

Justification for Approval of USDA Categorical Exclusions

Gulf Coast Conservation Reserve Program

Program Description

The Gulf Coast Conservation Reserve Program, developed and sponsored by the US Department of Agriculture (USDA), provides additional detail on the project/program, including information regarding compliance with the RESTORE Act, background, methods, risk and uncertainties, and budget.

The Council is considering approval of \$3.1M in planning and implementation funds as FPL Category 1 for the Gulf Coast Conservation Reserve Program (GCCRP). The program is proposed to be implemented over the course of 4 years in coastal Florida, Alabama, and Mississippi. The USDA, through the Natural Resources Conservation Service, is the sponsor of this proposed program.

This program was established through the RESTORE Council's Initial FPL in December 2015. USDA is currently implementing the program throughout the Gulf for the purpose of protecting and restoring critical wildlife habitat and improving water quality through the development of wildlife habitat, conservation, and forest management plans. If approved, FPL 3b would provide additional funds for work in Florida, Alabama, and Mississippi. Conservation practices and restoration activities will be implemented to address the resource concerns identified in the planning phase. GCCRP activities will allow for conservation planning on private lands including, but not limited to, ecosystem restoration by conducting soil and water conservation for the benefit of water quality to priority bays and estuaries.

The primary Comprehensive Plan goal of this program is to restore water quality and quantity. Nutrient pollution adversely impacts water quality and poses a significant threat to localized watersheds across the entire Gulf Coast. Fertilizers and manures are used to supplement the natural supplies for optimum crop growth. When nutrients are used correctly – they are very beneficial, but when they are used in the wrong place at the wrong time – they become pollutants. Both groundwater and surface water are very vulnerable to pollution. Excessive nutrient enrichment, or eutrophication, of Gulf Coast estuaries and their watersheds is a chronic threat that can lead to hypoxia, harmful algal blooms, habitat losses, and fish kills.

This program will serve to assist willing private landowners with implementing conservation measures to improve water and wildlife habitat conditions. The selected measures will be conducted with the landowner's conservation goals in mind, enabling greater ownership in conservation and management activities that affect water quality and wildlife habitat conditions within the Gulf coast region. Outcomes will include direct improvements in water quality, wetland and upland wildlife habitat, and forest health.

On December 9, 2015, the Gulf Coast Ecosystem Restoration Council (Council) approved an [Initial Funded Priorities List \(FPL\)](#) that includes activities to be funded under the Council-Selected Restoration Component of the RESTORE Act. The Council addressed the environmental laws that applied to the funding approvals in that FPL. The documents were prepared in accordance with the [Council's NEPA Procedures](#). The GCCRP was approved in the Initial FPL. The approach for addressing environmental compliance at the program and site-specific levels are the same for this program proposal as it was for the approved 2015 program.

https://restorethegulf.gov/sites/default/files/FPL_EClub_GW_Gulf_Coast_Conservation_Reserve_CE_signed.pdf

The GCCRP proposal for FPL 3b will be implemented in 3 Gulf states instead of the 4 states (Texas is not included in the FPL 3b proposal) approved in the Initial FPL. Implementation is funded at approximately \$1 Million per state for the FPL 3b proposal (\$1.1 Million for Florida) as opposed to \$1.5 Million per state in the Initial FPL.

The planned activities fall within multiple USDA CEs as identified in Table 1 on the following page. A programmatic environmental evaluation (EE) was conducted on this program to examine the effect of implementing the program on the environment. To ensure applicable permits are obtained and consultations are conducted, including a review for extraordinary circumstances, each site will undergo a site-specific EE, in which the results will be documented on the CPA-52, Environmental Evaluation Worksheet or equivalent form. <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/ecosciences/ec/>

The use of CEs does not waive or fulfill USDA compliance with any applicable legal requirements; including but not limited to the National Historic Preservation Act, Migratory Bird Treaty Act or the Endangered Species Act. These legal requirements are addressed in the programmatic EE and will also be considered in the site-specific EEs. USDA has state level programmatic agreements with the Fish and Wildlife Service relative to Section 7 of the Endangered Species Act. Also, USDA has a prototype programmatic agreement with the Advisory Council on Historic Preservation (ACHP) and programmatic agreements with the State Historic Preservation Officers (SHPOs) relative to Section 106 of the National Historic Preservation Act (NHPA).

USDA-NRCS conservation practices have been analyzed for their impact on threatened and endangered species and cultural resources. In the implementation of this program, USDA will avoid adverse impacts to threatened and endangered species and cultural resources. USDA conservation practices, where applicable, contain avoidance and minimization measures to ensure that there are no significant adverse impacts to threatened and endangered species and cultural resources.

USDA will make use of the RESTORE Council CEs for planning and monitoring activities. Those activities are not being analyzed in this document. The Council has NEPA procedures for considering the planning and monitoring activities proposed by USDA for this program.

Section 1: Categorical Exclusions

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

Table 1: Categorical Exclusions and Associated Activities and Conservation Practices

Applicable NRCS Conservation Practice Code(s)	CE Reference	Categorical Exclusion Description / Agency Justification
309,326, 327, 328, 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, 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
297, 314, 315, 326, 327, 338, 342, 381, 386, 383, 391, 393, 394, 422, 472, 490, 512, 612, 643, 644, 645, 646, 647, 649, 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.)
309, 313, 314, 315, 316, 317, 318, 328, 351, 359, 360, 362, 367, 378, 381, 382, 420, 430, 436, 441, 442, 449, 460, 468, 511, 516, 521A, 528, 533, 554, 558, 560, 561, 574, 576, 578, 590, 595, 614, 629, 632, 633, 634, and 642, 655	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.
216, 309, 327, 329, 340, 342, 345, 350, 362, 386, 391, 393, 410, 412, 460, 466, 468, 484, 512, 561, 570, 600, 601, 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.

<https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=47c103e07fd64e933c7f74c4b3c4ac9a&rqn=div5&view=text&node=7%3A6.1.3.6.20&idno=7>

The actions covered by the USDA CEs that are outlined in Table 1 require documentation that all connected actions—

1. meet the applicable overarching criteria, as well as CE-specific criteria, and
2. have no “extraordinary circumstances” (see sidebar, page 3) that could result in significant adverse impacts (short- or long-term or cumulative) that cannot be mitigated.

Section I: Overarching Criteria (Sideboards):

Overarching criteria, also known as “sideboards,” are considered below and in the comment box in Section R.2 of the attached CPA-52. Only applicable sideboards need to be met.

The sideboards consideration was completed through the use of the EE process at the program level. USDA will continue to use an environmental review process to evaluate proposed activities for significant impacts. Where significant impacts are determined to exist, the Responsible Federal Official would determine that the categorical exclusion would not apply and the appropriate documentation for compliance with NEPA would be prepared.

Overarching criteria/sideboards for the categorical exclusions 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 USDA - Natural Resources Conservation Service (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.

Section II: Conservation Planning Process

Natural resources are defined by USDA to include soil, water, air, plants, animals, human, and energy considerations (SWAPAE+H). Human considerations refer to the social and economic considerations that are addressed in the planning process. Cultural resources and historic properties are included in this concept. Human considerations are considered early in the planning process and guide the planner in providing the information the client needs to make informed decisions.

The nine-step conservation planning process will be used to provide assistance to the program participants. The conservation planning process includes nine steps. Each step is designed to provide parts that will eventually result in a fully implemented conservation plan. These steps do not necessarily occur in a sequential order and many steps may occur simultaneously.

Step 1 - Identify Problems

The conservation planner assists the client in determining the resource problems, opportunities, and concerns in the planning area. This includes an early identification of all natural resource problems. This will be further clarified as the process continues.

Step 2 - Determine Objectives

The conservation planner must record the client's objectives. This might include how the area is to be used, what is the intended use of the property over the long term, what are the family considerations, and other factors that might influence the choice of conservation practices to be applied.

Step 3 - Inventory Resources

A comprehensive inventory will be completed of the natural resources, such as the soils, plants, animals, physical structures, available labor, equipment, and anything else that might be needed to solve the conservation problems.

Step 4 - Analyze Resource Data

The information gathered in Step 3 will be analyzed to clearly define the conditions of the natural resources along with the economic and social issues. The causes and effects of conservation problems will be summarized.

Step 5 - Formulate Alternatives

One or more conservation alternatives are prepared that will achieve the client's objectives, solve the natural resource problems, and take advantage of opportunities to improve or protect resource conditions. Clients will be provided any products explaining the details of the conservation practices being considered. This would include job sheets, fact sheets, standards, or similar materials.

Step 6 - Evaluate Alternatives

Each of the alternatives is evaluated to determine if it is addressing the client's objectives and the natural resource problems. The effects of the alternatives should be evaluated both for on-site and off-site impacts. The alternative should also be acceptable to the client. Special attention will need to be given to those ecological values protected by law or Executive Order.

Step 7 - Make Decisions

The client selects the alternatives that will best serve their business. The conservationist then prepares the conservation plan of operations (CPO) for the client which includes the practices to be implemented and the schedule. The CPO is a record of conservation decisions made by the client.

Step 8 - Implement Plan

The conservation planner delivers the plan to the client and reviews it for accuracy and clarity. The plan contains a listing of the conservation practices and a schedule for implementation. Included with these practices should be a description of the impacts of the selected practices on their natural resources. Plans usually include a map, field boundaries, soil map, and other items specific to the client's property.

Step 9 - Evaluate the Plan

Clients will evaluate the effectiveness of the plan as it is implemented. Conditions often change and may bring about the need to adjust the plan.

Section III: Extraordinary Circumstances Review

The use of the CEs identified in Table 1 does not constitute segmentation because the implementation of proposed activities on individual parcels do not represent a connected action. The activities will occur on distinct parcels to comprehensively restore and conserve critical habitat, water quantity, and quality. The activities that are applied to individual parcels have independent utility. While many of the activities support achieving similar objectives for the individual parcels, none of the activities are dependent on the completion of activities on a separate and distinct parcel. It is acknowledged that there is a beneficial effect to treating multiple parcels to achieve a similar goal; however, it is not a prerequisite for implementation nor achieving desired environmental benefits.

There is a low likelihood that 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. These effects are consistent with what is contemplated when implementing these categorically excluded activities. The anticipated long-term effects would be positive - restoring and maintaining native ecosystems by improving water quality and quantity.

The following section addresses the extraordinary circumstance consideration for use of a CE. The extraordinary circumstance review was considered below at the program level; however, site-specific reviews will be conducted for extraordinary circumstances as a part of the planning activities for the individual parcels.

1. The proposed action cannot cause significant effects on public health or safety:

This program is expected to have an indirect positive effect on public health and safety related to fishing, swimming, and health of shellfish for consumption through a reduction of pollutants from forested and associated lands.

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 be applied on agricultural and forested lands to improve water quality and quantity. The area of proposed actions will be reviewed for the presence of known or potential cultural resource sites. Adverse impacts to cultural resources will be avoided in the implementation of this program. Adverse impacts to critical habitat for endangered species or prime farmlands will not be permitted in the implementation of this program. 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 will have a net positive effect on the human environment by providing program participants with incentives to address conservation/restoration needs on their property. In the form of technical and financial assistance, this program will provide a positive economic benefit to the landowner and local community.

Adverse impacts to the human environment will be avoided in the implementation of this program. Through the conservation planning process, the impact on the landowner's economic conditions is evaluated.

4. The proposed action cannot have highly uncertain effects, including potential unique or unknown risks on the human environment:

The program is expected to generate positive impacts on the human environment by applying best management practices on the landscape; thereby, improving water quality and quantity. The conservation practices to be implemented have been reviewed by the public; therefore, no unforeseen environmental effects or unique/unknown risks to the human environment are anticipated.

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 restoration/conservation programs with similar objectives are being implemented in Alabama, Florida, and Mississippi and throughout the Gulf Coast Region.

6. The proposed action is not expected to have any significant environmental impacts which would adversely alter the quality of the human environment over time:

This program is expected to have overall positive benefits on the quality of the human environment. Additionally, it will facilitate improvements to water quality and quantity – thus, resulting in a healthier environment. It will strengthen the economic viability and environmental compatibility of watersheds 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 (SECs) 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:

USDA conservation practice standards prohibits the use of invasive species. Invasive species will not be promoted as a part of this program. There may be an opportunity to remove or eradicate existing invasive species on lands treated as a part of this program.

The CPA-52 worksheet includes the list of special environmental concerns that must be considered when conducting an EE on a proposed action. The worksheet provides detailed instructions on how to conduct the environmental evaluation and includes guidance to ensure compliance with the various SECs. There will be no significant adverse impacts to 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 through the implementation of this 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.

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.

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

Section IV: Conservation Practices

The following conservation practices will be implemented to improve water quality and quantity within the Alabama, Florida, and Mississippi coastal watersheds.

Note: Use “Internet Explorer” in accessing the hyperlinks below. Some of the hyperlinks are not compatible with “Google Chrome” more specifically, the link that contains “AL CPS”.

- Access Control (472)
[https://efotg.sc.egov.usda.gov/api/CPSFile/21294/472_AL_PS_Access_\(Con\)trol_2011](https://efotg.sc.egov.usda.gov/api/CPSFile/21294/472_AL_PS_Access_(Con)trol_2011)
- Access Roads (560)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263183.pdf
- Agrichemical Handling Facility (309)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263506.pdf
- Animal Mortality Facility (316)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1254948.pdf
- Brush Management (314)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1254946.pdf
- Channel Bed Stabilization (584)
https://efotg.sc.egov.usda.gov/api/CPSFile/24887/584_AL_CPS_Channel_Bed_Stabilization_2016
- Clearing and Snagging (326)
https://efotg.sc.egov.usda.gov/api/CPSFile/23951/326_AL_CPS_Clearing_and_Snagging_2016
- Composting Facility (317)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026122.pdf
- Conservation Cover (327)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263169.pdf
- Conservation Crop Rotation (328)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263170.pdf
- Cover Crop (340)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263176.pdf
- Critical Area Planting (342)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1241316.pdf
- Dike (356)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026522.pdf
- Diversion (362)
https://efotg.sc.egov.usda.gov/api/CPSFile/24044/362_AL_CPS_Diversion_2016
- Drainage Water Management (554)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026409.pdf
- Early Successional Habitat Development and Management (647)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_025706.pdf
- Fence (382)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1144464.pdf
- Field Border (386)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1241318.pdf
- Filter Strip (393)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1241319.pdf
- Firebreak (394)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026527.pdf
- Forage and Biomass Planting (512)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026153.pdf
- Forage Harvest Management (511)

- https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_025915.pdf
- Forest Stand Improvement (666)
https://efotg.sc.egov.usda.gov/api/CPSFile/25169/666_AL_CPS_Forest_Stand_Improvement_2019
- Forest Trails and Landings (655)
https://efotg.sc.egov.usda.gov/api/CPSFile/25126/655_AL_CPS_Forest_Trails_and_Landings_2019
- Fuel Break (383)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026161.pdf
- Grade Stabilization Structure (410)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263175.pdf
- Grassed Waterway (412)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263177.pdf
- Heavy Use Area Protection (561)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263184.pdf
- Hedgerow Planting (422)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026277.pdf
- Herbaceous Weed Control (315)
https://efotg.sc.egov.usda.gov/api/CPSFile/25169/666_AL_CPS_Forest_Stand_Improvement_2019
- Integrated Pest Management (595)
https://efotg.sc.egov.usda.gov/api/CPSFile/24907/595_AL_CPS_Integrated_Pest_Management_2011
- Irrigation Pipeline (430)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046882.pdf
- Irrigation Reservoir (436)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046883.pdf
- Irrigation System, Microirrigation (441)
https://efotg.sc.egov.usda.gov/api/CPSFile/24249/441_AL_CPS_Irrigation_System_Microirrigation_2016
- Irrigation Water Management (449)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263179.pdf
- Land Clearing (460)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046893.pdf
- Land Smoothing (466)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1241320.pdf
- Lined Waterway or Outlet (468)
https://efotg.sc.egov.usda.gov/api/CPSFile/24384/468_AL_CPS_Lined_Waterway_or_Outlet_2017
- Livestock Pipeline (516)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046876.pdf
- Livestock Shelter Structure (576)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1241322.pdf
- Mulching (484)
https://efotg.sc.egov.usda.gov/api/CPSFile/1/484_AL_CPS_Mulching_2018
- Nutrient Management (590)
https://efotg.sc.egov.usda.gov/api/CPSFile/24893/590_AL_CPS_Nutrient_Management_2014
- Pest Management Conservation System (595)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1246754.pdf
- Pond (378)
https://efotg.sc.egov.usda.gov/api/CPSFile/24093/378_AL_CPS_Pond_2016
- Pond Sealing or Lining, Flexible Membrane (521A)
https://efotg.sc.egov.usda.gov/api/CPSFile/24527/521_AL_CPS_Pond_Sealing_or_Lining_Geomembrane_or_Geosynthetic_Clay_Liner_2018
- Prescribed Burning (338)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026544.pdf

- Prescribed Grazing (528)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1255132.pdf

- Pumping Plant (533)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046901.pdf
- Residue and Tillage Management, No-Till (329)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1249901.pdf
- Residue and Tillage Management, Reduced Till (345)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1251402.pdf
- Restoration and Management of Rare or Declining Habitats (643)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1255208.pdf
- Riparian Forest Buffer (391)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026098.pdf
- Shallow Water Development and Management (646)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026058.pdf
- Silvopasture Establishment (381)
https://efotg.sc.egov.usda.gov/api/CPSFile/24131/381_AL_CPS_Silvopasture_2012
- Stream Crossing (578)
https://efotg.sc.egov.usda.gov/api/CPSFile/24817/578_AL_CPS_Stream_Crossing_2018
- Streambank and Shoreline Protection (580)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046931.pdf
- Structure for Water Control (587)
[https://efotg.sc.egov.usda.gov/api/CPSFile/24890/587_AL_CPS_Structure_for_Water_\(Con\)trol_2018](https://efotg.sc.egov.usda.gov/api/CPSFile/24890/587_AL_CPS_Structure_for_Water_(Con)trol_2018)
- Tree/Shrub Site Preparation (490)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_025998.pdf
- Tree/Shrub Establishment (612)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026460.pdf
- Upland Wildlife Habitat Management (645)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_025754.pdf
- Waste Treatment (629)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1144479.pdf
- Water Well (642)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263191.pdf
- Watering Facility (614)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263189.pdf
- Wetland Wildlife Habitat Management (644)
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026455.pdf

Implementation of the Gulf Coast Conservation Reserve Program in Alabama

- i. Objective – Improve water quality by addressing nutrient and sediment runoff.
- ii. Location – Coastal watersheds in Alabama
- iii. Landuse – Agricultural Lands

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 11/2019		A. Client Name: USDA-NRCS			
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable): USDA-NRCS GCCRP Program Authority (optional): RESTORE Act			
D. Client's Objective(s) (purpose): The primary purpose is to 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 Perdido Bay, and Pensacola Bay. NRCS will work 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.				C. Identification # (farm, tract, field #, etc. as required): Individual project sites not yet identified. Approximately 25-50 farms and adjacent sites will be selected based on factors such as severity of erosion, proximity to sensitive areas, and protection of Prime Farmland. The project area encompasses Baldwin, Escambia and Mobile Counties in Alabama.			
E. Need for Action: Improve hydrology, reduce sedimentation, and improve water quality in tributary streams and headwaters. The primary objective is to stabilize critical erosion areas (such as head cutting gullies and eroding agricultural land). Other objectives include improving infiltration and soil health of land draining to the Gulf, particularly those above critical erosion sites.		H. Alternatives					
		No Action <input checked="" type="checkbox"/> if RMS <input type="checkbox"/>		Alternative 1 <input checked="" type="checkbox"/> if RMS <input type="checkbox"/>		Alternative 2 <input checked="" type="checkbox"/> if RMS <input type="checkbox"/>	
		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.			
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 "o" 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 checked="" type="checkbox"/> if needs further action		<input checked="" type="checkbox"/> if needs further action		<input checked="" type="checkbox"/> if needs further action	
•Clean Air Act Guide Sheet Fact sheet No non-attainment areas present.				No Effect Soil stabilization will reduce likelihood of particulate emissions			
•Clean Water Act / Waters of the U.S. Guide Sheet 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, nutrients, and pathogen loading to tributaries and the Gulf.			
•Coastal Zone Management Guide Sheet 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 Guide Sheet none present in affected area				No Effect			
•Cultural Resources / Historic Properties Guide Sheet Cultural resources may be present on or near project sites.				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.			
•Endangered and Threatened Species Guide Sheet Gopher tortoise and black pine snake potentially on sites. Gulf sturgeon critical habitat in rivers and tributaries within the project area. Several aquatic species in the project area.				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 or Not Likely to Adversely Affect.			

Environmental Justice Guide Sheet communities present in the project area	<input type="checkbox"/>	No Effect Outreach efforts will encourage participation from low income and/or minority producers	<input type="checkbox"/>	<input type="checkbox"/>
●Essential Fish Habitat Guide Sheet project area does not incl. marine habitat (Gulf of Mexico or	<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	<input type="checkbox"/>	<input type="checkbox"/>
Floodplain Management Guide Sheet 100-year floodplains are present in the project counties	<input type="checkbox"/>	No Effect Not likely to result in an increased flood hazard, incompatible development, or other adverse effect	<input type="checkbox"/>	<input type="checkbox"/>
Invasive Species Guide Sheet Presence likely on all sites; particularly cogongrass and tallow tree	<input type="checkbox"/>	No Effect Control of invasives on the project sites will occur as part of practice implementation. No invasives will be planted.	<input type="checkbox"/>	<input type="checkbox"/>
●Migratory Birds/Bald and Golden Eagle Protection Act Guide Sheet migratory birds and bald eagles may be present near project	<input type="checkbox"/>	No Effect Construction activities will be avoided within 660 feet of an active bald eagle nest between Oct 1-May 15.	<input type="checkbox"/>	<input type="checkbox"/>
Natural Areas Guide Sheet Several, including Grand Bay NWR, Weeks Bay Natl. Estuarine Reserve, Bon Secour NWR	<input type="checkbox"/>	No Effect Activities and practices will serve to decrease nutrient and sediment loading to tributaries of these areas.	<input type="checkbox"/>	<input type="checkbox"/>
Prime and Unique Farmlands Guide Sheet some project sites may contain prime farmland	<input type="checkbox"/>	No Effect Action will not convert any agricultural lands to non-agricultural use	<input type="checkbox"/>	<input type="checkbox"/>
Riparian Area Guide Sheet may be adjacent or down-stream of project areas.	<input type="checkbox"/>	No Effect/May Effect-Beneficial Effect Nutrient and sediment transport to these areas will decrease.	<input type="checkbox"/>	<input type="checkbox"/>
Scenic Beauty Guide Sheet project sites are predominately rural	<input type="checkbox"/>	No Effect Eroding sites will be vegetated, improving landscape views	<input type="checkbox"/>	<input type="checkbox"/>
●Wetlands Guide Sheet may be present adjacent to project sites	<input type="checkbox"/>	No Effect/May Effect-Beneficial Effect Adverse effects to wetlands will be avoided. Beneficial effects are expected due to erosion control above wetlands.	<input type="checkbox"/>	<input type="checkbox"/>
●Wild and Scenic Rivers Guide Sheet Recreational River Segments in the project area include the Black-water, Chickasaw Creek, Conecuh River, Escambia River, Majors Creek, Styx, Little River, & Perdido River	<input type="checkbox"/>	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.	<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.		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.		
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)		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.		
L. Mitigation (Record actions to avoid,		1. For federally listed species: 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 2. Construction activities will not occur within 660 ft. of active bald eagle nests during nesting season.		


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 review of project information and application of the mitigation measures above and further described in the guide sheets.	

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. 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.

	Assistant State Conservationist - Technology	7/24/2020
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.

P. Determination of Significance or Extraordinary Circumstances

To answer the questions below, consider the severity (intensity) of impacts in the contexts identified above. 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?
<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?

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

<p>R.1 Findings Documentation</p>	
<p>R.2 Applicable Categorical Exclusion(s) (more than one may apply)</p> <p>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>	<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>(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> <p>(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;</p> <p>(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);</p> <p>(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</p> <p>(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</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>

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
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Additional notes

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

Client/Plan Information:

USDA-NRCS

USDA-NRCS GCCRP

RESTORE Act

Individual project sites not yet identified. Approximately

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:

USDA-NRCS

USDA-NRCS GCCRP

RESTORE Act

Individual project sites not yet identified. Approximately

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 waters of the United States (including lakes, ponds, impoundments, rivers, streams, channels, some wetlands, and some 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 and the link above.

- 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 USDA-NRCS GCCRP RESTORE Act Individual project sites not yet identified. Approximately
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

CORAL REEFS NECH 610.24 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS USDA-NRCS GCCRP RESTORE Act Individual project sites not yet identified. Approximately
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.

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 USDA-NRCS GCCRP RESTORE Act Individual project sites not yet identified. Approximately 25-50
	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: 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	Client/Plan Information:
	USDA-NRCS USDA-NRCS GCCRP RESTORE Act Individual project sites not yet identified. Approximately
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.

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:

ENVIRONMENTAL JUSTICE NECH 610.27 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS USDA-NRCS GCCRP RESTORE Act Individual project sites not yet identified. Approximately
	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:

USDA-NRCS
USDA-NRCS GCCRP
RESTORE Act
Individual project sites not yet identified. Approximately

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:

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 USDA-NRCS GCCRP RESTORE Act Individual project sites not yet identified. Approximately
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: 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 USDA-NRCS GCCRP RESTORE Act
	Individual project sites not yet identified. Approximately
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

USDA-NRCS GCCRP

RESTORE Act

Individual project sites not yet identified. Approximately 25-

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

NOTE: This guide sheet includes evaluation guidance for compliance with the Migratory Bird 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 BIRD TREATY ACT & E.O 13186

In the lower 48 states, all wild birds except introduced species (House Sparrow, Rock Pigeon, European Starling, Eurasian Collared-dove) and resident game birds managed by State Wildlife Agencies are protected under the MBTA.

STEP 1.

Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, occupied 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).

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

STEP 2.

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.**
- Yes **If "Yes," document mitigation measures on the NRCS-CPA-52, or notes section below, and in the plan. Go to Step 3.**

STEP 3.

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 4.**
- 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 all required permits before the action is implemented.**

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

STEP 4.

Will unintentional take of migratory birds result in a measurable negative effect on a migratory bird species' population?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Section II.**
- 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. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

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**NECH 610.32****Evaluation Procedure Guide Sheet****Client/Plan Information:**

USDA-NRCS

USDA-NRCS GCCRP

RESTORE Act

Individual project sites not yet identified. Approximately

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 610.33
Evaluation Procedure Guide Sheet**

Client/Plan Information:

USDA-NRCS

USDA-NRCS GCCRP

RESTORE Act

Individual project sites not yet identified. Approximately

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:

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.

SCENIC BEAUTY GM Title 190, Part 410.24 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS RESTORE Act Individual project sites not yet identified. Approximately
Check all that apply to this Guide Sheet review: Alternative 1 <input checked="" type="checkbox"/> Alternative 2 <input type="checkbox"/> Other <input type="checkbox"/>	

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:

RIPARIAN AREA NECH 610.34 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS
	USDA-NRCS GCCRP RESTORE Act Individual project sites not yet identified. Approximately
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 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.

WETLANDS NECH 610.36 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS USDA-NRCS GCCRP RESTORE Act
	Check all that apply to this Guide Sheet review: <input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

Individual project sites not yet identified. Approximately
 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: Wetlands are areas that are inundated by surface or ground water with a frequency sufficient to support and, under normal circumstances, do or would support prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction, except for irrigation or leakage-induced wetlands created in uplands.

- 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.

NOTE: Compensation is not required for irrigation or leakage-induced wetlands where no natural wetlands existed before the irrigation or waste management activity, though such areas may be regulated by other Federal agencies or State, Tribal, or local agencies.

Notes:

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

WILD AND SCENIC RIVERS NECH 610.37 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS USDA-NRCS GCCRP RESTORE Act Individual project sites not yet identified. Approximately 25-
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.

Implementation of the Gulf Coast Conservation Reserve Program in Florida

- i. Objective – Improve water quality by addressing sediment runoff.
- ii. Location – Coastal watersheds in Florida
- iii. Landuse – Agricultural Lands

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 11/2019		A. Client Name: None-FL NRCS project proposal for RESTORE program funds	
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable): Blackwater River Waters Program Authority (optional): RESTORE ACT	
D. Client's Objective(s) (purpose): The agency's objective is to reduce or eliminate gully erosion on the private lands to improve water quality and downstream habitat, and protect private property and public infrastructure in portion of the watershed where sediment is causing impairment to water quality.				C. Identification # (farm, tract, field #, etc. as required):	
E. Need for Action: Restore downstream habitat in Blackwater river watershed and Pensacola Bay.		H. Alternatives			
		No Action <input type="checkbox"/> if RMS		Alternative 1 <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)	
		Alternative 2 <input type="checkbox"/> if RMS			
		N/A			
Resource Concerns					
In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource Planning Criteria for guidance).					
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 "e" 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)		Document all impacts (Attach Guide Sheets as applicable)	
		<input type="checkbox"/> if needs further action		<input type="checkbox"/> if needs further action	
•Clean Air Act Guide Sheet No non-attainment areas present				No Effect Proposed practices have negligible or no effect on air quality.	
•Clean Water Act / Waters of the U.S. Guide Sheet Sections 402 not applicable to proposed activities. No section 303d impaired waters.				May Effect Section 404 permits expected to be required to document potential affects.	
•Coastal Zone Management Guide Sheet Sites are in coastal zone.				May Effect Consistency determinations will be made as part of Section 404 CWA permit authorizations as appropriate. See guide sheet.	
Coral Reefs Guide Sheet none present in affected areas.				No Effect	

<p>•Cultural Resources / Historic Properties <i>Guide Sheet</i> No known cultural resources or high probability areas for resources in the APEs on the project sites.</p>	<input type="checkbox"/>	<p>May Effect Off-site and possibly on-site cultural resources reviews will be required to determine effect.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>•Endangered and Threatened Species <i>Guide Sheet</i> 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 WW 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 <i>Guide Sheet</i> 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 (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.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>•Essential Fish Habitat <i>Guide Sheet</i> 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 affect to the EFH.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Floodplain Management <i>Guide Sheet</i> 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 <i>Guide Sheet</i> No data present</p>	<input type="checkbox"/>	<p>No Effect Procedures in the guidesheet 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 <i>Guide Sheet</i> 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 <i>Guide Sheet</i> 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 and Scenic river guide sheet.</p>	<input type="checkbox"/>	<p>No Effect Water quality and riparian in-stream habitat expected to improve due to reduction in sediment loading.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Prime and Unique Farmlands <i>Guide Sheet</i></p>	<input type="checkbox"/>	<p>No Effect No conversion of farmland will occur. Projects will help preserve prime and locally important farmland by preventing loss of topsoil.</p>	<input type="checkbox"/>	<input type="checkbox"/>

Riparian Area <i>Guide Sheet</i> Present at both sites.	<input type="checkbox"/>	No Effect Substantial benefits are expected via prevention of the erosion of these areas. Short term impacts will be minimized per applicable practice standard criteria.	<input type="checkbox"/>	<input type="checkbox"/>
Scenic Beauty <i>Guide 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> 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> Segments of big Coldwater Creek and Blackwater River downstream of project site also have wild/scenic designation. See Wild and Scenic river guide sheet.	<input type="checkbox"/>	No Effect Water quality and riparian 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	
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)			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. 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
NATHAN FIKKERT <small>Digitally signed by NATHAN FIKKERT Date: 2020.07.31 13:35:30 -04'00'</small>				
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.				
P. Determination of Significance or Extraordinary Circumstances				
To answer the questions below, consider the severity (intensity) of impacts in the contexts identified above. 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?		
<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?		

Q. NEPA Compliance Finding (check one)		Action required
The preferred alternative:		
<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)	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 <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.	
<i>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.</i>	
S. Signature of Responsible Federal Official:	
NATHAN FIKKERT Digitally signed by NATHAN FIKKERT Date: 2020.07.31 13:35:59 -04'00'	_____ Title
_____ Signature	_____ Date

Additional notes

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

Client/Plan Information:	
None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed	
RESTORE ACT	

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: 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: Alternative 1 Alternative 2 Other

Client/Plan Information:
None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed RESTORE ACT

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 waters of the United States (including lakes, ponds, impoundments, rivers, streams, channels, some wetlands, and some 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 and the link above.*

- 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

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

Client/Plan Information:
None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed RESTORE ACT

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

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

Client/Plan Information:

None-FL NRCS project proposal for RESTORE program funds
Blackwater River Watershed
RESTORE ACT

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 funds Blackwater River Watershed RESTORE ACT
	Check all that apply to this Guide Sheet review: <input type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> 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 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 funds
Blackwater River Watershed
RESTORE ACT

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:

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 funds Blackwater River Watershed RESTORE ACT
	Check all that apply to this Guide Sheet review: <input 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: None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed RESTORE ACT
	Check all that apply to this Guide Sheet review: <input 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: None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed RESTORE ACT
	Check all that apply to this Guide Sheet review: <input type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> 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 funds Blackwater River Watershed RESTORE ACT
Check all that apply to this Guide Sheet review:	<input 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:

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 funds
Blackwater River Watershed
RESTORE ACT

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

NOTE: This guide sheet includes evaluation guidance for compliance with the Migratory Bird 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 BIRD TREATY ACT & E.O 13186

In the lower 48 states, all wild birds except introduced species (House Sparrow, Rock Pigeon, European Starling, Eurasian Collared-dove) and resident game birds managed by State Wildlife Agencies are protected under the MBTA.

STEP 1.

Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, occupied 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).

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

STEP 2.

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.**
- Yes **If "Yes," document mitigation measures on the NRCS-CPA-52, or notes section below, and in the plan. Go to Step 3.**

STEP 3.

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 4.**
- 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 all required permits before the action is implemented.**

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

STEP 4.

Will unintentional take of migratory birds result in a measurable negative effect on a migratory bird species' population?

- No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Section II.**
- 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. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

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 NECH 610.32 Evaluation Procedure Guide Sheet	Client/Plan Information:		
	None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed RESTORE ACT		
Check all that apply to this Guide Sheet review:	Alternative 1 <input type="checkbox"/>	Alternative 2 <input type="checkbox"/>	Other <input type="checkbox"/>

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 610.33
Evaluation Procedure Guide Sheet**

Client/Plan Information:
None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed RESTORE ACT

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 610.34
Evaluation Procedure Guide Sheet

Client/Plan Information:	
None-FL NRCS project proposal for RESTORE program funds	
Blackwater River Watershed	
RESTORE ACT	

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
NECH 610.35
Evaluation Procedure Guide Sheet

Client/Plan Information:

None-FL NRCS project proposal for RESTORE program funds
Blackwater River Watershed
RESTORE ACT

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 610.36 Evaluation Procedure Guide Sheet	Client/Plan Information:
	None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed RESTORE ACT
Check all that apply to this Guide Sheet review:	<input 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: Wetlands are areas that are inundated by surface or ground water with a frequency sufficient to support and, under normal circumstances, do or would support prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction, except for irrigation or leakage-induced wetlands created in uplands.

- 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.

NOTE: Compensation is not required for irrigation or leakage-induced wetlands where no natural wetlands existed before the irrigation or waste management activity, though such areas may be regulated by other Federal agencies or State, Tribal, or local agencies.

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 610.37 Evaluation Procedure Guide Sheet	Client/Plan Information: None-FL NRCS project proposal for RESTORE program funds Blackwater River Watershed RESTORE ACT
	Check all that apply to this Guide Sheet review: <input 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:

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

Implementation of the Gulf Coast Conservation Reserve Program in Mississippi

- i. Objective – Improve wildlife habitat by restoring declining functions and value.
- ii. Location – Coastal watersheds in Mississippi
- iii. Landuse – Forested Lands

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 11/2019		A. Client Name: USDA-NRCS applicant	
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable): Program Authority (optional): GCCRP	
D. Client's Objective(s) (purpose): Improve forestland to produce wood crops for long term economic return through eradication of undesirable competing vegetation. Secondary objective is to improve the quality of wildlife habitat for local upland wildlife: (list primary species here).				C. Identification # (farm, tract, field #, etc. as required): MS landowners within Restore boundary	
E. Need for Action: Competing vegetation hinders the development & productivity of preferred trees & understory plants. Food, cover/shelter for desired wildlife species are lacking or of low value due to undesirable vegetation out competing desirable vegetation.		H. Alternatives			
		No Action <input type="checkbox"/> if RMS <input type="checkbox"/>		Alternative 1 <input checked="" type="checkbox"/> if RMS <input checked="" type="checkbox"/>	
		N/A Analysis conducted to determine whether criteria for categorical exclusion by the agency is met.		Eradicate/control undesirable competing vegetation to improve tree stand and increase quality of wildlife habitat: 666 Forest Stand Improvement; and/or 315 Herbaceous Weed Control; 338 Prescribed Burning; 394 Firebreak; and 645 Upland Wildlife Habitat Mgt will be implemented.	
Resource Concerns					
In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource Planning Criteria for guidance).					
F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)		I. Effects of Alternatives			
		No Action		Alternative 1	
		Alternative 2			
Amount, Status, Description (Document both short and long term impacts)		√ if does NOT meet PC		Amount, Status, Description (Document both short and long term impacts)	
				√ if does NOT meet PC	
Amount, Status, Description (Document both short and long term impacts)				Amount, Status, Description (Document both short and long term impacts)	
				√ if does NOT meet PC	
SOIL					
No resource concern identified <input type="checkbox"/>					
WATER					
Pesticides transported to surface and ground waters		<input type="checkbox"/>		No current use of pesticides, including herbicides. OR Herbicides will be managed to prevent runoff & leaching. WINPEST evaluations will be conducted to identify measures to minimize/mitigate effects of herbicides. Refer to conservation plan for WINPEST results. All label directions & restrictions relating to rates, timing & setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface & ground waters or affecting non-target species.	
No current use of pesticides, including herbicides.		NOT meet PC		NOT meet PC	
				NOT meet PC	
F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)		I. (continued)			
		No Action		Alternative 1	
		Alternative 2			
Amount, Status, Description (Document both short and long term impacts)		√ if does NOT meet PC		Amount, Status, Description (Document both short and long term impacts)	
				√ if does NOT meet PC	
Amount, Status, Description (Document both short and long term impacts)				Amount, Status, Description (Document both short and long term impacts)	
				√ if does NOT meet PC	
AIR					
Emissions of Particulate Matter (PM) and PM Precursors		<input type="checkbox"/>		No air quality problems present. OR Reduced Visibility temporarily may occur during 338 prescribed burning. 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.	
No air quality problems present		NOT meet PC		NOT meet PC	
				NOT meet PC	

Objectionable odors		<input type="checkbox"/>	No air quality problems present. OR Objectionable odors temporarily may occur during 338 prescribed burning. Burn plan will avoid sensitive areas and mitigate risks related to wind height and direction in accord with State burning permit conditions.	<input type="checkbox"/>		<input type="checkbox"/>
No air quality problems present		NOT meet PC		NOT meet PC		NOT meet PC
PLANTS						
Plant pest pressure		<input type="checkbox"/>	Competition from undesirable plant pest species, including noxious and invasive species will be reduced or controlled after implementation of planned practices. Tree survival and growth and diversity of desirable herbaceous understory vegetation will be maximized.	<input type="checkbox"/>		<input type="checkbox"/>
Pine tree survival and growth and diversity of herbaceous understory vegetation is diminished due to competition from: (List primary undesirable plant pest species present, including noxious and invasive species here.)		NOT meet PC		NOT meet PC		NOT meet PC
Plant productivity and health		<input type="checkbox"/>	Undesirable / invasive plants will be eradicated/controlled within the existing forest stand resulting in an increase in timber productivity and wildlife habitat quality / quantity by allowing desirable early successional vegetation to establish.	<input type="checkbox"/>		<input type="checkbox"/>
Composition and stand density do not meet clients objectives and production goals. Existing forest stand dominated with undesirable / invasive plant species which reduces stand productivity and habitat quality.		NOT meet PC		NOT meet PC		NOT meet PC
ANIMALS						
Terrestrial habitat for wildlife and invertebrates		<input type="checkbox"/>	The eradication/control of undesirable/invasive plants significantly increases habitat suitability due to increased availability of food, cover/shelter for wildlife, decreased competition for desirable early successional understory species, and reduced habitat fragmentation. WHEG Score < 0.5. Refer to WHEG located in the conservation plan.	<input type="checkbox"/>		<input type="checkbox"/>
The lack of desirable early successional species, and presence of dense vegetative competition reduces habitat suitability due to inadequate food, cover/shelter for wildlife and habitat fragmentation. WHEG Score < 0.5. Refer to WHEG located in the conservation plan.		NOT meet PC		NOT meet PC		NOT meet PC
Aquatic habitat for fish and other organisms		<input type="checkbox"/>	No future use of pesticides, including herbicides. OR Herbicides will be used to control undesirable species. Pesticides are managed to prevent runoff and leaching. Application rates will be minimized. Refer to conservation plan for WINPEST results.	<input type="checkbox"/>		<input type="checkbox"/>
No current use of pesticides, including herbicides.		NOT meet PC		NOT meet PC		NOT meet PC
ENERGY						
No resource concern identified		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Human Economic and Social Considerations						
Labor			Increased labor to eradicate undesirable / invasive plants. Decreased labor once undesirable invasive plants are eradicated. However future pest control and vegetation management will be required.			
Little to no labor needed						
Profitability			Increased costs due to eradication of undesirable plants. Participation in USDA programs will reduce actual cost burden. Profits should increase as marketable trees mature. Increases opportunity for recreational wildlife uses (i.e. hunting, fishing, watching, photography).			
Composition and stand density do not meet clients objectives and production goals. Future forest products income reduced due to competition with undesirable / invasive plant species.						
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)	√ 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
<p>•Clean Air Act <i>Guide Sheet</i> No non-attainment areas in the state.</p>		<input type="checkbox"/>	<p>No Effect OR May Effect - LAA - Minor Short Term Adverse</p> <p>Practices implemented will have no effect. OR LAA - Minor short term adverse effects can occur to air quality, however significant long term beneficial effects for wildlife species and historically fire-dependent ecosystems are expected. 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 in accord with State burning permit conditions.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>•Clean Water Act / Waters of the U.S. <i>Guide Sheet</i> No impaired streams. OR Section 303d listed Impaired Waters are present in parts of the project area. (List names of impaired streams.)</p>		<input type="checkbox"/>	<p>No Effect</p> <p>Practices implemented will have no effect. OR 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. Refer to conservation plan for WINPEST results. 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. Current recommended herbicides and methods will be applied to achieve control of undesirable species. All label directions and restrictions will be followed to reduce the possibilities of herbicide pollution.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>•Coastal Zone Management <i>Guide Sheet</i> Not in CZMA. OR Project site</p>	No Effect	<input type="checkbox"/>	<p>No Effect</p> <p>Not in CZMA. OR The action(s) are "consistent" with the goals and</p>	<input type="checkbox"/>		<input type="checkbox"/>

falls in the MS CZMA, located in Hancock, Harrison and Jackson Counties.		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.		
Coral Reefs Guide Sheet No Coral Reefs present.	<input type="checkbox"/>	No Effect	<input type="checkbox"/>	<input type="checkbox"/>
●Cultural Resources / Historic Properties Guide Sheet Not Present. OR Cultural resources may be present on or near project site. (Describe or list name of cultural resources present.)	<input type="checkbox"/>	No Effect All practices to be implemented are exempt according to current Mississippi NRCS cultural resources programmatic agreement.	<input type="checkbox"/>	<input type="checkbox"/>
●Endangered and Threatened Species Guide Sheet No T&E species present. OR Project site has ___ ac. in fields __, __, and __ with the potential to provide habitat for (list T&E species) _____. Aquatic T&E species with potential habitat in streams adjacent to the project site are: (list aquatic species) _____. See Additional Notes section below for other potential species.	<input type="checkbox"/>	No Effect OR May Effect - NLAA No T&E species present. OR NLAA Beneficial - Project site has ___ ac. in fields __, __, & __ with the potential to provide habitat for (list T&E species) _____. Refer to attached E&T Guidesheet Notes for minimization criteria: (list criteria symbols) _____, as required and described in the Mississippi NRCS T&E programmatic agreement. NLAA - Site is adjacent to streams with potential habitat for (list aquatic T&E species) _____. Refer to attached E&T Guidesheet Notes for required minimization criteria, (list criteria symbols) _____ for aquatic species. See Additional Notes section below for effects on other potential species.	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Justice Guide Sheet EJ communities and Choctaw tribal lands present in area.	No Effect <input type="checkbox"/>	No Effect No adverse social and economic effects to consider.	<input type="checkbox"/>	<input type="checkbox"/>
●Essential Fish Habitat Guide Sheet No EFH is present. OR Gulf Sturgeon designated critical habitat is located in the project area.	<input type="checkbox"/>	No Effect OR May Effect - NLAA No EFH is present. OR NLAA - See the "E and T Species" Guide Sheet.	<input type="checkbox"/>	<input type="checkbox"/>
Floodplain Management Guide Sheet 100-year floodplain is / is not present in project area.	<input type="checkbox"/>	No Effect No actions affect floodplain functions.	<input type="checkbox"/>	<input type="checkbox"/>
Invasive Species Guide Sheet No invasive species present. OR	<input type="checkbox"/>	May Effect - Beneficial Invasive species will be eradicated/controlled in these fields. Noxious/invasive species	<input type="checkbox"/>	<input type="checkbox"/>

<p>____ ac. of _____ (list noxious and/or invasive species.) present in fields __, __ and __.</p>			<p>xious, noxious/invasive species must be monitored & controlled if detected. Survival & growth & diversity of desired vegetation within the local ecosystem will be maximized.</p>		
<p>•Migratory Birds/Bald and Golden Eagle Protection Act <i>Guide Sheet</i> ____ ac. of migratory bird habitat in fields __, __, and __; No eagles or eagle nests observed. OR Eagles and/or eagle nest observed in fields __, __, and __.</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. Mitigation avoids all adverse effects.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Natural Areas <i>Guide Sheet</i> No natural areas present.</p>	<input type="checkbox"/>	<p>No Effect</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Prime and Unique Farmlands <i>Guide Sheet</i> No prime and unique farmland present. OR Project site contains ____ acres of 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.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Riparian Area <i>Guide Sheet</i> Riparian areas are not present in project area. OR ____ feet of functional riparian area present.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>Not in riparian area. OR Herbicides will be managed to prevent runoff & leaching. WINPEST evaluations will be conducted to identify measures to minimize/mitigate effects of herbicides. Refer to conservation plan for WINPEST results. All label directions & restrictions relating to rates, timing & setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface & ground waters or affecting non-target species.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>Scenic Beauty <i>Guide Sheet</i> No significant aesthetic qualities of the landscape identified.</p>	<input type="checkbox"/>	<p>May Effect - Beneficial</p> <p>NLAA Beneficial - Understory will be more open & increase aesthetic qualities as vision is increased into the forested area. Open parklike forest are usually considered positively in landscapes.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>•Wetlands <i>Guide Sheet</i> No wetlands present. OR Wetlands may be present on project site.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>No activities will be conducted within wetland areas. See "Clean Water Act" above for herbicide effects from adjacent areas. No actions affect wetland functions.</p>	<input type="checkbox"/>		<input type="checkbox"/>
<p>•Wild and Scenic Rivers <i>Guide Sheet</i> No W&S rivers present. OR Segments of _____ River/Creek are adjacent to project area.</p>	<input type="checkbox"/>	<p>No Effect</p> <p>No activities will be conducted within streams. See "Clean Water Act" above for herbicide effects from adjacent areas. No adverse effects from off-site activities will occur.</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>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. 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)			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)			No mitigation is required. OR Mitigation avoids all adverse effects. Refer to appropriate T and E Guide Sheet(s) Notes section for guidance for mitigation measures. See Additional Notes section at bottom for Wood Stork.	
M. Preferred Alternative	preferred alternative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Supporting reason		Meets landowner's production goals. No significant adverse effects. Benefits at risk species and local ecosystems.	
N. Context (Record context of alternatives analysis)		local	regional	national
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. 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)		<input type="text"/> Title		<input type="text"/> Date
GEORGE PESSONEY <small>Digitally signed by GEORGE PESSONEY Date: 2020.07.24 08:34:31 -05'00'</small>		Wildlife Biologist		7/24/2020
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.				
P. Determination of Significance or Extraordinary Circumstances				
To answer the questions below, consider the severity (intensity) of impacts in the contexts identified above. 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?		
<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?		
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 sidebar criteria. See NECH 610.116.	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition

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:



State Conservationist

7/24/2020

Signature

Title

Date

Additional notes

May Effect Determinations: LAA (likely to adversely affect) or NLAA (not likely to adversely affect) or NLAA-B (NLAA - beneficial)
Per NRCS programmatic consultation with the U.S. Fish and Wildlife Service (FWS), it has been determined that the conservation practices listed in Section H – Alternative 1 of this EE worksheet will have "no effect" on nine federally listed species or their critical habitats because these practices are not used in areas where the following species or critical habitat occur: eastern black rail, interior least tern, red knot, piping plover, green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, and West Indian manatee. It was also determined that installation of these conservation practices "may affect, but are not likely to adversely affect" (NLAA) the wood stork. Practices that create or improve foraging wetland habitat for wood storks, will have a beneficial effect on this species. In addition, the Louisiana black bear was removed from the list of Threatened and Endangered Wildlife under the Endangered Species Act on March 10, 2016 due to recovery. Although no longer federally protected, the black bear remains protected under Mississippi statutes. (Copies of the programmatic agreement are available upon request.)

**ENDANGERED AND THREATENED SPECIES
NECH 610.26**

Evaluation Procedure Guide Sheet

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

Client/Plan Information:

USDA-NRCS applicant

GCCRP

MS landowners within Restore boundary

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:

Per NRCS programmatic consultation with the U.S. Fish and Wildlife Service (FWS), it was determined that installation of these conservation practices "may affect, but are not likely to adversely affect" (NLAA) the following species with a beneficial effect on their habitat. (Copies of the programmatic agreement are available upon request.) **NLAA-Beneficial when minimization criteria include one or all of the following conservation measures for Gopher tortoise as applicable: GT1:** Heavy equipment (including mowers and mulchers) will stay at least 4 meters (13 feet (ft)) from known gopher tortoise burrows. Contact Service biologist, State Wildlife Agency biologist, or NRCS state biologist if assistance is needed to conduct gopher tortoise surveys. This applies to all practices where heavy equipment is used. Heavy equipment is defined as agricultural tractors, crawler loaders, crawler dozer, backhoe/loader, front end loader, scraper pan, motor grader, skid steer, forklift (P.I.T.), hydraulic excavator, and specialty tracked equipment. Felling of trees and brush, cutting by hand, hack and squirt, backpack application, or use of herbicide pellets is allowed within this buffer.; **NLAA-Beneficial when minimization criteria include one or all of the following conservation measures for Black Pine snake as applicable: BPS** - Contact NRCS POC if longleaf pine forests will be permanently converted or degraded by any means (e.g. clearing, flooding, stump removal) within a 12-digit HUC known or potentially occupied by black pinesnakes. Forest stand improvements and other practices designed to improve longleaf forest conditions are acceptable (e.g. burning, thinning, herbicides). **NLAA-Beneficial when minimization criteria include one or all of the following conservation measures for Dusky Gopher frog as applicable: DGF** - Contact NRCS POC if installation and/or management of conservation practice will adversely impact ephemeral ponds and adjacent upland longleaf pine habitat within a 12-digit HUC containing dusky gopher frog critical habitat and one or more, as needed, of the following protective measures cannot be implemented. Protective measures include no clearing, draining, ditching, creation of firebreaks, non-selective herbicide use, and/or land mechanical treatment within 50 feet of ephemeral ponds. Adjacent longleaf pine habitat should not be permanently converted or degraded by any means (e.g. clearing, flooding, stump removal); however, forest stand improvements and other practices designed to improve longleaf forest conditions are acceptable (e.g. burning, thinning, herbicides). **See "Notes for Federally proposed species/habitats" below for continuation of required implementation of Minimization Criteria on listed aquatic species, including Louisiana quillwort and Gulf 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:

Federally listed endangered or threatened species/habitats (continued) - Required implementation of AQ1 and AQ3 Minimization Criteria agreed to with FWS so there is not likely any adverse effects (NLAA) on the listed aquatic species, including Louisiana quillwort and Gulf sturgeon. AQ1 – Implement protective measures when working near suitable habitat for listed aquatic species including: no mechanized clearing within 50 feet of streams; installing BMP's such as vegetated buffers, silt fences, etc. to prevent erosion and sedimentation into streams; fencing livestock out of streams; and minimizing stream crossings associated with forest trails and landings, Conservation Practice Code (P.C.) 655. Contact NRCS POC if installation and/or management of conservation practice will occur within 50 feet of a stream within a 12-digit HUC containing aquatic listed species, and one or more, as needed, of these protective measures cannot be implemented. **AQ3 –** Contact NRCS POC if pesticides will be used within 100 feet of a stream (or 200 feet for aerial pesticide applications) within a 12-digit HUC containing aquatic listed species, and one or more, if needed, of the following protective measures cannot be implemented. Protective measures include using spot treatment techniques (e.g. hack and squirt, basal bark, cut stump and direct foliar spray), using selective herbicides that maintain native grasses, avoiding pesticide drift into non targeted area by not spraying when wind speeds are over 10 mph, and avoiding runoff into non-target streams by applying during dry weather when rainfall is not expected within 24 hours. WINPEST evaluations will be conducted to identify measures to prevent polluting surface and ground waters or affecting non-target 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:

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:

ENVIRONMENTAL JUSTICE NECH 610.27 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS applicant
	GCCRP MS landowners within Restore boundary
Check all that apply to this Guide Sheet review: <input 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:

Implementation of the Gulf Coast Conservation Reserve Program in Mississippi

- i. Objective – Improve water quality by addressing sediment runoff.
- ii. Location – Coastal watersheds in Mississippi
- iii. Landuse – Forested Lands

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 11/2019		A. Client Name: USDA-NRCS applicant	
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable): Program Authority (optional): GCCRP	
D. Client's Objective(s) (purpose): Improve forestland to produce wood crops for long term economic return through eradication of undesirable competing vegetation. Secondary objective is to improve the quality of wildlife habitat for local upland wildlife: (list primary species here).				C. Identification # (farm, tract, field #, etc. as required): MS landowners within Restore boundary	
E. Need for Action: Competing vegetation hinders the development & productivity of preferred trees & understory plants. Food, cover/shelter for desired wildlife species are lacking or of low value due to undesirable vegetation out competing desirable vegetation.	H. Alternatives				
	No Action <input type="checkbox"/> if RMS <input type="checkbox"/>		Alternative 1 <input checked="" type="checkbox"/> if RMS <input checked="" type="checkbox"/>		Alternative 2 <input type="checkbox"/> if RMS <input type="checkbox"/>
	N/A Analysis conducted to determine whether criteria for categorical exclusion by the agency is met.		Eradicate/control undesirable competing vegetation to improve tree stand and increase quality of wildlife habitat: 666 Forest Stand Improvement; and/or 315 Herbaceous Weed Control; 338 Prescribed Burning; 394 Firebreak; and 645 Upland Wildlife Habitat Mgt will be implemented.		
Resource Concerns					
In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource Planning Criteria for guidance).					
F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. Effects of Alternatives				
	No Action		Alternative 1		Alternative 2
	Amount, Status, Description <i>(Document both short and long term impacts)</i>	<input type="checkbox"/> if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>	<input type="checkbox"/> if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>
SOIL					
No resource concern identified <input type="checkbox"/>					
WATER					
Pesticides transported to surface and ground waters	<input type="checkbox"/>		No current use of pesticides, including herbicides. OR Herbicides will be managed to prevent runoff & leaching. WINPEST evaluations will be conducted to identify measures to minimize/mitigate effects of herbicides. Refer to conservation plan for WINPEST results. All label directions & restrictions relating to rates, timing & setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface & ground waters or affecting non-target species.	<input type="checkbox"/>	
No current use of pesticides, including herbicides.		NOT meet PC			NOT meet PC
F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. (continued)				
	No Action		Alternative 1		Alternative 2
	Amount, Status, Description <i>(Document both short and long term impacts)</i>	<input type="checkbox"/> if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>	<input type="checkbox"/> if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>
AIR					
Emissions of Particulate Matter (PM) and PM Precursors	<input type="checkbox"/>		No air quality problems present. OR Reduced Visibility temporarily may occur during 338 prescribed burning. 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.	<input type="checkbox"/>	
No air quality problems present		NOT meet PC			NOT meet PC

Objectionable odors		<input type="checkbox"/>	No air quality problems present. OR Objectionable odors temporarily may occur during 338 prescribed burning. Burn plan will avoid sensitive areas and mitigate risks related to wind height and direction in accord with State burning permit conditions.	<input type="checkbox"/>		<input type="checkbox"/>
No air quality problems present		NOT meet PC		NOT meet PC		NOT meet PC
PLANTS						
Plant pest pressure		<input type="checkbox"/>	Competition from undesirable plant pest species, including noxious and invasive species will be reduced or controlled after implementation of planned practices. Tree survival and growth and diversity of desirable herbaceous understory vegetation will be maximized.	<input type="checkbox"/>		<input type="checkbox"/>
Pine tree survival and growth and diversity of herbaceous understory vegetation is diminished due to competition from: (List primary undesirable plant pest species present, including noxious and invasive species here.)		NOT meet PC		NOT meet PC		NOT meet PC
Plant productivity and health		<input type="checkbox"/>	Undesirable / invasive plants will be eradicated/controlled within the existing forest stand resulting in an increase in timber productivity and wildlife habitat quality / quantity by allowing desirable early successional vegetation to establish.	<input type="checkbox"/>		<input type="checkbox"/>
Composition and stand density do not meet clients objectives and production goals. Existing forest stand dominated with undesirable / invasive plant species which reduces stand productivity and habitat quality.		NOT meet PC		NOT meet PC		NOT meet PC
ANIMALS						
Terrestrial habitat for wildlife and invertebrates		<input type="checkbox"/>	The eradication/control of undesirable/invasive plants significantly increases habitat suitability due to increased availability of food, cover/shelter for wildlife, decreased competition for desirable early successional understory species, and reduced habitat fragmentation, WHEG Score < 0.5. Refer to WHEG located in the conservation plan.	<input type="checkbox"/>		<input type="checkbox"/>
The lack of desirable early successional species, and presence of dense vegetative competition reduces habitat suitability due to inadequate food, cover/shelter for wildlife and habitat fragmentation. WHEG Score < 0.5. Refer to WHEG located in the conservation plan.		NOT meet PC		NOT meet PC		NOT meet PC
Aquatic habitat for fish and other organisms		<input type="checkbox"/>	No future use of pesticides, including herbicides, OR Herbicides will be used to control undesirable species. Pesticides are managed to prevent runoff and leaching. Application rates will be minimized. Refer to conservation plan for WINPEST results.	<input type="checkbox"/>		<input type="checkbox"/>
No current use of pesticides, including herbicides.		NOT meet PC		NOT meet PC		NOT meet PC
ENERGY						
No resource concern identified		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Human Economic and Social Considerations						
Labor			Increased labor to eradicate undesirable / invasive plants. Decreased labor once undesirable invasive plants are eradicated. However future pest control and vegetation management will be required.			
Little to no labor needed						
Profitability			Increased costs due to eradication of undesirable plants. Participation in USDA programs will reduce actual cost burden. Profits should increase as marketable trees mature. Increases opportunity for recreational wildlife uses (i.e. hunting, fishing, watching, photography).			
Composition and stand density do not meet clients objectives and production goals. Future forest products income reduced due to competition with undesirable / invasive plant species.						

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)	√ 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
<ul style="list-style-type: none"> Clean Air Act Guide Sheet No non-attainment areas in the state.		<input type="checkbox"/>	No Effect OR May Effect - LAA - Minor Short Term Adverse Practices implemented will have no effect. OR LAA - Minor short term adverse effects can occur to air quality, however significant long term beneficial effects for wildlife species and historically fire-dependent ecosystems are expected. 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 in accord with State burning permit conditions.	<input type="checkbox"/>		<input type="checkbox"/>
<ul style="list-style-type: none"> Clean Water Act / Waters of the U.S. Guide Sheet No impaired streams. OR Section 303d listed Impaired Waters are present in parts of the project area. (List names of impaired streams.)		<input type="checkbox"/>	No Effect Practices implemented will have no effect. OR 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. Refer to conservation plan for WINPEST results. 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. Current recommended herbicides and methods will be applied to achieve control of undesirable species. All label directions and restrictions will be followed to reduce the possibilities of herbicide pollution.	<input type="checkbox"/>		<input type="checkbox"/>
<ul style="list-style-type: none"> Coastal Zone Management Guide Sheet Not in CZMA. OR Project site	No Effect	<input type="checkbox"/>	No Effect Not in CZMA. OR The action(s) are "consistent" with the goals and	<input type="checkbox"/>		<input type="checkbox"/>

falls in the MS CZMA, located in Hancock, Harrison and Jackson Counties.		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.		
Coral Reefs Guide Sheet No Coral Reefs present.	<input type="checkbox"/>	No Effect	<input type="checkbox"/>	<input type="checkbox"/>
●Cultural Resources / Historic Properties Guide Sheet Not Present. OR Cultural resources may be present on or near project site. (Describe or list name of cultural resources present.)	<input type="checkbox"/>	No Effect All practices to be implemented are exempt according to current Mississippi NRCS cultural resources programmatic agreement.	<input type="checkbox"/>	<input type="checkbox"/>
●Endangered and Threatened Species Guide Sheet No T&E species present. OR Project site has ___ ac. in fields __, __, and __ with the potential to provide habitat for (list T&E species) _____. Aquatic T&E species with potential habitat in streams adjacent to the project site are: (list aquatic species) _____. See Additional Notes section below for other potential species.	<input type="checkbox"/>	No Effect OR May Effect - NLAA No T&E species present. OR NLAA Beneficial - Project site has ___ ac. in fields __, __, & __ with the potential to provide habitat for (list T&E species) _____. Refer to attached E&T Guidesheet Notes for minimization criteria: (list criteria symbols) _____, as required and described in the Mississippi NRCS T&E programmatic agreement. NLAA - Site is adjacent to streams with potential habitat for (list aquatic T&E species) _____. Refer to attached E&T Guidesheet Notes for required minimization criteria, (list criteria symbols) _____ for aquatic species. See Additional Notes section below for effects on other potential species.	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Justice Guide Sheet EJ communities and Choctaw tribal lands present in area.	No Effect <input type="checkbox"/>	No Effect No adverse social and economic effects to consider.	<input type="checkbox"/>	<input type="checkbox"/>
●Essential Fish Habitat Guide Sheet No EFH is present. OR Gulf Sturgeon designated critical habitat is located in the project area.	<input type="checkbox"/>	No Effect OR May Effect - NLAA No EFH is present. OR NLAA - See the "E and T Species" Guide Sheet.	<input type="checkbox"/>	<input type="checkbox"/>
Floodplain Management Guide Sheet 100-year floodplain is / is not present in project area.	<input type="checkbox"/>	No Effect No actions affect floodplain functions.	<input type="checkbox"/>	<input type="checkbox"/>
Invasive Species Guide Sheet No invasive species present. OR	<input type="checkbox"/>	May Effect - Beneficial Invasive species will be eradicated/controlled in these fields. Noxious/invasive species	<input type="checkbox"/>	<input type="checkbox"/>

<p>____ ac. of _____ (list noxious and/or invasive species.) present in fields __, __ and __.</p>			<p>terus. Noxious/invasive species must be monitored & controlled if detected. Survival & growth & diversity of desired vegetation within the local ecosystem will be maximized.</p>		
<p>•Migratory Birds/Bald and Golden Eagle Protection Act <i>Guide Sheet</i> ____ ac. of migratory bird habitat in fields __, __, and __; No eagles or eagle nests observed. OR Eagles and/or eagle nest observed in fields __, __, and __.</p>	<input type="checkbox"/>	No Effect	<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. Mitigation avoids all adverse effects.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Natural Areas <i>Guide Sheet</i> No natural areas present.</p>	<input type="checkbox"/>	No Effect		<input type="checkbox"/>	<input type="checkbox"/>
<p>Prime and Unique Farmlands <i>Guide Sheet</i> No prime and unique farmland present. OR Project site contains ____ acres of prime or designated locally important farmland.</p>	<input type="checkbox"/>	No Effect	<p>Actions will not convert any agricultural lands to non-agricultural use.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Riparian Area <i>Guide Sheet</i> Riparian areas are not present in project area. OR ____ feet of functional riparian area present.</p>	<input type="checkbox"/>	No Effect	<p>Not in riparian area. OR Herbicides will be managed to prevent runoff & leaching. WINPEST evaluations will be conducted to identify measures to minimize/mitigate effects of herbicides. Refer to conservation plan for WINPEST results. All label directions & restrictions relating to rates, timing & setbacks will be followed to insure control while reducing the possibilities of the herbicides polluting surface & ground waters or affecting non-target species.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Scenic Beauty <i>Guide Sheet</i> No significant aesthetic qualities of the landscape identified.</p>	<input type="checkbox"/>	May Effect - Beneficial	<p>NLAA Beneficial - Understory will be more open & increase aesthetic qualities as vision is increased into the forested area. Open parklike forest are usually considered positively in landscapes.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>•Wetlands <i>Guide Sheet</i> No wetlands present. OR Wetlands may be present on project site.</p>	<input type="checkbox"/>	No Effect	<p>No activities will be conducted within wetland areas. See "Clean Water Act" above for herbicide effects from adjacent areas. No actions affect wetland functions.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>•Wild and Scenic Rivers <i>Guide Sheet</i> No W&S rivers present. OR Segments of _____ River/Creek are adjacent to project area.</p>	<input type="checkbox"/>	No Effect	<p>No activities will be conducted within streams. See "Clean Water Act" above for herbicide effects from adjacent areas. No adverse effects from off-site activities will occur.</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>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. 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)			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)			No mitigation is required. OR Mitigation avoids all adverse effects. Refer to appropriate T and E Guide Sheet(s) Notes section for guidance for mitigation measures. See Additional Notes section at bottom for Wood Stork.	
M. Preferred Alternative	preferred alternative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Supporting reason		Meets landowner's production goals. No significant adverse effects. Benefits at risk species and local ecosystems.	
N. Context (Record context of alternatives analysis)		local	regional	national
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. 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
GEORGE PESSONEY <small>Digitally signed by GEORGE PESSONEY Date: 2020.07.24 08:34:31 -05'00'</small>		Wildlife Biologist		7/24/2020
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.				
P. Determination of Significance or Extraordinary Circumstances				
To answer the questions below, consider the severity (intensity) of impacts in the contexts identified above. 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?		
<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?		
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)	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition
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 sidebar criteria. See NECH 610.116.	

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:



State Conservationist

7/24/2020

Signature

Title

Date

Additional notes

May Effect Determinations: LAA (likely to adversely affect) or NLAA (not likely to adversely affect) or NLAA-B (NLAA - beneficial)
Per NRCS programmatic consultation with the U.S. Fish and Wildlife Service (FWS), it has been determined that the conservation practices listed in Section H – Alternative 1 of this EE worksheet will have "no effect" on nine federally listed species or their critical habitats because these practices are not used in areas where the following species or critical habitat occur: eastern black rail, interior least tern, red knot, piping plover, green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, and West Indian manatee. It was also determined that installation of these conservation practices "may affect, but are not likely to adversely affect" (NLAA) the wood stork. Practices that create or improve foraging wetland habitat for wood storks, will have a beneficial effect on this species. In addition, the Louisiana black bear was removed from the list of Threatened and Endangered Wildlife under the Endangered Species Act on March 10, 2016 due to recovery. Although no longer federally protected, the black bear remains protected under Mississippi statutes. (Copies of the programmatic agreement are available upon request.)

**ENDANGERED AND THREATENED SPECIES
NECH 610.26**

Evaluation Procedure Guide Sheet

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

Client/Plan Information:

USDA-NRCS applicant

GCCRP

MS landowners within Restore boundary

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:

Per NRCS programmatic consultation with the U.S. Fish and Wildlife Service (FWS), it was determined that installation of these conservation practices "may affect, but are not likely to adversely affect" (NLAA) the following species with a beneficial effect on their habitat. (Copies of the programmatic agreement are available upon request.) **NLAA-Beneficial when minimization criteria include one or all of the following conservation measures for Gopher tortoise as applicable: GT1:** Heavy equipment (including mowers and mulchers) will stay at least 4 meters (13 feet (ft)) from known gopher tortoise burrows. Contact Service biologist, State Wildlife Agency biologist, or NRCS state biologist if assistance is needed to conduct gopher tortoise surveys. This applies to all practices where heavy equipment is used. Heavy equipment is defined as agricultural tractors, crawler loaders, crawler dozer, backhoe/loader, front end loader, scraper pan, motor grader, skid steer, forklift (P.I.T.), hydraulic excavator, and specialty tracked equipment. Felling of trees and brush, cutting by hand, hack and squirt, backpack application, or use of herbicide pellets is allowed within this buffer.; **NLAA-Beneficial when minimization criteria include one or all of the following conservation measures for Black Pine snake as applicable: BPS -** Contact NRCS POC if longleaf pine forests will be permanently converted or degraded by any means (e.g. clearing, flooding, stump removal) within a 12-digit HUC known or potentially occupied by black pinesnakes. Forest stand improvements and other practices designed to improve longleaf forest conditions are acceptable (e.g. burning, thinning, herbicides). **NLAA-Beneficial when minimization criteria include one or all of the following conservation measures for Dusky Gopher frog as applicable: DGF -** Contact NRCS POC if installation and/or management of conservation practice will adversely impact ephemeral ponds and adjacent upland longleaf pine habitat within a 12-digit HUC containing dusky gopher frog critical habitat and one or more, as needed, of the following protective measures cannot be implemented. Protective measures include no clearing, draining, ditching, creation of firebreaks, non-selective herbicide use, and/or land mechanical treatment within 50 feet of ephemeral ponds. Adjacent longleaf pine habitat should not be permanently converted or degraded by any means (e.g. clearing, flooding, stump removal); however, forest stand improvements and other practices designed to improve longleaf forest conditions are acceptable (e.g. burning, thinning, herbicides). **See "Notes for Federally proposed species/habitats" below for continuation of required implementation of Minimization Criteria on listed aquatic species, including Louisiana quillwort and Gulf 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:

Federally listed endangered or threatened species/habitats (continued) - Required implementation of AQ1 and AQ3 Minimization Criteria agreed to with FWS so there is not likely any adverse effects (NLAA) on the listed aquatic species, including Louisiana quillwort and Gulf sturgeon. AQ1 – Implement protective measures when working near suitable habitat for listed aquatic species including: no mechanized clearing within 50 feet of streams; installing BMP's such as vegetated buffers, silt fences, etc. to prevent erosion and sedimentation into streams; fencing livestock out of streams; and minimizing stream crossings associated with forest trails and landings, Conservation Practice Code (P.C.) 655. Contact NRCS POC if installation and/or management of conservation practice will occur within 50 feet of a stream within a 12-digit HUC containing aquatic listed species, and one or more, as needed, of these protective measures cannot be implemented. **AQ3 –** Contact NRCS POC if pesticides will be used within 100 feet of a stream (or 200 feet for aerial pesticide applications) within a 12-digit HUC containing aquatic listed species, and one or more, if needed, of the following protective measures cannot be implemented. Protective measures include using spot treatment techniques (e.g. hack and squirt, basal bark, cut stump and direct foliar spray), using selective herbicides that maintain native grasses, avoiding pesticide drift into non targeted area by not spraying when wind speeds are over 10 mph, and avoiding runoff into non-target streams by applying during dry weather when rainfall is not expected within 24 hours. WINPEST evaluations will be conducted to identify measures to prevent polluting surface and ground waters or affecting non-target 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:

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:

ENVIRONMENTAL JUSTICE NECH 610.27 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS applicant
	GCCRP MS landowners within Restore boundary
Check all that apply to this Guide Sheet review: <input 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:



United States Department of Agriculture

September 15, 2020

Benjamin Frater
Acting Chief of Planning and Compliance
Gulf Restoration Office

Re: Environmental Compliance for RESTORE FPL 3b for Gulf Coast Conservation Reserve Program

Dear Ben,

The United States Department of Agriculture is requesting a concurrence determination that the proposed RESTORE FPL 3b for Gulf Coast Conservation Reserve Program will not result in any adverse impacts to listed species or their critical habitat.

This program was established through the RESTORE Council's Initial FPL in December 2015. USDA is currently implementing the program throughout the Gulf for the purpose of protecting and restoring critical wildlife habitat and improving water quality through the development of wildlife habitat, conservation, and forest management plans. If approved, FPL 3b would provide additional funds for work in Florida, Alabama, and Mississippi. Conservation practices and restoration activities will be implemented to address the resource concerns identified in the planning phase. GCCRP activities will allow for conservation planning on private lands including, but not limited to, ecosystem restoration by conducting soil and water conservation for the benefit of water quality and wildlife habitat to priority bays and estuaries.

This program will serve to assist willing private landowners with implementing conservation measures to improve water and wildlife habitat conditions. The selected measures will be conducted with the landowner's conservation goals in mind, enabling greater ownership in conservation and management activities that affect water quality and wildlife habitat conditions within the Gulf coast region. Outcomes will include direct improvements in water quality, wetland and upland wildlife habitat, and forest health.

On December 9, 2015, the Gulf Coast Ecosystem Restoration Council (Council) approved an [Initial Funded Priorities List \(FPL\)](#) that includes activities to be funded under the Council-Selected Restoration Component of the RESTORE Act. The Council addressed the environmental laws that applied to the funding approvals in that FPL. The documents were prepared in accordance with the [Council's NEPA Procedures](#). The GCCRP was approved in the Initial FPL. The approach for addressing environmental compliance at the program and site-specific levels are the same for this program proposal as it was for the approved 2015 program.

https://restorethegulf.gov/sites/default/files/FPL_EClib_GW_Gulf_Coast_Conservation_Reserve_CE_signed.pdf

The GCCRP proposal for FPL 3b will be implemented in 3 Gulf states instead of the 4 states (Texas is not included in the FPL 3b proposal) approved in the Initial FPL. Implementation is funded at approximately \$1 Million per state for the FPL 3b proposal (\$1.1 Million for Florida) as opposed to \$1.5 Million per state in the Initial FPL.

USDA, Natural Resources Conservation Service
7578 Old Canton Road, Canton, MS 39110
Voice 601.790.3753

An Equal Opportunity Provider, Employer and Lender.

USDA will implement conservation practices to improve water quality and wildlife habitat on agricultural and forested lands within coastal watersheds of Alabama, Florida, and Mississippi. USDA is hereby providing justification for the use of categorical exclusions (CEs) for the Gulf Coast Conservation Reserve Program. The justification includes CEs of actions that USDA has determined do not individually or cumulatively have a significant effect on the human environment and, thus, are categorically excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under NEPA. The proposed CE actions promote restoration and conservation activities related to natural or human induced degradation of forested areas.

A programmatic environmental evaluation (EE) was conducted on this program to examine the effect of implementing the program on the environment. To ensure applicable permits are obtained and consultations are conducted, including a review for extraordinary circumstances, each site will undergo a site-specific EE, in which the results will be documented on the CPA-52, Environmental Evaluation Worksheet or equivalent form.

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/ecosciences/ec/>

The use of CEs does not waive or fulfill USDA compliance with any applicable legal requirements; including but not limited to the National Historic Preservation Act, Migratory Bird Treaty Act or the Endangered Species Act. These legal requirements are addressed in the programmatic EE and will also be considered in the site-specific EEs. USDA has a state level programmatic agreement with the Fish and Wildlife Service relative to Section 7 of the Endangered Species Act. Also, USDA has a prototype programmatic agreement with the Advisory Council on Historic Preservation (ACHP) and a programmatic agreement with the State Historic Preservation Officers (SHPOs) relative to Section 106 of the National Historic Preservation Act (NHPA).

USDA has focused the conservation practices to be implemented on agricultural and forested landscapes for this program, so the project is limited in scope as it relates to area of impact (restoration consideration). The proposed conservation practices to improve water quality and wildlife habitat have been previously analyzed for their impact on threatened and endangered species and cultural resources. In the implementation of this program, USDA will avoid adverse impacts to threatened and endangered species and cultural resources. USDA conservation practices, where applicable, contain avoidance and minimization measures to ensure that there are no significant adverse impacts to threatened and endangered species and cultural resources.

I appreciate your consideration of this urgent request. I am available to address questions and/or concerns regarding this request.

Sincerely,

Ronald Howard, Senior Technical Advisor (Natural Resource Specialist)
Gulf Coast Ecosystem Restoration Team