiative together with other information gathered for the decision-making process, will the action(s) have a disproportionately high and adverse effect on the human health or the environment of the minority, low-income, or Indian populations?

- No **If "No," notify interested and affected parties of agency decision. Document on the NRCS-CPA-52, or notes section below, the finding and rationale.**
- Yes **If "Yes,"** consider the feasibility and appropriateness of the proposed alternatives and their effects and the possibility of developing additional alternatives or a mitigation alternative and **repeat Step 3.** **Document results of these early scoping sessions on the NRCS-CPA-52.** If it is determined that there remains a disproportionately high and adverse effect on human health or the environment, or the project or action carries a high degree of controversy then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.

Notes:

Developing the Mississippi Gulf Coast Forest Restoration & Conservation Initiative included broad participation. An example of inclusiveness is the consultation & engagement of the Mississippi Band of Choctaw Indians & the Vancleave Live Oak Choctaws within proposed project areas that have been involved in Initiative projects. Also included in the planning is the Turkey Creek community that would benefit from proposed Initiative projects. In 1866, a group of emancipated African-Americans exercised their newly acquired rights to purchase and settle 320 acres in Harrison County, MS. In 2001, the Mississippi Heritage Trust listed the entire community as one of the State's Ten Most Endangered Historical Places. Even though no adverse effect is expected, planned outreach and education efforts will encourage participation from low income and/or minority producers.

ESSENTIAL FISH HABITAT
NECH 610.28
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP

RESTORE Act

Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Alternative 1
 Alternative 2 Other

Check all that apply to this Guide Sheet review:

STEP 1.

Is the action(s) in an area designated as Essential Fish Habitat (EFH) or in an area where effects could indirectly or cumulatively affect EFH?

NOTE: Additional information regarding EFH Descriptions and Identification can be found on NMFS's website.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) result in short-term or long-term disruptions or alterations that may result in an "adverse effect" to EFH? [16 U.S.C. 1855(b)(2); Magnuson Stevens Act (MSA) Section 305(b)(2)]

- No **If "No," consultation with NMFS and further evaluation is not needed concerning EFH unless otherwise specified by the State Biologist. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid the potential adverse effect?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- Yes **If "Yes," modify the action or activity and repeat Step 2.**

STEP 4.

Is NRCS providing assistance that would result in the funding, authorization, or undertaking of the action(s)? [MSA Section 305(b)]

- No **If "No," an alternative conservation system that avoids the adverse effect must be identified as the proposed action or NRCS must discontinue assistance. If assistance is terminated, indicate the circumstances in the Remarks section of the NRCS-CPA-52 or contact the NRCS State Office for assistance. (Title 190, General Manual, Part 410, Subpart A, Section 410.3)**
- Yes **If "Yes," inform the client that the NRCS District Conservationist or NRCS State Biologist must consult with NMFS before further action or activity can proceed [MSA, Section 305(b)(2)].**
- Note:** For specific information regarding consultation for EFH, see NMFS "Essential Fish Habitat Consultation Guidance," April 2004, available online.

Notes:

Consistent with 2010 informal consultation with the USFWS and National Marine Fisheries Service (NMFS), stream setbacks and alternative herbicide application methods will be followed for Gulf Sturgeon designated critical habitat.

FLOODPLAIN MANAGEMENT
NECH 610.29
Evaluation Procedure Guide Sheet

Client/Plan Information:
 Individual private landowners within the GCCRP priority area. Also see Section C below
 Gulf Coast CRP
 RESTORE Act
 Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:

Alternative 1
 Alternative 2 Other

NOTE: This Guide Sheet is intended for evaluation of "non-project" technical and financial assistance only (individual projects). For "project" assistance criteria (those assisting local sponsoring organizations), consult Title 190, General Manual, Part 410, Subpart B, Section 410.25.

STEP 1.

Is the project area in or near a 100-year floodplain?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**
- Yes **If "Yes," go to Step 2.**
- Unknown **If "Unknown," review the HUD/FEMA flood insurance maps and other available data such as soils information relating to flood frequency. If still "Unknown", contact the appropriate field or hydraulic engineer. Repeat Step 1.**

STEP 2.

Is the planning area in the floodplain an agricultural area that has been used to produce food, fiber, feed, forage or oilseed for at least 3 of the last 5 years before the request for assistance?

- No **If "No," go to Step 4.**
- Yes **If "Yes," document the agricultural use history and go to Step 3.**

STEP 3.

Is the floodplain's agricultural production in accordance with official state or designated area water quality plans?

- No **If "No," advise the client of conservation practices or other measures that will bring the land into accordance with water quality plans and incorporate these into the conservation plan. Go to Step 4.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**

STEP 4.

Over the short or long term, will the proposed action or alternative likely result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the floodplain or lands adjacent or downstream?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," modify the action if possible to avoid adverse effects. Inform landuser of the hazards of locating actions in the floodplain and discuss alternative methods of achieving the objective and/or alternative locations outside the 100-year floodplain. If the action can be modified, describe the modification on the NRCS-CPA-52 and repeat 4. If the action cannot be modified to eliminate adverse effects, go to Step 5.**

FLOODPLAIN MANAGEMENT (continued)

STEP 5.

Is one or more of the alternative methods or locations practical?

- No **If "No,"** the District Conservationist will carefully evaluate and document the potential extent of the adverse effects and any increased flood risk before making a determination of whether to continue providing assistance. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**
- Yes **If "Yes," and the client agrees** to implement the alternative methods or locations outside the floodplain, **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and the client DOES NOT AGREE** to implement the alternative methods or locations, advise the client that NRCS may not continue to provide technical and/or financial assistance where there are practicable alternatives. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**

STEP 6.

Will assistance continue to be provided?

- No **If "No,"** provide written notification of the decision to terminate assistance to the client and the local conservation district, if one exists. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** the district conservationist should **design or modify the proposed action or alternative to minimize the adverse effects to the extent possible. Circulate a written public notice** locally explaining why the action is proposed to be located in the 100-year floodplain. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

No actions affect floodplain functions.

INVASIVE SPECIES
NECH 610.30
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP

RESTORE Act

Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:
 Alternative 1
 Alternative 2 Other

NOTE: Executive Order 13112 states that “a Federal agency shall not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction and spread of invasive species in the U.S. or elsewhere.” Remember that invasive species can include plants, fish, animals, insects, etc.

STEP 1.

Is the action(s) in an area where invasive species are known to occur or where risk of an invasion exists?

NOTE: Executive Order 13112 (1999) directs Federal agencies to "prevent the introduction of invasive species, provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause."

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Conduct an inventory of the invasive species and identify areas at risk for future invasions (Title 190, General Manual, Part 414, Subpart D, Section 414.30). Delineate these areas on the conservation plan map and document management considerations in the plan or assistance notes. Have all appropriate tools, techniques, management strategies, and risks for invasive species prevention, control, and management been considered in the planning process?

- No **If "No," you must consider and include all appropriate factors relating to the existing and potential invasive species for the planning area and repeat Step 2.**
- Yes **If "Yes," describe strategies, techniques, and reasons on NRCS-CPA-52 and go to Step 3.**

STEP 3.

Is the action(s) consistent with the Executive Order 13112, the national invasive species management plan, and any applicable State or local invasive species management plan?

- No **If "No," modify the action and repeat Step 3. If the client is unwilling to modify the proposed action, NRCS must discontinue assistance. Document the circumstances on the NRCS-CPA-52, or notes section below, and in the case file.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

May Effect - Beneficial. Competition from many undesirable plant pest species, including noxious and invasive species, such as Cogongrass and Chinese Tallow Tree will be reduced or controlled. Survival and growth and diversity of vegetation within the local ecosystem will be maximized.

MIGRATORY BIRDS, BALD AND GOLDEN EAGLE PROTECTION ACT, NECH 610.31 Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority area. Also see Section C below.
Gulf Coast CRP

RESTORE Act

Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

- Alternative 1
 Alternative 2 Other

Check all that apply to this Guide Sheet review:

NOTE: This guide sheet includes evaluation guidance for compliance with both the Migratory Birds Treaty Act, Executive Order 13186 (2001), and the Bald and Golden Eagle Protection Act. Both sections must be completed if eagles are identified within the area of potential effect.

SECTION I: MIGRATORY BIRDS TREATY ACT

In the lower 48 states, all species except the house sparrow, rock pigeon, common starling, and non-migratory game birds like pheasants, quail, grouse, and turkeys, are protected.

STEP 1.

Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, nest or egg? The term "**take**" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR Section 10.12).

NOTE: The MBTA does not prohibit the destruction of a migratory bird nest alone (without birds or eggs) provided that no possession occurs during the destruction (USFWS, Migratory Bird Memorandum, MBPM-2, April, 2003).

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is it the purpose of the action(s) to intentionally "take" a migratory bird or any part, nest or egg (such as, but not limited to: controlling depredation by a migratory bird, or removal of occupied nests of nuisance migratory birds)?

NOTE: Migratory game birds taken under state and Federal hunting regulations are exempt.

- No **If "No," go to Step 3.**
- Yes **If "Yes," document the effects, including the reasons, on the NRCS-CPA-52, or notes section below. Inform the client that they must obtain a permit from USFWS and any required state permit before the action is implemented.**

STEP 3.

Have adverse effects on migratory birds been mitigated (avoided, reduced, or minimized) to the maximum practicable extent?

- No **If "No," modify the action and repeat Step 1. If client is unwilling to modify the action then NRCS must discontinue assistance until issue has been resolved with USFWS.**
- Yes **If "Yes," document mitigation measures on the NRCS-CPA-52, or notes section below, and in the plan. Go to Step 4.**

MIGRATORY BIRDS TREATY ACT / BALD AND GOLDEN EAGLE PROTECTION ACT (continued)

STEP 4.

Will unintentional take of migratory birds, either individually or cumulatively, result in a measurable negative effect on a migratory birds population?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take (E.O. 13186(3)(e)(9)). Repeat Step 1 or indicate which of the following options is pursued by the client (pick one). Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**
- The client will obtain a permit from USFWS before the action is implemented; OR
 - NRCS may need to terminate assistance. Contact the NRCS State Environmental Specialist or Wildlife Biologist.

Notes:

Practices to be conducted outside the primary nesting season - April 1 to August 15. Mitigation avoids all adverse effects.

SECTION II: BALD & GOLDEN EAGLE PROTECTION ACT

STEP 1.

Will the action(s) result in the take, possession, sale, purchase, barter, or offer to sell, purchase, or barter, export or import "of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit"? (The term "**take**" is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden eagle. The term "disturb" under this act means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle; a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effect? Refer to the National Bald Eagle Management Guidelines for measures that can be taken to avoid disturbing nesting bald eagles and their young.

- No **If "No," document the finding, including the reasons, on the NRCS-CPA-52, or notes section below. Contact the NRCS State Biologist or appropriate NRCS official about working with the client and USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action or alternative. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22.**
- Yes **If "Yes," modify the alternative and repeat Step 1. If the client is unwilling to modify the action then NRCS may need to discontinue assistance. Contact the NRCS State environmental specialist or wildlife biologist for assistance. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

Notes:

Activities will be avoided within 660 feet of an active bald eagle nest between Dec. 1 - June 30. Mitigation avoids all adverse effects.

NATURAL AREAS
GM 190, Part 410.23
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP
 RESTORE Act
 Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Alternative 1
 Alternative 2 Other
 Check all that apply to this Guide Sheet review:

Natural Areas are defined as land and water units where natural conditions are maintained. They may be areas designated on Federal government, non-federal government, or on private land. Designation may be provided under Federal regulations, by foundations or conservation organizations, or by private landowners that specify it as such (GM 190. Part 410.23).

STEP 1.

Are there any designated natural areas present in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) affect the natural area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Are the effects consistent with maintaining, protecting, and preserving the integrity of the natural characteristics?

- No **If "No," Inform the client about the effects of the proposed action or alternatives on the identified natural areas. You must also encourage the client to consult with concerned parties to arrive at a mutually satisfactory alternative [GM 190, Part 410.23(c)4]. Document the effects of the action and any communications with the client on the NRCS-CPA-52, or notes section below, and proceed with planning.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

No activities will be conducted in these areas. No adverse effects from off-site activities will occur.

PRIME AND UNIQUE FARMLANDS
NECH 610.32
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP

RESTORE Act

Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

- Alternative 1
 Alternative 2 Other

Check all that apply to this Guide Sheet review:

STEP 1.

Using the criteria found in the FPPA Rule (7 CFR Part 658.5), does the action(s) convert farmland to a nonagricultural use? **NOTE:** Conversion does not include construction of on-farm structures necessary for farm operations. Also, form AD-1006 entitled "Farmland Conversion Impact Rating" and form NRCS-CPA-106 entitled "Farmland Conversion Impact Rating for Corridor Type Projects" are used to document effects of proposed projects that may convert farmland. If you are uncertain about the effects on prime and unique farmlands in your planning area, consult the State Soil Scientist.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Are prime or unique farmlands or farmlands of statewide or local importance present in or near the area that will be affected by the action(s)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid adverse effects or conversion?

- No **If "No," document the adverse effects on the NRCS-CPA-52, or notes section below, and proceed with planning.**
- Yes **If "Yes," modify and repeat Step 1 or contact the State Soil Scientist for further assistance. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

Actions, including construction of on-farm structures necessary for farm operations such as an animal mortality facility, will not convert any agricultural lands to non-agricultural use. Installation of conservation practices are anticipated to indirectly improve unique and prime agricultural land and forestland. Technical and financial assistance will be provided on cropland, grazing land, nonindustrial private forestland, and other agricultural lands, which should indirectly contribute to retaining current agricultural land uses and forestland uses.

RIPARIAN AREA
NECH 610.33
Evaluation Procedure Guide Sheet

Client/Plan Information:

Gulf Coast CRP

RESTORE Act

Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Alternative 1
 Alternative 2 Other
 Check all that apply to this Guide Sheet review:

STEP 1.

Is a riparian area present in or near the planning area? (Definition can be found in Title 190, General Manual, Part 411.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Do the action(s) address maintenance or improvement of water quality, water quantity, and fish and wildlife benefits provided by the riparian area?

- No **If "No," revise the plan to maintain or improve water quality, water quantity, and fish and wildlife benefits. Document the benchmark conditions and effects on the NRCS-CPA-52, or notes section below, go to Step 3.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Do the action(s) conflict with the conservation values/functions of the riparian area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," inform the client of the values and functions of riparian areas, including their contribution to floodplain function, stream bank stability and integrity, nutrient cycling, pollutant filtering, sediment retention, and biological diversity, and present alternatives that will resolve the conflict. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

All Mississippi Cooperative Extension Service (MCES) and Mississippi Agriculture and Forestry Extension Service (MAFES) pesticide application guides, such as proper application methods, calibration of application equipment, and storage and disposal of containers in a safe manner, will be followed. Chemicals used must be federally, state, and locally registered. Herbicides will be managed to prevent runoff and leaching. Site specific WINPEST evaluations will be conducted to identify measures to minimize/mitigate any effects of herbicides. Current recommended herbicides and methods will be applied to achieve control of undesirable species. All label directions and restrictions relating to rates, timing and setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface and ground waters.

SCENIC BEAUTY
GM Title 190, Part 410.24
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP
 RESTORE Act
 Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Alternative 1
 Alternative 2 Other

Check all that apply to this Guide Sheet review:

STEP 1.

Will the action(s) adversely affect the scenic quality of the general landscape or any specifically designated unique or valuable scenic landscape? (Consult Section II of the FOTG for a listing of any identified areas of scenic beauty.)

No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effects on the scenic quality of the landscape? NOTE: NRCS must provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty or improve the landscape (GM 190, Part 410.24).

No **If "No," consider any state or local requirements. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," modify the planned action or activity and repeat Step 1.**

Notes:

No activities will be conducted in these areas. No adverse effects from off-site activities will occur.

WETLANDS
NECH 610.34
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP

RESTORE Act

Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:
 Alternative 1
 Alternative 2 Other

This guide sheet addresses policy found in Title 190, General Manual, Part 410, Subpart B, Section 410.26. Use the Clean Water Act Guide Sheet for addressing wetland concerns relating to the Clean Water Act.

STEP 1.

Are wetlands present in or near the planning area?

NOTE: This includes **all** wetlands except those artificial wetlands created by irrigation water. Thus, areas determined as prior converted (PC) in accordance with the 1985 Food Security Act and nonirrigation induced artificial wetlands (AW), which retain wetland characteristics, are wetlands as they relate to the wetland protection policy.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** (If the area could qualify as an "other water of the United States" such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide sheet.)
- Yes **If "Yes," document the extent and location of wetlands and go to Step 2.**

STEP 2.

Will the action(s) impact any wetland areas (this includes changing wetland types when considering wetland restoration projects)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," assess the wetland functions and describe (on the NRCS-CPA-52) the effects of the proposed activity on the wetland area. If effects are solely beneficial, continue with planning. If adverse effects exist, go to Step 3.**

STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

- No **If "No," go to step 4.**
- Yes **If "Yes," advise the client of the available alternatives. If the client chooses to implement the alternative that avoids adverse impact (including obtaining all necessary permits), document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

WETLANDS (continued)

STEP 4.

Do other measures exist that will minimize adverse effects to wetlands?

- No **If "No," go to step 5.**
- Yes **If "Yes,"** advise the client of the minimization measures. If the client chooses to implement the minimization measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

STEP 5.

Does the client wish to pursue an action that will result in adverse impacts to wetlands (where no practicable alternatives or minimization measures exist)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

Notes:

No activities will be conducted in wetland areas. No actions affect wetland functions. No adverse effects from off-site activities will occur. All Mississippi Cooperative Extension Service (MCES) and Mississippi Agriculture and Forestry Extension Service (MAFES) pesticide application guides, such as proper application methods, calibration of application equipment, and storage and disposal of containers in a safe manner, will be followed. Chemicals used must be federally, state, and locally registered. Herbicides will be managed to prevent runoff and leaching. Site specific WINPEST evaluations will be conducted to identify measures to minimize/mitigate any effects of herbicides. Current recommended herbicides and methods will be applied to achieve control of undesirable species. All label directions and restrictions relating to rates, timing and setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface and ground waters.

WILD AND SCENIC RIVERS
NFCH 610.35
Evaluation Procedure Guide Sheet

Client/Plan Information:

Individual private landowners within the GCCRP priority Gulf Coast CRP
 RESTORE Act
 Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

Check all that apply to this Guide Sheet review:

- Alternative 1
 Alternative 2 Other

STEP 1.

Could the action(s) have an effect on the natural, cultural or recreational values of any nearby rivers?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," analyze the potential effects and develop alternatives, as necessary, that would mitigate potential adverse effects then go to Step 2.**

STEP 2.

Is there a Federal or State designated Wild, Scenic, or Recreational River segment or a river listed in the Nationwide Rivers Inventory (NRI) in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and there is still potential for effect consult your State environmental liaison to assist with determining the nature and significance of the effect. Go to Step 3.**
NOTE: The State Office may request the administering federal or state agency (National Park Service in the case of NRI) to assist you in developing appropriate avoidance and mitigation measures.

STEP 3.

Could the proposed action or alternative have an adverse effect on the natural, cultural or recreational values of the wild, scenic, or recreational river segment that cannot be avoided or minimized?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 4.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," inform the client that a permit may be required for their activities and they should consult with the administering federal or state agency. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation.**
- Yes **If "Yes," consult with the administering federal or state agency to determine whether the proposed action could foreclose options to classify any portion of the river segment as wild, scenic or recreational and to develop avoidance or mitigation measures. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

No activities will be conducted within the streams. No adverse effects from off-site activities will occur. All Mississippi Cooperative Extension Service (MCES) and Mississippi Agriculture and Forestry Extension Service (MAFES) pesticide application guides, such as proper application methods, calibration of application equipment, and storage and disposal of containers in a safe manner, will be followed. Chemicals used must be federally, state, and locally registered. Herbicides will be managed to prevent runoff and leaching. Site specific WINPEST evaluations will be conducted to identify measures to minimize/mitigate any effects of herbicides. Current recommended herbicides and methods will be applied to achieve control of undesirable species. All label directions and restrictions relating to rates, timing and setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface and ground waters.

RESOURCE CONSIDERATIONS (Optional)

Field Inventory Guide Sheet

Identify the resource concern(s) that need to be addressed and the assessment tool(s) used for the evaluation.

Client/Plan Information:

Individual private landowners within the GCCRP Gulf Coast CRP RESTORE Act
 Individual project sites not yet identified. See map of potential sites for Gulf Coast Conservation Reserve Project (GCCRP) project area. Project area encompasses George, Jackson, Hancock, Harrison, Pearl River, and Stone Counties. It is estimated that between 100-175 landowners will participate.

SOIL	Erosion <input checked="" type="checkbox"/> Sheet, Rill & Wind Erosion <input type="checkbox"/> Other: _____ <input checked="" type="checkbox"/> Concentrated flow <input type="checkbox"/> Other: _____ <input checked="" type="checkbox"/> Excessive bank erosion from streams, shorelines or water conveyance channels
	Quality Degredation <input type="checkbox"/> Subsidence <input type="checkbox"/> Organic matter depletion <input type="checkbox"/> Other: _____ <input type="checkbox"/> Compaction <input type="checkbox"/> Concentration of salts or other chemicals <input type="checkbox"/> Other: _____ Assessment tools, Problems & Notes: Refer to site specific conservation plan for Soil Loss Computation Worksheet and RUSLE2 results.
WATER	Excess / Insufficient Water <input type="checkbox"/> Excess (Ponding, flooding, seasonal high water table, seeps, and drifted snow) <input type="checkbox"/> Insufficient (Inefficient moisture management) <input type="checkbox"/> Insufficient (Inefficient use of irrigation water) <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
	Quality Degradation <input checked="" type="checkbox"/> Excess nutrients in surface and ground waters <input checked="" type="checkbox"/> Pesticides transported to surface and ground waters <input checked="" type="checkbox"/> Excess pathogens and chemicals from manure, bio-solids or compost applications <input type="checkbox"/> Excessive salts in surface and ground waters <input type="checkbox"/> Petroleum, heavy metals, and other pollutants transported to receiving water sources <input checked="" type="checkbox"/> Excessive sediment in surface waters <input type="checkbox"/> Elevated water temperature <input type="checkbox"/> Other: _____ Assessment tools, Problems & Notes: Client input / planner observation.
AIR	Quality Impacts <input type="checkbox"/> Emissions of Particulate Matter (PM) and PM Precursors <input type="checkbox"/> Emissions of Greenhouse Gases (GHGs) <input checked="" type="checkbox"/> Other: Reduced visibility due to Smoke. <input type="checkbox"/> Emissions of Ozone Precursors <input type="checkbox"/> Other: _____ <input checked="" type="checkbox"/> Objectionable odors Assessment tools, Problems & Notes: Practice will create smoke. Burn plan to be developed & conducted by certified prescribed burner. Burn plan will avoid smoke/fire sensitive areas & consider wind height & direction.
PLANTS	Degraded Plant Condition <input checked="" type="checkbox"/> Undesirable plant productivity and health <input type="checkbox"/> Wildfire hazard, excessive biomass accumulation <input type="checkbox"/> Inadequate structure and composition <input type="checkbox"/> Other: _____ <input checked="" type="checkbox"/> Excessive plant pest pressure <input type="checkbox"/> Other: _____ Assessment tools, Problems & Notes: Client's and Planner's Obeservation.
ANIMALS	Inadequate Habitat for Fish and Wildlife <input checked="" type="checkbox"/> Habitat degradation <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
	Livestock Production Limitatation <input type="checkbox"/> Inadequate feed and forage <input type="checkbox"/> Inadequate livestock shelter <input type="checkbox"/> Inadequate livestock water <input type="checkbox"/> Other: _____ Assessment tools, Problems & Notes: Client's and Planner's Obeservation; Site specific Wildlife Habitat Evaluation Guide (WHEG)
ENERGY	Inefficient Energy Use <input type="checkbox"/> Equipment and facilities <input type="checkbox"/> Other: _____ <input type="checkbox"/> Farming/ranching practices and field operations <input type="checkbox"/> Other: _____ Assessment tools, Problems & Notes: No resource concern identified that needs addressed



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

October 13, 2015

IN REPLY REFER TO:
2016-1-009

Mr. John Ettinger
Gulf Coast Ecosystem Restoration Council
500 Poydras Street, Suite 1117
New Orleans, Louisiana 70130

Dear Mr. Ettinger:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled "Gulf Coast Conservation Reserve Program" submitted by the Natural Resources Conservation Service (NRCS). Our comments are in reference to compliance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project includes the establishment of a new NRCS conservation program that would help private landowners within six Mississippi counties (George, Hancock, Harrison, Jackson, Pearl River and Stone) invest in conservation practices that would improve water quality and/or restore and protect wildlife habitat. Numerous conservation practices would be covered by the NRCS program such as prescribed burning, forest stand improvements, stream bank protection, and development of forest management plans. The NRCS determined that this action is categorically excluded from documentation in an environmental impact statement or an environmental assessment.

Numerous federally listed species can be found within the six Mississippi counties covered by the proposed program and potentially within areas where conservation practices will be implemented. Listed species include: Alabama red-bellied turtle, black pinesnake, dusky gopher frog, gopher tortoise, gulf sturgeon, inflated heelsplitter, Louisiana black bear, Louisiana quillwort, Mississippi sandhill crane, pearl darter, red-cockaded woodpecker, ringed map turtle, yellow-blotched map turtle, and wood stork.

However, many of the conservation practices proposed will result in new or improved habitat for many species including the red-cockaded woodpecker, gopher tortoise, and black pinesnake. In addition, the Gulf Coast Conservation Reserve Program will implement and adopt all requirements included in the Service's 2007 biological opinion for the NRCS's Healthy Forest

Reserve Program, the 2010 informal consultation on stream setbacks and herbicide application methods near Gulf sturgeon critical habitat, and the 2012 biological opinion for the Working Lands for Wildlife Program. These programs specifically outline a proposed ESA compliance process that the NRCS would utilize to determine effects to federally listed species that may occur as the result of implementation of these conservation practices in the state of Mississippi.

On October 9, 2015, NRCS provided supplemental information regarding additional conservation practices being proposed under the Gulf Coast Conservation Reserve Program that were not covered under the 2007 and 2012 biological opinions along with a determination that these conservation practices would not adversely affect listed species.

Based on this information, the Service does not anticipate adverse effects to listed species as a result of implementing conservation practices proposed under the Gulf Coast Conservation Reserve Program. This program is expected to have a net benefit to fish and wildlife resources, including listed species, in Mississippi.

If you have any questions, please contact David Felder in this office, telephone (601) 321-1131.

Sincerely,


Stephen M. Ricks
Field Supervisor
MS Field Office



Natural Resources
Conservation Service

Temple
State Office
101 South Main St.
Temple TX, 76501

Voice 254-742-9800
Fax 844-496-8119

September 30, 2015

Justin Ehrenwerth
Executive Director
Gulf Coast Ecosystem Restoration Council

Dear Mr. Ehrenwerth:

This letter is to advise you of the results of the environmental compliance review completed by the USDA Natural Resources Conservation Service (NRCS) for one project by USDA/NRCS in the State of Texas for RESTORE Act funding. The water quality project submitted will treat areas affecting impaired listed streams in the San Antonio River Watershed that empties into San Antonio Bay/Guadalupe Estuary on the Texas Coast. This Bay and Estuary region is a specific winter home for the Endangered Whooping Crane. The project occurs exclusively on private lands.

NRCS has determined that the project meets USDA criteria for categorical exclusion from NEPA. Specifically, all activities to be undertaken in the project are authorized under one or more of three USDA categorical exclusions (CE's) that have been determined applicable to the work to be conducted. No extraordinary circumstances were found in our analyses. See the enclosed NRCS Environmental Evaluation Worksheets for details of the analyses and applicable USDA CE's.

We therefore recommend this project for RESTORE Act funding in accordance with the Council CE entitled "Council Funded Activities that Fall Under a CE of a Federal Council Member (Documentation Required)."

Sincerely,

SALVADOR SALINAS
State Conservationist

cc: John Ettinger, Director, Environmental Compliance, Gulf Coast Ecosystem Restoration Council
Homer L. Wilkes, Director, Gulf Coast Ecosystem Restoration Team, NRCS, Madison, MS
Michele Laur, Senior Advisor, Gulf Coast Ecosystem Restoration Team, NRCS, Madison, MS

Enclosures: NRCS Environmental Evaluation Worksheet – Water Quality project with Private Landowners within San Antonio Watershed Map of the Project Area

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 4/2013		A. Client Name: Private Landowners within the San Antonio Watershed State of Texas	
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable): Gulf Coast Conservation Reserve Program (GCCRP) Program Authority (optional): RESTORE Act - GCCRP	
D. Client's Objective(s) (purpose): Working with agricultural landowners and operators over a four year period to implement activities and conservation practices that will aid in the reduction of bacteria, discharge of sediment and other pollutants from agricultural operations within the San Antonio River watershed which drains to San Antonio Bay/Guadalupe Estuary.			C. Identification # (farm, tract, field #, etc. as required): Approximately 100 to 175 contracts with private farmers within the San Antonio River Watershed. See map for project area which includes the following counties: Wilson, Karnes, Goliad, Victoria, Refugio, Aransas and Calhoun.		
E. Need for Action: Improve water quality in the tributary streams that drain into the San Antonio River and its watershed.		H. Alternatives			
		No Action <input type="checkbox"/> if RMS		Alternative 1 <input type="checkbox"/> if RMS	
		N/A Analysis conducted to determine whether criteria for categorical exclusion by the agency is met.		Water quality mgmt plans developed along with Conservation practices implemented to reduce off-site pollution, reduce erosion and increase infiltration. Practices will be: Riparian herbaceous cover (390), Riparian Forest buffer (391), Contour Buffer Strips (332), Cover Crop (340), Filter Strip (393), Access Control (472), Fence (382), Brush Mgmt (314), Grassed Waterway (412), Water Facility (614), Upland Wildlife Mgmt (645), Nutrient Mgmt (590), Range Planting (550), and Prescribed Grazing (528).	
Special Environmental Concerns: Environmental Laws, Executive Orders, policies, etc.					
In Section "G" complete and attach Environmental Procedures Guide Sheets for documentation as applicable. Items with a "•" may require a federal permit or consultation/coordination between the lead agency and another government agency. In these cases, effects may need to be determined in consultation with another agency. Planning and practice implementation may proceed for practices not involved in consultation.					
G. Special Environmental Concerns (Document existing/benchmark conditions)		J. Impacts to Special Environmental Concerns			
		No Action		Alternative 1	
		Document all impacts (Attach Guide Sheets as applicable)	<input type="checkbox"/> if needs further action	Document all impacts (Attach Guide Sheets as applicable)	<input type="checkbox"/> if needs further action
•Clean Air Act <i>Guide Sheet FS1 FS-2</i> Unclassifiable/attainment status for project area (TCEQ)			<input type="checkbox"/>	No Effect Minor, temporary effects to air quality may occur during implementation phase for some practices	<input type="checkbox"/>
•Clean Water Act / Waters of the U.S. <i>Guide Sheet Fact Sheet</i> Section 303d listed, impaired waters, are present in project area.			<input type="checkbox"/>	May Effect - Beneficial Practices will aid in decreasing pollutants into San Antonio River and Bay.	<input type="checkbox"/>
•Coastal Zone Management <i>Guide Sheet Fact Sheet</i> Coastal zone mgmt area present in lower San Antonio River segment.			<input type="checkbox"/>	No Effect All proposed practices are common and ongoing in the area and have been determined to be consistent with the Texas Coastal Mgmt Plan. After proposal is funded, consistency determinations, if needed, will be requested for specific planned activities.	<input type="checkbox"/>
Coral Reefs <i>Guide Sheet Fact Sheet</i> None present (eFOTGII)			<input type="checkbox"/>	No Effect	<input type="checkbox"/>
•Cultural Resources / Historic Properties <i>Guide Sheet Fact Sheet</i> May or may not be present within project area			<input type="checkbox"/>	No Effect Some conservation practices involve ground disturbance. For these, the APE will be determined and a cultural resources inventory and evaluation conducted to ensure practices avoid affecting historic properties. Consultation with the State Historic Preservation Officer has been initiated and consultation with interested Tribes will be conducted.	<input type="checkbox"/>

<p>●Endangered and Threatened Species Guide Sheet Fact Sheet Several T&E and candidate species and their habitat may be present - whooping crane, Attwater's greater prairie chicken, northern aplomado falcon, and others</p>		<input type="checkbox"/>	<p>May Effect ESA consultation will be undertaken when there may be effects to ESA-listed species and all adverse effects to protected species will be avoided or mitigated based on site-specific consultations. Past consultations for many of the same species and practices have resulted in FWS concurrence the actions were NLAA listed species.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Environmental Justice Guide Sheet Fact Sheet Communities present within project area</p>		<input type="checkbox"/>	<p>May Effect - Beneficial Outreach efforts will encourage participation from all producers.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>●Essential Fish Habitat Guide Sheet Fact Sheet may be present</p>		<input type="checkbox"/>	<p>No Effect - Beneficial By improving water quality, these activities will benefit EFH.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Floodplain Management Guide Sheet Fact Sheet Floodplain present within project area</p>		<input type="checkbox"/>	<p>May Effect - beneficial Actions will maintain or add beneficial function to floodplain.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Invasive Species Guide Sheet Fact Sheet May be present (TX Dept of Ag)</p>		<input type="checkbox"/>	<p>May Effect - Beneficial Invasive species will be controlled and no practice will encourage the introduction or spread of invasives.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>●Migratory Birds/Bald and Golden Eagle Protection Act Guide Sheet Fact Sheet Migratory birds and bald eagles may be present within or near project areas</p>		<input type="checkbox"/>	<p>May Effect - beneficial Construction will not occur during nesting season when migratory birds are present. See Section L below for mitigation measures for Bald eagles. Enhanced riparian buffers will improve migratory bird habitat.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Natural Areas Guide Sheet Fact Sheet May be nearby, such as Goliad State Park</p>		<input type="checkbox"/>	<p>No Effect Proposed actions are consistent with existing local land use.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Prime and Unique Farmlands Guide Sheet Fact Sheet May or may not be present within project area</p>		<input type="checkbox"/>	<p>No Effect Actions will not convert ag lands to non-ag use</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Riparian Area Guide Sheet Fact Sheet May be adjacent or down stream</p>		<input type="checkbox"/>	<p>May Effect - beneficial Practices will greatly enhance riparian function</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Scenic Beauty Guide Sheet Fact Sheet Dominantly rural</p>		<input type="checkbox"/>	<p>No Effect Proposed actions are consistent with the rural nature of the landscape.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>●Wetlands Guide Sheet Fact Sheet May be present</p>		<input type="checkbox"/>	<p>No Effect - Beneficial Proposed action will benefit wetlands by reducing excessive sediments and improving wetland wildlife habitat.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>●Wild and Scenic Rivers Guide Sheet Fact Sheet None present (eFOTGII)</p>		<input type="checkbox"/>	<p>No Effect</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>K. Other Agencies and Broad Public Concerns</p>	No Action		Alternative 1		Alternative 2	
<p>Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.</p>			<p>COE consulted, if needed for CWA. USFWS or TX Parks and Wildlife consulted, if needed, for T&E species. CWA and other required permits will be obtained and consultations completed as required on a case-by-case basis. NHPA surveys will be conducted to ensure practices avoid affecting historic properties. Consultation with the SHPO and interested Tribes will be conducted as required by NHPA based on agreement with SHPO.</p>			

Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)			Conservation practices will aid in the reduction of pollutants such as bacteria and sediment loading in the San Antonio River watershed which empties into the Gulf. Actions will lead to overall improvement of water quality.																												
L. Mitigation (Record actions to avoid, minimize, and compensate)			Adverse effects to cultural resources and protected species will be avoided and mitigation measures identified by FWS or State/Tribe will be incorporated as appropriate. Construction activities will not occur within 660ft of active bald eagle nests during nesting season or while migratory birds are nesting.																												
M. Preferred Alternative	preferred alternative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																											
	Supporting reason		No potential for significant adverse effects found																												
N. Context (Record context of alternatives analysis) local watershed state																															
The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.																															
O. Determination of Significance or Extraordinary Circumstances																															
<p>Intensity: Refers to the severity of impact. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.</p> <p>If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.</p>																															
<table border="0"> <thead> <tr> <th>Yes</th> <th>No</th> <th></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Is the preferred alternative expected to cause significant effects on public health or safety?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?</td> </tr> </tbody> </table>					Yes	No		<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative expected to cause significant effects on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?
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P. To the best of my knowledge, the data shown on this form is accurate and complete:																															
In the case where a non-NRCS person (e.g. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block to verify the information's accuracy.																															
<input type="text"/> Signature (TSP if applicable) TOMAS DOMINGUEZ <small>Digitally signed by Tomas Dominguez, DN: cn=Tomas Dominguez, o=USDA, ou=NRCS, email=tomas.dominguez@aphis.usda.gov</small>		<input type="text"/> Title Assistant State Conservationist- Field Operations		<input type="text"/> Date																											
<input type="text"/> Signature (NRCS)		<input type="text"/> Title		<input type="text"/> Date																											
If preferred alternative is not a federal action where NRCS has control or responsibility and this NRCS-CPA-52 is shared with someone other than the client then indicate to whom this is being provided.																															

The following sections are to be completed by the Responsible Federal Official (RFO)

NRCS is the RFO if the action is subject to NRCS control and responsibility (e.g., actions financed, funded, assisted, conducted, regulated, or approved by NRCS). These actions do not include situations in which NRCS is only providing technical assistance because NRCS cannot control what the client ultimately does with that assistance and situations where NRCS is making a technical determination (such as Farm Bill HEL or wetland determinations) not associated with the planning process.

Q. NEPA Compliance Finding (check one)

The preferred alternative:

Action required

<input type="checkbox"/>	1) is not a federal action where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
<input checked="" type="checkbox"/>	2) is a federal action ALL of which is categorically excluded from further environmental analysis AND there are no extraordinary circumstances as identified in Section "O" .	Document in "R.2" below. No additional analysis is required
<input type="checkbox"/>	3) is a federal action that has been sufficiently analyzed in an existing Agency state, regional, or national NEPA document and there are no predicted <u>significant adverse environmental effects or extraordinary circumstances</u> .	Document in "R.1" below. No additional analysis is required.
<input type="checkbox"/>	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects and has been formally adopted by NRCS . NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. (Note: This box is not applicable to FSA)	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below. No additional analysis is required
<input type="checkbox"/>	5) is a federal action that has NOT been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

R. Rationale Supporting the Finding

R.1 Findings Documentation	
R.2 Applicable Categorical Exclusion(s) (more than one may apply) 7 CFR Part 650 <i>Compliance With NEPA</i> , subpart 650.6 <i>Categorical Exclusions</i> states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 610.116.	<p>(1) Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the sites ecological functions and services; Requires that the established vegetative community maintain the sites ecological functions and services, which could not be accomplished by converting native forests or grasslands.</p> <p>(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition;</p> <p>(19) Undertaking minor agricultural practices to maintain and restore ecological conditions in floodplains after a natural disaster on lands impacted by human alteration. Examples of these practices include: mowing, haying, grazing, fencing, offstream watering facilities, and invasive species control which are undertaken when fish and wildlife are not breeding, nesting, rearing young, or during other sensitive timeframes;</p> <p>(20) Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting;</p> <p>(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity</p>

I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances as defined by Agency regulation and policy and based on that made the finding indicated above.

S. Signature of Responsible Federal Official:

SALVADOR SALINAS
Digitally signed by SALVADOR SALINAS
 DN: cn=U.S. Government, ou=Department of Agriculture, o=SALVADOR SALINAS
 c=US, email=SALVADOR.SALINAS@aphis.usda.gov, serial=11770, date=2015.09.30 10:47:38 -0500

State Conservationist

9/30/2015

Signature

Title

Date

**CLEAN AIR ACT
NECH 610.21
Evaluation Procedure Guide Sheet**

Client/Plan Information:	
State of Texas	
RESTORE Act - GCCRP	
Approximately 100 to 175 contracts with private farmers	

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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NOTE: STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 helps determine whether the opportunity for emissions reduction credits exist. STEP 4 helps determine whether any other permitting, record keeping, reporting, monitoring, or testing requirements are applicable. Each of these steps should be updated with more specific language as needed, since air quality permitting and regulatory requirements are different for each state. In each step, if more information is needed or there is a question as to whether there are air quality requirements that need to be met, the planner or client should contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what air quality regulatory requirement must be met prior to implementing the planned action or activity.

STEP 1.

Is the action(s) expected to increase the emission rate of any regulated air pollutant?

NOTE: The definition of a “regulated air pollutant” differs depending on the air quality regulations in effect for a given site. For a federal definition of “regulated air pollutant,” please refer to the 40 CFR 70.2. Other definitions for “regulated air pollutant” found in state or local air quality regulations may be different. *States should tailor this question to the State air quality regulations and definitions since those will include any Federal requirements.*

- No **If "No,"** it is likely that no permitting or authorization is necessary to implement the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the planned action or activity. **Go to step 3.**
- Yes **If “Yes,” go to Step 2.**

STEP 2.

Can the action(s) be modified to eliminate or reduce the increase in emission rate of the regulated air pollutants?

NOTE: This Step is to prompt the planner to review the planned action or activity to see if there is an opportunity to either eliminate the emission rate increase (possibly remove a permitting requirement) or reduce the emission rate increase (possibly move to less stringent permitting).

- No **If "No,"** it is likely that permitting or authorization from the appropriate air quality regulatory agency will be required prior to implementing the planned action or activity. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the proposed action or alternative. **Go to Step 3.**
- Yes **If “Yes,”** modify the proposed action or alternative and **repeat Step 1.**

CLEAN AIR ACT (continued)

STEP 3.

Is the action(s) expected to result in a decrease in the emission rate of any criteria air pollutant for which the area in which the site is located in an EPA designated nonattainment area for that criteria air pollutant?

NOTE: For an explanation of criteria air pollutants and nonattainment areas, refer to Section 610.21 of the NECH. Further information regarding nonattainment areas can also be found on the U.S. EPA nonattainment area Web page.

- No **If "No," go to Step 4.**
- Yes **If "Yes,"** the opportunity for obtaining nonattainment pollutant emission credits may exist. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client of that potential opportunity. If the client is interested in registering nonattainment pollutant emission credits, advise him/her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented and/or registered for potential sale. **Go to Step 4.**

STEP 4.

Is the action(s) subject to any other federal (e.g., New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, etc.), State, or local air quality regulation (including odor, fugitive dust, or outdoor burning)?

NOTE: Refer to Section 610.21 of the NECH for a further discussion of air quality regulations.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** additional permits, authorizations, or controls may be needed before implementing the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what requirements must be met prior to implementing the proposed action or alternative.

Notes:

No non-attainment status areas located within project area.

**CLEAN WATER ACT/WATERS of the U.S.
NECH 610.22**

Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

Client/Plan Information:

State of Texas

RESTORE Act - GCCRP

Approximately 100 to 175 contracts with private farmers

NOTE: This guide sheet should be tailored to meet the specific needs of individual State and local regulatory and permitting requirements. It is important for each State to coordinate with their individual State and Federal regulatory agencies to tailor State-specific protocols in order to prevent significant delays in processing permit applications.

Complete both sections of this guide sheet to address Federal as well as State-administered regulatory requirements of the Clean Water Act (CWA).

SECTION I

Federally Administered Regulatory Program - Section 404 of the CWA

STEP 1.

Will the action(s) involve or likely result in the discharge or placement of dredged or fill material or other pollutants into areas that could be considered to be waters of the United States (Including, but not limited to wetlands, lakes, streams, channels, and other water conveyances, including some small ditches)? *More detailed information regarding waters of the United States and Federal permitting programs under CWA is found in the NECH 610.22.*

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) an activity exempt from section 404 regulations (40 CFR Part 232)?

Note: the exemption should be verified with the local U.S. Army Corps of Engineers (Corps) district.

- No **If "No," go to Step 3.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used to verify the exemption applies and proceed with Section II below.**

STEP 3.

Can the action(s) be modified to avoid the discharge of dredged or fill material or other pollutants into waters of the United States?

- No **If "No," go to Step 4.**
- Yes **If "Yes," modify the action to avoid discharge. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 4.

Has the client obtained a section 404 permit (individual, regional, or nationwide) or a determination of an exemption from the appropriate Corps office?

- No **If "No,"** determine if the client has applied for a permit. If a permit has not been applied for, the client will need to do so. If a permit has been applied for, document this, and continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation. Complete Section II below.**
- Yes **If "Yes,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and complete Section II below. The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the Corps. **Complete Section II below.**

Notes:

SECTION II

State Administered Regulatory Programs, Sections 303(d) and 402 of CWA

STEP 1

Is the proposed action or alternative located in proximity to waters listed by the State as "impaired" under Section 303(d) of the CWA?

- No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.
- Yes **If "Yes,"** insure consistency with any existing water quality or associated watershed action plans that have been established by the State for that stream segment. Even if TMDLs have not been established by the State for that stream segment, ensure that the action will not contribute to further degradation of that stream segment. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.**

STEP 2

Will the proposed action or alternative likely result in point-source discharges from developments, construction sites, or other areas of soil disturbance, or sewer discharges [e.g. projects involving stormwater ponds or point-source pollution, including concentrated animal feeding operations (CAFOs) for which comprehensive nutrient management plans (CNMPs) are being developed]? *Section 402 of the CWA requires a permit for these activities through the National Pollutant Discharge Elimination System (NPDES) program which the States administer.*

- No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
- Yes **If "Yes,"** go to Step 3.

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 3

Has the client obtained a NPDES permit or a determination of an exemption from the appropriate EPA or State-regulatory office?

- No **If “No,”** determine if the client has applied for any necessary permits. If a permit has not been applied for, the client will need to do so. If they have applied, document this and continue the planning process in consultation with the client and the regulatory agency. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation.**
- Yes **If “Yes,”** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. The final NRCS conservation plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit should be coordinated with the appropriate State regulatory agency.

Notes:

The project area includes the San Antonio River. It is listed as 303d impaired. Practices will aid in reduction of pollutants which is in line with state water quality plan.

COASTAL ZONE MANAGEMENT AREAS NECH 610.23 Evaluation Procedure Guide Sheet	Client/Plan Information: State of Texas
	RESTORE Act - GCCRP Approximately 100 to 175 contracts with private farmers
Check all that apply to this Guide Sheet review: <input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other	

STEP 1.

Is the action(s) in an officially designated "Coastal Zone Management Area"?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) "consistent" with the goals and objectives of the State's Coastal Zone Management Program (as required by Section 307 of the Coastal Zone Management Act)?

- No **If "No," go to Step 3.**
- Yes **If "Yes," document the finding, including the reasons, on the NRCS-CPA-52 and proceed with planning.**

STEP 3.

Is NRCS providing financial assistance or otherwise controlling the action?

- No **If "No," NRCS should provide the landowner with relevant information regarding any local and State compliance requirements and protocols (permitting, etc.) in special management areas as appropriate to comply with local Coastal Zone Management Programs. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," the NRCS District Conservationist or an NRCS State Office employee must contact the State's Coastal Zone Program Office before the action is implemented to discuss possible modifications to the proposed action. NRCS may not provide assistance if the proposed action or alternative would result in a violation of a State's Coastal Zone Management Plan. NRCS shall provide a consistency determination to the State agency no later than 90 days before final approval of the activity. When concurrence is received from the State, document the agreed to items and reference or attach them to the NRCS-CPA-52.**

Notes:

Refugio, Calhoun and Aransas counties are located within CMP area. Practices are consistent with reducing pollution into waters entering the Gulf which is one of the goals of the Texas Coastal Management plan.

CORAL REEFS**NECH 610.24****Evaluation Procedure Guide Sheet****Client/Plan Information:**

State of Texas

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

RESTORE Act - GCCRP
Approximately 100 to 175 contracts with private farmers

STEP 1.

Are coral reefs or associated water bodies (e.g. embayment areas) present in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Is there a potential for the action(s) to degrade the conditions of the coral reef ecosystem? (Refer to U.S. coral Reef Task Force Web site for local action strategies in your area.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to reduce or avoid degradation to the coral reef ecosystem?

- No **If "No," identify the component(s) of the system which will cause the potential impacts. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- Yes **If "Yes," modify the action or alternative and repeat Step 2.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," and degradation of the reefs is unavoidable, provide the client with information regarding the current status of U.S. coral reefs and the documented causes of degradation (including sedimentation and nutrient runoff), and the beneficial aspects of maintaining coral reefs.**
- Yes **If "Yes," the significance of the impacts must be determined. An Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.**

Notes:

CULTURAL RESOURCES / HISTORIC PROPERTIES
NECH 610.25
Evaluation Procedure Guide Sheet

Client/Plan Information:

State of Texas

RESTORE Act - GCCRP

Approximately 100 to 175 contracts with private farmers within

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

NOTE: This guidesheet provides general guidance to field planners and managers. States may need to tailor this Evaluation Procedure Guide Sheet to reflect State Level Agreements (SLAs) with SHPOs or Tribal consultation protocols or operating procedures pertinent to your State or other State-specific protocols that reflect the terms of the current National Programmatic Agreement among NRCS, the Advisory Council on Historic Preservation, and the National Conference of SHPOs. For additional information regarding compliance with Section 106 of the NHPA and NRCS cultural resource policy refer to Title 420, General Manual (GM), Part 401, Cultural Resources; for current operating procedures see Title 190, National Cultural Resource Procedures Handbook (NCRPH), Part 601.

NOTE regarding consultations: When dealing with undertakings with the potential to affect cultural resources or historic properties, it is important to follow NRCS policy and the regulations that implement Section 106 and complete consultation with mandatory (SHPOs, THPOs, federally recognized Tribes, and native Hawaiians) and identified consulting parties during the course of planning. This consultation is not documented on this guide sheet but would occur with Steps 2, 3, 4, and 6 and these must be conducted in accordance with NRCS State Office operating procedures to ensure appropriate oversight by Cultural Resources Specialists who meet the Secretary of Interior's Qualification Standards.

STEP 1.

Is the action(s) funded in whole or part or under the control of NRCS? **To make this determination, answer the following:**

- Is technical assistance carried out by or on behalf of NRCS? No Yes Unknown
- Is it carried out with NRCS financial assistance? No Yes Unknown
- Does it require Federal approval with NRCS as the lead federal agency (permit, license, approval, etc.)? No Yes Unknown
- Is it a joint project with another Federal, State, or local entity with NRCS functioning as lead federal agency? No Yes Unknown

- **If all of your responses are "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- **If any responses are "Yes," go to Step 2.**
- **If "Unknown," consult with your State Cultural Resources Coordinator or Specialist (CRC or CRS) to determine if this is an action/undertaking that requires review and then complete Step 1.**

STEP 2.

Is the action(s) identified as an "undertaking" (as defined in the 190-NCRPH and 420-GM) with the potential to cause effects to cultural resources/historic properties?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Has the undertaking's Area of Potential Effect (APE) been determined? **NOTE:** Include all areas to be altered or affected, directly or indirectly: access and haul roads, equipment lots, borrow areas, surface grading areas, locations for disposition of sediment, streambank stabilization areas, building removal and relocation sites, disposition of removed concrete, as well as the area of the actual conservation practice. Consultation is essential during determination of the APE so that all historic properties (buildings, structures, sites, landscapes, objects, and properties of cultural or religious importance to American Indian tribal governments and native Hawaiians) are included.

- No **If "No," or "Unknown," consult with your state specific protocols or the CRC or CRS to determine the APE.**
- Unknown
- Yes **If "Yes," go to Step 4.**

CULTURAL RESOURCES (continued)

STEP 4.

Have the appropriate records (National, State and local registers and lists) been checked or interviews conducted to determine whether any known cultural or historic resources are within or in close proximity to the proposed APE or project area? **Note:** This record checking does not substitute for mandatory consultation with SHPO, THPO, Tribes, and other identified consulting parties.

- | | | | |
|--|-----------------------------|------------------------------|----------------------------------|
| National Register of Historic Places? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| State Register of Historic Places? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| The SHPO's statewide inventory or data base? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| Local/county historical society or commission lists? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |
| Client knowledge of existing artifacts, historic structures, or cultural features? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> Unknown |

- **If any responses are "No" or "Unknown," work with your CRC or CRS** to be sure these files are checked (sometimes the SHPO will let only the CRS or CRC review the files). Follow all other operating procedures as required by NRCS policy and procedures, SLA, and Tribal consultation protocols or operating procedures, as appropriate.
- **If all responses are "Yes," and NRCS providing technical assistance only,** then use any known information, notify the landowner of any potential affects, and provide recommendations for consideration. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** If NRCS is providing more than technical assistance **go to Step 5.**

STEP 5.

Did Step 4 reveal the existence of any known or potential cultural resources in the APE, or were any cultural resource indicators observed during the field inspection of the APE? **NOTE:** Field inspections or cultural resource survey will need to be conducted by qualified personnel in your state. Check with your State Cultural Resources Specialist to determine qualification criteria.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," contact the CRC or CRS. Do NOT proceed with finalizing project design or project implementation until the final CRS response is received. Go to Step 6.**

STEP 6.

Can the proposed actions or alternatives be modified to avoid effects on the known cultural resources?

- No **If "No," go to Step 7.**
- Yes **If "Yes," modify the planned actions or activities and proceed according to CRS guidance and document this on the NRCS-CPA-52, or notes section below and continue with planning.**

STEP 7.

Has consultation with appropriate and interested parties been completed and documented? **NOTE:** The field planner completing the NRCS-CPA-52 generally does not do the consultation unless it is the CRS or CRC. Refer to the appropriate specialist for the documentation information.

- No **If "No" refer to State CRC or CRS** for further consultation and recommendations to the State Conservationist.
- Yes **If "Yes," and all necessary historic preservation activities of identification, evaluation, and treatment have been completed, document any consultation and proceed with planning.**

Notes:

Some conservation practices involve ground disturbance. For these, the APE will be determined and a cultural resources inventory and evaluation conducted to ensure practices avoid affecting historic properties. Consultation with the State Historic Preservation Officer and interested Tribes needs to be conducted after the determination of "no effect on historic properties" has been made

**ENDANGERED AND THREATENED SPECIES
NECH 610.26
Evaluation Procedure Guide Sheet**

Client/Plan Information:

State of Texas

Check all that apply to this Alternative 1
Guide Sheet review: Alternative 2 Other

RESTORE Act - GCCRP
Approximately 100 to 175 contracts with private farmers

STEP 1.

Are protected species or their habitat present in the area of potential effect?

Note: protected species include federally listed, proposed, and candidate species, as well as State and Tribal species protected by law or regulation. In addition, if a species' listing or status changes before implementation, you must complete this review again.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," document the species and relevant benchmark data on NRCS-CPA-52, then proceed to the applicable section(s) listed below:**
- Section 1- Federally listed endangered or threatened species/habitats
 - Section 2- Federally proposed species/habitats
 - Section 3- Federal candidate species/habitats
 - Section 4- State/Tribal species/habitats

SECTION 1: Federally listed endangered or threatened species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on endangered or threatened species or their habitat?

- No effect **If "No effect," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May affect **If "May affect," meaning that the action might affect endangered and threatened species or their habitat in some way, go to Step 2.**

Federally listed endangered or threatened species/habitats (continued)

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," and the effects are purely benign or beneficial,** continue with planning but ensure the client is aware endangered and threatened species or their habitat exists and conservation practices must be applied in a manner that avoids adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- No **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects or the client obtains a "take" permit from the FWS/NMFS. Refer the client to FWS/NMFS to address the client's responsibilities under Sections 9 & 10 of the ESA, for Federally listed species. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. If assistance is continued, document how the alternative conservation treatments avoid adverse effects and proceed with planning.**
- Yes **If "Yes," and the action will be implemented according to an existing informal consultation, biological opinion, or 4(d) special rule, document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and the action cannot be modified to avoid the effect,** inform client that in order to proceed with the action NRCS must consult with FWS/NMFS. Contact your area or State biologist for consultation procedures. The action can only be implemented according to the terms of the consultation. **When consultation is complete, attach the consultation documents to NRCS-CPA-52 or reference them in the notes section below and proceed with planning.**

Notes for Federally listed endangered or threatened species/habitats:

SECTION 2: Federally proposed species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on proposed species or their habitat?

No effect

If **"No effect,"** additional evaluation is not needed concerning proposed species or proposed critical habitat. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

May effect

If **"May affect,"** meaning that the action might affect endangered and threatened species or proposed critical habitat in any way, **go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

No

If **"No," and the effects are purely benign or beneficial,** continue with planning but ensure the client is aware proposed species or their habitat exists and conservation practices must be applied in a manner as to avoid adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

No

If **"No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning proposed species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects, and to the extent practicable, provide long-term benefits to species and habitat. Should the client or landowner refuse to apply the recommended alternative conservation treatment, NRCS will inform the client and landowner of the NRCS policy and shall not provide assistance for the action or portion of the action affecting the proposed species.

Yes

If **"Yes," and the action will be implemented according to an existing conference report or conference opinion.** Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

Yes

If **"Yes," and the action cannot be modified to avoid the effect,** inform client that the NRCS must conference with FWS/NMFS. Contact your area or State biologist for conference procedures. Further NRCS assistance can only be provided only if the client agrees to implement the conference recommendations to the extent practicable. **When the conference is complete, attach the conference documents to NRCS-CPA-52, or reference them in the notes section below, and proceed with planning.**

Notes for Federally proposed species/habitats:

SECTION 3: Federal candidate species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on candidate species or their habitat?

- No adverse effect If **"No adverse effect,"** additional evaluation is not needed concerning proposed species or proposed critical habitat. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May adversely effect If **"May adversely affect,"** recommend alternative treatments that avoid or minimize the adverse effects and, to the extent practicable, provide long-term benefit to the species. **Document the effects of the selected alternative on the NRCS-CPA-52 and proceed with planning.**

Notes for Federally proposed species/habitats:

NRCS policy will be followed if consultation is needed.

SECTION 4: State/Tribal species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the proposed action or alternative on State/Tribal species or their habitat?

- No adverse effect If **"No adverse effect,"** additional evaluation is not needed concerning State or Tribal species of concern. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May adversely affect If **"May adversely affect,"** go to Step 2.

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

- No If **"No,"** and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning State and Tribal species and the need to use alternative conservation treatments to avoid or minimize adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids or minimizes adverse effects to the extent practicable. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** If assistance is continued, document how the alternative conservation treatments avoid or minimize those adverse effects and proceed with planning.
- Yes If **"Yes,"** and the action cannot be modified to avoid the adverse effect, inform client that the NRCS must coordinate with State/Tribal government and receive concurrence on recommended alternatives. Contact your area or State biologist for coordination procedures. Further NRCS assistance will be provided only if the client agrees to implement a concurred upon alternative and obtains any required permits. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes for State/Tribal species/habitats:

ESA consultation will be undertaken when there may be effects to ESA-listed species and all adverse effects to protected species will be avoided

ENVIRONMENTAL JUSTICE NECH 610.27 Evaluation Procedure Guide Sheet	Client/Plan Information: State of Texas
	RESTORE Act - GCCRP Approximately 100 to 175 contracts with private farmers
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

STEP 1.

In the area affected by the NRCS action, are there low-income populations, minority populations, Indian Tribes, or other specified populations that would experience disproportionately high and adverse human health impacts resulting from the proposed action or alternative?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**
- Unknown **If "Unknown,"** consult your State Environmental Specialist, or equivalent and Tribal Liaison for additional guidance, **and repeat Step 1.** **NOTE:** The USDA Departmental Regulation on Environmental Justice (DR 5600-002) provides detailed "determination procedures" for NEPA as well as non-NEPA activities and suggests social and economic effects for considerations.

STEP 2.

Is the action(s) the type that might have a disproportionately high and adverse environmental or human health effect on a low-income population, minority population, or Indian Tribe?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** initiate Tribal consultation or community outreach to affected and interested parties that are categorized as low-income, minority, or as Indian Tribes. The purpose is to encourage participation and input on the proposed program or activity and any alternatives or mitigating options. Participation of these populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historic, or other potential barriers to effective participation. If assistance is needed with this process, contact your State Public Affairs Specialist or Tribal Liaison. **Go to Step 3.**

STEP 3.

Considering the results of the outreach initiative together with other information gathered for the decision-making process, will the action(s) have a disproportionately high and adverse effect on the human health or the environment of the minority, low-income, or Indian populations?

- No **If "No," notify interested and affected parties of agency decision. Document on the NRCS-CPA-52, or notes section below, the finding and rationale.**
- Yes **If "Yes,"** consider the feasibility and appropriateness of the proposed alternatives and their effects and the possibility of developing additional alternatives or a mitigation alternative and **repeat Step 3.** **Document results of these early scoping sessions on the NRCS-CPA-52.** If it is determined that there remains a disproportionately high and adverse effect on human health or the environment, or the project or action carries a high degree of controversy then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.

Notes:

ESSENTIAL FISH HABITAT NECH 610.28 Evaluation Procedure Guide Sheet	Client/Plan Information: State of Texas
	RESTORE Act - GCCRP Approximately 100 to 175 contracts with private farmers
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

STEP 1.

Is the action(s) in an area designated as Essential Fish Habitat (EFH) or in an area where effects could indirectly or cumulatively affect EFH?

NOTE: Additional information regarding EFH Descriptions and Identification can be found on NMFS's website.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) result in short-term or long-term disruptions or alterations that may result in an "adverse effect" to EFH? [16 U.S.C. 1855(b)(2); Magnuson Stevens Act (MSA) Section 305(b)(2)]

- No **If "No," consultation with NMFS and further evaluation is not needed concerning EFH unless otherwise specified by the State Biologist. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid the potential adverse effect?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- Yes **If "Yes," modify the action or activity and repeat Step 2.**

STEP 4.

Is NRCS providing assistance that would result in the funding, authorization, or undertaking of the action(s)? [MSA Section 305(b)]

- No **If "No," an alternative conservation system that avoids the adverse effect must be identified as the proposed action or NRCS must discontinue assistance.** If assistance is terminated, indicate the circumstances in the Remarks section of the NRCS-CPA-52 or contact the NRCS State Office for assistance. (Title 190, General Manual, Part 410, Subpart A, Section 410.3)
- Yes **If "Yes," inform the client that the NRCS District Conservationist or NRCS State Biologist must consult with NMFS before further action or activity can proceed [MSA, Section 305(b)(2)].**
Note: For specific information regarding consultation for EFH, see NMFS "Essential Fish Habitat Consultation Guidance," April 2004, available online.

Notes:

FLOODPLAIN MANAGEMENT
NECH 610.29
Evaluation Procedure Guide Sheet

Client/Plan Information:	
State of Texas	
RESTORE Act - GCCRP	
Approximately 100 to 175 contracts with private farmers	

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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NOTE: This Guide Sheet is intended for evaluation of "non-project" technical and financial assistance only (individual projects). For "project" assistance criteria (those assisting local sponsoring organizations), consult Title 190, General Manual, Part 410, Subpart B, Section 410.25.

STEP 1.

Is the project area in or near a 100-year floodplain?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**
- Yes **If "Yes," go to Step 2.**
- Unknown **If "Unknown," review the HUD/FEMA flood insurance maps and other available data such as soils information relating to flood frequency. If still "Unknown", contact the appropriate field or hydraulic engineer. Repeat Step 1.**

STEP 2.

Is the planning area in the floodplain an agricultural area that has been used to produce food, fiber, feed, forage or oilseed for at least 3 of the last 5 years before the request for assistance?

- No **If "No," go to Step 4.**
- Yes **If "Yes," document the agricultural use history and go to Step 3.**

STEP 3.

Is the floodplain's agricultural production in accordance with official state or designated area water quality plans?

- No **If "No," advise the client of conservation practices or other measures that will bring the land into accordance with water quality plans and incorporate these into the conservation plan. Go to Step 4.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**

STEP 4.

Over the short or long term, will the proposed action or alternative likely result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the floodplain or lands adjacent or downstream?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," modify the action if possible to avoid adverse effects. Inform landuser of the hazards of locating actions in the floodplain and discuss alternative methods of achieving the objective and/or alternative locations outside the 100-year floodplain. If the action can be modified, describe the modification on the NRCS-CPA-52 and repeat 4. If the action cannot be modified to eliminate adverse effects, go to Step 5.**

FLOODPLAIN MANAGEMENT (continued)

STEP 5.

Is one or more of the alternative methods or locations practical?

- No **If "No,"** the District Conservationist will carefully evaluate and document the potential extent of the adverse effects and any increased flood risk before making a determination of whether to continue providing assistance. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**
- Yes **If "Yes," and the client agrees** to implement the alternative methods or locations outside the floodplain, **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and the client DOES NOT AGREE** to implement the alternative methods or locations, advise the client that NRCS may not continue to provide technical and/or financial assistance where there are practicable alternatives. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**

STEP 6.

Will assistance continue to be provided?

- No **If "No,"** provide written notification of the decision to terminate assistance to the client and the local conservation district, if one exists. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** the district conservationist should **design or modify the proposed action or alternative to minimize the adverse effects to the extent possible. Circulate a written public notice** locally explaining why the action is proposed to be located in the 100-year floodplain. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

The conservation practices will aid in the implementation effort of the state water plan. Practices will not likely result in increased flood hazard, but will likely add beneficial value to the flood plain by improving its natural function.

INVASIVE SPECIES NECH 610.30 Evaluation Procedure Guide Sheet	Client/Plan Information: State of Texas
	RESTORE Act - GCCRP Approximately 100 to 175 contracts with private farmers
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

NOTE: Executive Order 13112 states that "a Federal agency shall not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction and spread of invasive species in the U.S. or elsewhere." Remember that invasive species can include plants, fish, animals, insects, etc.

STEP 1.

Is the action(s) in an area where invasive species are known to occur or where risk of an invasion exists?

NOTE: Executive Order 13112 (1999) directs Federal agencies to "prevent the introduction of invasive species, provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause."

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Conduct an inventory of the invasive species and identify areas at risk for future invasions (Title 190, General Manual, Part 414, Subpart D, Section 414.30). Delineate these areas on the conservation plan map and document management considerations in the plan or assistance notes. Have all appropriate tools, techniques, management strategies, and risks for invasive species prevention, control, and management been considered in the planning process?

- No **If "No," you must consider and include all appropriate factors relating to the existing and potential invasive species for the planning area and repeat Step 2.**
- Yes **If "Yes," describe strategies, techniques, and reasons on NRCS-CPA-52 and go to Step 3.**

STEP 3.

Is the action(s) consistent with the Executive Order 13112, the national invasive species management plan, and any applicable State or local invasive species management plan?

- No **If "No," modify the action and repeat Step 3.** If the client is unwilling to modify the proposed action, NRCS must discontinue assistance. **Document the circumstances on the NRCS-CPA-52, or notes section below, and in the case file.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

May or may not be present. Conservation practices will be implemented according to standards and specifications so as not to promote the spread or introduction of species.

MIGRATORY BIRDS, BALD AND GOLDEN EAGLE PROTECTION ACT, NECH 610.31 Evaluation Procedure Guide Sheet

Client/Plan Information:

State of Texas

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

RESTORE Act - GCCRP

Approximately 100 to 175 contracts with private farmers

NOTE: This guide sheet includes evaluation guidance for compliance with both the Migratory Birds Treaty Act, Executive Order 13186 (2001), and the Bald and Golden Eagle Protection Act. Both sections must be completed if eagles are identified within the area of potential effect.

SECTION I: MIGRATORY BIRDS TREATY ACT

In the lower 48 states, all species except the house sparrow, rock pigeon, common starling, and non-migratory game birds like pheasants, quail, grouse, and turkeys, are protected.

STEP 1.

Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, nest or egg? The term "**take**" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR Section 10.12).

NOTE: The MBTA does not prohibit the destruction of a migratory bird nest alone (without birds or eggs) provided that no possession occurs during the destruction (USFWS, Migratory Bird Memorandum, MBPM-2, April, 2003).

No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," go to Step 2.**

STEP 2.

Is it the purpose of the action(s) to intentionally "take" a migratory bird or any part, nest or egg (such as, but not limited to: controlling depredation by a migratory bird, or removal of occupied nests of nuisance migratory birds)?

NOTE: Migratory game birds taken under state and Federal hunting regulations are exempt.

No **If "No," go to Step 3.**

Yes **If "Yes," document the effects, including the reasons, on the NRCS-CPA-52, or notes section below. Inform the client that they must obtain a permit from USFWS and any required state permit before the action is implemented.**

STEP 3.

Have adverse effects on migratory birds been mitigated (avoided, reduced, or minimized) to the maximum practicable extent?

No **If "No," modify the action and repeat Step 1. If client is unwilling to modify the action then NRCS must discontinue assistance until issue has been resolved with USFWS.**

Yes **If "Yes," document mitigation measures on the NRCS-CPA-52, or notes section below, and in the plan. Go to Step 4.**

MIGRATORY BIRDS TREATY ACT / BALD AND GOLDEN EAGLE PROTECTION ACT (continued)

STEP 4.

Will unintentional take of migratory birds, either individually or cumulatively, result in a measurable negative effect on a migratory birds population?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take (E.O. 13186(3)(e)(9)). Repeat Step 1 or indicate which of the following options is pursued by the client (pick one). Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**
- The client will obtain a permit from USFWS before the action is implemented; OR
 - NRCS may need to terminate assistance. Contact the NRCS State Environmental Specialist or Wildlife Biologist.

Notes:

The timing of practice implementation will be considered.

SECTION II: BALD & GOLDEN EAGLE PROTECTION ACT

STEP 1.

Will the action(s) result in the take, possession, sale, purchase, barter, or offer to sell, purchase, or barter, export or import "of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit"? (The term "**take**" is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden eagle. The term "disturb" under this act means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle; a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effect? Refer to the National Bald Eagle Management Guidelines for measures that can be taken to avoid disturbing nesting bald eagles and their young.

- No **If "No," document the finding, including the reasons, on the NRCS-CPA-52, or notes section below. Contact the NRCS State Biologist or appropriate NRCS official about working with the client and USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action or alternative. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22.**
- Yes **If "Yes," modify the alternative and repeat Step 1. If the client is unwilling to modify the action then NRCS may need to discontinue assistance. Contact the NRCS State environmental specialist or wildlife biologist for assistance. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

Notes:

NATURAL AREAS

GM 190, Part 410.23

Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

Client/Plan Information:

State of Texas

RESTORE Act - GCCRP

Approximately 100 to 175 contracts with private farmers

Natural Areas are defined as land and water units where natural conditions are maintained. They may be areas designated on Federal government, non-federal government, or on private land. Designation may be provided under Federal regulations, by foundations or conservation organizations, or by private landowners that specify it as such (GM 190. Part 410.23).

STEP 1.

Are there any designated natural areas present in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) affect the natural area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Are the effects consistent with maintaining, protecting, and preserving the integrity of the natural characteristics?

- No **If "No," Inform the client about the effects of the proposed action or alternatives on the identified natural areas. You must also encourage the client to consult with concerned parties to arrive at a mutually satisfactory alternative [GM 190, Part 410.23(c)4]. Document the effects of the action and any communications with the client on the NRCS-CPA-52, or notes section below, and proceed with planning.**
- Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

**PRIME AND UNIQUE FARMLANDS
NECH 610.32**

Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

Client/Plan Information:

State of Texas

RESTORE Act - GCCRP

Approximately 100 to 175 contracts with private farmers

STEP 1.

Using the criteria found in the FPPA Rule (7 CFR Part 658.5), does the action(s) convert farmland to a nonagricultural use? **NOTE:** Conversion does not include construction of on-farm structures necessary for farm operations. Also, form AD-1006 entitled "Farmland Conversion Impact Rating" and form NRCS-CPA-106 entitled "Farmland Conversion Impact Rating for Corridor Type Projects" are used to document effects of proposed projects that may convert farmland. If you are uncertain about the effects on prime and unique farmlands in your planning area, consult the State Soil Scientist.

No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," go to Step 2.**

STEP 2.

Are prime or unique farmlands or farmlands of statewide or local importance present in or near the area that will be affected by the action(s)?

No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid adverse effects or conversion?

No **If "No," document the adverse effects on the NRCS-CPA-52, or notes section below, and proceed with planning.**

Yes **If "Yes," modify and repeat Step 1 or contact the State Soil Scientist for further assistance. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

RIPARIAN AREA

NECH 610.33

Evaluation Procedure Guide Sheet

Client/Plan Information:

State of Texas

Check all that apply to this Guide Sheet review: Alternative 1 Alternative 2 Other

RESTORE Act - GCCRP
Approximately 100 to 175 contracts with private farmers

STEP 1.

Is a riparian area present in or near the planning area? (Definition can be found in Title 190, General Manual, Part 411.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Do the action(s) address maintenance or improvement of water quality, water quantity, and fish and wildlife benefits provided by the riparian area?

- No **If "No," revise the plan to maintain or improve water quality, water quantity, and fish and wildlife benefits. Document the benchmark conditions and effects on the NRCS-CPA-52, or notes section below, go to Step 3.**
- Yes **If "Yes," go to Step 3.**

STEP 3.

Do the action(s) conflict with the conservation values/functions of the riparian area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," inform the client of the values and functions of riparian areas, including their contribution to floodplain function, stream bank stability and integrity, nutrient cycling, pollutant filtering, sediment retention, and biological diversity, and present alternatives that will resolve the conflict. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

SCENIC BEAUTY
GM Title 190, Part 410.24
Evaluation Procedure Guide Sheet

Client/Plan Information:

State of Texas

Check all that apply to this Alternative 1
Guide Sheet review: Alternative 2 Other

RESTORE Act - GCCRP
Approximately 100 to 175 contracts with private farmers

STEP 1.

Will the action(s) adversely affect the scenic quality of the general landscape or any specifically designated unique or valuable scenic landscape? (Consult Section II of the FOTG for a listing of any identified areas of scenic beauty.)

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effects on the scenic quality of the landscape? NOTE: NRCS must provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty or improve the landscape (GM 190, Part 410.24).

- No **If "No," consider any state or local requirements. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," modify the planned action or activity and repeat Step 1.**

Notes:

WETLANDS NECH 610.34 Evaluation Procedure Guide Sheet	Client/Plan Information: State of Texas
	RESTORE Act - GCCRP Approximately 100 to 175 contracts with private farmers
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

This guide sheet addresses policy found in Title 190, General Manual, Part 410, Subpart B, Section 410.26. Use the Clean Water Act Guide Sheet for addressing wetland concerns relating to the Clean Water Act.

STEP 1.

Are wetlands present in or near the planning area?

NOTE: This includes **all** wetlands except those artificial wetlands created by irrigation water. Thus, areas determined as prior converted (PC) in accordance with the 1985 Food Security Act and nonirrigation induced artificial wetlands (AW), which retain wetland characteristics, are wetlands as they relate to the wetland protection policy.

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** (If the area could qualify as an "other water of the United States" such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide sheet.)
- Yes **If "Yes," document the extent and location of wetlands and go to Step 2.**

STEP 2.

Will the action(s) impact any wetland areas (this includes changing wetland types when considering wetland restoration projects)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," assess the wetland functions and describe (on the NRCS-CPA-52) the effects of the proposed activity on the wetland area. If effects are solely beneficial, continue with planning. If adverse effects exist, go to Step 3.**

STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

- No **If "No," go to step 4.**
- Yes **If "Yes," advise the client of the available alternatives. If the client chooses to implement the alternative that avoids adverse impact (including obtaining all necessary permits), document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. Otherwise, NRCS shall terminate all assistance for the project.**

WETLANDS (continued)

STEP 4.

Do other measures exist that will minimize adverse effects to wetlands?

- No **If "No," go to step 5.**
- Yes **If "Yes,"** advise the client of the minimization measures. If the client chooses to implement the minimization measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

STEP 5.

Does the client wish to pursue an action that will result in adverse impacts to wetlands (where no practicable alternatives or minimization measures exist)?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes,"** advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

Notes:

Avoid if practical, if not, then minimize or mitigate (NRCS policy).

**WILD AND SCENIC RIVERS
NECH 610.35
Evaluation Procedure Guide Sheet**

Client/Plan Information:	
State of Texas	
RESTORE Act - GCCRP	
Approximately 100 to 175 contracts with private farmers	

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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STEP 1.

Could the action(s) have an effect on the natural, cultural or recreational values of any nearby rivers?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," analyze the potential effects and develop alternatives, as necessary, that would mitigate potential adverse effects, then go to Step 2.**

STEP 2.

Is there a Federal or State designated Wild, Scenic, or Recreational River segment or a river listed in the Nationwide Rivers Inventory (NRI) in or near the planning area?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and there is still potential for effect consult your State environmental liaison to assist with determining the nature and significance of the effect. Go to Step 3.**
NOTE: The State Office may request the administering federal or state agency (National Park Service in the case of NRI) to assist you in developing appropriate avoidance and mitigation measures.

STEP 3.

Could the proposed action or alternative have an adverse effect on the natural, cultural or recreational values of the wild, scenic, or recreational river segment that cannot be avoided or minimized?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," go to Step 4.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- No **If "No," inform the client that a permit may be required for their activities and they should consult with the administering federal or state agency. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation.**
- Yes **If "Yes," consult with the administering federal or state agency to determine whether the proposed action could foreclose options to classify any portion of the river segment as wild, scenic or recreational and to develop avoidance or mitigation measures. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

Justification for Approval of NRCS Categorical Exclusions

Texas Gulf Coast Conservation Reserve Program Description (GCCRP):

The Texas Gulf Coast Conservation Reserve Program focuses on improving water quality on private lands throughout the San Antonio Bay and Guadalupe Estuary on the Texas Coast. The conservation efforts will provide positive benefits to impaired streams by reducing nutrient sediment loads from upland agricultural activities. The San Antonio River Bay and Guadalupe Estuary are wintering homes for the Endangered Whooping Crane. The water quality benefits realized through the Texas GCCRP will have a long-term positive impact on critical habitat for the Whooping Crane and companion wildlife species.

The primary objective for this project is water quality improvement, with a secondary objective of wildlife habitat restoration and protection. This landscape scale project meets RESTORE Act and Comprehensive Plan priority criteria by substantially contributing to the improvement in water quality and wildlife and the restoration and protection of Gulf Coast ecosystems.

These ecosystems provide habitat for numerous threatened and endangered plants and animals. This program would also reduce the discharge of sediments and pollutants from agricultural operations within the tributary streams, rivers, and groundwater that drain to the Gulf of Mexico. To complement the effort of agencies and organization's activities, an outreach and education program targeting private land owners will be developed and implemented along with technical assistance and increases in financial assistance to these landowners to help them accomplish restoration goals. This outreach program, a long history of cooperation among partners with proven restoration experience and shared restoration goals, provides a high probability of success and sustainability.

The USDA, Natural Resources Conservation Service (NRCS) would oversee a technical and financial assistance program for private landowners in Wilson, Karnes, Goliad, Victoria, Refugio, Aransas, and Calhoun Counties in Texas to implement conservation and restoration practices. It is estimated that between 100-175 landowners will participate in the program.

The planned NRCS activities fall within several NRCS categorical exclusions (CE). However to ensure applicable permits are obtained and consultations are conducted, including a review for extraordinary circumstances, each site will undergo an Environmental Evaluation (EE), the results of which will be documented on the NRCS-CPA-52, Environmental Evaluation Worksheet. A copy of the EE Worksheet is available at http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1097240.pdf.

Categorical Exclusions Proposed for Project Activities (NRCS Conservation Practices)

The USDA NRCS categorical exclusions described in Table 1 have been determined to be applicable to the activities described in this proposal.

All the actions identified as an NRCS categorical exclusion in Table 1 require documentation in accordance with 7 CFR §650.6 that address whether extraordinary circumstances are determined to exist (see section III of this document). This documentation is to be done through use of the environmental evaluation process and documented on an NRCS-CPA-52, Environmental Evaluation Worksheet.

In addition, overarching criteria/sideboards must be met for the NRCS categorical exclusions to apply to proposed actions (as applicable):

- (1) Are designed to mitigate soil erosion, sedimentation and downstream flooding;
- (2) Require disturbed areas to be vegetated with adapted species that are neither invasive nor noxious;
- (3) Are based on current Federal principles of natural stream dynamics and processes, such as those presented in the Federal Interagency Stream Corridor Restoration Working Group document, "Stream Corridor Restoration, Principles, Processes, and Practices;"
- (4) Incorporate the applicable NRCS conservation practice standards as found in the Field Office Technical Guide (FOTG);
- (5) Do not require substantial dredging, excavation, or placement of fill; and
- (6) Do not involve a significant risk of exposure to toxic or hazardous substances.

Table 1. Agency Justification for Categorical Exclusions for Applicable NRCS Conservation Practices

Applicable NRCS Conservation Practice Code(s)	CE Reference	Categorical Exclusion Description / Agency Justification
332, 390, 391, 393, 412, and 645	NRCS - 7 CFR 650.6 (d)(1)	Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the sites ecological functions and services.
382 and 472	NRCS - 7 CFR 650.6 (d)(10)	Constructing small structures or improvements for the restoration of wetland, riparian, in stream, or native habitats. Examples of activities include installation of fences, and construction of small berms, dikes, and associated water control structures.
390, 391, 412, and 645	NRCS - 7 CFR 650.6(d)11	Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition.
382, 472, 314, and 614	NRCS - 7 CFR 650.6(d)19	Undertaking minor agricultural practices to maintain and restore ecological conditions in floodplains after a natural disaster or on lands impacted by human alteration. Examples of these practices include: mowing, haying, grazing, fencing, off-stream watering facilities, and invasive species

		control which are undertaken when fish and wildlife are not breeding, nesting, rearing young, or during other sensitive timeframes.
332, 340, 390, 391, 393, 412, 528, and 550	NRCS - 7 CFR 650.6(d)20	Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting.

OVERVIEW OF EXTRAORDINARY CIRCUMSTANCES

Use of the CEs identified in Table 1 does not constitute inappropriate segmentation because the activities do not represent connected actions, they occur on distinct ownerships and are based on activities that are part of the approved program and site specific conservation plans. The activities have independent utility because while many activities are related to achieving similar overall objectives of the proposal, none are dependent on the completion of any of the other activities. It is acknowledged that collectively their beneficial effects are enhanced when all activities are implemented, but it is not a prerequisite of implementation.

In addition, there is a low likelihood these activities would result in a significant adverse cumulative effect either individually or collectively. Any adverse effects caused during implementation would be short-term in nature and limited to the immediate project area and are of the nature expected to occur when implementing categorically excluded activities. Long-term effects would be positive by reducing existing adverse effects caused by improperly functioning water control structures, reducing non-native species, and restoring and maintaining native forest ecosystems.

The following section outlines the reasons there are not likely to be extraordinary circumstances requiring preparation of an environmental assessment or impact statement associated with the projects to be implemented under the TX GCCRP. For confirmation, a site-specific review will be conducted for extraordinary circumstances before activities within this proposal are implemented.

Natural Resources Conservation Service Extraordinary Circumstances

- 1. The proposed action cannot cause significant effects on public health or safety.** This program is expected to have an indirect positive effect to public health and safety related to fishing, swimming, and health of shellfish for consumption through a reduction of pollutant loading and sediment generated from agricultural operations.
- 2. The proposed action cannot significantly affect unique characteristics of the geographic area such as proximity to historic properties or cultural resources, park lands, prime farmlands, floodplains, wetlands, wild and scenic rivers, or ecologically critical areas.** This program will have either no effect or a positive effect on unique characteristics of the geographic areas as the practices will reduce nutrient loads, conserve water, and improve

water quantity. There will either be no effect or a benefit to cultural resources or historic property. If any cultural or archaeological item is discovered work stoppage will immediately occur, and NRCS will be notified to determine further action needed. Established procedures agreed to with TX SHPO for Section 106 of the NHPA will be applied. On-site surveys will be conducted as necessary. There will be no effect on any nearby park lands as the activities are consistent with current agricultural activities in the area and are intended to improve natural resources. There will be no conversion of prime farmlands. The program will not result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the 100-year floodplain or lands adjacent or downstream. In fields where manure or organic by products will be applied, appropriate setbacks will be used to protect ground and surface waters. Reduced sediment and plantings will improve wetland wildlife habitat. There are no wild and scenic rivers in the area or other ecologically critical areas that will be adversely affected by the proposed actions.

3. **The effects of the proposed action on the quality of the human environment cannot be highly controversial.** This program is not expected to have any highly controversial effects on the quality of the human environment since only tried and proven technologies will be employed that have no known adverse effects on natural resources or adjacent landowners. It is anticipated to have a positive effect as the program will implement agricultural best management practices to improve water quality by decreasing nutrient and sediment loading.
4. **The proposed action cannot have highly uncertain effects, including potential unique or unknown risks on the human environment.** The program is expected to have a positive human environment impact as it will reduce the current discharge of nutrient loading and increase conservation by implementing best management practices thereby improving the water quality. The conservation practices to be employed are tried and true technologies and meet NRCS standards, therefore there are no uncertain effects or unique or unknown risks on the human environment.
5. **The proposed action cannot include activities or conservation practices that establish a potential precedent for future actions with significant impacts.** This program does not establish a precedent for future actions with significant impacts as similar programs with the same conservation practices have been and are currently in place in the State of Texas and no such effects have occurred.
6. **The proposed action is known to have or reasonably cannot be expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time.** This program will have a positive effect to the quality of the human environment as it will result in reduced nutrient loading and increased water conservation, thereby improving the efficiency and environmental compatibility of agriculture within the focus area.

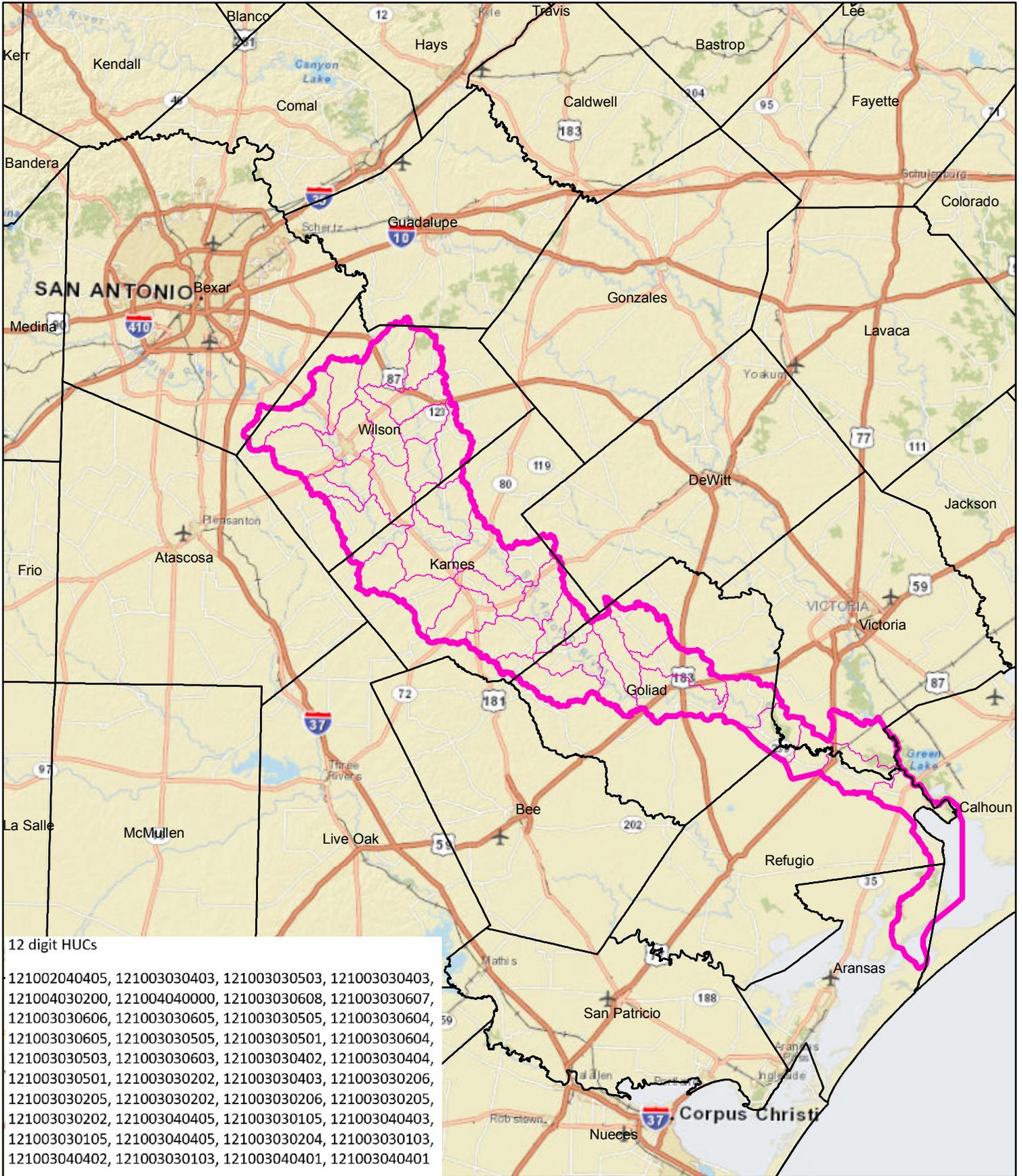
- 7. The proposed action cannot cause or promote the introduction of invasive species or have a significant adverse effect on any of the following special environmental concerns not previously identified in paragraph (c)(2)(B) of this section, such as: endangered and threatened species, environmental justice communities as defined in Executive Order 12898, wetlands, other waters of the United States, wild and scenic rivers, air quality, migratory birds, and bald and golden eagles.** There will be either no effect or a benefit to environmental justice, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species. NRCS/USFWS-approved minimization measures for listed T&E and candidate species identified within respective counties Consistent with 2015 inform consultation with the USFWS. Identify Texas nesting periods (March 1 - July 1) in accordance with the National Bald Eagle Management Plan (2007), and Migratory Bird Act. Activities will be avoided within any designated bald eagle buffers during nesting season. Construction will not occur during nesting season when migratory birds are present. All requirements of the USFWS-NRCS WLFW for the federally listed species, Whooping Crane, and other protected and declining species within the project area will be followed and informal consultation with USFWS will be initiated. No action will be taken that requires an incidental take permit. No critical habitat for endangered species exists on the farmlands where work will occur nor will these practices adversely affect critical habitat that may be near the fields. Environmental justice will be positively affected as NRCS and program partnerships will make every effort to reach out to these farmers to participate in the program.
- 8. The proposed action will not violate Federal or other applicable law and requirements for the protection of the environment.** Any required permits will be obtained prior to implementation of practices; however no Federal, State, or local permits are anticipated, with the exception of prescribed burning (338). Consultations will be conducted as the need arises and conservation measures incorporated where needed to mitigate adverse effects.

Per NRCS regulations that implement NEPA at 7 CFR Part 650, site-specific EEs are developed as part of the conservation planning process. The EE evaluates conservation planning options developed to address and mitigate potential environmental resource concerns that may exist on the property or conservation management unit. The EE also determines if protected resources exist on the property and if those resources have the potential to be affected by conservation practices outlined in the conservation plan. NRCS guidance on the site-specific environmental evaluation process and definitions of protected resources can be found in the NRCS "National Environmental Compliance Handbook" (2011; <http://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=29769>).

Appendix A – List of Planned NRCS Conservation Practices and Associated Practice Code (#)

Brush Management (314)
Contour Buffer Strip (332)
Cover Crop (340)
Fence (382)
Riparian Herbaceous Cover (390)
Riparian Forest Buffer (391)
Filter Strip (393)
Grassed Waterway (412)
Access Control (472)
Prescribed Grazing (528)
Range Planting (550)
Nutrient Management (590)
Watering Facility (614)
Upland Wildlife Habitat Management (645)

San Antonio River Watershed Water Quality Improvement Project



12 digit HUCs

- 121002040405, 121003030403, 121003030503, 121003030403,
- 121004030200, 121004040000, 121003030608, 121003030607,
- 121003030606, 121003030605, 121003030505, 121003030604,
- 121003030605, 121003030505, 121003030501, 121003030604,
- 121003030503, 121003030603, 121003030402, 121003030404,
- 121003030501, 121003030202, 121003030403, 121003030206,
- 121003030205, 121003030202, 121003030206, 121003030205,
- 121003030202, 121003040405, 121003030105, 121003040403,
- 121003030105, 121003040405, 121003030204, 121003030103,
- 121003040402, 121003030103, 121003040401, 121003040401



Legend

Targeted Priority Area 1,030,887 ac.





In Reply Refer To:
FWS/R2/ES

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Gulf Restoration Program Office
17629 El Camino Real, Suite 211

Houston, Texas 77058
281/286-8282 / (FAX) 281/488-5882



October 14, 2015

Mr. John Ettinger
Gulf Coast Ecosystem Restoration Council
500 Poydras Street, Suite 1117
New Orleans, Louisiana 70130

Dear Mr. Ettinger,

Thank you for your email dated October 1, 2015, requesting informal consultation for the proposed Gulf Coast Conservation Reserve Program. The USDA Natural Resources Conservation Service (NRCS) is proposing to work with private landowners to improve water quality and wildlife habitat on agricultural lands along the San Antonio River. The methods to be used include brush management, contour buffer strips, cover crop, fencing, riparian herbaceous cover, riparian forest buffer, filter strips, grassed waterway, access control, range planting, nutrient management, watering facility, and upland wildlife habitat management. Particular methods used at locations along the river will be based on the existing conditions of the habitat. The documentation provided requests concurrence that the project will have either “no effect” or “may affect but not likely to adversely affect” threatened, endangered, and candidate species. Our comments are provided in accordance with the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.); the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.). Section 7 of the Act requires that all Federal agencies consult with the U. S. Fish and Wildlife Service (Service) to ensure that the actions authorized, funded, or carried out by such agencies do not jeopardize the continued existence of any threatened or endangered species or adversely modify or destroy designated critical habitat of such species.

Our data indicates the following listed or candidate species are present, or may be present, in Counties in which the project is proposed to occur: Attwater’s greater prairie chicken (*Tympanuchus cupido attwateri*), northern aplomado falcon (*Falco femoralis septentrionalis*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), Sprague’s pipit (*Anthus spragueii*), whooping crane (*Grus americana*), golden orb (*Quadrula aurea*), Texas fatmucket (*Lampsilis bracteata*), Texas pimpleback (*Quadrula petrina*), black lace cactus (*Echinocerus reichenbachii albertii*), Gulf Coast jaguarundi (*Herpailarus yagouaroundi cacomitli*), ocelot (*Leopardus pardalis*), West Indian manatee (*Trichechus manatus*), green sea turtle (*Chelonia midas*), Kemp’s ridley sea turtle (*Lepidochelys kempii*), hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*), and loggerhead sea turtle (*Caretta caretta*).

Several freshwater mollusks, including the golden orb, Texas fatmucket, and Texas pimpleback, that are species of concern (state listed) have been documented in the San Antonio River basin and have the potential to occur within your project area. Species of concern are those that have been identified as potentially imperiled or vulnerable throughout their range or a portion of their range. While these species are not legally protected under the Act, the Service provides this information for consideration in your environmental review process and to encourage efforts to avoid adverse impacts to these species. Protection of these species now may preclude them from becoming candidates for Federal listing in the future. It is known that sedimentation smothers and suffocates mussels and is one of the main contributors to mussel die offs. Therefore, the Service recommends that precautions, such as the use of silt fences and filter fabric, be taken to reduce sedimentation within the San Antonio River and the tributaries located within the project area.

The Sprague's pipit is a candidate species and is evaluated in this consultation. The prohibitions against taking such species found in Section 9 of the Act do not apply until the species is listed. Therefore, we are not providing a concurrence for this species under Section 7 at this time. If this species is proposed for and listed under the Act during or prior to project construction, we can evaluate the effects of the project on this species as well as the implementation of applicable conservation measures and provide either a concurrence or incidental take statement, if appropriate.

The green sea turtle, hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle are not expected to undergo nesting activities in the area as there are no suitable beach habitats available. The Service has sole jurisdiction over sea turtles when on land and all consultations under Section 7 of the Act involving sea turtle nesting beaches shall be the responsibility of the Service (see http://www.nmfs.noaa.gov/pr/pdfs/species/turtle_mou.pdf). However, there is no suitable nesting habitat present at the project location. Based on this evaluation, a "No Effect" determination was made for green sea turtle, hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle as a result of the Gulf Coast Conservation Reserve Program. Therefore, the Service does not anticipate impacts to sea turtles and we believe the NRCS has complied with section 7 of the Act.

The black lace cactus has no habitat in the project area. Based on this evaluation, a "No Effect" determination was made for black lace cactus as a result of the Gulf Coast Conservation Reserve Program. Therefore, the Service does not anticipate impacts to black lace cactus and we believe the NRCS has complied with section 7 of the Act.

The Attwater's greater prairie chicken habitat is limited in range. Only one population is known within the Texas counties affected by this project and it is limited to one private ranch in Goliad County. This private ranch is outside the project area. Based on this evaluation, a "No Effect" determination was made for Attwater's greater prairie chicken as a result of the Gulf Coast Conservation Reserve Program. Therefore, the Service does not anticipate impacts to Attwater's prairie chicken and we believe the NRCS has complied with section 7 of the Act.

The West Indian manatee is uncommon in Texas waters and not likely to occur in the project site. The following conservation measures should be implemented. All construction personnel will be notified of the potential presence of the West Indian manatee in the water and reminded of the criminal and civil penalties associated with harassing, injuring, or killing manatees. All workers will be educated that there could be West Indian manatees in the water and will be advised to look for manatees and, if observed, wait until manatees leave the area to put equipment in the water to ensure that no harm is caused to any manatee that may be nearby. Should a West Indian manatee come within 50 feet of the project area during construction activities, work will immediately cease until the manatee has moved away from the project area on its own. Based on the implementation of these measures, the Service agrees that the project may affect, but not likely to adversely affect this species.

Suitable habitat for the Northern aplomado falcon is limited in the project area. Their range within the project area is limited to Aransas, Calhoun, and Refugio counties. Activities conducted as part of the project will occur during daylight and not near dawn or dusk when the falcons may be active. NRCS will consult with Service staff on a project by project basis for established riparian vegetation or dense brush clearing to determine if additional avoidance measures are needed in potential falcon habitat. Because of the timing and NRCS's coordination with state and federal agencies, projects are not likely to adversely affect this species.

Much of the project is located outside the core wintering range for whooping crane and, as such, they are not as likely to be present. For projects that occur within the whooping crane core wintering range (Refugio Co. (S. of TX HWY 35) and Aransas Co., TX), activities are to be conducted outside of whooping crane season (Oct. 15-April 15) to the greatest extent practicable. NRCS will consult with Service staff on a project by project basis to determine if additional avoidance measures are needed in the whooping crane wintering range.

There is no known habitat for piping plover or red knot along the San Antonio River. Any activities conducted as part of the project are not likely to adversely affect these species as they will avoid areas where work is ongoing.

The project area is within the known range of Gulf Coast jaguarundi and ocelot. Both species prefer dense thickets of forested or scrub habitat and will readily use riparian habitat as travel corridors. Activities conducted as part of the project will occur during daylight and not near dawn or dusk when the cats may be active. NRCS will consult with Service staff on a project by project basis for established riparian vegetation or dense brush clearing to determine if additional avoidance measures are needed in potential ocelot and jaguarundi habitat. Because of the timing and NRCS's coordination with state and federal agencies, projects are not likely to adversely affect these species.

Mr. Ettinger

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The Service believes that potential effects to the piping plover, red knot, Northern aplomado falcon, whooping crane, Gulf Coast jaguarundi, ocelot, or West Indian manatee would be insignificant or discountable.

Based on the information provided, the Service concurs with the conclusion that the proposed project should not result in any adverse impact to a listed species or their critical habitat. Therefore, no further endangered species consultation will be required for the Gulf Coast Conservation Reserve Program unless: 1) the identified action is subsequently modified in a manner that causes an effect on listed species or designated Critical Habitat; 2) new information reveals the identified action may affect federally protected species of designated Critical Habitat in a manner or to an extent not previously considered; or 3) a new species is listed or Critical Habitat is designated under the Act that may be affected by the identified action.

If you have any questions or comments regarding this letter, please contact Harmon Brown of this office at (281) 286-8282 extension 245.

Sincerely,

A handwritten signature in blue ink that reads "John Huffman". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

John Huffman
Program Supervisor