



## 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](#).*

---

**Action Title:**

Enhancing Gulf Waters through Forested Watershed Restoration

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

Mississippi, Alabama, and Florida

**Action Description:**

The Council has approved \$23M in planning and implementation funds as FPL Category 1 for the Enhancing Gulf Waters through Forested Watershed Restoration program. The program will be implemented over the course of 7 years in priority watersheds in Mississippi, Alabama, and Florida as designated by State agencies. The U.S. Department of Agriculture (USDA) is the sponsor of this program. This program will include activities to restore private and public forests by providing technical and financial assistance to private landowners and communities in watersheds where forest resources are instrumental to the health of the Gulf of Mexico. A coordinated, cross-boundary effort will be led by State Forestry Agencies in Alabama, Florida, and Mississippi; leveraging the funding and activities of other organizations that are well established. Activities include social marketing techniques to effectively reach landowners, implementation of best management practices (e.g., establishing forests, prescribed fire, and controlling invasive exotic species), and use of science-based decision-support tools to inform forest restoration investments and quantify outcomes.

---

**Categorical Exclusion(s) Applied:**

USDA Categorical Exclusions, 7 CFR §650.6 (d)(11)

## Council Use of Member Categorical Exclusion(s)

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

Member with Categorical Exclusion(s)

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

Yes       No

---

## Segmentation

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

Yes       No

---

## Extraordinary Circumstances

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

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

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

a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and

b. Properties listed or eligible for listing on the National Register of Historic Places.

Yes  No 4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?

Yes  No 5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?

Yes  No 6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?

Yes  No 7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?

Yes  No 8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

## **Supplemental Information**

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

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

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

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

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

Agency or Authority Consulted	Agency or Authority Representative: Name, Office & Phone	Date of Consultation	Notes: Topic discussed, relevant details, and conclusions. (This can include reference to other information on file and/or attached for the given action.)
U.S. FWS	Jay B. Herrington	1/26/2021	Endangered Species Act

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:

USDA Categorical Exclusion form for EGWFWR

## **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)**

Mary S. Walker, Executive Director

**Responsible Official (Signature)**

MARY WALKER

Digitally signed by MARY WALKER Date: 2021.04.28 16:29:40 -04'00'

**Date** April 28, 2021



# Justification for Approval of USDA Categorical Exclusions

## Enhancing Gulf Waters through Forested Watershed Restoration

### Program Description

*The Enhancing Gulf Waters through Forested Watershed Restoration description, developed and sponsored by the U.S. Department of Agriculture, provides additional detail on the program, including information regarding compliance with the RESTORE Act, background, methods, risk and uncertainties, and budget.*

The Council is considering approval of \$23M in planning and implementation funds as FPL Category 1 for the Enhancing Gulf Waters through Forested Watershed Restoration program. The program is proposed to be implemented over the course of 7 years in priority watersheds in Mississippi, Alabama, and Florida as designated by State agencies ([Figure 25](#)). The U.S. Department of Agriculture (USDA) is the sponsor of this proposed program.

This program would include activities to restore private and public forests by providing technical and financial assistance to private landowners and communities in watersheds where forest resources are instrumental to the health of the Gulf of Mexico. A coordinated, cross-boundary effort would be led by State Forestry Agencies in Alabama, Florida, and Mississippi; leveraging the funding and activities of other organizations that are well established. Activities include social marketing techniques to effectively reach landowners, implementation of best management practices (e.g., establishing forests, prescribed fire, and controlling invasive exotic species), and use of science-based decision-support tools to inform forest restoration investments and quantify outcomes.

The primary Comprehensive Plan goal of this program is to restore water quality and quantity ([Figure 27](#)). The stressors addressed by this program include water quality and quantity issues related to the conversion of the Gulf Region's forests to agricultural and urban land uses and the need for more active forest management. Indeed, among the major challenges in the 21st century will be to manage forests and water resources under development pressures and other environmental factors ([NRC 2008](#); [Sun and Vose 2016](#); [Vose 2019](#); [Vose et al. 2011](#); [Vose, Martin and Barten 2016](#)). Changes to more intensive land use increase point and nonpoint pollution, reduce aquifer recharge, accelerate stormwater release, and increase the amount of runoff. In addition, forest fragmentation negatively impacts wildlife habitat, limits forest management options, and reduces economic viability of forest ownership and reduces community resilience.

Establishing this large-scale program would substantially enhance and maintain water quality and quantity by managing and restoring forested ecosystems in a three-state region. A healthy Gulf stems from healthy estuaries, healthy estuaries depend on healthy watersheds, healthy watersheds flow from healthy forests, and healthy forests require active landowners and managers. The program would directly impact approximately 15,000 forested acres that are vital to the health of the Gulf Region. The work is anticipated to increase landowner understanding of the benefits of forest management and its importance to Gulf waters. In addition, it would improve forest health and productivity, strengthen the viability of forest-dependent community resilience, and hence, the likelihood of keeping forested lands on the landscape. Providing landowners with financial and technical assistance helps them effectively and efficiently manage their forest resource, making it less attractive to sell or convert the land to other uses. They have more options, and those options help avoid conversion by making ownership more economically and environmentally sustainable.

A forested watershed program that approaches the work at a landscape scale must consider restoration of public land in the Gulf Region to achieve multiple Comprehensive Plan goals and objectives. Restoration of public forests, such as those that are managed by State Forest Agencies (e.g., State Forests and Section 16 school trust forests), would focus on treatments that offer long-term improvements to water quality and quantity, and wildlife habitat.

USDA would apply the following decision factors for project selection: (1) contribution to the RESTORE Council's Comprehensive Plan and 2019 Planning Framework; (2) consistency with the goals and objectives of each state's Forest Action Plan, state and local watershed management plans, state Wildlife Action Plans, and other plans as appropriate; and (3) geography – sites located within the designated priority watersheds.

Technical and financial assistance would be provided to landowners and communities, factoring in readiness and anticipated outcomes. Applications for financial assistance would be ranked using criteria that aligns with the Council's 2019 Planning Framework, such as: (1) proximity to a stream, lake, or wetland; (2) connectivity to protected land; (3) impacts to water quality; (4) impacts to water quantity; and (5) wildlife habitat variables.

The USDA will oversee a program to improve water quality and quantity on forested lands within Alabama, Florida, and Mississippi coastal watersheds. USDA is hereby providing justification for the use of categorical exclusions (CEs) for Forested Watershed Restoration program. The justification includes CEs of actions that USDA has determined do not individually or cumulatively have a significant effect on the human environment and, thus, are categorically excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under NEPA. The proposed CE actions promote restoration and conservation activities related to natural or human induced damage or altered forested areas.

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

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

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

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

### **Section 1: Categorical Exclusions**

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

**Table I: Categorical Exclusions and Associated Activities and Conservation Practices**

Activity	Associated Conservation Practices	Associated Categorical Exclusion
Upland Restoration	<u>Upland Wildlife Habitat Management 645.</u> Brush Management - 314, Herbaceous Weed Treatment - 315, Prescribed Fire - 338, Critical Area Planting - 342, Riparian Forest Buffer - 391, Firebreak - 394, Grade Stabilization Structure - 410, Wildlife Habitat Planting - 420, Tree/Shrub Site Preparation - 490, Drainage Water Management- 554, Stream Crossing - 578, Streambank and Shoreline Protection - 580, Structure for Water Control - 587, Tree/Shrub Establishment - 612, Restoration and Management of Rare or Declining Habitats - 643, and Forest Stand Improvement - 666.	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition;
Wetland Restoration	<u>Wetland Wildlife Habitat Management 644.</u> Brush Management - 314, Herbaceous Weed Treatment - 315, Prescribed Fire - 338, Critical Area Planting - 342, Riparian Forest Buffer - 391, Firebreak - 394, Grade Stabilization Structure - 410, Wildlife Habitat Planting - 420, Tree/Shrub Site Preparation - 490, Stream Crossing - 578, Streambank and Shoreline Protection - 580, Structure for Water Control - 587, Tree/Shrub Establishment - 612, Restoration and Management of Rare or Declining Habitats - 643, Wetland Wildlife Habitat Management - 645, and Forest Stand Improvement - 666.	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition; (3) Plugging and filling excavated drainage ditches to allow hydrologic conditions to return to pre-drainage conditions to the extent practicable;

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

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

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

### **Section I: Overarching Criteria (Sideboards):**

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

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

Overarching criteria/sideboards for the categorical exclusions apply to proposed actions that (as applicable):

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

6. Do not involve a significant risk of exposure to toxic or hazardous substances.

## **Section II: Conservation Planning Process**

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

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

### **Step 1 - Identify Problems**

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

### **Step 2 - Determine Objectives**

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

### **Step 3 - Inventory Resources**

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

### **Step 4 - Analyze Resource Data**

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

### **Step 5 - Formulate Alternatives**

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

### **Step 6 - Evaluate Alternatives**

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

## Step 7 - Make Decisions

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

## Step 8 - Implement Plan

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

## Step 9 - Evaluate the Plan

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

### **Section III: Extraordinary Circumstances Review**

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

There is a low likelihood that these activities would result in a significant adverse cumulative effect either individually or collectively. Any adverse effects caused during implementation would be short-term in nature and limited to the immediate project area. These effects are consistent with what is contemplated when implementing these categorically excluded activities. The anticipated long-term effects would be positive - restoring and maintaining native ecosystems by improving water quality and quantity.

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

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

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

#### **2. The proposed action cannot significantly affect unique characteristics of the geographic area such as proximity to historic properties or cultural resources, park lands, prime farmlands, floodplains, wetlands, wild and scenic rivers, or ecologically critical areas:**

This program will have either no effect or a positive effect on unique characteristics of the geographic areas, as the practices will be applied on forested lands to improve water quality and quantity. The area of proposed actions will be reviewed for the presence of known or potential cultural resource sites. Adverse impacts to cultural resources will be avoided in the implementation of this program. Adverse impacts to critical habitat for endangered species or prime farmlands will not be permitted in the implementation of this program. The program will not result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the 100-year floodplain or lands adjacent or downstream.

**3. The effects of the proposed action on the quality of the human environment cannot be highly controversial:**

This program will have a net positive effect on the human environment by providing program participants with incentives to address conservation/restoration needs on their property. In the form of technical and financial assistance, this program will provide a positive economic benefit to the landowner and local community.

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

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

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

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

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

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

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

**7. The proposed action cannot cause or promote the introduction of invasive species or have a significant adverse effect on any of the following special environmental concerns (SECs) not previously identified in paragraph (c)(2)(B) of this section, such as: endangered and threatened species, environmental justice communities as defined in Executive Order 12898, wetlands, other waters of the United States, wild and scenic rivers, air quality, migratory birds, and bald and golden eagles:**

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

The CPA-52 worksheet includes the list of special environmental concerns that must be considered when conducting an EE on a proposed action. The worksheet provides detailed instructions on how to conduct the environmental evaluation and includes guidance to ensure compliance with the various SECs. There will be no significant adverse impacts to endangered and threatened species, environmental justice communities as defined in Executive Order 12898, wetlands, other waters of the United States, wild and scenic rivers, air quality, migratory birds, and bald and golden eagles through the implementation of this program.

**8. The proposed action will not violate Federal or other applicable law and requirements for the protection of the environment:**

Any required permits will be obtained prior to implementation of practices; however, no Federal, State, or local permits are anticipated.

Site-specific EEs are developed as part of the conservation planning process. The EE evaluates conservation planning options developed to address and mitigate potential environmental resource concerns that may exist on the property or conservation management unit. The EE also determines if protected resources exist on the property and if those resources have the potential to be affected by conservation practices outlined in the conservation plan.

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

#### **Section IV: Conservation Practices**

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

- 314 – Brush Management  
[https://efotg.sc.egov.usda.gov/references/Public/NH/314\\_CPS-3-17Final.pdf](https://efotg.sc.egov.usda.gov/references/Public/NH/314_CPS-3-17Final.pdf)
- 315 - Herbaceous Weed Treatment  
[https://efotg.sc.egov.usda.gov/references/Public/NH/315\\_CPS-3-17Final.pdf](https://efotg.sc.egov.usda.gov/references/Public/NH/315_CPS-3-17Final.pdf)
- 338 - Prescribed Fire  
[https://efotg.sc.egov.usda.gov/references/Public/RI/Prescribed\\_Burning\\_\(No\)\\_338...](https://efotg.sc.egov.usda.gov/references/Public/RI/Prescribed_Burning_(No)_338...)
- 342 - Critical Area Planting  
[https://efotg.sc.egov.usda.gov/references/public/CO/CO342\\_STD.pdf](https://efotg.sc.egov.usda.gov/references/public/CO/CO342_STD.pdf)
- 391 - Riparian Forest Buffer  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs143\\_026098.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_026098.pdf)
- 394 - Firebreak  
<https://efotg.sc.egov.usda.gov/references/Public/WV/wv394307.pdf>
- 410 - Grade Stabilization Structure  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1263175.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263175.pdf)
- 420 – Wildlife Habitat Planting  
[https://www.nrcs.usda.gov/wps/PA\\_NRCSConsumption/...](https://www.nrcs.usda.gov/wps/PA_NRCSConsumption/...)
- 490 - Tree/Shrub Site Preparation  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs143\\_025998.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_025998.pdf)
- 554 - Drainage Water Management  
<https://efotg.sc.egov.usda.gov/references/public/...>
- 578 - Stream Crossing  
<https://efotg.sc.egov.usda.gov/references/public/...>
- 580 - Streambank and Shoreline Protection  
<https://efotg.sc.egov.usda.gov/references/Public/...>
- 587 - Structure for Water Control  
<https://efotg.sc.egov.usda.gov/references/public/...>
- 612 - Tree/Shrub Establishment  
<https://efotg.sc.egov.usda.gov/references/Public/...>
- 643 - Restoration and Management of Rare or Declining Habitats  
[https://efotg.sc.egov.usda.gov/references/Public/WV/WVCPS643\\_102017.pdf](https://efotg.sc.egov.usda.gov/references/Public/WV/WVCPS643_102017.pdf)
- 644 - Wetland Wildlife Habitat Management  
[https://efotg.sc.egov.usda.gov/references/public/MS/MS\\_11\\_pc\\_644\\_Wetland\\_Wildlife\\_Habitat\\_Mgt.pdf](https://efotg.sc.egov.usda.gov/references/public/MS/MS_11_pc_644_Wetland_Wildlife_Habitat_Mgt.pdf)
- 645 - Upland Wildlife Habitat Management  
<https://efotg.sc.egov.usda.gov/references/Public/WV/wv645.pdf>
- 666 - Forest Stand Improvement  
[https://efotg.sc.egov.usda.gov/references/Public/KY/KYCP666\\_1017T.pdf](https://efotg.sc.egov.usda.gov/references/Public/KY/KYCP666_1017T.pdf)

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 11/2019	<b>A. Client Name:</b> USDA-NRCS													
<b>ENVIRONMENTAL EVALUATION WORKSHEET</b>		<b>B. Conservation Plan ID # (as applicable):</b> USDA-FWS <b>Program Authority (optional):</b> Apalachicola Regional Restoration Initiative														
<b>D. Client's Objective(s) (purpose):</b> The primary goal of this program is to restore water quality and quantity. Primary Objective: Restore, Improve, and Protect Water Resources		<b>C. Identification #</b> (farm, tract, field #, etc. as required): Forested landscape within costal watersheds in Alabama, Florida, and Mississippi.														
<b>E. Need for Action:</b> FWS is designed to address stressors that contribute to poor water quality, low-water quantity, degraded wildlife in forested watersheds.		<b>H. Alternatives</b> <table border="1" style="width: 100%;"> <thead> <tr> <th>No Action</th> <th>✓ if RMS</th> <th>Alternative 1</th> <th>✓ if RMS</th> <th>Alternative 2</th> <th>✓ if RMS</th> </tr> </thead> <tbody> <tr> <td>N/A Analysis conducted to determine whether criteria for the justification of the use of USDA-NRCS Categorical Exclusions for FWS.</td> <td></td> <td>Implementing conservation measures to improve water quality and increase quality of wildlife habitat by implementing the following conservation practices: <b>666</b> Forest Stand Improvement, 643 - Restoration and Management of Rare or Declining Habitats, 644 - Wetland Wildlife Habitat Management and 645 Upland Wildlife Habitat Mgt.</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			No Action	✓ if RMS	Alternative 1	✓ if RMS	Alternative 2	✓ if RMS	N/A Analysis conducted to determine whether criteria for the justification of the use of USDA-NRCS Categorical Exclusions for FWS.		Implementing conservation measures to improve water quality and increase quality of wildlife habitat by implementing the following conservation practices: <b>666</b> Forest Stand Improvement, 643 - Restoration and Management of Rare or Declining Habitats, 644 - Wetland Wildlife Habitat Management and 645 Upland Wildlife Habitat Mgt.			
No Action	✓ if RMS	Alternative 1	✓ if RMS	Alternative 2	✓ if RMS											
N/A Analysis conducted to determine whether criteria for the justification of the use of USDA-NRCS Categorical Exclusions for FWS.		Implementing conservation measures to improve water quality and increase quality of wildlife habitat by implementing the following conservation practices: <b>666</b> Forest Stand Improvement, 643 - Restoration and Management of Rare or Declining Habitats, 644 - Wetland Wildlife Habitat Management and 645 Upland Wildlife Habitat Mgt.														
<b>Resource Concerns</b>																
<p>In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource Planning Criteria for guidance).</p> <p><b>Special Environmental Concerns: Environmental Laws, Executive Orders, policies, etc.</b></p> <p><b>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.</b></p>																
<b>G. Special Environmental Concerns</b> (Document existing/benchmark conditions)	<b>J. Impacts to Special Environmental Concerns</b>															
	<b>No Action</b> Document all impacts (Attach Guide Sheets as applicable)		<b>Alternative 1</b> Document all impacts (Attach Guide Sheets as applicable)	<b>Alternative 2</b> Document all impacts (Attach Guide Sheets as applicable)	<input type="checkbox"/> if needs further action											
• Cultural Resources / Historic <i>Guide Sheet</i> Not Present. OR Cultural resources may be present on or near project site.			<input type="checkbox"/> Many activities are limited to ground disturbance within the top 6" of lands currently in row crop use or are in previously disturbed and/or eroding soils. All activities will undergo a site assessment to avoid disturbance of historic properties and will be in compliance with Section 106 of the NHPA, the NRCS National Prototype Agreement and State and Tribal Agreements.	<input type="checkbox"/>	<input type="checkbox"/>											
• Endangered and Threatened Species <i>Guide Sheet</i> Gopher tortoise potentially on sites. Gulf sturgeon critical habitat in rivers and tributaries within the project area.			<input type="checkbox"/> No Effect/May Effect-Beneficial  All requirements of the USFWS-NRCS Informal ESA Consultation for federally listed species will be followed. See Part L for mitigation measures. Installed practices will have a beneficial effect for many species, mainly due to reduction of sedimentation. For other species, there will be No Effect.	<input type="checkbox"/>	<input type="checkbox"/>											
Environmental Justice <i>Guide Sheet</i> communities present in both project counties			<input type="checkbox"/> No Effect  Outreach efforts to encourage participation from all producers.	<input type="checkbox"/>	<input type="checkbox"/>											
• Essential Fish Habitat <i>Guide Sheet</i> No EFH is present. OR Gulf Sturgeon designated critical habitat is located in the project area			<input type="checkbox"/> No Effect/May Effect-Beneficial  Mitigation measures for ESA will result in no effect on EFH or may even have a beneficial effect on estuarine resources	<input type="checkbox"/>	<input type="checkbox"/>											
Floodplain Management			No Effect													

<b>Guide Sheet</b>		<input type="checkbox"/>	No actions affect floodplain functions.	<input type="checkbox"/>	<input type="checkbox"/>
100-year floodplains are present in all project counties		<input type="checkbox"/>			<input type="checkbox"/>
Invasive Species <b>Guide Sheet</b> Presence likely on all sites; particularly cogongrass and tallow tree		<input type="checkbox"/>	No Effect Invasive species will be eradicated/controlled in these fields. Noxious/invasive species must be monitored & controlled if detected. Survival & growth & diversity of desired vegetation within the local ecosystem will be maximized.	<input type="checkbox"/>	<input type="checkbox"/>
•Migratory Birds/Bald and Golden Eagle Protection Act <b>Guide Sheet</b> migratory birds and bald eagles may be present near project sites		<input type="checkbox"/>	No Effect For migratory birds: Practices are to be conducted outside the primary nesting season - April 1 to August 15. For Bald Eagles: Activities will be avoided within 660 feet of an active bald eagle nest between Dec. 1 - June 30. Mitigation avoids all adverse effects.	<input type="checkbox"/>	<input type="checkbox"/>
Natural Areas <b>Guide Sheet</b> No natural areas present.		<input type="checkbox"/>	No Effect Activities and practices will serve to decrease nutrient and sediment loading to tributaries of these areas.	<input type="checkbox"/>	<input type="checkbox"/>
Prime and Unique Farmlands <b>Guide Sheet</b> some project sites may contain prime farmland		<input type="checkbox"/>	No Effect Actions will not convert any agricultural lands to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>
Riparian Area <b>Guide Sheet</b> may be adjacent or down-stream of project areas.		<input type="checkbox"/>	No Effect/May Effect-Beneficial Nutrient and sediment transport to these areas will decrease.	<input type="checkbox"/>	<input type="checkbox"/>
Scenic Beauty <b>Guide Sheet</b> No significant aesthetic qualities of the landscape identified.		<input type="checkbox"/>	No Effect Eroding sites will be vegetated, improving landscape views	<input type="checkbox"/>	<input type="checkbox"/>
•Wetlands <b>Guide Sheet</b> No wetlands present.Wetlands may be present on project site.		<input type="checkbox"/>	No Effect No activities will be conducted within wetland areas. See "Clean Water Act" above for herbicide effects from adjacent areas. No actions affect wetland functions.	<input type="checkbox"/>	<input type="checkbox"/>
•Wild and Scenic Rivers <b>Guide Sheet</b> No W&S rivers present. Segments of _____ River/Creek are adjacent to project area.		<input type="checkbox"/>	No Effect No activities will be conducted within streams. See "Clean Water Act" above for herbicide effects from adjacent areas. No adverse effects from off-site activities will occur.	<input type="checkbox"/>	<input type="checkbox"/>
<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.			Burn plan required to be developed & conducted by certified prescribed burner. State burning permits will be obtained prior to conducting prescribed burns if needed for specific projects. Any required permits will be obtained by the landowner prior to implementation of practices.		
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)			Action will result in the installation of conservation practices that will reduce sediment, pesticides, nutrients, and fecal coliform entering priority watersheds near the Gulf, improving water quality of fresh, estuarine and marine waters.		

<b>L. Mitigation</b> (Record actions to avoid, minimize, and compensate)	1. For federally listed species: In Mobile County, where the use of heavy equipment can not be avoided, use a 25 foot buffer around each gopher tortoise burrow. Staging areas will be sited away from burrows. Sensitive habitats for listed species will be avoided or mitigated as outlined in the NRCS/USFWS Programmatic Agreement/Conservation Practice Matrix. 2. Construction activities will not occur within 660 ft. of active bald eagle nests during nesting season.
<b>M. Preferred Alternative</b>	Supporting reason  No adverse effects of this action based on review of project information and application of the mitigation measures above and further described in the guide sheets

**N. Context** (Record context of alternatives analysis)      local      regional      national

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

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

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

Signature (TSP if applicable)	Title	Date
	Management Analyst	09/14/2020
Signature (NRCS)	Title	Date

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

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

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

**P. Determination of Significance or Extraordinary Circumstances**

To answer the questions below, consider the severity (intensity) of impacts in the contexts identified above. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative expected to cause significant effects on public health or safety?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?

**Q. NEPA Compliance Finding (check one)**

The preferred alternative:		Action required
<input type="checkbox"/>	1) is not a federal action where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
<input checked="" type="checkbox"/>	2) is a federal action <b>ALL of which is categorically excluded from further environmental analysis AND there are no extraordinary circumstances as identified in Section "O".</b>	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 <b>significant adverse environmental effects or extraordinary circumstances.</b>	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. ( <b>Note: This box is not applicable to FSA</b> )	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 <b>NOT</b> 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) <i>(more than one may apply)</i>	(11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition; and (3) Plugging and filling excavated drainage ditches to allow hydrologic conditions to return to pre-drainage conditions to the extent practicable.
7 CFR Part 650 <i>Compliance With NEPA</i> , subpart 650.6 <i>Categorical Exclusions</i> states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 610.116.	

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

#### S. Signature of Responsible Federal Official:

State Conservationist

Signature

Title

Date

Additional notes

## CLEAN AIR ACT

NECH 610.21

### Evaluation Procedure Guide Sheet

Check all that apply to this  
Guide Sheet review:

Alternative 1

Alternative 2

Other

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

**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  
If "Yes," the opportunity for obtaining non-attainment pollutant emission credits may exist.
- Yes      **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 non-attainment pollutant emission credits, advise him/her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented and/or registered for potential sale. **Go to Step 4.**

#### **STEP 4.**

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

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

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

#### **Notes:**

## CLEAN WATER ACT/WATERS of the U.S.

NECH 610.22

### Evaluation Procedure Guide Sheet

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

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

**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.

**F**

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

### SECTION I

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

##### STEP 1.

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

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

##### STEP 2.

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

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

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

##### STEP 3.

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

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

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

##### STEP 4.

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

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

#### Notes:

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

## SECTION II

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

#### STEP 1

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

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

#### STEP 2

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

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

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

#### STEP 3

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

- 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.**
- No
- Yes      If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. The final NRCS conservation plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit should be coordinated with the appropriate State regulatory agency.

#### Notes:

Not applicable to this program.

## COASTAL ZONE MANAGEMENT AREAS

NECH 610.23

### Evaluation Procedure Guide Sheet

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

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

### 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, FWS is design and information sources used and proceed with planning.

Yes      If "Yes," go to Step 2. <sup>N/A</sup>

### 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?

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

No      as appropriate to comply with local Coastal Zone Management Programs. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

Yes      If "Yes," the NRCS District Conservationist or an NRCS State Office employee must contact the State's Coastal Zone Program Office before the action is implemented to discuss possible modifications to the proposed action. NRCS may not provide assistance if the proposed action or alternative would result in a violation of a State's Coastal Zone Management Plan. NRCS shall provide a consistency determination to the State agency no later than 90 days before final approval of the activity. When concurrence is received from the State, document the agreed to items and reference or attach them to the NRCS-CPA-52.

### Notes:

Actions are not within 10' elevation Coastal Zone; therefore, conservation practice implementation will not be subject to local or state compliance requirements as it relates to the CZMA.

## CORAL REEFS

NECH 610.24

### Evaluation Procedure Guide Sheet

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

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

#### 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, FWS is design and information sources used and proceed with planning.**

Yes      **If "Yes," go to Step 2.**

#### STEP 2.

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

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

Yes      **If "Yes," go to Step 3.**

#### STEP 3.

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

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

Yes      **If "Yes," modify the action or alternative and repeat Step 2.**

#### STEP 4.

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

No      **If "No," and degradation of the reefs is unavoidable, provide the client with information regarding the current status of U.S. coral reefs and the documented causes of degradation (including sedimentation and nutrient runoff), and the beneficial aspects of maintaining coral reefs.**

Yes      **If "Yes," the significance of the impacts must be determined. An Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.**

#### Notes:

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

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

**Client/Plan Information:**

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

**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 type="checkbox"/> No            | <input checked="" 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 type="checkbox"/> No            | <input checked="" 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 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 checked="" 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.

No      If "No," or "Unknown," consult with your state specific protocols or the CRC or CRS to determine the APE.  
 Unknown

| | Yes      If "Yes," go to Step 4

## CULTURAL RESOURCES (continued)

### STEP 4.

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

National Register of Historic Places?       No     Yes     Unknown  
 No     Yes     Unknown

State Register of Historic Places?

The SHPO's statewide inventory or data base?       No     Yes     Unknown

Local/county historical society or commission lists?       No     Yes     Unknown

Client knowledge of existing artifacts, historic structures, or cultural features?       No     Yes     Unknown

- If any responses are "No" or "Unknown," work with your CRC or CRS to be sure these files are checked (sometimes the SHPO will let only the CRS or CRC review the files). Follow all other operating procedures as required by NRCS policy and procedures, SLA, and Tribal consultation protocols or operating procedures, as appropriate.

- If all responses are "Yes," and NRCS providing technical assistance only, then use any known information, notify the landowner of any potential affects, and provide recommendations for consideration. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. If NRCS is providing more than technical assistance go to Step 5.

### STEP 5.

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

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

### STEP 6.

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

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

## **STEP 7.**

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

No

If "Yes," and all necessary historic preservation activities of identification, evaluation, and treatment have been completed **document any consultation and proceed with planning**

### **Notes:**

Site specific CR reviews will be completed, as agreed with SHPO and THPO. USDA has Federal and State level programmatic agreements in place. Protocol is to stop work and contact NRCS if cultural resource discovery occurs during conservation practice implementation.

## ENDANGERED AND THREATENED SPECIES

NECH 610.26

### Evaluation Procedure Guide Sheet

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

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

Forested landscape within costal watersheds in Alabama

#### STEP 1.

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

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

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

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

#### STEP 1.

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

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

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

#### STEP 2.

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

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

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

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

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

As documented in the NRCS/USFWS Programmatic Agreement/Conservation Practice Matrix, many of the proposed actions will result in Not Likely to Adversely Affect - Beneficial Effect. USDA will avoid adverse impacts to T&E species and their habitat.

## **SECTION 2: Federally proposed species/habitats**

### **STEP 1.**

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

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

## **STEP 2.**

Is NRCS providing financial assistance or otherwise controlling the action?

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

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

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

## **SECTION 3: Federal candidate species/habitats**

## **STEP 1.**

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

No adverse effect

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

May adversely 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:

## 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 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.**

Yes

Notes for State/Tribal species/habitats:

## ENVIRONMENTAL JUSTICE

NECH 610.27

### Evaluation Procedure Guide Sheet

Check all that apply to this  
Guide Sheet review:

Alternative 1

Alternative 2

Other

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

### STEP 1.

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

No

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

Yes

If "Yes," go to Step 2.

Unknown

If "Unknown," consult your State Environmental Specialist, or equivalent and Tribal Liaison for additional guidance, and repeat Step 1. **NOTE:** The USDA Departmental Regulation on Environmental Justice (DR 5600-002) provides detailed "determination procedures" for NEPA as well as non-NEPA activities and suggests social and economic effects for considerations.

### STEP 2.

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

No

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

Yes

If "Yes," initiate Tribal consultation or community outreach to affected and interested parties that are categorized as low-income, minority, or as Indian Tribes. The purpose is to encourage participation and input on the proposed program or activity and any alternatives or mitigating options. Participation of these populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historic, or other potential barriers to effective participation. If assistance is needed with this process, contact your State Public Affairs Specialist or Tribal Liaison. Go to Step 3.

### STEP 3.

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

No

If "No," notify interested and affected parties of agency decision. Document on the NRCS-CPA-52, or notes section below, the finding and rationale.

Yes

If "Yes," consider the feasibility and appropriateness of the proposed alternatives and their effects and the possibility of developing additional alternatives or a mitigation alternative and repeat Step 3. Document results of these early scoping sessions on the NRCS-CPA-52. If it is determined that there remains a disproportionately high and adverse effect on human health or the environment, or the project or action carries a high degree of controversy then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.

#### Notes:

## ESSENTIAL FISH HABITAT

NECH 610.28

### Evaluation Procedure Guide Sheet

Check all that apply to this     Alternative 1

Guide Sheet review:     Alternative 2     Other

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

### 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.

N/A

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

### STEP 2.

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

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

### STEP 3.

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

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

### STEP 4.

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

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

### Notes:

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

## FLOODPLAIN MANAGEMENT

NECH 610.29

### Evaluation Procedure Guide Sheet

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

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

**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.**

### FWS is designed to address stressors that contribute to poor water quality, low-water

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

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

Yes If "Yes," go to Step 2.

Unknown If "Unknown," review the HUD/FEMA flood insurance maps and other available data such as soils information relating to flood frequency. If still "Unknown", contact the appropriate field or hydraulic engineer. **Repeat Step 1.**

### STEP 2.

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

No If "No," go to Step 4.

Yes If "Yes," document the agricultural use history and go to Step 3.

### STEP 3.

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

No If "No," advise the client of conservation practices or other measures that will bring the land into accordance with water quality plans and incorporate these into the conservation plan. **Go to Step 4.**

Yes If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.

### STEP 4.

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

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

Yes If "Yes," modify the action if possible to avoid adverse effects. Inform landuser of the hazards of locating actions in the floodplain and discuss alternative methods of achieving the objective and/or alternative locations outside the 100-year floodplain. **If the action can be modified, describe the modification on the NRCS-CPA-52 and repeat 4. If the action cannot be modified to eliminate adverse effects, go to Step 5.**

## FLOODPLAIN MANAGEMENT (continued)

### STEP 5.

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

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

### STEP 6.

Will assistance continue to be provided?

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

#### Notes:

Per any MOA with federal or state agency and the NRCS developed Conservation Plan should suffice as meeting water quality/watershed

## INVASIVE SPECIES

NECH 610.30

### Evaluation Procedure Guide Sheet

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

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

**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.

#### FWS is designed to address stressors that contribute to poor water quality, low-water

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, USDA must discontinue assistance. Document the circumstances on the NRCS-CPA-52, or notes section below, and in the case file.
- Yes      If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

#### Notes:

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

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

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

For

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

**FWS IS DESIGNED TO ADDRESS STRESSORS THAT CONTRIBUTE TO POOR WATER QUALITY, LOW-WATER QUANTITY, DEGRADED WILDLIFE IN FORESTED WATERSHEDS**

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

**STEP 1.**

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

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

Yes      If "Yes," go to Step 2.

**STEP 2.**

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

No      If "No," modify the action and repeat Step 1.

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

**STEP 3.**

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

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

No If "No," go to Step 4.

Yes If "Yes," document the effects, including the reasons, on the NRCS-CPA-52, or notes section below. Inform the client that they must obtain all required permits before the action is implemented.

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

**STEP 4.**

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

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

No

Yes

If "Yes," additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take (E.O. 13186(3)(e)(9)). **Repeat Step 1. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

#### Notes:

## SECTION II: BALD & GOLDEN EAGLE PROTECTION ACT

### STEP 1.

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

No

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

Yes

If "Yes," go to Step 2.

### STEP 2.

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

No

If "No," document the finding, including the reasons, on the NRCS-CPA-52, or notes section below. Contact the NRCS State Biologist or appropriate NRCS official about working with the client and USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action or alternative. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22.

Yes

If "Yes," modify the alternative and repeat Step 1. If the client is unwilling to modify the action then NRCS may need to discontinue assistance. Contact the NRCS State environmental

specialist or wildlife biologist for assistance. **Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

**Notes:**

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

## NATURAL AREAS

### GM 190, Part 410.23

#### Evaluation Procedure Guide Sheet

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

#### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

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).

EWI

#### STEP 1.

N/A Analysis conducted to determine whether criteria for the justification of the use of L

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(c4)]. Document the effects of the action and any communications with the client on the NRCS-CPA-52, or notes section below, and proceed with planning.
- Yes      If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

#### Notes:

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

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

**Client/Plan Information:**

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

**STEP 1.**

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

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

**STEP 2.**

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

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

**STEP 3.**

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

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

**Notes:**

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

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

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

**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, FWS is design and information sources used and proceed with planning.**

Yes      **If "Yes," go to Step 2.**

**STEP 2.**

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

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

Yes      **If "Yes," go to Step 3.**

**STEP 3.**

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

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

Yes      **If "Yes," inform the client of the values and functions of riparian areas, including their contribution to floodplain function, stream bank stability and integrity, nutrient cycling, pollutant filtering, sediment retention, and biological diversity, and present alternatives that will resolve the conflict. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

**Notes:**

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

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

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

**STEP 1.**

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

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

Yes      **If "Yes," go to Step 2.**

**STEP 2.**

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

No      **If "No," consider any state or local requirements. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Yes      **If "Yes," modify the planned action or activity and repeat Step 1.**

**Notes:**

## WETLANDS

NECH 610.34

### Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review:	<input checked="" type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other	For USDA-NRCS USDA-FWS Apalachicola Regional Restoration Initiative
---	---	--

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.

FWS is designed to address stressors that contribute to poor water quality, low-water quantity, degraded wildlife in forested watersheds.

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

### STEP 2.

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

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

### STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

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

## WETLANDS (continued)

### STEP 4.

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

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

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

## **STEP 5.**

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

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

### **Notes:**

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

# WILD AND SCENIC RIVERS

NECH 610.35

## Evaluation Procedure Guide Sheet

Check all that apply to this  
Guide Sheet review:

Alternative 1

Alternative 2

Other

### Client/Plan Information:

USDA-NRCS

USDA-FWS

Apalachicola Regional Restoration Initiative

For

### 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.**  
FWS is design

N/A

Yes     **If "Yes," analyze the potential effects and develop alternatives, as necessary, that would mitigate potential adverse effects, then go to Step 2.**

### STEP 2.

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

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

Yes     **If "Yes," and there is still potential for effect consult your State environmental liaison to assist with determining the nature and significance of the effect. Go to Step 3.**

**NOTE:** The State Office may request the administering federal or state agency (National Park Service in the case of NRI) to assist you in developing appropriate avoidance and mitigation measures.

### STEP 3.

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

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

Yes     **If "Yes," go to Step 4.**

### STEP 4.

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

No     **If "No," inform the client that a permit may be required for their activities and they should consult with the administering federal or state agency. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation.**

Yes     **If "Yes," consult with the administering federal or state agency to determine whether the proposed action could foreclose options to classify any portion of the river segment as wild, scenic or recreational and to develop avoidance or mitigation measures. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

### Notes:

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



United States Department of Agriculture

September 14, 2020

Benjamin Frater  
Acting Chief of Planning and Compliance  
Gulf Restoration Office

Re: Environmental Compliance for RESTORE FPL 3b for Enhancing Gulf Waters through Forested Watershed Restoration Program

Dear Ben,

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

This program would include activities to restore private and public forests by providing technical and financial assistance to private landowners and communities in watersheds where forest resources are instrumental to the health of the Gulf of Mexico. A coordinated, cross-boundary effort would be led by State Forestry Agencies in Alabama, Florida, and Mississippi; leveraging the funding and activities of other organizations that are well established. Activities include social marketing techniques to effectively reach landowners, implementation of best management practices (e.g., establishing forests, prescribed fire, and controlling invasive exotic species), and use of science-based decision-support tools to inform forest restoration investments and quantify outcomes.

The program would directly impact approximately 15,000 forested acres that are vital to the health of the Gulf Region. The work is anticipated to increase landowner understanding of the benefits of forest management and its importance to Gulf waters. In addition, it would improve forest health and productivity, strengthen the viability of forest-dependent community resilience, and hence, the likelihood of keeping forested lands on the landscape. Providing landowners with financial and technical assistance helps them effectively and efficiently manage their forest resource, making it less attractive to sell or convert the land to other uses. They have more options, and those options help avoid conversion by making ownership more economically and environmentally sustainable.

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

A programmatic environmental evaluation (EE) was conducted on this program to examine the effect of implementing the program on the environment. To ensure applicable permits are obtained and consultations are conducted, including a review for extraordinary circumstances, each site will undergo

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

An Equal Opportunity Provider, Employer and Lender.

a site-specific EE, in which the results will be documented on the CPA-52, Environmental Evaluation Worksheet or equivalent form.

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

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

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

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

Sincerely,

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