



## Gulf Coast Ecosystem Restoration Council Categorical Exclusion Determination Form

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

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**Proposed Action Title:**

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

**Proposed Action Description:**

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**Categorical Exclusion(s) Applied:**

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## **Council Use of Member Categorical Exclusion(s)**

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

### **Member with Categorical Exclusion(s)**

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

Yes                  No

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### **Segmentation**

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

Yes                  No

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### **Extraordinary Circumstances**

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

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

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

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

### **Supplemental Information**

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

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

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

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

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

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

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

**Additional Information Attached:**      Yes      No

If “Yes”, indicate the subject:

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**Determination by Responsible Official**

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

**Responsible Official (Name)**

Justin R. Ehrenwerth

**Responsible Official (Signature)****Date**

Dec 10, 2015

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 4/2013	<p><b>A. Client Name:</b> State of Florida</p> <p><b>B. Conservation Plan ID # (as applicable):</b> <u>Suwannee River Partnership Irrigation Water Enhancement Program</u></p> <p><b>Program Authority (optional):</b> RESTORE Act</p>																																						
<b>D. Client's Objective(s) (purpose):</b> Improve irrigation system efficiency to reduce nutrient loading to water resources, and conserve water and energy. See the Suwannee River Watershed Restoration proposal submitted by FDEP for more information.		<b>C. Identification #</b> (farm, tract, field #, etc. as required): Individual project sites not yet identified. Approx. 50-200 farms will be selected. Project area encompasses Suwannee and Lafayette Counties.																																							
<b>E. Need for Action:</b> Improve water quality in the tributary streams and groundwater that drain to the Suwannee River and conserve water use.	<b>H. Alternatives</b> <table border="1"> <thead> <tr> <th>No Action</th> <th>✓ if RMS <input type="checkbox"/></th> <th>Alternative 1</th> <th>✓ if RMS <input type="checkbox"/></th> <th>Alternative 2</th> <th>✓ if RMS <input type="checkbox"/></th> </tr> </thead> <tbody> <tr> <td>N/A - Analysis conducted to determine whether agency criteria for categorically excluding the action are met.</td> <td></td> <td>Convert irrigation systems from high to low pressure; retrofit center-pivot irrigation systems with efficient spray nozzles; repair leaks and end guns; install end-gun shutoffs; convert older diesel power units and pumps to more efficient diesel or electric power units, and upgrade irrigation controller equipment to allow for remote access. NRCS practice standards to be used are Nutrient Mgmt, Irrigation Water Mgmt, Sprinkler System, Microirrigation, and Pumping Plant. See the Justification for Approval of USDA Categorical Exclusions from NEPA pdf document attached below Part S of this form for details of project implementation methods and associated categorical exclusions.</td> <td></td> <td>N/A</td> <td></td> </tr> </tbody> </table>						No Action	✓ if RMS <input type="checkbox"/>	Alternative 1	✓ if RMS <input type="checkbox"/>	Alternative 2	✓ if RMS <input type="checkbox"/>	N/A - Analysis conducted to determine whether agency criteria for categorically excluding the action are met.		Convert irrigation systems from high to low pressure; retrofit center-pivot irrigation systems with efficient spray nozzles; repair leaks and end guns; install end-gun shutoffs; convert older diesel power units and pumps to more efficient diesel or electric power units, and upgrade irrigation controller equipment to allow for remote access. NRCS practice standards to be used are Nutrient Mgmt, Irrigation Water Mgmt, Sprinkler System, Microirrigation, and Pumping Plant. See the Justification for Approval of USDA Categorical Exclusions from NEPA pdf document attached below Part S of this form for details of project implementation methods and associated categorical exclusions.		N/A																								
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<b>Special Environmental Concerns: Environmental Laws, Executive Orders, policies, etc.</b>																																									
<p>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.</p>																																									
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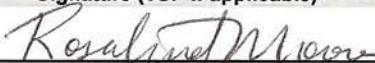
•Cultural Resources / Historic Properties  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> Cultural resources may be present on or near project sites.	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  Activities are limited to ground disturbance within the top 6" of lands currently in row crop use or rotation. Replacement pumps will be installed on existing pads. Action is in compliance with terms of the NRCS National Prototype Agreement and FL NRCS State Prototype Programmatic Agreement. See Guide Sheet for more information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
•Endangered and Threatened Species  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> Gopher Tortoise, Eastern Indigo Snake, and Florida Burrowing Owl potentially on sites. The Burrowing Owl and Gopher Tortoise are state-listed. Gulf sturgeon has critical habitat in the Suwannee River.	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  All requirement of the USFWS-NRCS Consultation Matrix for federally listed species will be followed. See Part L for a brief summary (not all inclusive). Florida Fish & Wildlife Conservation Commission (FWC) BMPs will be followed when these species are present. Gopher tortoise is both state and federally listed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Justice  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> Minority populations are predominant in Lafayette Co. Both counties are predominantly low income.	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  State outreach efforts will encourage participation from low income and/or minority producers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
•Essential Fish Habitat  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> Suwannee River - Gulf Sturgeon	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  All requirement of the USFWS-NRCS Florida Consultation Matrix for federally listed species will be followed. See Part L for a brief summary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplain Management  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> 100-year floodplains are present in both project counties	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  Where irrigation retrofits are needed, new microirrigation systems will not be installed in the 100-yr floodplain.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive Species  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> not present on project sites due to mgmt practices but may be in surrounding areas	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  there will be no change in mgmt practices that will encourage colonization or spread of invasives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
•Migratory Birds/Bald and Golden Eagle Protection Act  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> migratory birds and bald eagles may be present near project sites	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  Sampling and construction activities will be avoided within 660 feet of an active bald eagle nest between Oct 1-May 15. See Guide Sheet for further information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Natural Areas  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> There are three national wildlife refuges and the Big Bend Seagrasses Aquatic Preserve downstream of the project area. Other state and federally designated areas are also nearby or downstream.	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  Activities and practices will serve to decrease nutrient and sediment loading to the Suwannee River and tributaries. No other effects to surrounding areas expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prime and Unique Farmlands  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> some project sites in Lafayette County may contain prime farmland	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  action will not convert any agricultural lands to non-agricultural use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riparian Area  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> may be adjacent or down-stream of project crop fields.	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  nutrient and sediment transport to these areas will decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scenic Beauty  <a href="#">Guide Sheet</a> <a href="#">Fact Sheet</a> may be viewable from project sites	<input type="checkbox"/>	<input type="checkbox"/>	No Effect  structural practices confined to retrofitting/replacement of irrigation system components	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

•Wetlands <i>Guide Sheet</i> <i>Fact Sheet</i> may be present adjacent to project sites		<input type="checkbox"/>	No Effect Practices will not be installed in wetlands. Setbacks apply to Code 590 use. See Part L.	<input type="checkbox"/>		<input type="checkbox"/>
•Wild and Scenic Rivers <i>Guide Sheet</i> <i>Fact Sheet</i> portion of Sante Fe River in Suwannee Co from confluence with Suwanee River to Little Santa Fe Lake and headwaters		<input type="checkbox"/>	No Effect Setbacks will apply to Code 590 use based on the waterbody designation found in the practice standard. See Part L.	<input type="checkbox"/>		<input type="checkbox"/>
<b>K. Other Agencies and Broad Public Concerns</b>	<b>No Action</b>	<b>Alternative 1</b>			<b>Alternative 2</b>	
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.		None required. FDEP Div. of Water Restoration Assistance, Fla. Dept. of Ag. and Consumers Services, FDEP Ofc of Intergovernmental Programs (for CZM), and USFWS (for ESA) consulted.				
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 more efficient agricultural operations, reduced nutrient loading to the Suwannee R. watershed, and increased water conservation, which will strengthen the economic viability and environmental compatibility of agriculture on the 50-200 project sites to be selected within the focus area. Data on spray irrigation show that improving system efficiency can conserve upwards of 56,000 gallons of water per day and result in more than 8,000 pounds less fertilizer being applied annually. Substantial energy savings also result. It may be reasonably expected that the action will increase interest in implementing BMPs by participating producers and other producers in the area based on energy, cost, and labor savings that result from the activities conducted on project sites. Since the program spans 5 years, measurable reductions in nutrient and sediment in portions of the watershed are expected, improving the overall water quality of the Suwannee River watershed and health of the underlying aquifer. The focus on Suwannee and Lafayette Counties in the Middle Suwannee River area dovetails with the Middle Suwannee area of the NRCS Gulf of Mexico Initiative and the involvement of the Suwannee River Partnership should provide ancillary benefits to related local initiatives.					
<b>L. Mitigation</b> (Record actions to avoid, minimize, and compensate)	<ol style="list-style-type: none"> <li>For federally listed species: Eastern Indigo Snake Minimization Measures will be followed. Construction of new microirrigation systems will not be within 25 feet of a gopher tortoise burrow. Stream setbacks for Gulf Sturgeon designated critical habitat will be followed for use of Nutrient Mgmt. For state listed species: FWC BMPs will be followed if the gopher tortoise or burrowing owl is present.</li> <li>New micro-irrigation systems will not be installed in the 100-year floodplain.</li> <li>Sampling and construction activities will not occur within 660 ft. of active bald eagle nests during nesting season.</li> <li>Application of Code 590 will employ setbacks if applying manures or organic by-products as stated in Table 1 of Florida Planning and Guidance for Nutrient Management Code 590 in the FOTG Section IV.</li> <li>NRCS Technical Service Providers must develop or approve the planning, design and implementation of Nutrient Management (Code 590) and all irrigation practices including pump retrofits in accordance with the relevant Florida NRCS practice standards.</li> </ol>					
<b>M. Preferred Alternative</b>	✓ preferred alternative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Supporting reason	No adverse effects of this action based on review of project information provided by FDEP and application of the mitigation measures above.				
<b>N. Context</b> (Record context of alternatives analysis)		local	regional			
The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.						
<b>O. Determination of Significance or Extraordinary Circumstances</b>						
<b>Intensity:</b> Refers to the severity of impact. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.						
<b>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.</b>						
Yes	No	<input type="checkbox"/> <input checked="" type="checkbox"/> • Is the preferred alternative expected to cause significant effects on public health or safety? <input type="checkbox"/> <input checked="" type="checkbox"/> • Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas? <input type="checkbox"/> <input checked="" type="checkbox"/> • Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial? <input type="checkbox"/> <input checked="" type="checkbox"/> • Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment? <input type="checkbox"/> <input checked="" type="checkbox"/> • Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration? <input type="checkbox"/> <input checked="" type="checkbox"/> • Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time? <input type="checkbox"/> <input checked="" type="checkbox"/> • Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species. <input type="checkbox"/> <input checked="" type="checkbox"/> • Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?				

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

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

Signature (TSP if applicable)



Signature (NRCS)

Title

State Environmental Compliance  
Liaison

Date

7/31/15

Date

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

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

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

Q. NEPA Compliance Finding (check one)

The preferred alternative:

Action required

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

R. Rationale Supporting the Finding

R.1

Findings Documentation

R.2

Applicable Categorical Exclusion(s)  
(more than one may apply)

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

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity.

(21) Implementing water conservation activities on existing agricultural lands, such as minor irrigation land leveling, irrigation water conveyance (pipelines), irrigation water control structures, and various management practices.

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

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

S. Signature of Responsible Federal Official:



Signature

State Conservationist

Title

7-31-15

Date

Additional notes



Justification for  
CatEx  
Approval

## Justification for Approval of USDA Categorical Exclusions from NEPA

**Swanee River Partnership Irrigation Water Enhancement Project Description:** This program is a cost-share program that would help agricultural producers improve the efficiency of irrigation systems, reducing water use and nutrient loss to surface waters in the Suwannee Watershed. The work includes converting irrigation systems from high to low pressure; retrofitting center-pivot irrigation systems with efficient spray nozzles; repairing leaks and end guns; installing end-gun shutoffs; and converting existing, older diesel power units and pumps to more efficient diesel or electric power units for reduced air emissions and fuel savings, and upgrading irrigation controller equipment to allow for remote access. The focus area will be in the Middle Suwannee River area in Suwannee (includes Live Oak) and Lafayette (includes Mayo) counties. It is anticipated that between 50-200 landowners will participate in the program.

The Suwannee Watershed covers more than 7,700 square miles in north central Florida within all or part of 14 counties, with portions of the watershed extending into Georgia. It is one of Florida's least populated areas and, for that reason, remains more biologically diverse and healthier than many watersheds. It contains a rich assortment of surface waters—rivers and streams, springs, cypress ponds, swamps, and estuaries—and an array of protected natural areas extending into the Gulf of Mexico and its seagrasses and oyster beds.

In the Suwannee River Basin, the economy is strongly based on silviculture, aquaculture, commercial and sport fishing, and ecotourism. Each depends on healthy river and estuary conditions, which are threatened by excessive nutrient levels, loss of habitat, altered coastal functions, and an imbalance of saline and freshwater in the estuaries. The main cause of oyster reef degradation is decreased freshwater flow from the Suwannee River, and the extensive coastal seagrass beds, a pillar of sport and commercial fishing, demand clean water and balanced estuarine conditions.

- This Florida Department of Agriculture and Consumer Services program would assist in improving the condition of the Suwannee River Basin by working with the Suwannee River Partnership to build on a successful pilot program to improve irrigation system efficiency similar to the United State Department of Agriculture Natural Resource Conservation Service's (USDA-NRCS) Agricultural Water Enhancement Program. Improved irrigation systems reduce nutrient loading to water resources, improving water quality and, in turn, restoring and protecting habitat. In addition, they conserve water and energy, which are essential to the viability of the agricultural operations and the local communities that depend on them for their livelihoods. Land currently managed for production of commodity agronomic crops. Some lands may include sod in a two to five year rotation with crop where the purpose of the sod is to improve soil conditions for the future crop rotations, and may be managed by livestock grazing during this time. The cost-share program would include appropriate NRCS nutrient, and water conservation practices and FDACS commodity-specific BMPs. NRCS authorized Technical Service Provides (TSPs) will

approve the application of NRCS practices in order to ensure that the work is done according to NRCS standards. Development of nutrient management plans will be based on nutrient budgets, nutrient and soil erosion risk assessments, and other data.

NRCS conservation practices anticipated to be applied by the Suwannee River Partnership Irrigation Water Enhancement program include Sprinkler System (Code 442), Irrigation Water Management (Code 449), Irrigation System, Micro-irrigation (Code 441), Nutrient Management (Code 590) and Pumping Plant (Code 533).

### **Categorical Exclusions Proposed for the Action**

This program's activities meet the following sideboards that are required for the use of USDA Categorical Exclusions:

- (i) Be designed to mitigate soil erosion, sedimentation, and downstream flooding;
- (ii) Require disturbed areas to be vegetated with adapted species that are neither invasive nor noxious;
- (iii) Incorporate the applicable NRCS conservation practice standards as found in the Field Office Technical Guide;

The following sideboards do not apply to this program's activities:

- (iv) Be based on current Federal principals of natural stream dynamics and processes, such as those presented in the Federal Interagency Stream Corridor Restoration Working Group document, "Stream Corridor Restoration, Principles, Processes, and Practices;"
- (v) Not require substantial dredging, excavation, or placement of fill; and
- (vi) Not involve a significant risk of exposure to toxic or hazardous substances

The USDA categorical exclusions proposed for application are:

*7 CFR 650.6(d)(21) Implementing water conservation activities on existing agricultural lands, such as minor irrigation land leveling, irrigation water conveyance (pipelines), irrigation water control structures, and various management practices.*

*7 CFR 650.6(d)(19) Undertaking minor agricultural practices to maintain and restore ecological conditions in floodplains after a natural disaster or on lands impacted by human alteration. Examples of these practices include: mowing, haying, grazing, fencing, offstream watering facilities, and invasive species control which are undertaken when fish and wildlife are not breeding, nesting, rearing young, or during other sensitive timeframes.*

### **Implementation Methods for Project Activities**

These Categorical Exclusions will apply to fields where nutrient management of fertilizer application and/or irrigation system retrofits are determined to be needed. Retrofits will include

converting irrigation systems from high to low pressure; retrofitting center-pivot irrigation systems with efficient spray nozzles; repairing leaks and end guns; installing end-gun shutoffs; and converting older diesel power units and pumps to more efficient diesel or electric power units for reduced air emissions, fuel savings and water conservation, and upgrading irrigation controller equipment to allow for remote access to monitor soil moisture and rainfall and control irrigation systems from a distance thus potentially saving millions of gallons of water. NRCS practice standard code 533 Pumping Plant is utilized when an existing pump is replaced or retrofitted to conserve water. Replacement pumps will be installed on existing pads. If an irrigation line will be replaced due to inefficiency a new line will be installed using NRCS practice standard code 441 Micro Irrigation. Irrigation line will not be installed below 6 inches. NRCS practice standard code 442 Sprinkler System will be used for improvement to existing irrigation systems, such as replacing inefficient spray nozzles.

**A statement explaining why no extraordinary circumstances apply to the proposed action**

**1      Expected to cause significant effects on public health or safety**

This program is expected to have a direct positive effect to public health and safety related to fishing, swimming, and health of oysters for consumption through a reduction of pollutant loading and sediment generated from agricultural operations in the Suwannee Watershed.

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

This program will only have a positive effect on unique characteristics of the geographic areas as the practices will reduce nutrient loads, conserve water, and improve water quantity. No known national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archaeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places exist on the active farmland where work will occur. In a few cases, manure or organic by-products may be applied to fields as fertilizer if appropriate. In any fields where this occurs FDACS BMPs and Nutrient Management (Code 590) will require appropriate setbacks from wells, surface waters, groundwater conduits, buildings and property lines.

Additionally, the activities will cause minimal ground disturbance on active crop fields where the probability of these types of lands occurring are low. If any cultural or archaeological item is discovered work stoppage will immediately occur and NRCS will be notified to determine further action needed. No critical habitat for endangered species exists on the active farmlands where work will occur nor will these practices adversely affect critical habitat that may be near the fields.

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

This program is not expected to have any highly controversial effects on the quality of the human environment since only tried and proven technologies will be employed that have no known adverse effects on natural resources or adjacent landowners. It is anticipated to have a positive effect as the program will implement agricultural best management practices to conserve water and decrease nutrient runoff.

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

The program is expected to have a positive human environment impact as it will reduce the current discharge of nutrient loading and increase conservation by implementing best management practices thereby improving the water quality and quantity for fishing and recreational uses in the Suwannee watershed. The BMPs to be employed are tried and true technologies developed by FDACS and the University of Florida Institute of Food and Agricultural Sciences (IFAS) and meet NRCS standards, therefore there are no uncertain effects or unique or unknown risks on the human environment.

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

This program does not establish a precedent for future actions with significant impacts as similar programs have been and are currently in place in the state of Florida (as well as other states), by the Florida Department of Agricultural and Consumer Services in cooperation with the United States Department of Agriculture.

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

This program will have a positive effect to the quality of the human environment as it will result in more efficient agricultural operations, reduced nutrient loadings to the Suwannee Watershed, and increased water conservation. It will strengthen the economic viability and environmental compatibility of agriculture within the focus area. Documentation shows that improving irrigation system efficiency can conserve more than 56,000 gallons of water per pivot on a daily basis and result in more than 8,000 pounds less fertilizer being applied annually. Significant energy savings also result.

**7 Will likely have a significant adverse effect on ANY of the special environmental concerns. Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs,**

**essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.**

The program will not result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the 100-year floodplain or lands adjacent or downstream. In fields where manure or organic by products will be applied, appropriate setbacks will be used to protect ground and surface waters. New micro-irrigation systems will not be installed in the 100-year floodplain and no equipment will be installed within wetlands. There will either be no effect or a benefit to cultural resources or historic property, environmental justice, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species. NRCS-approved minimization measures will be used to prevent any adverse effects to indigo snakes or gopher tortoises. In addition, Florida Fish and Wildlife Conservation Commission BMPs will be utilized where the gopher tortoise and Florida burrowing owl are present. In accordance with the FFWCC Bald Eagle Management Plan (2008) sampling and installation activities will be avoided within any designated bald eagle buffers during nesting season. If any cultural or archaeological item, or threatened or endangered species is discovered work stoppage will immediately occur and NRCS will be notified to determine further action needed. Environmental justice will be positively affected as FDACS will make every effort to reach out to these farmers to participate in the program.

**8 Will threaten a violation of Federal, State, or local law or 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.

**CLEAN AIR ACT****NECH 610.21****Evaluation Procedure Guide Sheet**Check all that apply to this     Alternative 1Guide Sheet review:     Alternative 2     Other**Client/Plan Information:**

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

**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:



United States Department of Agriculture

## Special Environmental Concerns

# Clean Air Act - Criteria Pollutants

### CLEAN AIR ACT - Criteria Pollutants

"Criteria pollutants" are considered excessive concentrations of particulate matter and ozone in the atmosphere that adversely impact human health.

#### What is it?

Criteria pollutants are those contaminants in the atmosphere for which U.S. EPA has used health-based criteria to establish National Ambient Air Quality Standards (NAAQS). The U.S. EPA has currently promulgated NAAQS for six criteria air pollutants, but the primary criteria pollutants of concern for agriculture are particulate matter and ozone.

#### Why is it important?

The NAAQS are intended to represent the maximum concentration of a particular pollutant in the ambient air that will not adversely impact public health or welfare, which includes aesthetic, economic, and other non-health effects. Areas that are designated as nonattainment, meaning that concentrations of a criteria pollutant are not in compliance with the NAAQS, are subject to greater regulatory scrutiny than areas that are in compliance with the NAAQS (i.e., attainment areas). Sources that are considered to contribute to an area's nonattainment status will be subject to more stringent control and permitting requirements. Requirements for each nonattainment area vary and are tailored to the specific needs of the nonattainment area.

#### What is required?

Ozone is not typically emitted directly from air pollutant emission sources. Rather, it is formed in the atmosphere by chemical reactions. As such, emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOCs) are regulated as precursors to ozone formation instead. Particulate matter may be either emitted directly (dust and smoke are examples of directly-emitted particulate matter) or formed in the atmosphere from other pollutants, such as ammonia, NOx, VOCs, and sulfur dioxide (SO<sub>2</sub>). Agriculture does not produce significant amounts of SO<sub>2</sub>, so reducing emissions of directly-emitted particulate matter, NOx, ammonia, and VOCs from agricultural sources will help to mitigate agriculture's contribution to concentrations of particulate matter and ozone in the ambient air.

See the "Agricultural Air Quality Conservation Measures Reference Guide for Cropping Systems and General Land Management" for information about NRCS conservation practices and other activities that can be used to address air resource concerns.

### Criteria Pollutants at a Glance

Problems/Indicators – Nonattainment area for ozone and/or particulate matter	
Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>• Dust emissions</li><li>• Poor smoke management</li><li>• Wind erosion</li><li>• Ammonia release</li><li>• VOC emissions</li><li>• NO<sub>x</sub> emissions</li></ul>	<ul style="list-style-type: none"><li>• Dust control, windbreaks</li><li>• Proper smoke management</li><li>• Maintain surface residue/cover</li><li>• Proper manure management</li><li>• Proper nutrient management</li><li>• Assist landowner with required permits</li></ul>



United States Department of Agriculture

## *Special Environmental Concerns*

# Clean Air Act - Regional Visibility Degradation

### **CLEAN AIR ACT - Regional Visibility Degradation**

The Clean Air Act recognizes the issue of "regional visibility degradation" as excessive concentrations of particulate matter and other pollutants in the atmosphere cause regional visibility degradation in national parks and other "Class I areas".

#### **What is it?**

Regional visibility degradation occurs when concentrations of particulate matter, oxides of nitrogen (NOx), and sulfur dioxide (SO<sub>2</sub>) in the atmosphere hinder the ability to view distant objects or vistas. Of these, the primary visibility-degrading pollutants of concern for agriculture are particulate matter and NOx.

#### **Why is it important?**

Class I areas are areas of national or regional natural, scenic, recreational, or historic value that are given special protection under the Clean Air Act. One of these special protections is preservation of the visibility of scenic vistas within the Class I areas. EPA has developed the Regional Haze Rule that directs states to establish goals for improving visibility in national parks and wilderness areas. States are required to develop long-term strategies for reducing emissions of air pollutants that cause visibility impairment. The goals and requirements vary by state and by Class I area.

#### **What is required?**

Reducing agricultural emissions that contribute to increased concentrations of particulate matter and NOx in the air, especially from sources near a Class I area, will help mitigate agriculture's contribution to regional haze issues. These emissions include directly-emitted particulate matter (dust and smoke are examples) and NOx. Additionally, emissions of ammonia and volatile organic compounds (VOCs), as well as NOx, can contribute to fine particulate matter formation in the atmosphere. Many common NRCS practices can be used to address agriculture's contribution to regional visibility degradation by reducing emissions of these pollutants.

### **Regional Visibility Degradation at a Glance**

<b>Problems/Indicators – Regional haze and poor visibility of scenic areas</b>	
<b>Potential Causes</b>	<b>Potential Solutions</b>
<ul style="list-style-type: none"><li>• Dust emissions</li><li>• Poor smoke management</li><li>• Wind erosion</li><li>• NO<sub>x</sub> emissions</li><li>• Ammonia emissions</li><li>• VOC emissions</li></ul>	<ul style="list-style-type: none"><li>• Dust control, windbreaks</li><li>• Proper smoke management</li><li>• Maintain surface residue/cover</li><li>• Proper maintenance and operation of combustion sources</li><li>• Proper nutrient and manure management</li><li>• Reductions in pesticide use</li></ul>

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

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

**Client/Plan Information:**

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

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

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

**SECTION I**

**Federally Administered Regulatory Program - Section 404 of the CWA**

**STEP 1.**

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

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

Yes   **If "Yes," go to Step 2.**

**STEP 2.**

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

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

No   **If "No," go to Step 3.**

Yes   **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used to verify the exemption applies and proceed with Section II below.**

**STEP 3.**

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

No   **If "No," go to Step 4.**

Yes   **If "Yes," modify the action to avoid discharge. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**

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

### STEP 4.

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

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

#### Notes:

## SECTION II

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

### STEP 1

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

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

### STEP 2

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

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

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

### STEP 3

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

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

#### Notes:

Project sites are limited to row crop operations. Row crop acreage may occasionally be in rotation with sod that is managed for grazing in order to improve soil quality for subsequent row crops but CAFOs are excluded from participation in this program.



United States Department of Agriculture

## *Special Environmental Concerns*

# Clean Water Act/Waters of U.S.

### **CLEAN WATER ACT AND WATERS OF THE U.S.**

The Federal Water Pollution Control Act of 1972 is today known as the Clean Water Act (CWA). The U.S. Army Corps of Engineers (Corps) and the States administer the various sections of the CWA with the oversight of the Environmental Protection Agency (EPA).

#### **What is it?**

The CWA established several programs to regulate and reduce discharges of pollutants into waters of the United States (including wetlands). Although the list of pollutants is long, those most frequently associated with the term include fill material, sediment, excess nutrients, and harmful bacteria. Waters of the United States include the territorial seas and most rivers, streams, sloughs, lakes, impoundments, playas, mudflats, and wetlands. This may include many ponds, intermittent and some ephemeral streams, and other small drainage ways. The EPA and/or the Corps and in some cases the State determine the extent of "waters of the United States" based on the regulatory definition found at 40 CFR 230.3(s).

#### **Why is it important?**

Section 404 of the CWA is the section that most often affects NRCS activities, although consideration must also be given to Sections 401, 402, and 303. Close coordination throughout the planning process can prevent significant delays in processing the permit application.

**Section 404:** Regulates the discharge of dredged or fill material into waters of the U.S. is prohibited unless the action is exempted or is authorized by a permit issued by the Corps or by the State.

**Section 401:** Requires that before a 404 permit can be issued for an activity, the State (or Tribe) must certify that the activity will not violate State water quality standards (Section 401 State Water Quality Certification).

**Section 402:** Establishes the National Pollutant Discharge Elimination System (NPDES) Program, which the States also administer. This requires a permit for sewer discharges and storm water discharges from developments, construction sites, or other areas of soil disturbance.

**Section 303:** Requires States, territories, and Tribes to identify "impaired waters" and to establish total maximum daily loads (TMDLs).

#### **What is required?**

To effectively fulfill our CWA Section 404 responsibilities and to prevent project delays, coordination with the Corps, EPA and/or appropriate State agencies is essential. The landowner is responsible for obtaining appropriate permits prior to project implementation, though NRCS often assists to expedite the coordination process. Along with ensuring that the landowner obtains appropriate permits, NRCS should also consider impacts of proposed actions on streams included on States' 303(d) lists and plan accordingly.

#### **Clean Water Act and Waters of the U.S. at a Glance**

##### **Problems/Indicators – Potential discharges of pollutants into waters of the U.S.**

Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>• Ground disturbing activities near U.S. Waters</li><li>• Riparian activities</li><li>• In-stream/aquatic activities</li><li>• Wetland conversions/alterations/land clearing</li><li>• Sediment disposal near streams</li></ul>	<ul style="list-style-type: none"><li>• Maintaining adequate surface cover/residue</li><li>• Facilitate permitting process with landowner</li><li>• Proper nutrient and pest management</li><li>• Adding mitigation measures to specifications</li></ul>

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

Check all that apply to this Guide Sheet review: <input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other	Client/Plan Information: State of Florida  RESTORE Act Individual project sites not yet identified. Approx. 50-200
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**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:**

Action not subject to any enforceable policies of the CZMA.



United States Department of Agriculture

## *Special Environmental Concerns*

# Coastal Zone Management Areas

### **COASTAL ZONE MANAGEMENT AREAS (CZMAs)**

Coastal zone management areas are areas (CZMAs) located within or near the officially designated "coastal zone" of a State. The National Oceanic and Atmospheric Administration's (NOAA's) Office of Coastal Zone Management approves coastal programs, and not all coastal States have a CZMA.

#### **What is it?**

CZMAs are: 1) coastal waters and adjacent shorelines, including the lands or waters inside and under those zones, and; 2) areas that strongly influence adjacent coastal zones of the 35 States that have coastal zone management programs. Examples include "transitional" and intertidal areas, such as salt marshes, freshwater wetlands, and beaches, and also connecting waters, harbors, and estuarine areas, such as bays, shallows, and marshes, as well as those waters adjacent to the shorelines, including but not limited to sounds, bays, lagoons, bayous, ponds, and the estuaries themselves. CZMAs can extend seaward to the outer limit of the United States territorial sea (generally 200 miles). Inland, the coastal area extends only to the extent necessary to control land uses that have a direct and significant impact (effect) on coastal waters.

#### **Why is it important?**

Section 307 of the Coastal Zone Management Act specifies that actions or activities within the coastal zone implemented by a Federal agency or on behalf of or through a Federal agency must be consistent with the State's coastal zone management plan. Therefore, NRCS planning must be consistent with the State's coastal plan and be in concert with the goals, tenets, and objectives of that plan.

#### **What is required?**

A current registry of CZMAs in each state should be kept in the Technical Guide. Guidance on nonpoint source pollution matters in the coastal zone is contained in EPA's "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters" (EPA 840-B-92-002), issued in response to the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990.

### **Coastal Zone Management Areas U.S. at a Glance**

Problems/Indicators – Proposed action is inconsistent with State's coastal zone management plan	
Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>•Soil Erosion (short and/or long term)</li><li>•CAFO contaminates (or other point sources)</li><li>•Improper nutrient and/or pesticide application</li><li>•Improper livestock grazing management</li><li>•Improper irrigation water management</li></ul>	<ul style="list-style-type: none"><li>•Residue Management</li><li>•Cover Crops</li><li>•Comprehensive Nutrient Management Plan</li><li>•NPDES permit</li><li>•Irrigation Water Management</li><li>•Prescribed Grazing</li></ul>

## CORAL REEFS

NECH 610.24

### Evaluation Procedure Guide Sheet

Check all that apply to this     Alternative 1

Guide Sheet review:     Alternative 2     Other

#### Client/Plan Information:

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

#### 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:



United States Department of Agriculture

## *Special Environmental Concerns*

# Coral Reefs

### **CORAL REEFS**

The term "Coral reefs" is defined as the species, habitats, and other natural resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., Federal, State, territorial, or commonwealth waters), including reef systems in the South Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean. Coral reefs are also waters of the U.S. as defined in the Clean Water Act and are subject to Section 404 permit requirements.

#### **What is it?**

Coral reefs are among the most diverse and valuable ecosystems on Earth. They are particularly vulnerable to harmful environmental changes, particularly those resulting from human activities. One of the primary threats to U.S. coral reefs is pollution from land-based sources, including runoff of nutrients and sediments from watersheds adjacent to near-shore coral reef ecosystems. Present estimates are that 10 percent of all coral reefs are degraded beyond recovery; 30 percent are in critical condition and may die within 10 to 20 years, and if current conditions continue unabated another 30 percent may perish completely by 2050.

#### **Why is it important?**

Executive Order (E.O.) 13089, Coral Reef Protection, was issued in 1998 in recognition of the importance of conserving coral reef ecosystems. The E.O. created a Coral Reef Task Force whose membership is comprised of 11 Federal agencies, including the Secretary of Agriculture. The E.O. policy states that agencies will utilize their programs and authorities to protect and enhance the conditions of such ecosystems and, to the extent permitted by law, ensure that any actions authorized, funded, or carried out by the agency will not degrade these ecosystems.

#### **What is required?**

Maintaining current information regarding Local Action Strategies that identify priority actions needed to reduce key threats to valuable coral reef resources is very helpful. Florida, Hawaii, Guam, the U.S. Virgin Islands, American Samoa, Puerto Rico, and the Commonwealth of the Northern Mariana Islands created specific local action strategies for select locally relevant threats. NRCS should ensure that proposed actions consider impacts to coral reefs and, as appropriate, include conservation considerations that would enhance this valuable resource.

#### **Coral Reefs at a Glance**

Problems/Indicators	
Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>• Soil Erosion (short and/or long term)</li><li>• CAFO contaminates (or other point sources)</li><li>• Improper nutrient and/or pesticide application</li><li>• Improper livestock grazing management</li><li>• Improper irrigation water management</li></ul>	<ul style="list-style-type: none"><li>• Residue Management</li><li>• Cover Crops</li><li>• Comprehensive Nutrient Management Plan</li><li>• NPDES permit</li><li>• Irrigation Water Management</li><li>• Prescribed Grazing</li></ul>

**CULTURAL RESOURCES / HISTORIC  
PROPERTIES NECH 610.25  
Evaluation Procedure Guide Sheet**

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other	Client/Plan Information: State of Florida  RESTORE Act Individual project sites not yet identified. Approx. 50-200 farms
-----------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------

**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?                                                     | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes            | <input type="checkbox"/> Unknown |
| Is it carried out with NRCS financial assistance?                                                                | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes            | <input type="checkbox"/> Unknown |
| Does it require Federal approval with NRCS as the lead federal agency (permit, license, approval, etc.)?         | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes            | <input type="checkbox"/> Unknown |
| Is it a joint project with another Federal, State, or local entity with NRCS functioning as lead federal agency? | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> 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?

- |                                        |                                                                                                                                               |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> No | If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. |
| <input type="checkbox"/> Yes           | If "Yes," 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.

- |                                  |                                                                                                           |
|----------------------------------|-----------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> No      | If "No," or "Unknown," consult with your state specific protocols or the CRC or CRS to determine the APE. |
| <input type="checkbox"/> Unknown |                                                                                                           |
| <input type="checkbox"/> Yes     | If "Yes," go to Step 4.                                                                                   |

## CULTURAL RESOURCES (continued)

### STEP 4.

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

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

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

### STEP 5.

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

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

### STEP 6.

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

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

### STEP 7.

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

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

#### Notes:

Selection of specific farm tracts has not yet been made. However, ground disturbing activities are limited to the top 6" of fields already in agricultural production. These activities have been determined to cause no effect in accordance with current agency policies found in the NRCS National Prototype Agreement and FL NRCS State Prototype Programmatic Agreement. Project proponent has agreed to stop work and contact NRCS if cultural resource discovery occurs.



United States Department of Agriculture

## *Special Environmental Concerns*

# Cultural Resources

### **Cultural Resources**

In 1966, Congress passed the National Historic Preservation Act (NHPA) which directed all Federal agencies to establish a preservation program based on the framework outlined in the NHPA, as amended. It also required all Federal Agencies to take into account the effects of their undertakings on historic properties. NRCS has established policy, procedural references and guidance to comply with NHPA and several related authorities, including the American Indian Religious Freedom Act (42 U.S.C. Section 1996); Native American Graves Protection and Repatriation Act (25 U.S.C. Sections 3001-3013); Executive Order (EO) 13175, Consultation and Coordination with Indian Tribal Governments (2000); EO 13007, Indian Sacred Sites (1996); and a range of Executive Orders, Presidential memoranda, and secretarial memoranda. NRCS policy and procedures are found in the General Manual 420 Part 401 and the National Cultural Resources Procedures Handbook 190 Part 601.

### **What is it?**

The term “cultural resources” as used by NRCS is broader than those resources encompassed by the term “historic properties” as defined by the NHPA (16 U.S.C. Section 470 et seq.) and regulations for compliance with section 106 of the NHPA (36 CFR Part 800). Under NHPA, historic properties include any prehistoric or historic district, site, building, structure, or object listed in or eligible for listing in the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. They also include all records, artifacts, and physical remains associated with the NRHP-eligible historic properties. They may consist of the traces of the past activities and accomplishments of people. The term “historic property” also includes properties of religious and cultural importance to an Indian Tribe (including Native Alaskan Villages) or Native Hawaiian organization that meet NRHP criteria. As more broadly used, the term “cultural resources,” covers a wider range of resources than “historic properties,” such as sacred sites, archaeological sites not eligible for the National Register of Historic Places, and archaeological collections.

### **Why is it important?**

As NRCS employees, by completing our NHPA responsibilities, we become part of a historic preservation partnership and stewards of our national heritage. NRCS employees make recommendations to their State Conservationists who, working with National Headquarters management and specialists and consulting parties, make the final agency decisions. NRCS staff and field employees must meet educational and experience requirements (the Secretary of Interior’s personnel standards for historic preservation) and only make recommendations. The NRCS Chief makes the final decisions with recommendations from the NRCS Senior Policy Official (Deputy for Science and Technology), and the Federal Preservation Officer (National Cultural Resources Specialist) and the state management teams make the final decisions. Under Section 106 of the NHPA, NRCS is required to consider the effects of our undertakings on historic properties in consultation with specific parties. Consultation with State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO), federally recognized Indian tribes, and Native Hawaiian Organizations, as appropriate, as well as other interested parties, is required. When an agency action may alter, directly or indirectly, the characteristics that qualify a historic property for inclusion in the NRHP in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association, (an adverse effect) NRCS is also required to consult to formulate appropriate measures to mitigate potential adverse impacts.

# Cultural Resources (continued)

## What is required?

Several Federal, State, and local laws are designed to preserve and protect cultural resources through review processes that include consultation and collaboration with mandatory consulting partners. The most important of these authorities is the National Historic Preservation Act of 1966 (NHPA). Under Section 106 of the NHPA and implementing regulations (at 36 CFR Part 800), and other legislation, Federal agencies, including NRCS, are required to preserve, protect and take into account cultural resources during project and program planning. These review processes mandate consultation and collaboration with several preservation partners and stakeholders including State Historic Preservation Officers (SHPOs), Federally recognized American Indian tribes and their Tribal Historic Preservation Officers (THPOs), Native Hawaiian Organizations (NHOs), and other interested parties, including but not limited to local and county governments and neighbors.

NRCS also considers cultural resources in its conservation planning for the same reason it protects the natural resources — the soil, water, air, plants and animals. Keeping natural resources in balance helps provide the basis for a healthy and profitable farm environment; keeping cultural resources provides the basis for understanding our human past. The stewardship of these nonrenewable resources is an important link in the conservation ethic that underlies the NRCS mission.

NRCS must consult with concerned parties (see above) to ensure that historic preservation issues and the views of the public are fully considered and the outcomes of consultation are documented. Review your State level applicable agreement(s).

## Cultural Resources at a Glance

Problems/Indicators - Potential impacts to cultural resources and/or historic properties ("Undertakings")	
Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>• Ground disturbing practices or other undertakings with the potential to affect historic properties</li><li>• Watershed/Area-Wide/Complex projects</li><li>• Proposed land-use changes/conversions</li><li>• Construction discoveries</li></ul>	<ul style="list-style-type: none"><li>• Complete cultural resources investigation for site, including seeking information from relevant sources, prior to conducting ground investigations</li><li>• Initiate EARLY consultation with appropriate State/Tribal entity, as needed, and develop a Memorandum of Agreement for undertakings that adversely affect historic properties</li><li>• Incorporate measures to avoid or minimize adverse effects, and/or mitigation measures to resolve adverse effects, as needed, in project design and specifications</li></ul>

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

Check all that apply to this Guide Sheet review: <input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other	Client/Plan Information: State of Florida  RESTORE Act Individual project sites not yet identified. Approx. 50-200
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**STEP 1.**

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

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

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

**SECTION 1: Federally listed endangered or threatened species/habitats**

**STEP 1.**

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

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

## Federally listed endangered or threatened species/habitats (continued)

### STEP 2.

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

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

### Notes for Federally listed endangered or threatened species/habitats:

All practices will follow conditions as stated in the USFWS-NRCS Consultation Matrix for federally listed species. Following these conditions results in determinations of No Effect or NLAA-Beneficial Effect for species that are known or potentially present in the affected area.

## SECTION 2: Federally proposed species/habitats

### STEP 1.

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

No effect

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

May effect

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

### STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

No

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

No

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

Yes

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

Yes

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

#### Notes for Federally proposed species/habitats:

No federally proposed species or habitats are located in the affected area.

## 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 affect

If "**May adversely affect**," recommend alternative treatments that avoid or minimize the adverse effects and, to the extent practicable, provide long-term benefit to the species. **Document the effects of the selected alternative on the NRCS-CPA-52 and proceed with planning.**

#### Notes for Federally proposed species/habitats:

Gopher Tortoise is candidate species (also Listed Threatened). Conditions as stated in the USFWS-NRCS Florida T&E Consultation Matrix will apply if tortoises or tortoise burrows exist on any project sites.

## SECTION 4: State/Tribal species/habitats

### STEP 1.

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

No adverse effect

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

May adversely affect

If "**May adversely affect**," go to Step 2.

### STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

No

If "**No**," and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning State and Tribal species and the need to use alternative conservation treatments to avoid or minimize adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids or minimizes adverse effects to the extent practicable. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** If assistance is continued, document how the alternative conservation treatments avoid or minimize those adverse effects and proceed with planning.

Yes

If "**Yes**," and the action cannot be modified to avoid the adverse effect, inform client that the NRCS must coordinate with State/Tribal government and receive concurrence on recommended alternatives. Contact your area or State biologist for coordination procedures. Further NRCS assistance will be provided only if the client agrees to implement a concurred upon alternative and obtains any required permits. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

#### Notes for State/Tribal species/habitats:

No tribal listed species present. Gopher tortoise and Florida burrowing owl are state listed. Other state listed species in affected area do not utilize cropland/ruderal treeless sites. FL Fish and Wildlife Conservation Commission BMPs for the tortoise and burrowing owl will be followed where tortoises are present.



United States Department of Agriculture

## *Special Environmental Concerns*

# **Endangered & Threatened Species**

### **ENDANGERED AND THREATENED SPECIES AND STATE/TRIBAL SPECIES OF CONCERN**

Consistent with legal requirements of the Endangered Species Act of 1973 and NRCS policy regarding State and Tribal species of concern, NRCS is fully committed to supporting the conservation of formally designated Federal (including "candidate" and "proposed" species), State and Tribal species of concern.

#### **What is it?**

When Congress enacted the ESA in 1973, it made several findings regarding the disappearance of various plant and animal species of the United States, the importance of these species to the Nation and its people, and the obligation of the Federal Government to conserve to the extent practicable the various species of fish, wildlife, and plants facing extinction. NRCS policy (190-GM, Part 410) also requires consideration of impacts to species protected by State or Tribal laws or regulations.

#### **Why is it important?**

Section 7(a) of ESA requires NRCS, in consultation with and with the assistance of the Secretary of the Interior [US Fish and Wildlife Service (USFWS) and/or NOAA National Marine Fisheries Service (NMFS)], to advance the purposes of the act by implementing programs for the conservation of endangered and threatened species, and to ensure that NRCS actions and activities do not jeopardize the continued existence of threatened and endangered species or result in the destruction or adverse modification of the species' critical habitat. NRCS must also consult with State and/or Tribal entities when considering impacts to species of concern protected by State or Tribal laws or regulations.

#### **What is required?**

NRCS must make an initial effects determination for any endangered or threatened species, designated critical habitats, proposed species or habitats, candidate species, or State or Tribal species of concern protected by State or Tribal law or regulation present, or potentially present, within the project area. Once the effects determination has been completed, there may be a need to initiate consultation with the USFWS or NMFS that would result in the development of negotiated "reasonable and prudent measures" (RPMs) to mitigate potential negative impacts. Contact your State Biologist for more information.

### **E&T Species and State/Tribal Species of Concern at a Glance**

Problems/Indicators – Potential negative impacts to Federal, State, and Tribal Species of Concern	
Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>• Land use changes/conversions</li><li>• In-stream and upland restoration projects</li><li>• Ground disturbing practices</li><li>• Timing of project implementation</li></ul>	<ul style="list-style-type: none"><li>• Mitigation to eliminate potential impacts during planning process</li><li>• Consultation with USFWS and/or NMFS</li><li>• Incorporate RPMs and conservation measures into project specifications</li><li>• Establish monitoring protocols</li></ul>

## ENVIRONMENTAL JUSTICE

NECH 610.27

### Evaluation Procedure Guide Sheet

Check all that apply to this     Alternative 1

Guide Sheet review:     Alternative 2     Other

#### Client/Plan Information:

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

### 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:

Minority populations are predominant in Lafayette Co. Both counties are predominantly low income.



United States Department of Agriculture

## *Special Environmental Concerns*

# **Environmental Justice**

### **ENVIRONMENTAL JUSTICE**

Executive Order 12898, issued February 11, 1994, requires each Federal agency to make environmental justice a part of its mission. Agencies must identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations, low-income populations, and Indian Tribes.

#### **What is it?**

The term "environmental justice" means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on proposed Federal actions. Furthermore, the principles of environmental justice require that populations are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or the environment.

#### **Why is it important?**

Environmental justice must be addressed throughout the U.S., its territories and possessions, the District of Columbia, and the Commonwealths of Puerto Rico and the Mariana Islands. These issues encompass a broad range of impacts covered by NEPA, including impacts on the natural or physical environment and related social, cultural, and economic impacts.

#### **What is required?**

The primary means to attain compliance with environmental justice considerations is: 1) Assessing the presence of environmental justice communities in a project area that may experience disproportionately high and adverse human health or environmental effects, and; 2) The inclusion of low-income, minority, Tribal, or other specified populations in the planning process. There may be a need to develop separate Government to Government consultations to address any environmental justice issues for Tribal Governments (contact your State American Indian Emphasis Program manager). The USDA Departmental Regulation (DR) 5600-002, Environmental Justice, provides detailed determination procedures for NEPA and non-NEPA activities and suggests social and economic effects to consider when assessing whether there are disproportionately high and adverse human health or environmental effects to environmental justice communities in a project area.

#### **Environmental Justice at a Glance**

<b>Problems/Indicators</b>	
<b>Potential Causes</b>	<b>Potential Solutions</b>
<ul style="list-style-type: none"><li>• Land use changes/conversions</li><li>• Area-wide/watershed/complex projects</li><li>• Projects involving broad scope of impacts – local/regional/national</li><li>• Controversial projects</li><li>• Disproportionately high and adverse human health or environmental effects</li></ul>	<ul style="list-style-type: none"><li>• Collect demographic data from EPA, Census Bureau, other sources</li><li>• Initiate early government-to-government consultation with Tribes, as necessary</li><li>• Conduct public meeting(s) to facilitate outreach to EJ communities</li><li>• Create Agreements, as needed</li></ul>

## ESSENTIAL FISH HABITAT

NECH 610.28

### Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other	Client/Plan Information: State of Florida RESTORE Act Individual project sites not yet identified. Approx. 50-200
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### 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:



United States Department of Agriculture

## *Special Environmental Concerns*

# **Essential Fish Habitat**

### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act (Act) was originally enacted in 1976 and amended several times, the latest of which was 2006. It is the primary law governing marine fisheries management in the U.S. In 1996, the Act was amended to incorporate essential fish habitat (EFH) and rules were published in the Federal Register. It calls for heightened consideration of fish habitat in resource management decisions and direct action to stop or reverse the continued loss of fish habitats. The National Marine Fisheries Service (NMFS) implements and enforces the management measures through fisheries management plans.

#### **What is it?**

Essential fish habitats (EFHs) are areas identified as being vital for sustaining marine or anadromous fish populations. They include the waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. As amended in 1996, the Act requires Federal or State agencies proposing, funding, or undertaking actions that would adversely affect any EFH to devise measures for avoiding, mitigating, or offsetting the impact of the activity on the habitat.

#### **Why is it important?**

The Act requires cooperation among NMFS, the councils, fishing interests, Federal and State agencies, and others in achieving the EFH goals of habitat protection, conservation, and enhancement. NRCS must consult with NMFS regarding any action or proposed action that may adversely affect an EFH.

#### **What is required?**

Information on all EFH areas in each applicable state is located in Section II of the FOTG. NRCS must first assess whether a proposed action or alternative will result in short or long-term disruptions or alterations that may result in an "adverse effect" to EFH. If yes, NRCS may first consider if and how the action or alternative can be modified to mitigate potential adverse effects. If that is not possible, NRCS will have to consult with NMFS to determine measures to conserve such habitat. Following consultation, NRCS is responsible for detailing the measures that will be taken to mitigate any adverse effects to EFH and explain reasons for any actions inconsistent with the NMFS EFH recommendations.

### **Essential Fish Habitat at a Glance**

<b>Problems/Indicators – Potential negative impacts to Essential Fish Habitat</b>	
<b>Potential Causes</b>	<b>Potential Solutions</b>
<ul style="list-style-type: none"><li>• Land use changes/conversions</li><li>• In-stream and upland restoration projects</li><li>• Ground disturbing practices</li><li>• Timing of project implementation</li></ul>	<ul style="list-style-type: none"><li>• Mitigation to eliminate potential impacts during planning process</li><li>• Consultation with NMFS</li><li>• Incorporate conservation measures into project specifications</li><li>• Establish monitoring protocols</li></ul>

## FLOODPLAIN MANAGEMENT

NECH 610.29

### Evaluation Procedure Guide Sheet

Check all that apply to this     Alternative 1

Guide Sheet review:     Alternative 2     Other

#### Client/Plan Information:

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

**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:

While it is possible that some producers may already be in compliance with State BMPs/water management plans, all will incorporate applicable BMPs as a requirement of program participation. Any new micro-irrigation systems installed will not be located in the hundred year floodplain.



United States Department of Agriculture

## *Special Environmental Concerns*

# Floodplain Management

### **FLOODPLAIN MANAGEMENT**

Executive Order (EO) 11988, Floodplain Management, was signed by President Jimmy Carter on May 24, 1977. NRCS policy on floodplains (190-GM, Part 410, Subpart B, Section 410.25) reflects the requirement of the EO that decisions by Federal agencies must recognize that floodplains have unique and significant public values.

#### **What is it?**

Floodplains are defined as lowlands or relatively flat areas adjoining inland or coastal waters, including at a minimum areas subject to a chance of flooding of 1 percent or greater in any given year. The base floodplain is set equal to the 100-year floodplain (the 1-percent chance floodplain). The critical action floodplain is defined as the 500-year floodplain (the 0.2-percent chance floodplain) where certain facilities are present, such as a school, hospital, nursing home, utility, or a facility producing volatile, toxic, or water-reactive materials. Floodplains may be shown on maps produced by the Federal Emergency Management Agency (FEMA) and on NRCS watershed plans and floodplain management studies. Since alluvial soils are deposited by flood waters, NRCS Soil Survey information can also be useful to help identify potential floodplains with a flooding chance of 1-percent or greater in areas where FEMA floodplain maps are not available. Floodplains normally are adjacent to a defined stream channel and have soils interpretations of Flood Frequency classes from "Rare" to "Very Frequent". The hydrologic function of floodplains depends on periodic flooding, or on high groundwater conditions provided by high stream discharges. The "Rare" frequency class represents the range of the 100-year to 20-year floodplain (1 to 5 percent chance floodplain).

#### **Why is it important?**

The objectives of E.O. 11988 are to avoid, to the extent possible, the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development where there is a practical alternative.

#### **What is required?**

Through proper planning, floodplains can be managed to reduce the threat to human life, health and property in ways that are environmentally sensitive. Most floodplains contain areas with valuable assets that sustain and enhance human existence. Some of these assets are agricultural and forest, food and fiber, fish and wildlife, temporary floodwater storage, parks and recreation, and environmental values. NRCS provides leadership and takes actions where practicable to conserve, preserve, and restore existing natural and beneficial functions and values in base (100-year) floodplains as part of the technical and financial assistance program that it administers.

### **Floodplain Management at a Glance**

#### **Problems/Indicators – Potential negative impacts to Floodplains**

Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>• Land use changes/conversions in floodplain</li><li>• Ground-disturbing project within floodplain</li><li>• Infrastructure development in floodplain</li><li>• Activities requiring a NPDES permit</li><li>• Construction of flood walls, dikes, etc., for purpose of flood control</li></ul>	<ul style="list-style-type: none"><li>• Consult HUD/FEMA flood insurance maps and/or other available floodplain data</li><li>• Mitigation to eliminate potential impacts during planning process</li><li>• Consultation with NOAA-NMFS and USFWS, as needed (EFH, ESA)</li><li>• Incorporate conservation/mitigation measures into project specifications, as needed</li><li>• Establish monitoring protocols</li></ul>

## INVASIVE SPECIES

NECH 610.30

### Evaluation Procedure Guide Sheet

Check all that apply to this     Alternative 1

Guide Sheet review:     Alternative 2     Other

#### Client/Plan Information:

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

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

#### STEP 1.

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

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

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

Yes    **If "Yes," go to Step 2.**

#### STEP 2.

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

No    **If "No," you must consider and include all appropriate factors relating to the existing and potential invasive species for the planning area and repeat Step 2.**

Yes    **If "Yes," describe strategies, techniques, and reasons on NRCS-CPA-52 and go to Step 3.**

#### STEP 3.

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

No    **If "No," modify the action and repeat Step 3.** If the client is unwilling to modify the proposed action, NRCS must discontinue assistance. **Document the circumstances on the NRCS-CPA-52, or notes section below, and in the case file.**

Yes    **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

#### Notes:

All fields will be actively managed to preclude the establishment of invasive plant species.



United States Department of Agriculture

## *Special Environmental Concerns*

# **Invasive Species**

### **INVASIVE SPECIES**

Executive Order (E.O.) 13112, Invasive Species (February 3, 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.” NRCS policy (190-GM, Part 414) is consistent with this EO and also requires that no actions be authorized, funded, or carried out that is believed to or is likely to cause or promote the introduction or spread of invasive species in the U.S. or elsewhere.

### **What is it?**

The National Invasive Species Council (NISC) and Invasive Species Advisory Committee (ISAC) were formed to define how the objectives of the E.O. will be carried out. As defined in E.O. 13112, invasive species are species, not native to a particular ecosystem, whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species may include all terrestrial and aquatic life forms, including plants, animals, fungi, and microbial organisms. NRCS policy states that a plant species is considered “invasive” only when it occurs on the Federal or State-specific noxious weed list or a list developed by the State-specific Department of Agriculture with their partners and approved by the State Technical Committee which prohibits or cautions its use due to invasive qualities.

### **Why is it important?**

Invasive species are reducing the economic productivity and ecological integrity of our Nation’s lands and waters. The rate of introduction of such species has risen markedly with costs to society growing commensurately. Invasive species harm native species and their habitats, degrade renewable resources, and diminish productive capacity of agricultural lands including cropland, forestlands, rangelands, and pasturelands. They negatively impact a wide variety of human activities and needs.

### **What is required?**

Recognizing and addressing the presence of invasive species is an integral part of the conservation planning process and implementing NRCS policy and any existing county, State, or Federal regulations concerning noxious and/or invasive species. At a minimum, the conservation plan includes: 1) an inventory of invasive species; 2) a map outlining the affected areas; 3) Identification of control/restoration strategies, and; 4) analysis of their impacts.

### **Invasive Species at a Glance**

<b>Problems/Indicators – Presence of Invasive Species</b>	
<b>Potential Causes</b>	<b>Potential Solutions</b>
<ul style="list-style-type: none"><li>• Land use changes/conversions without appropriate vegetative cover plan</li><li>• Ground-disturbing projects (for agronomic or structural purposes)</li><li>• Improper livestock grazing management</li><li>• Restoration projects (upland and aquatic) without appropriate measures to ensure vegetative cover.</li></ul>	<ul style="list-style-type: none"><li>• Critical Area Planting</li><li>• Pasture and Hayland Planting</li><li>• Prescribed Grazing</li><li>• Streambank &amp; Shoreline Protection</li><li>• Restoration &amp; Management of Rare &amp; Declining Habitats</li><li>• Integrated Pest management</li><li>• Establish monitoring protocols</li></ul>

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

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

**Client/Plan Information:**

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

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

**SECTION I: MIGRATORY BIRDS TREATY ACT**

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

**STEP 1.**

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

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

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

**STEP 2.**

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

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

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

**STEP 3.**

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

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

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

### STEP 4.

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

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

#### Notes:

## SECTION II: BALD & GOLDEN EAGLE PROTECTION ACT

### STEP 1.

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

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

### STEP 2.

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

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

#### Notes:

If active eagle nests are present within 660 feet of where soil or plant sampling will be conducted or irrigation system retrofits will occur, the activity(s) will not be carried out during the nesting season (Oct 1-May 15) in accordance with the FWC Bald Eagle Management Plan (2008). If avoidance of the 660 ft. buffer zone is not possible, NRCS will be notified. Additional mitigation measures may be required.



United States Department of Agriculture

## *Special Environmental Concerns*

# Migratory Birds

### **MIGRATORY BIRDS**

The Migratory Bird Treaty Act (MBTA) of 1918, as amended, is the domestic law that affirms, or implements, the United States' commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Executive Order (E.O.) 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, requires NRCS to consider the impacts of planned actions on migratory bird populations and habitats for all planning activities. The Bald and Golden Eagle Protection Act of 1940, as amended (BGEPA), prohibits the take of bald and golden eagles and their nests.

#### **What is it?**

Migratory birds are essentially all wild birds found in the United States, except the house sparrow, starling, feral pigeon, and resident game birds, such as pheasant, grouse, quail, and wild turkeys. Resident game birds are managed separately by each State. A list of migratory birds is found in 50 CFR Part 10. There are also other requirements protecting certain migratory birds. The BGEPA provides protection to all Bald and Golden Eagles by prohibiting all commercial activities and some noncommercial activities involving bald or golden eagles, including their feathers or parts.

#### **Why is it important?**

The MBTA fully protects all migratory birds and their parts (including eggs, nests, and feathers). Thus, the act makes it unlawful, unless permitted by regulation, for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird, including feathers, parts, nests, or eggs. This prohibition applies to Federal agencies as well as private individuals. And, under the BGEPA, the "taking" of bald and golden eagles and their nests is prohibited. The definition of "take" under this law includes disturbance.

#### **What is required?**

MBTA, BGEPA, and E.O. 13186 require NRCS to consider the impacts of planned actions on migratory bird populations and habitats for all planning activities. This may require cooperation with the US Fish and Wildlife Service if the action will result in a measurable negative effect on migratory bird populations. If, for example, a proposed action can potentially kill or injure a migratory bird resulting in an intentional or unintentional "take" to the birds, nests, or eggs, conservation measures must be considered to mitigate adverse impacts.

#### **Migratory Birds at a Glance**

<b>Problems/Indicators – Proposed action may adversely impact migratory birds</b>	
<b>Potential Causes</b>	<b>Potential Solutions</b>
<ul style="list-style-type: none"><li>• Land use changes/conversions without appropriate vegetative cover plan</li><li>• Ground-disturbing projects (for agronomic or structural purposes)</li><li>• Land clearing or obstruction removal</li><li>• Sod-busting</li><li>• Forest harvest activities</li></ul>	<ul style="list-style-type: none"><li>• Timing of practice installation/harvest</li><li>• Prescribed Grazing/ timing of grazing</li><li>• Cooperation with USFWS to establish conservation measures</li><li>• Restoration &amp; Management of Rare &amp; Declining Habitats</li><li>• Establish monitoring protocols</li></ul>

## NATURAL AREAS

### GM 190, Part 410.23

#### Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review:

#### Client/Plan Information:

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

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:

Only adjacent and downstream aquatic designated areas will be affected. Effects will be beneficial in the form of improved water quality due to application of nutrient management BMPs and decreased irrigation runoff.



United States Department of Agriculture

## *Special Environmental Concerns*

# **Natural Areas**

### **Natural Areas**

Natural Areas are defined as land and water units where natural conditions are maintained. They may be designated areas of Federal government, non-federal government, or 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).

### **What is it?**

Designation may be formal, as provided under Federal regulations, or by foundations or conservation organizations specifically created to acquire and maintain natural areas. Designation may be informal in the case of private landowners that specify an area as a natural area and manage it accordingly.

### **Why is it important?**

It is the policy of the NRCS to support the designation of appropriate natural areas and to recognize dedicated natural areas as a land use.

### **What is required?**

Natural Resources Conservation Service (NRCS) employees who provide technical assistance to land users must inform them about the impact their decisions may have on adjacent or nearby natural areas. Land users will be encouraged to consult with concerned agencies, societies, and individuals to arrive at mutually satisfactory land use and treatment.

### **Natural Areas at a Glance**

Problems/Indicators – Proposed Action is Inconsistent with NRCS Policy	
Potential Causes	Potential Solutions
• Client wants to spray herbicides along fence bordering neighbor's natural area.	• Recommend planting a wildlife border on client's side of fence.

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

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other	Client/Plan Information: State of Florida RESTORE Act Individual project sites not yet identified. Approx. 50-200
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### **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 is present in Lafayette County. No farmland will be adversely affected or converted to other uses.



United States Department of Agriculture

## *Special Environmental Concerns*

# Prime and Unique farmlands

### **PRIME AND UNIQUE FARMLANDS**

Congress passed the Agriculture and Food Act of 1981 (Public law 97-98) which contained the Farmland Protection Policy Act (FPPA). The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance.

#### **What is it?**

**Prime farmland** is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary of Agriculture. It may include lands currently used to produce livestock and/or timber.

**Unique farmland** is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables.

**Farmland that is of statewide or local importance other than prime or unique farmland** is used for the production of food, feed, fiber, forage, or oilseed crops, as determined by the appropriate State or unit of local government agency or agencies, and that the Secretary of Agriculture determines should be considered the same as prime or unique farmland under FPPA.

#### **Why is it important?**

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency, including NRCS.

#### **What is required?**

NRCS must use the criteria provided in regulations found at 7 CFR Section 658.5 to identify and take into account the adverse effects of Federal programs on the protection of farmland. As well as evaluating and minimizing the effects of our own actions, NRCS must assist Federal agencies to consider alternative actions, as appropriate, that could lessen such adverse effects on farmland conversion to nonagricultural uses. NRCS uses a land evaluation and site assessment (LESA) system to establish a farmland conversion impact rating score. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level.

### **Prime and Unique Farmlands at a Glance**

Problems/Indicators – Proposed farmland conversion	
Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>• Proposed land use changes/conversion of agricultural lands</li><li>• Ground disturbing/land clearing activities</li><li>• Construction of infrastructure projects</li><li>• Urban development</li></ul>	<ul style="list-style-type: none"><li>• Conduct LESA for conversion impact score</li><li>• Share result with landowner or cooperating Federal agency proposing action (normally for NEPA analysis)</li><li>• Offer alternatives (relocation) for consideration if adverse impacts to prime, unique, or locally important agricultural lands</li></ul>

**RIPARIAN AREA****NECH 610.33****Evaluation Procedure Guide Sheet**Check all that apply to this  
Guide Sheet review:  Alternative 1  
 Alternative 2  Other**Client/Plan Information:**

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

**STEP 1.**

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

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

**STEP 2.**

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

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

**STEP 3.**

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

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

**Notes:**

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



United States Department of Agriculture

## *Special Environmental Concerns*

# Riparian Areas

### **RIPARIAN AREAS**

NRCS policy (190-GM, Part 411) requires NRCS to integrate riparian area management into all plans and alternatives. Although Federal law does not specifically regulate riparian areas, portions of riparian areas, such as wetlands and other waters of the U.S. may be subject to Federal regulation under provisions of the Food Security Act, Clean Water Act, and State, Tribal, and local legislation.

### **What is it?**

Riparian areas are ecotones (a transition area between two areas) that occur along streams, rivers, lakes, ponds, and wetlands. They are distinctively different from the surrounding lands because of unique soil and vegetative characteristics that are strongly influenced by free or unbound water in the soil. Riparian ecosystems occupy the transitional area between the terrestrial and aquatic ecosystems. Typical examples include floodplains, stream banks, and lakeshores. Riparian areas may exist within all land uses, such as cropland, hayland, pastureland, rangeland, and forestland.

### **Why is it important?**

Although riparian areas constitute only a fraction of the total land area, they are generally more productive in terms of plant and animal species, diversity, and biomass. Riparian areas are vital components of the ecosystems in which they occur and are extremely important for flood attenuation, hydrologic function (water quantity, quality, and timing), and fish and wildlife diversity. NRCS policy requires conservation plans to maintain or improve water quality/quantity as well as provide fish and wildlife benefits. It also requires the development of alternatives when the client's objectives conflict with the conservation of these areas.

### **What is required?**

Conservation planning in riparian areas requires special considerations. A resource problem within the riparian area may be the manifestation of upland management decisions. Planners working with riparian areas should consider soils, the present plant community, the site potential, geomorphology of both stream and the watershed, hydrologic regime, fish and wildlife needs, the management of the upland areas of the watershed, and the producer's objectives. For supplemental guidance relating to riparian areas, see NRCS/RCA Issue Brief 11. USDA-NRCS. August 1996.

### **Riparian Areas at a Glance**

Problems/Indicators – Degraded riparian area (erosion, invasive species, etc.)	
Potential Causes	Potential Solutions
<ul style="list-style-type: none"><li>• Improper livestock grazing management</li><li>• Presence of invasive species</li><li>• Stream channel modifications</li><li>• Stream channel aggradation or degradation</li><li>• Structural modifications (diversions, ditches, dam, etc.)</li></ul>	<ul style="list-style-type: none"><li>• Streambank and Shoreline Protection</li><li>• Stream Crossing</li><li>• Riparian Forest Buffers and/or Herbaceous Cover</li><li>• Critical Area Planting</li><li>• Fence</li><li>• Prescribed Grazing</li><li>• Integrated Pest Management</li></ul>

**SCENIC BEAUTY****GM Title 190, Part 410.24****Evaluation Procedure Guide Sheet**Check all that apply to this  
Guide Sheet review:Alternative 1  Alternative 2  Other **Client/Plan Information:**

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

**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:**



United States Department of Agriculture

## Special Environmental Concerns

# Scenic Beauty

### Scenic Beauty

Scenic beauty can be defined as the viewer's positive perceived value of special, unique and memorable physical elements of a landscape.

### What is it?

The landscape has a consistently definable appearance that can be described by the measurable visual elements of landform, water, vegetation, structures and sky. These visual elements provide a ready basis for describing the changing landscape as altered by human decisions. Management of the visual landscape is the process of manipulating the physical elements and functions of the landscape to achieve specific resource objectives. When all the elements are combined, patterns or images are formed that uniquely identify a landscape. Even though there are many different kinds of landscapes across the country, each landscape can portray a unique sense of place identifiable to everyone who lives there or passes through.

### Why is it important?

A beautiful landscape scene has definable visual elements that combine to provide a high quality visual resource. A landscape with a high visual quality generates emotional impacts within the viewer's mind and links to sense of place and quality of life. Retaining a connection to a beautiful natural environment affects their well-being.

### What is required?

The analysis, conservation and enhancement of scenic beauty is an important part of providing planning assistance. Emphasis should be given to conservation practices that protect and enhance the attractiveness of the landscape while increasing agricultural efficiency and productivity. Through proper planning, the visual characteristics of a scenic landscape can be protected, maintained and improved.

Landform refers to the shape of the land (topography, slope, and aspect) and seems to be the most noticeable element, particularly as it relates to the horizon. For example, the horizontal nature of crop landscapes makes them especially sensitive to the presence of vertical elements, such as streamside vegetation, shelterbelt trees, farmstead structures and utility poles. When agricultural activities, such as tree rows and fences are aligned with the topography, they emphasize and enhance landform. In flat or rolling areas, the horizon line is the most conspicuous landscape element.

Water can add to aesthetic quality, modify temperatures, serve as a buffer between use areas, and direct attention from undesirable views. Its characteristics are gurgling, rushing, spurting, falling, calm or placid. Its shape also adds value to the landscape.

Vegetation includes agricultural crops, which can vary widely in size, form, color, texture, and planting pattern. Shelterbelt and riparian trees are visually significant in landscapes where low crops or pastures are present. Row crops create visually strong lines to the viewer on the ground or from the air, so any curved pattern that is located among the straight lines will be prominent.

Structures evoke the most obvious and descriptive mental images of "countryside". Farmhouses, barns, silos, wooden fences, stone walls, windmills and two-lane roads are some of the agriculturally related structures that fulfill our romantic notion of countryside.

### Scenic Beauty at a Glance

#### Problems/Indicators – Proposed Action is Inconsistent with NRCS Policy

Potential Causes	Potential Solutions
• Installation of Waste Storage Structure	• Plant trees to screen structure

## WETLANDS

### NECH 610.34

#### Evaluation Procedure Guide Sheet

Check all that apply to this     Alternative 1

Guide Sheet review:     Alternative 2     Other

#### Client/Plan Information:

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

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

#### STEP 1.

Are wetlands present in or near the planning area?

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

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

#### STEP 2.

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

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

#### STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

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

## **WETLANDS (continued)**

### **STEP 4.**

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

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

### **STEP 5.**

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

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

#### **Notes:**

No practices will be located in wetlands. Code 590 Nutrient Management setbacks apply if applying manure or organic by-products.



United States Department of Agriculture

## *Special Environmental Concerns*

# **Wetlands**

### **Wetlands**

Executive Order (E.O.) 11990 requires that Federal agencies take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the beneficial functions of wetlands when “providing federally undertaken, financed or assisted construction and improvements.” NRCS policy for implementing the EO can be found at 190-GM, Part 410, Subpart B, Section 410.26. In addition, activities that impact wetlands often require a Clean Water Act, Section 404 permit from the Corps. Activities in wetlands that occur in the 100 or 500-yr floodplain are also subject to review under NRCS floodplain management policy (190-GM Section 510.25). Wetland compliance provisions of the Food Security Act, as amended, are found in the National Food Security Act Manual, as amended, and are not addressed by this Fact Sheet.

### **What is it?**

Wetlands are defined differently within various Federal and State programs and for identification, delineation, and classification purposes. NRCS wetland protection policy defines wetlands as areas, natural or artificial, that have hydric soil, hydrophytic vegetation, and indicators of wetland hydrology. Generally, wetlands include swamps, marshes, bogs, many bottomland hardwood areas and similar areas.

### **Why is it important?**

It is the policy of the NRCS to protect and promote wetland functions and values in all NRCS planning and application assistance. NRCS activities must comply with the NRCS policy for protection of wetlands including the provisions of E.O. 11990, Protection of Wetlands. Wetlands serve a variety of significant biological functions important to the food chain, general habitat and nesting, spawning, and rearing sites.

### **What is required?**

Since wetlands are highly variable and can be dry for most of the year, wetland delineation training is important. If wetlands will be impacted by a proposed activity, NRCS will identify whether practicable alternatives exist that either enhance wetland functions and values, or avoid or minimize harm to wetlands. If such alternatives exist, the client will be given the opportunity to select one of those alternatives. If the client selects a practicable alternative, the NRCS may continue technical assistance for the conversion activity as well as the development of the mitigation plan. If a practicable alternative is not selected, NRCS may assist with the development of an acceptable mitigation plan, but no further financial or technical assistance for the wetland conversion activity may be provided.

### **Wetlands at a Glance**

<b>Problems/Indicators – Wetlands with impaired functions (hydrologic changes, mismanagement, etc.)</b>	
<b>Potential Causes</b>	<b>Potential Solutions</b>
<ul style="list-style-type: none"><li>• Past or current draining</li><li>• Removal of native vegetation</li><li>• Presence of invasive species</li><li>• Changes in local hydrology</li><li>• Dredge and fill activities</li><li>• Adjacent stream channel modifications</li><li>• Pollution from point sources (e.g. CAFO)</li></ul>	<ul style="list-style-type: none"><li>• Wetland Restoration</li><li>• Tree/Shrub Establishment</li><li>• Shallow Water Development &amp; Management</li><li>• Fish Passage</li><li>• Incorporate 404 Permit conservation measures into planning design</li></ul>

## WILD AND SCENIC RIVERS

NECH 610.35

### Evaluation Procedure Guide Sheet

Check all that apply to this     Alternative 1

Guide Sheet review:     Alternative 2     Other

#### Client/Plan Information:

State of Florida

RESTORE Act

Individual project sites not yet identified. Approx. 50-200

### 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:

Reduction of nutrient and sediment inputs are expected to improve water quality.

National Rivers Inventory Listed River Segments in the 2 counties in project area:

1. Sante Fe River: Suwannee Co. Length - 82 mi. Reach - RM 0, confluence with Suwanee River, to RM 82, Little Santa Fe Lake and headwaters



United States Department of Agriculture

## *Special Environmental Concerns*

# Wild and Scenic Rivers

### **WILD AND SCENIC RIVERS**

The National Wild and Scenic Rivers Act of 1968 (Public Law 90-542) was created by Congress to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. A listing of designated streams and stream segments can be found on the National Park Service's Wild and Scenic Rivers website.

### **What is it?**

Rivers may be designated by Congress or, if certain requirements are met, the Secretary of the Interior. Each river is administered by either a federal or state agency. Designated segments need not include the entire river and may include tributaries. For federally administered rivers, the designated boundaries generally average one-quarter mile on either bank in the lower 48 states and one-half mile on rivers outside national parks in Alaska in order to protect river-related values. Rivers are classified as wild, scenic, or recreational.

### **Why is it important?**

The designation of a river or river segment under the Wild and Scenic Rivers Act provides legal protections from adverse development and provides a mechanism for management of the river's resources. In addition to the river segments designated as wild and scenic, many more segments are believed to possess one or more outstanding or remarkable natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential directive, and related CEQ procedures, all Federal agencies must also seek to avoid or mitigate actions that would adversely affect one or more Nationwide Rivers Inventory (NRI) stream segments.

### **What is required?**

Federal agencies must consider the values of these segments prior to taking actions that could exclude them from future wild, scenic, or recreational status. Generally, timber harvests and agricultural operations on privately owned lands are unaffected in wild, scenic, and recreational river designations. However, some activities may require permits or may be covered under special provisions of the management plan. The Federal river manager (each designated river has a manager) may assist and cooperate with States or local organizations, landowners, and individuals to plan, protect, and manage river resources. The assistance may include limited financial assistance.

### **Wild and Scenic Rivers at a Glance**

<b>Problems/Indicators – Proposed action may adversely impact a designated river or river segment</b>	
<b>Potential Causes</b>	<b>Potential Solutions</b>
<ul style="list-style-type: none"><li>• Land use changes adjacent to river (segment)</li><li>• Riparian modifications</li><li>• Changes in local hydrology – adjacent wetland draining activities</li><li>• Dredge and fill activities</li><li>• Pollution from point sources (e.g. CAFO)</li></ul>	<ul style="list-style-type: none"><li>• Wetland Restoration</li><li>• Riparian Forested buffer and /or Herbaceous Cover</li><li>• Forest Harvest Management</li><li>• Prescribed Grazing Management</li><li>• Consult with NPS to coordinate mitigation plan</li></ul>



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Field Office

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IN REPLY REFER TO:

August 3, 2015

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

Re: State of Florida – Suwannee River  
Partnership Irrigation Water Enhancement  
Program

Dear Mr. Ettinger:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled “State of Florida – Suwannee River Partnership Irrigation Water Enhancement Program”. Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project reduces nutrient loading and increases water efficiency in irrigation of agricultural lands by converting outdated and inefficient technology. The United States Department of Agriculture (USDA) has determined that this action is categorically excluded from documentation in an environmental impact statement or an environmental assessment.

The proposed project will adhere to all practices as stated in the NRCS - USFWS Consultation Matrix<sup>(1)</sup> for federally listed species, as well as mitigation efforts for the following:

1. For federally listed species: Eastern Indigo Snake Minimization Measures will be followed. Construction of new micro irrigation systems will not be within 25 feet of a gopher tortoise burrow. Stream setbacks for Gulf Sturgeon designated critical habitat and listed mussel habitat will be followed for use of Nutrient Mgmt. Replacement pumps will not be hydrologically connected to any stream containing listed mussels.
2. New micro-irrigation systems will not be installed in the 100-year floodplain.
3. Sampling and construction activities will not occur within 660 ft. of active bald eagle nests during nesting season.

Based on this information, The Service has determined the proposed project will “not likely to adversely affect” any federally listed species.

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

Sincerely,



Dr. Sean Blomquist  
Ecological Services Chief

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