

Justification for Approval of USDA Categorical Exclusions

Apalachicola Regional Restoration Initiative: Strategies 2 & 3

Program Description

The Apalachicola Regional Restoration Initiative: Strategies 2 & 3 project, developed and sponsored by the US Department of Agriculture (USDA), provides additional detail on the program, including information regarding compliance with the RESTORE Act, background, methods, risk and uncertainties, and budget.

The Council is considering approval of \$5M in implementation funds as FPL Category 1 for the Apalachicola Regional Restoration Initiative: Strategies 2 & 3. The program is proposed to be implemented over the course of 5 years in Florida counties within the Apalachicola River watershed, including the Apalachicola National Forest. The USDA, through the U.S. Forest Service, is the sponsor of this proposed project.

This program is an extension of the Tate's Hell Strategy 1 project funded in the Council's 2015 Initial FPL. ARRI Strategies 2 & 3 are collaborative, landscape-level projects focused on restoring longleaf pine, coastal ecosystems, and hydrology within the Apalachicola Region of Florida. Activities include improvement to water quality and quantity, outreach to landowners, monitoring, and targeted education to minority students. The combined ARRI Strategy 2 & 3 restoration efforts will help restore and conserve critical habitat, water quantity and quality, and benefit the economy throughout the Apalachicola Region.

The primary Comprehensive Plan goal of this program is to restore water quality and quantity. Freshwater inflow into the Apalachicola River and Bay have been significantly reduced in recent decades coinciding with upstream use and storage. This has impacted biological, geological, chemical, and hydrologic conditions in coastal and near-shore ecosystems. Consequently, productivity of the Apalachicola Region's commercially and culturally significant seafood industry has also been impacted (Florida Sea Grant 2013). Moreover, variations in climate are projected to cause seasonal shifts for runoff and sediment further affecting habitat conditions which in turn negatively affect movement and breeding behaviors of wildlife (Hovenga et al. 2016). ARRI is designed to address stressors of poor water quality, low-water quantity, degraded longleaf pine and wetland habitat, failing infrastructure, insufficient wildlife and rare plant habitat, non-native invasive species, post hurricane risks (wildland fire, forest diseases and pests), lack of sufficient monitoring, limited public outreach to private forest landowners, and minimal natural resource management education for underrepresented minorities.

ARRI Strategies 2 & 3 will maximize environmental benefits by utilizing spatial decision support tools and products developed through Tate's Hell Strategy 1 funded through the Council's 2015 Initial FPL to prioritize much needed restoration efforts. Silvicultural treatments are prioritized to maximize water yield and to improve habitat conditions for imperiled species (Crandall et al. in preparation). Hydrologic restoration is targeted to high priority watersheds identified in Tate's Hell Strategy 1 hydrologic assessment and will restore natural sheet flow and improve water quality by increasing sediment retention and nutrient assimilation. ARRI Strategies 2 & 3 leverage significant knowledge, resources, and partnerships to substantially increase the pace and scale of restoration across the Apalachicola Region. The USDA Forest Service, The Nature Conservancy (TNC), Apalachicola Regional Stewardship Alliance (ARSA), Florida Forest Service (FFS), Florida A&M University (FAMU), University of Florida (UF), and the Center for Spatial Ecology & Restoration (CSER) at FAMU will partner to implement a range of region-wide ecological restoration activities.

Under Strategy 2, project partners will implement ecological restoration activities including: 1) region-wide restoration for approximately 127,400 acres of longleaf habitat, 2) targeted silvicultural treatments for about 7,200 acres of dense pine forests, 3) hydrologic restoration for around 1,500 acres to reconnect freshwater habitat in high priority watersheds, 4) increased regional prescribed fire, and 5) invasive species treatments. Under Strategy 3, the Florida Forest Service will lead a partnership to advise private forest landowners in active management and restoration, and educate landowners on stewardship and sustainable forest management. This proposed program is consistent with the Protect and Conserve Coastal, Estuarine, and Riparian Habitats; Restore hydrology and natural processes; and Reduce excess nutrients and other pollutants to watersheds priority approaches. The primary goal is to restore water quality and quantity; the primary objective is to restore, improve, and protect water resources.

The USDA will oversee a program to improve water quality and quantity on forested lands within the Apalachicola River watershed. USDA is hereby providing justification for the use of categorical exclusions (CEs) for Apalachicola Regional Restoration Initiative. 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 damage or altered forested areas.

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 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-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

Activity	Associated Conservation Practices	Associated Categorical Exclusion
Upland Restoration	Upland Wildlife Habitat Management 645. Brush Management - 314, Herbaceous Weed Treatment - 315, Prescribed Fire - 338, Critical Area Planting - 342, Riparian Forest Buffer - 391, Firebreak 394, Grade Stabilization Structure - 410, Wildlife Habitat Planting - 420, Tree/Shrub Site Preparation - 490, Drainage Water Management 554, Stream Crossing - 578, Streambank and Shoreline Protection - 580, Structure for Water Control - 587, Tree/Shrub Establishment - 612, Restoration and Management of Rare or Declining Habitats - 643, and Forest Stand Improvement - 666.	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition;
Wetland Restoration	Wetland Wildlife Habitat Management. Brush Management - 314, Herbaceous Weed Treatment - 315, Prescribed Fire - 338, Critical Area Planting - 342, Riparian Forest Buffer - 391, Firebreak 394, Grade Stabilization Structure - 410, Wildlife Habitat Planting - 420, Tree/Shrub Site Preparation - 490, Stream Crossing - 578, Streambank and Shoreline Protection - 580, Structure for Water Control - 587, Tree/Shrub Establishment - 612, Restoration and Management of Rare or Declining Habitats - 643, Wetland Wildlife Habitat Management - 645, and Forest Stand Improvement - 666.	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition; (3) Plugging and filling excavated drainage ditches to allow hydrologic conditions to return to pre-drainage conditions to the extent practicable;

<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 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 have a positive human environment impact by facilitating the implementation of the best management practices thereby improving the water quality and quantity. The conservation practices to be employed have been reviewed by the public; therefore, there will be no unforeseen environmental effects or unique/unknown risks on the human environment.

5. The proposed action cannot include activities or conservation practices that establish a potential precedent for future actions with significant impacts:

This program does not establish a precedent for future actions with significant impacts as restoration/conservation programs with similar objectives are being implemented in Florida and throughout the Gulf Coast Region.

6. The proposed action is known to have or reasonably cannot be expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time:

This program will have a positive effect to the quality of the human environment as it will facilitate improvement to water quality and quantity – thus, improvements to the environmental. 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 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 Apalachicola River watershed.

- 314 – Brush Management
https://efotg.sc.egov.usda.gov/references/Public/NH/314_CPS-3-17Final.pdf
- 315 - Herbaceous Weed Treatment
https://efotg.sc.egov.usda.gov/references/Public/NH/315_CPS-3-17Final.pdf
- 338 - Prescribed Fire
[https://efotg.sc.egov.usda.gov/references/Public/RI/Prescribed_Burning_\(No\)_338...](https://efotg.sc.egov.usda.gov/references/Public/RI/Prescribed_Burning_(No)_338...)
- 342 - Critical Area Planting
https://efotg.sc.egov.usda.gov/references/public/CO/CO342_STD.pdf
- 391 - Riparian Forest Buffer
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026098.pdf
- 394 - Firebreak
<https://efotg.sc.egov.usda.gov/references/Public/WV/wv394307.pdf>
- 410 - Grade Stabilization Structure
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263175.pdf
- 420 – Wildlife Habitat Planting
https://www.nrcs.usda.gov/wps/PA_NRCSConsumption/...
- 490 - Tree/Shrub Site Preparation
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_025998.pdf
- 554 - Drainage Water Management
<https://efotg.sc.egov.usda.gov/references/public/...>
- 578 - Stream Crossing
<https://efotg.sc.egov.usda.gov/references/public/...>
- 580 - Streambank and Shoreline Protection
<https://efotg.sc.egov.usda.gov/references/Public/...>
- 587 - Structure for Water Control
<https://efotg.sc.egov.usda.gov/references/public/...>
- 612 - Tree/Shrub Establishment
<https://efotg.sc.egov.usda.gov/references/Public/...>
- 643 - Restoration and Management of Rare or Declining Habitats
https://efotg.sc.egov.usda.gov/references/Public/WV/WVCPS643_102017.pdf
- 644 - Wetland Wildlife Habitat Management
https://efotg.sc.egov.usda.gov/references/public/MS/MS_11_pc_644_Wetland_Wildlife_Habitat_Mgt.pdf
- 645 - Upland Wildlife Habitat Management
<https://efotg.sc.egov.usda.gov/references/Public/WV/wv645.pdf>
- 666 - Forest Stand Improvement
https://efotg.sc.egov.usda.gov/references/Public/KY/KYCPS666_1017T.pdf

U.S. Department of Agriculture Natural Resources Conservation Service ENVIRONMENTAL EVALUATION WORKSHEET		NRCS-CPA-52 11/2019	A. Client Name: USDA-NRCS
D. Client's Objective(s) (purpose): The primary goal of this program is to restore water quality and quantity. Primary Objective: Restore, Improve, and Protect Water Resources		B. Conservation Plan ID # (as applicable): USDA-ARRI Program Authority (optional): Apalachicola Regional Restoration Initiative	
E. Need for Action: ARRI is designed to address stressors of poor water quality, low-water quantity, degraded longleaf pine and wetland habitat, failing infrastructure, insufficient wildlife and rare plant habitat, and non-native invasive species.		C. Identification # (farm, tract, field #, etc. as required): Private and public forests landowners of the Apalachicola River watershed to plan and implement conservation practices to restore water quality and quantity.	
H. Alternatives		No Action ✓ if RMS <input type="checkbox"/>	Alternative 1 ✓ if RMS <input checked="" type="checkbox"/>
N/A Analysis conducted to determine whether criteria for the justification of the use of USDA-NRCS Catagorical Exclusions for ARRI Strategy 2&3.		Implementing conservation measures to improve water quality and increase quality of wildlife habitat by implementing the following conservation practices: 666 Forest Stand Improvement, 643 - Restoration and Management of Rare or Declining Habitats, 644 - Wetland Wildlife Habitat Management and 645 Upland Wildlife Habitat Mgt.	
Alternative 2 ✓ if RMS <input type="checkbox"/>			

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 "•" 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
•Cultural Resources / Historic Guide Sheet Not Present. OR Cultural resources may be present on or near project site.		<input type="checkbox"/>	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 Florida NRCS State and Tribal Agreements.	<input type="checkbox"/>		<input type="checkbox"/>
•Endangered and Threatened Species Guide Sheet Gopher tortoise potentially on sites. Gulf sturgeon critical habitat in rivers and tributaries within the project area.		<input type="checkbox"/>	No Effect/May Effect-Beneficial 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.	<input type="checkbox"/>		<input type="checkbox"/>
Environmental Justice Guide Sheet communities present in both project counties		<input type="checkbox"/>	No Effect Outreach efforts to encourage participation from all producers.	<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/May Effect-Beneficial 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			No Effect			

Guide Sheet		<input type="checkbox"/>	No actions affect floodplain functions.	<input type="checkbox"/>	<input type="checkbox"/>
100-year floodplains are present in all project counties					
Invasive Species Guide Sheet		<input type="checkbox"/>	No Effect Invasive species will be eradicated/controlled in these fields. Noxious/invasive species must be monitored & controlled if detected. Survival & growth & diversity of desired vegetation within the local ecosystem will be maximized.	<input type="checkbox"/>	<input type="checkbox"/>
Presence likely on all sites; particularly cogongrass and tallow tree					
Migratory Birds/Bald and Golden Eagle Protection Act Guide Sheet		<input type="checkbox"/>	No Effect 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.	<input type="checkbox"/>	<input type="checkbox"/>
migratory birds and bald eagles may be present near project sites					
Natural Areas Guide Sheet		<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"/>
No natural areas present.					
Prime and Unique Farmlands Guide Sheet		<input type="checkbox"/>	No Effect Actions will not convert any agricultural lands to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>
some project sites may contain prime farmland					
Riparian Area Guide Sheet		<input type="checkbox"/>	No Effect/May Effect-Beneficial Nutrient and sediment transport to these areas will decrease.	<input type="checkbox"/>	<input type="checkbox"/>
may be adjacent or down-stream of project areas.					
Scenic Beauty Guide Sheet		<input type="checkbox"/>	No Effect Eroding sites will be vegetated, improving landscape views	<input type="checkbox"/>	<input type="checkbox"/>
No significant aesthetic qualities of the landscape identified.					
Wetlands Guide Sheet		<input type="checkbox"/>	No Effect No activities will be conducted within wetland areas. See "Clean Water Act" above for herbicide effects from adjacent areas. No actions affect wetland functions.	<input type="checkbox"/>	<input type="checkbox"/>
No wetlands present. Wetlands may be present on project site.					
Wild and Scenic Rivers Guide Sheet		<input type="checkbox"/>	No Effect 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.	<input type="checkbox"/>	<input type="checkbox"/>
No W&S rivers present. Segments of _____ River/Creek are adjacent to project area.					
K. Other Agencies and Broad Public Concerns	No Action		Alternative 1		Alternative 2
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.			Burn plan required to be developed & conducted by certified prescribed burner. State burning permits will be obtained prior to conducting prescribed burns if needed for specific projects. Any required permits will be obtained by the landowner prior to implementation of practices.		
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, minimize, and compensate)

M. Preferred Alternative
Supporting reason

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 Matrix. 2. Construction activities will not occur within 660 ft. of active bald eagle nests during nesting season.

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 national
The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the

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
 	Management Analyst	09/14/2020
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? 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 sideboard 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; and (3) Plugging and filling excavated drainage ditches to allow hydrologic conditions to return to pre-drainage conditions to the extent practicable.

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

Signature Title Date

Additional notes

CLEAN AIR ACT NECH 610.21 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS USDA-ARRI Apalachicola Regional Restrotration Initiative
	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: 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:

USDA-NRCS
USDA-ARRI
Apalachicola Regional Restrotration Initiative

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

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

SECTION I

Federally Administered Regulatory Program - Section 404 of the CWA

STEP 1.

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

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

STEP 2.

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

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

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

STEP 3.

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

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

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

STEP 4.

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

No **If "No,"** determine if the client has applied for a permit. If a permit has not been applied for, the client will need to do so. If a permit has been applied for, document this, and continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation. Complete Section II below.**

Yes **If "Yes,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and complete Section II below. The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the Corps. **Complete Section II below.**

Notes:

Some minor short term runoff might occur during conservation practice implementation; however, this is expected to be less than the no action alternative. Long-term, sites will be stabilized and will result in an increase in water quality and quantity.

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:

Not applicable to this program.

**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:

USDA-NRCS

USDA-ARRI

Apalachicola Regional Restrotration Initiative

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, conservation practice implementation will not be subject to local or state compliance requirements as it relates to the CZMA.

CORAL REEFS NECH 610.24 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS
	USDA-ARRI Apalachicola Regional Restrotration Initiative
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-ARRI Apalachicola Regional Restrotration Initiative		
	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? No Yes Unknown
 No Yes Unknown

State Register of Historic Places?

The SHPO's statewide inventory or data base? No Yes Unknown
 Local/county historical society or commission lists? No Yes Unknown
 Client knowledge of existing artifacts, historic structures, or cultural features? No Yes 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 "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-ARRI	
Apalachicola Regional Restroration Initiative	

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

STEP 1.

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

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

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

SECTION 1: Federally listed endangered or threatened species/habitats

STEP 1.

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

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

Federally listed endangered or threatened species/habitats (continued)

STEP 2.

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

- No **If "No," and the effects are purely benign or beneficial,** continue with planning but ensure the client is aware endangered and threatened species or their habitat exists and conservation practices must be applied in a manner that avoids adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- No **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected

that avoids adverse effects or the client obtains a "take" permit from the FWS/NMFS. Refer the client to FWS/NMFS to address the client's responsibilities under Sections 9 & 10 of the ESA, for Federally listed species. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. If assistance is continued, document how the alternative conservation treatments avoid adverse effects and proceed with planning.**

- Yes **If "Yes," and the action will be implemented according to an existing informal consultation, biological opinion, or 4(d) special rule, document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- Yes **If "Yes," and the action cannot be modified to avoid the effect, inform client that in order to proceed with the action NRCS must consult with FWS/NMFS. Contact your area or State biologist for consultation procedures. The action can only be implemented according to the terms of the consultation. **When consultation is complete, attach the consultation documents to NRCS-CPA-52 or reference them in the notes section below and proceed with planning.****

Notes for Federally listed endangered or threatened species/habitats:

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. USDA will avoid adverse impacts to T&E species and their habitat.

SECTION 2: Federally proposed species/habitats

STEP 1.

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

- No effect **If "No effect," additional evaluation is not needed concerning proposed species or proposed critical habitat. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- May effect **If "May affect," meaning that the action might affect endangered and threatened species or proposed critical habitat in any way, **go to Step 2.****

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

- No **If "No," and the effects are purely benign or beneficial**, continue with planning but ensure the client is aware proposed species or their habitat exists and conservation practices must be applied in a manner as to avoid adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- No **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning proposed species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects, and to the extent practicable, provide long-term benefits to species and habitat. Should the client or landowner refuse to apply the recommended alternative conservation treatment, NRCS will inform the client and landowner of the NRCS policy and shall not provide assistance for the action or portion of the action affecting the proposed species.
- Yes **If "Yes," and the action will be implemented according to an existing conference report** **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

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-ARRI Apalachicola Regional Restrotration Initiative
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-ARRI Apalachicola Regional Restrotration Initiative
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

STEP 1.

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

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

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

STEP 2.

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

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

STEP 3.

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

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

STEP 4.

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

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

Notes:

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

FLOODPLAIN MANAGEMENT NECH 610.29 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS USDA-ARRI Apalachicola Regional Restrotration Initiative
	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 any MOA with federal or state agency and the NRCS developed Conservation Plan should suffice as meeting water quality/watershed

INVASIVE SPECIES NECH 610.30 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS USDA-ARRI Apalachicola Regional Restoration Initiative
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:

USDA will not introduce or spread invasive species during the implementation of this program. USDA will inventory and treat invasive species within the parcels selected for restoration as a part of this program.

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

Client/Plan Information:	
USDA-NRCS	
USDA-ARRI	
Apalachicola Regional Restrotration Initiative	

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?

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

No

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).
USDA will avoid adverse impacts to the Bald and Golden Eagles.

NATURAL AREAS GM 190, Part 410.23 Evaluation Procedure Guide Sheet	Client/Plan Information:		
	USDA-NRCS USDA-ARRI Apalachicola Regional Restrotration Initiative		
Check all that apply to this Guide Sheet review:	Alternative 1 <input checked="" 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 610.32 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS
	USDA-ARRI Apalachicola Regional Restrotration Initiative
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.

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

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

STEP 2.

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

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

STEP 3.

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

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

Notes:

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

RIPARIAN AREA NECH 610.33 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS USDA-ARRI Apalachicola Regional Restrotration Initiative
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:

Conservation Practices implemented as a part of this program will not have a negative impact on riparian areas. Where applicable, forest management activities will be implemented to improve the quality of riparian habitat.

SCENIC BEAUTY GM Title 190, Part 410.24 Evaluation Procedure Guide Sheet	Client/Plan Information:
	USDA-NRCS USDA-ARRI Apalachicola Regional Restrotration Initiative
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:

WETLANDS NECH 610.34 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS
	USDA-ARRI Apalachicola Regional Restoration Initiative
Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other

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

STEP 1.

Are wetlands present in or near the planning area?

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

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

STEP 2.

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

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

STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

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

WETLANDS (continued)

STEP 4.

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

- No **If "No," go to step 5.**
- Yes **If "Yes," advise the client of the minimization measures. If the client chooses to implement the**

minimization measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

STEP 5.

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

No

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

Yes

If "Yes," advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

Notes:

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

WILD AND SCENIC RIVERS NECH 610.35 Evaluation Procedure Guide Sheet	Client/Plan Information: USDA-NRCS
	USDA-ARRI Apalachicola Regional Restrotration Initiative
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.



United States Department of Agriculture

September 14, 2020

Benjamin Frater
Acting Chief of Planning and Compliance
Gulf Restoration Office

Re: Environmental Compliance for RESTORE FPL 3b for Apalachicola Regional Restoration Initiative: Strategies 2 & 3

Dear Ben,

The United States Department of Agriculture is requesting a concurrence determination that the proposed RESTORE FPL 3b for Apalachicola Regional Restoration Initiative: Strategies 2 & 3 Program will not result in any adverse impacts to listed species or their critical habitat.

The program is proposed to be implemented over the course of 5 years in Florida counties within the Apalachicola River watershed, including the Apalachicola National Forest. This program is an extension of the Tate's Hell Strategy 1 project funded in the Council's 2015 Initial FPL. ARRI Strategies 2 & 3 are collaborative, landscape-level projects focused on restoring longleaf pine, coastal ecosystems, and hydrology within the Apalachicola Region of Florida. Activities include improvement to water quality and quantity, outreach to landowners, monitoring, and targeted education to minority students. The combined ARRI Strategy 2 & 3 restoration efforts will help restore and conserve critical habitat, water quantity and quality, and benefit the economy throughout the Apalachicola Region.

Under Strategy 2, project partners will implement ecological restoration activities including: 1) region-wide restoration for approximately 127,400 acres of longleaf habitat, 2) targeted silvicultural treatments for about 7,200 acres of dense pine forests, 3) hydrologic restoration for around 1,500 acres to reconnect freshwater habitat in high priority watersheds, 4) increased regional prescribed fire, and 5) invasive species treatments. Under Strategy 3, the Florida Forest Service will lead a partnership to advise private forest landowners in active management and restoration, and educate landowners on stewardship and sustainable forest management.

USDA will implement conservation practices to improve water quality and quantity on forested lands within the Apalachicola River watershed. USDA is hereby providing justification for the use of categorical exclusions (CEs) for the Apalachicola Regional Restoration Initiative. 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.

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