U.S. Department of Agriculture Natural Resources Conservation Service	NRCS-CPA-52 5-19-2010	A. Client Name:
ENVIRONMENTAL EVALUATION WORKSHEET		B. Conservation Plan ID # (as applicable): Program Authority (optional):
D. Client's Objective(s) (purpose):		C. Identification # (farm, tract, field #, etc as required):

E. Need for Action:	G. Alternatives		
	No Action √ if RMS ☐	*Alternative 1* √ if RMS ☐	*Alternative 2* √ if RMS ☐

Resource Concerns

In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process.
(See FOTG Section III - Resource Quality Criteria for guidance).

F. Resource Concerns and Existing / Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	H. Effects of Alternatives					
	No Action		*Alternative 1*		*Alternative 2*	
	Amount, Status, Description (short and long term)	√ if does NOT meet QC	Amount, Status, Description (short and long term)	√ if does NOT meet QC	Amount, Status, Description (short and long term)	√ if does NOT meet QC
SOIL						
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
WATER						
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC

F. Resouce Concerns and Existing / Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	H. (continued)					
	No Action		*Alternative 1*		*Alternative 2*	
	Amount, Status, Description (short and long term)	√ if does NOT meet QC	Amount, Status, Description (short and long term)	√ if does NOT meet QC	Amount, Status, Description (short and long term)	√ if does NOT meet QC
AIR						
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
PLANTS						
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
ANIMALS						
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
		NOT meet ☐ QC		NOT meet ☐ QC		NOT meet ☐ QC
HUMAN - Economic and Social Considerations						

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

In Section "I" complete and attach applicable Environmental Procedures Guide Sheets for documentation. 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 not proceed for practices not involved in consultation.)

I. Special Environmental Concerns (Document compliance with Environmental Laws, Executive Orders, policies, etc.)	J. Impacts to Special Environmental Concerns					
	No Action		*Alternative 1*		*Alternative 2*	
	Status and progress of compliance. (Complete and attach Guide Sheets as applicable)	√ if needs further action	Status and progress of compliance. (Complete and attach Guide Sheets as applicable)	√ if needs further action	Status and progress of compliance. (Complete and attach Guide Sheets as applicable)	√ if needs further action
●Clean Air Act		☐		☐		☐
●Clean Water Act / Waters of the U.S.		☐		☐		☐
●Coastal Zone Management		☐		☐		☐
Coral Reefs		☐		☐		☐
●Cultural Resources / Historic Properties		☐		☐		☐
●Endangered and Threatened Species		☐		☐		☐
Environmental Justice		☐		☐		☐
●Essential Fish Habitat		☐		☐		☐
Floodplain Management		☐		☐		☐
Invasive Species		☐		☐		☐
●Migratory Birds/Bald and Golden Eagle Protection Act		☐		☐		☐
Prime and Unique Farmlands		☐		☐		☐
Riparian Area		☐		☐		☐
●Wetlands		☐		☐		☐
●Wild and Scenic Rivers		☐		☐		☐

K. Other Agencies and Broad Public Concerns	*No Action*	*Alternative 1*	*Alternative 2*
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.			

K. (continued) Other Agencies and Broad Public Concerns		***No Action***	***Alternative 1***	***Alternative 2***
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)				
L. Mitigation				
M. Preferred Alternative	√ preferred alternative	☐	☐	☐
	Supporting reason			

N. Context (Record context of alternatives analysis)

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

O. Determination of Significance or Extraordinay Circumstances

Intensity: Refers to the severity of impact. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

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

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

P. The information recorded above is based on the best available information:

In the case where a non-NRCS person (i.e. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block as the responsible federal agency for the planning action.

Signature (TSP if applicable)	**Title**	**Date**
Signature (NRCS)	**Title**	**Date**

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

Q. NEPA Compliance Finding (check one)

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

R. Rationale Supporting the Finding

R.1 Findings Documentation	
R.2 Applicable Categorical Exclusion(s) (more than one may apply)	

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.

S. Signature of Responsible Federal Official:

Signature	Title	Date

Additional notes

Instructions for Completing the Environmental Evaluation Worksheet (Form NRCS-CPA-52),

INTRODUCTION

The Environmental Evaluation (EE) is “a concurrent part of the planning process in which the potential long-term and short-term impacts of an action on people, their physical surroundings, and nature are evaluated and alternative actions explored” (NPPH-Amendment 4, March 2003). This form provides for the documentation of that part of the planning process, and was designed to assist the conservation planner with compliance requirements for applicable Federal laws, regulations, Executive Orders, and policy. The form also provides a framework for documenting compliance with applicable State and local requirements.

NRCS is required to conduct an EE on all actions to determine if there is a need for an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EE process results in a "Finding" or conclusion (see guidance for "Q" below) that, either further NEPA analysis is required (EA or EIS) or that no EA or EIS is required because: 1) There is no federal action; 2) The action is categorically excluded; or 3) There is an existing NRCS or NRCS-adopted NEPA document that has sufficiently analyzed the effects of this action. The EE applies to all assistance provided by NRCS (GM190, Part 410.5). The CPA-52 form is used by NRCS to document the results of the evaluation and show compliance with NRCS regulations implementing NEPA at 7 CFR Part 650.

A copy of the NRCS-CPA-52 must be included in the administrative file. Supporting documentation, including the applicable Special Environmental Concerns Evaluation Procedure Guide Sheets, must be retained and should be included with the NRCS-CPA-52 to relay specific compliance information.

Attach additional sheets or assistance notes if more documentation space is needed beyond the form NRCS-CPA-52, including any state-specific worksheets.

COMPLETING THE NRCS-CPA-52

A. **Client Name**

B. **Conservation Plan ID** # (as applicable)

Program Authority (optional)**:** Identifying the program authority (EQIP, WRP, etc.) can help lead the planner to the appropriate NRCS NEPA document the planner may tier to as addressed later in section "R. Rational Supporting the Finding".

C. **Identification #:** Record any other relevant client identification # (farm, tract, field #, etc.).

D. **Client's Objective(s) (purpose):** Briefly summarize the client's stated objective(s) [synonymous to "Purpose" under NEPA]. Refer to Step 2 of the NRCS planning process found in the NPPH, Part 600.22 for help, if needed. "Purpose" refers to a goal being pursued in the process of meeting the "Need", such as keeping the operation economically viable or meeting TMDL requirements. Clearly articulated purposes become the decision factors used to decide between the action alternatives.

E. **Need for Action:** Describe the underlying need being met. Why is the action being proposed? The underlying need will define and shape the alternatives; therefore it is important to accurately articulate the need(s) based on the identified resource concerns and the landowner objectives. The chosen alternative should clearly address the underying need(s). A *"need"* is usually the improvement of the condition of a natural resource(s), for example the quality of runoff water from a farm does not meet State standards, or inadequate forage supply and/or grazing strategies are resulting in poor livestock performance. Use information from Step 3 of the Conservation Planning Process (Resource Inventory) to help define the need. Identify here which Resource Concerns need to be addressed in the plan.

F. Resource Concerns and Existing / Benchmark Conditions:

Resource Concerns Analyze and record resource concerns from the current list in your state's eFOTG Section III that have been identified through the Resources Inventory process as a concern that needs to be addressed. The Resource Quality Criteria will also be helpful in considering potential environmental effects and comparing alternatives. Include all resource concerns that apply, adding additional sheets as necessary.

Documenting Existing/Benchmark Conditions Analyze and record the existing (benchmark) conditions for each relevant concern using state-specific tools and protocols available. For example, "the current soil erosion rate = 6T" (or note where this information can be found in the conservation plan). This information will inform the final decision by allowing a comparative effects analysis of all alternatives (including the "no action" alternative). (Note: States often choose to include protocols here to assist the field planner with identification and descriptions of Resource Concerns, as well as other state-specific worksheets.) Optional: If desired, planners can include specific land use designations here.

Human - Economic and Social Considerations Below are some examples for what to consider when addressing the Human - Economic and Social Considerations.

Land use:
- Is the present land use suitable for the proposed alternative?
- Will land use change after practice(s) installation?
- How will a change affect the operation? (e.g., Feed and Forage Balance Sheet)
- Will the action affect resources on which people depend for subsistence, employment or recreation?
- Will land be taken in or out of production?

Capital:
- Does the producer have the funds or ability to obtain the funds needed to implement the proposed alternative?
- What are the impacts of the cost of the initial investment for this alternative?
- What are the impacts of any additional annual costs for Operation and Maintenance?
- What possible impact does implementing this alternative have on the client’s future eligibility for farm programs?

Labor:
- Does the client understand the amount and kind of labor needed to implement, operate and maintain the proposed practice(s)?
- Does the client have the skills and time to carry out the conservation practice(s) or will they have to hire someone?

Management level:
- Does the client understand the inputs needed to manage the practice(s) and the client's responsibility in obtaining these inputs?
- Does the client understand their responsibility to maintain practice(s) as planned and implemented?
- Is it necessary for the client to obtain additional education, or hire a technical consultant, to operate and/or maintain the practice(s)?

Profitability:
- Profitability describes the relative benefits and costs of the farm or ranch operation, and is often measured in dollars. An activity is profitable if the benefits are greater than the costs.
- Is the proposed alternative needed and feasible?
- Do the benefits of improving the current operation outweigh the installation and maintenance costs (positive benefit/cost ratio)?
- Is there a reasonable expectation of long-term profitability/benefits for the operation if implemented?
- Will crop, livestock, or wildlife yield increase/decrease?

Risk:

- Adverse risk is the potential for monetary loss, physical injury, or damage to resources or the environment.
- Will the proposed alternative aid/risk client participation in USDA programs?
- What are the possible impacts due to a change in yield?
- Is there flexibility in modifying the conservation plan at a future date?
- What issues are involved with the timing of installation and maintenance?
- What are the cash flow requirements of this alternative?
- What, if any, are the hazards involved?

Public Health and Safety:

- What effect (both positive or negative) will the action have on the client and community with regard to public health and safety?
- What are the off-site effects?

G. **Alternatives:** ***Describe Alternatives*** Briefly summarize the practice/system of practices being proposed. The no action and RMS alternatives are required. (NPPH Part 600.41) Alternatives should be formulated to *meet the underlying need.* Note that the no action alternative may not meet the underlying need and is still required to be evaluated and compared to other alternatives (see below). To the extent possible, the alternatives should also prevent additional problems from occurring and take advantage of available opportunities. *If there are unresolved conflicts concerning alternative uses of resources, appropriate alternatives that meet the underlying need must be developed.*

"No Action": Include a brief summary of the activities that would be implemented in the absence of USDA asistance (financial or technical). Unless a change in management direction or intensity will be undertaken, record effects of existing activities. The "No Action" alternative requires the same level of analysis as other alternatives. It should answer the question of what impacts are likely to occur (or what the predicted future condition of the identified resource concerns might be) under the landowner's current and planned management strategies without implementation of a federally assisted action.

"Alternatives 1,2,etc.": List here the practices or system of practices being proposed for each alternative. At least one of the alternatives should contain the practices that NRCS has determined best address all of the identified resource concerns (i.e., RMS alternative). Indicate if the alternative meets RMS criteria based on your State's requirements. One or more other alternatives may be evaluated to aid in the decision-making process or at the request of the client. Use additional sheets if necessary.
Under guidance in the NPPH Part 600.11(f) and the GM 180 Part 409.1(a)(2), at least one alternative that meets RMS criteria should be developed, evaluated, and discussed with the client.

It is important to define the differences between each alternative, including the "No Action" alternative. See "Helpful Tips" in the NECH, Part 610.67 for guidance on narrowing the scope of your analysis when considering alternatives.

H. **Effects of Alternatives:**

Under "Amount, Status, Description", record the effect of each alternative on the concerns listed, quantifying where possible. *It is important to consider and document both short-term and long-term consequences, as appropriate, for direct, indirect, and cumulative effects (described below).* If a change to the concern is predicted, then estimate the amount. Professional judgement should be used where Quality Criteria or other tools are not avialable.

Analyze effects based on the combined effect of all practices on the resource concern. For example, if one proposed practice may impact the water quality of an adjacent stream, but another proposed practice such as a buffer may reduce or eliminate the impact, the overall effect is the one that should be recorded here. As mentioned above, one or more "Other Alternative(s)" may be evaluated to aid in the decision-making process or at the request of the client. Use additional sheets if necessary.

"No Action": Record the impacts that are likely to occur (or what the predicted future condition of the identified resource concerns might be) under the landowner's planned management strategies without implementation of a federally assisted action. Address impacts to each identified resource concern, quantifying where possible. If this information is found elsewhere in the conservation plan, simply provide a summary here.

"Alternatives 1,2, etc.": Record the impacts that are likely to occur under each alternative scenario. Document impacts to each identified resource concern, quantifying where possible. If this information is found elsewhere in the conservation plan, simply provide a summary here. Include both short and long-term consequences in the analysis.

Categories of Effects to Consider- There are three categories of effects that must be considered when predicting short- and long-term effects of an alternative on concerns:

Direct effects are caused by the alternative and occur at the same time and place.
Indirect effects are caused by the alternative and are later in time or farther removed in distance, but are still reasonably foreseeable (e.g., "downstream" effects).
Cumulative effects are those that result from all past, present, and reasonably foreseeable future actions. They can result from individually minor but collectively significant actions taking place over a period of time. Cumulative effects are most appropriately analyzed on a watershed or area-wide level. *Cumulative Impacts ideally consider "...all actions in the area of potential effect, REGARDLESS of what agency (Federal or non-Federal) or person undertakes such other actions." (CEQ 1508.7)*

The NECH, Part 610.70, "Effects Analysis," provides important information on describing effects so that an adequate analysis can be made when the proposed alternative has adverse effects.

Resource Concerns Use your state's eFOTG Section III Quality Criteria or other tools where possible which are the established threshold levels for identified resource concerns. Professional judgement should be used where Quality Criteria or other tools are not available. Place a check in the "NOT meet QC" box for each resource concern to indicate when FOTG Section III Quality Criteria will not be met (i.e., where additional measures are needed to meet QC).

I. Special Environmental Concerns

For guidance in addressing special environmental concerns, see NECH Subpart B and the Special Environmental Concern Evaluation Procedure Guide Sheets for specific information applicable to each concern. Where consultation with another federal agency is required (e.g., USFWS or NMFS) to determine potential environmental effects, follow established State protocols or contact the appropriate NRCS State Specialist for guidance. Document any additional State and/or local special environmental concerns in "K. Other Agencies and Broad Public Concerns". Attach additional documentation if needed.

J. Impacts to Special Environmental Concerns: Briefly describe the status and/or description of effects on any of the Special Environmental Concerns, and include other notes as needed. Complete applicable Evaluation Procedure Guide Sheets or other state specific documentation as needed and include them in the client's administrative file. If the Special Environmental Concern is not present in the project area then there is no need to attach the Guide Sheet. Completion of Guide Sheets is not mandatory, but appropriate documentation should be provided. Check your own States' guidance for compliance and planning requirements.

Place a check in the "needs action " box when effects have not been fully determined or when additional procedural action is needed, such as the need for a permit or completing required consultation with regulatory agencies. Practice implementation should not occur until all required consultations and coordination with the appropriate agency have been completed and all necessary permits provided. Planning and practice implementation may continue for practices not involved in required consultation/coordination efforts.

K. **Other Agencies and Broad Public Concerns:** List any necessary easements, permissions, or permits (e.g., Clean Water Act Section 404, Rivers and Harbors Act Section 10, Endangered Species Act Section 10, wetland mitigation easements, state or county permits) required to implement the alternatives. *Remember that identifying needed permits for ALL alternatives may be an important decision criteria between alternatives and should be considered during the planning process.*

Relay public concerns related to land-use, demographics, landscape characteristics, or other Federal, Tribal, State, and local laws/regulations. Document the impacts of each alternative on these issues. Responses will impact the selection of an alternative as well as issues surrounding "significance." Document contact and communications with USFWS, NOAA-NMFS, COE, EPA, SWCD's, NRCS State Office, state/local environmental agencies, etc., and others consulted, including public participation activities. The NECH, Part 610.68 provides important information on public participation requirements.

Cumulative Effects Refer to NECH Part 610.70. A cumulative impact is defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR 1508.70). Cumulative effects include the direct and indirect effects of a project together with the effects from reasonably foreseeable future actions of others. For a project to be reasonably foreseeable, it must have advanced far enough in the planning process that its implementation is likely. Reasonably foreseeable future actions are not speculative, are likely to occur based on reliable resources and are typically characterized in planning documents. Add additional pages as needed.

L. **Mitigation:** Include here any mitigation measures that are NOT already incorporated in the alternatives that will offset any adverse impacts. Briefly describe or reference all mitigation efforts that may be applied at the time of the decision. Mitigation actions to be applied must be included in the conservation plan.

As referenced in CEQ regulations Section 1508.20 and NECH Part 610.71, Mitigation includes:

- Avoiding the impacts altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree of magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating impact over time by preservation/maintenance operations during action life.
- Compensating for the impact by replacing or providing substitute resources or environments.

M. **Preferred Alternative:** Record which alternative was agreed upon by the client and agency and why. The decision should clearly address the underlying need(s) as identified in "E". The Objective(s) (Purpose) stated in "D" serves as the decision factors between alternatives.

N. **Context:** Record the context used in the alternatives analysis. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

O. **Determination of Significance or Extraordinary Circumstances:** This section is a very important part of the evaluation process. Many of our actions have been analyzed in one of the National/Regional Programmatic NEPA documents and will only require documentation as detailed in Q-3 below. However, site-specific circumstances (existence of federally listed species, important cultural resources, high degree of controversy, etc.) may be such that a more detailed analysis may be needed to determine, through an EA, that impacts would be non-significant, or through a more detailed EIS if we feel that impacts are likely to significantly or adversely affect the quality of the human environment. The questions in this section list those considerations that, if associated with implementation of the proposed action, may result in a determination of “significance.”

Categorical Exclusions: On the other hand, it may be the case that the action we are proposing falls under one of USDA or NRCS' lists of "categorical exclusions." Before documenting the use of one of these categorical exclusions, it is important to read Section 610.46 of the NECH. This section provides a list of all categorical exclusions that apply to actions as well as more detailed considerations and requirements for their use. In order for an action to be categorically excluded, appropriate documentation must be made on the NRCS-CPA-52 indicating that the proposed action does not meet any of the criteria for "significance," as discussed above. These criteria are also known as "extraordinary circumstances" when discussing categorical exclusions. If a proposed plan involves any actions that are NOT on the list of allowable categorical exclusions, the entire action can NOT be categorically excluded from review under NEPA. Also, if actions are interdependent, they can NOT be segmented into smaller component parts to avoid the requisite and appropriate level of environmental review under NEPA.

To complete the determination on the NRCS-CPA-52, check "yes" or "no" for each of the questions. If you are not sure about the answer, contact your State Environmental Liaison for assistance. The NRCS-CPA-52 must provide evidence to conclude that the activity will not result in significant adverse environmental effects or extraordinary circumstances on the quality of the human environment, either individually or cumulatively. If any of the extraordinary circumstances are found to apply to the proposed action, then you should determine whether the proposal can be modified to mitigate the adverse effects and prevent the extraordinary circumstances. If this can be done and the client agrees to any necessary change(s) in the proposed action to avoid significant adverse impacts, then the proposed action is to be modified and implemented. If the proposed action cannot be modified or the proponent refuses to accept a proposed change, then Item 5 in Section "Q" must be checked for the NRCS NEPA Compliance Finding to indicate that additional analysis and documentation is needed.

P. **Signature (planner):** The individual completing Parts A thru P of the CPA-52 must sign and date to indicate they have used the best available information. This may or may not be the same person as the agency RFO. In cases wher the planner is not a NRCS employee-they will sign the first signature area and then the NRCS will also need to sign to confirm and validate the information as the responsible agency.

Parts "Q" thru "S" must be completed by the Responsible Federal Official (RFO).
For NRCS applications this is the NRCS employee responsible for NEPA compliance at the state or field office level. For NRCS the State Conservationist is the RFO and may delegate that authority to a designated agency representative.

Q. **NEPA Compliance Finding (check one):** This finding will determine the appropriate NEPA action required. Instructions below correspond to the option numbers in Section "Q" of the Form. In Section "R" document the rationale for your Finding.

1) Federal actions do NOT include situations in which NRCS (or any other federal agency) provides technical assistance (CTA) only. The agency cannot control what the client ultimately does with that assistance. Non-Federal actions include, but are not limited to:
   - NRCS makes HEL or wetland conservation determinations.
   - NRCS provides technical designs where there is **no** federal financial assistance.
   - NRCS provides planning assistance or other technical assistance and information to individuals, organizations, States, or local governments where there is no federal financial assistance or other control of the decision or action.
2) Categorically excluded (CE) actions are a category of actions which do not individually or cumulatively have a significant effect on the human environment, therefore, neither an environmental assessment nor an environmental impact statement is required. First determine whether the proposed action is a categorically excluded action as identified in NRCS or USDA regulations implementing NEPA. Note that there may be overarching or CE-specific side boards that must be met in order to apply a CE. If the proposed action is listed as a CE action, then assess whether there are any applicable extraordinary circumstances which would prevent the action from being eligible as a CE. Check this box only if the action is categorically excluded **AND** there are no EXTRAORDINARY CIRCUMSTANCES involved or affected by the proposed action. USDA and NRCS categorical exclusions are listed in the NECH, Part 610.46.

3) Check this box if there is an existing NRCS NEPA document that has sufficiently analyzed the action being proposed. A number of NRCS National Programmatic NEPA documents have analyzed effects of many practices planned under nationwide conservation programs. There may also be Regional, State, or area wide Programmatic NEPA documents that can be referred to. For information about "Tiering" to existing NRCS NEPA documents see the NECH Part 610.81.

   Keep in mind that Programmatic EA's and EIS's are not site-specific so they do not attempt to describe every possible type of effect resulting from actions that could be taken. Thus, you must use your knowledge of site-specific conditions to decide if additional analysis is needed. Network diagrams illustrating general effects of conservation practices can be found that are associated with national or state EA's or EIS's. These diagrams may help in analyzing effects of practices.

   Authorized planners and RFOs should conduct their own analyses in a similar manner to assess site-specific environmental impacts. Impacts to other resources protected by Executive Orders, laws, and policies (i.e., the Special Environmental Concerns such as cultural resources, endangered species, and riparian areas) must be evaluated separately unless an existing NEPA document analyzes those impacts for the same geographic area and at the same site-specific scale covered by the selected alternative. Potentially significant adverse impacts requiring consultation under other applicable environmental laws and Executive Orders may require preparation of a site-specific EA or EIS. The State Environmental Liaison should be consulted in such cases to assist in determining whether a site-specific EA or EIS is required.

   Copies of NRCS national programmatic NEPA documents may be viewed on NRCS' Environmental Compliance web page.

4) It is possible to tier to NEPA documents prepared by other Federal agencies if they have undergone a formal "adoption" process by NRCS as outlined in the NECH 610.83 and CEQ regulations 40 CFR-1506.3. NRCS must have prepared and published the agency's own Finding of No Significant Impact (FONSI) for an EA or Record of Decision for an EIS in order for a NEPA document to be "adopted". For information about "Tiering" to NEPA documents see the NECH Section 610.81.

5) *If 1), 2), 3), or 4) do not apply, the action may cause a significant effect on the quality of the human environment and an EA or EIS may be required. Additional analysis may be required to comply with NEPA.* Contact the State Environmental Liaision or equivalent for guidance on completing this analysis and provide them with a copy of the NRCS-CPA-52 and supporting documentation.

R. **Rationale Supporting the Finding:** Explain the reasons for making the "Finding" in "R".

If "Q 1)" was selected, explain why the action is NOT a federal action subject to NRCS regulations implementing NEPA.
If "Q 2)" was selected, document the categorical exclusion that covers the proposed action **and** indicate that there are no extraordinary circumstances.
If "Q 3)" was selected, identify any applicable NRCS NEPA document. Record the citation of the NRCS NEPA document you are tiering to.
If "Q 4)" was selected, identify any applicable NRCS NEPA document that was officially adopted from another agency. Record the citation of the NRCS adopted NEPA document you are tiering to.
If " Q 5)"was selected, document your analysis and provide this information (NRCS-CPA-52 and supporting ducuments) to your State Environmental Liaison or equivalent.

S. **Signature of Responsible Federal Official(RFO):** The appropriate agency RFO must sign and date. The RFO should wait to make the finding until all consultations, permits, etc., are finalized. This signature certifies that the proposed action/plan complies with all NRCS policies implementing NEPA and all other applicable Federal, State, and local laws/Executive Orders.

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:

NOTE: STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 help determines whether the opportunity for emissions reduction credits exist. STEP 4 help determines 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 proposed action or alternative 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 the finding on form NRCS-CPA-52 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 proposed action or alternative be modified to eliminate or reduce the increase in emission rate of the regulated air pollutant(s)? **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 the finding on form NRCS-CPA-52 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.

STEP 3.

Is the proposed action or alternative 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 610.81 of the NECH. Further information regarding nonattainment areas can also be found on the U.S. EPA nonattainment area webpage at http://www.epa.gov/oar/oaqps/greenbk/.

CLEAN AIR ACT (continued)

☐ No — If "No," go to Step 4.

☐ Yes — If “Yes,” the opportunity for obtaining non-attainment pollutant emission credits may exist. Document the finding on form NRCS-CPA-52 and advise the client of that potential opportunity. If the client is interested in registering nonattainment pollutant emission credits, advise him/her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented and/or registered for potential sale. Go to Step 4.

STEP 4.

Is the site or proposed action or alternative subject to any other federal (i.e., 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 610.81 of the NECH for a further discussion of air quality regulations.

☐ No — If "No," no additional requirements are likely needed prior to implementing the proposed action or alternative. Document finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If “Yes,” additional permitting, authorization, or control requirements may be needed prior to implementing the proposed action or alternative. Document the finding on form NRCS-CPA-52, 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:

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

Complete both sections of this guide sheet in order to address Federal as well as State administered regulatory requirements of the Clean Water Act.

SECTION I

Federally Administered Regulatory Program - Section 404 of the CWA

STEP 1.

Will the proposed action or alternative involve or likely result in the discharge of dredged or fill material or other pollutants into "waters of the United States?" *More detailed information regarding "Waters of the U.S.", and federal permitting programs under CWA is found in the NECH 610.82.*

☐ No — If "No," document this on form NRCS-CPA-52 and proceed with Section II below.

☐ Yes — If "Yes," go to Step 2.

☐ Unknown — If "Unknown," refer to your FOTG or contact your NRCS Environmental Liaison for assistance. Inform the client early on that they may need to contact the appropriate U.S. Army Corps of Engineers (COE) office to determine if the proposed action or alternative will require a permit. Repeat Step 1.

STEP 2.

Has the client obtained a Section 404 permit (Individual, Regional, or Nationwide) or a determination of an exemption from the appropriate COE 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 form NRCS-CPA-52 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 COE.

☐ Unknown — If "Unknown," meaning that you do not know if authorization has been obtained or applied for, consult with the client and repeat Step 2.

Notes:

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

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 this on form NRCS-CPA-52 and proceed to Step 2.

☐ Yes — If "Yes," review and comply with any existing TMDLs or associated Watershed Action Plans that have been established by the State for that stream segment. However, even if TMDLshave not been established by the State for that stream segment, ensure that the action will not contribute to further degradation of that stream segment. Proceed to Step 2.

☐ Unknown — If "Unknown," refer to FOTG for information regarding State designation of "impaired" stream segments, or contact your NRCS Environmental Liaison for assistance. Repeat Step 1.

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 CAFOs for which 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 this on form CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 3.

☐ Unknown — If "Unknown," refer to your FOTG for additional information or contact your NRCS Environmental Liaison for assistance. Inform the client early on that they may need to contact the appropriate State regulatory office to determine if the proposed action or alternative will require a NPDES permit. Repeat Step 2.

STEP 3

Has the client obtained a National Pollutant Discharge Elimination System (NPDES) permit or a determination of an exemption from the appropriate State regulatory office?

☐ No — If "No," determine if the client has applied for any necessary permits. If a permit has not been applied for, the client will need to do so. If they have applied, document this, and continue the planning process in consultation with the client and the regulatory agency. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation.

☐ Yes — If "Yes, document this on form NRCS-CPA-52 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.

☐ Unknown — If "Unknown," meaning that you do not know if authorization has been obtained or applied for, consult with the client and repeat Step 3.

Notes:

COASTAL ZONE MANAGEMENT AREAS
NECH 610.23
Evaluation Procedure Guide Sheet

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

Client/Plan Information:

STEP 1.

Is the proposed action or alternative in an officially designated "Coastal Zone Management Area"?

☐ No — If "No," additional evaluation is not needed concerning coastal zones. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 2.

☐ Unknown — If "Unknown," consult Section II of the FOTG for information regarding Coastal Zone Management Programs in your area and repeat Step 1.

Is the proposed action or alternative "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," no additional evaluation is needed concerning coastal zones. Document the finding, including the reasons, on form NRCS-CPA-52 and proceed with planning.

☐ Unknown — If "Unknown," consult with your designated State specialist for CZMA and repeat Step 2.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No — If "No," go to Step 4.

☐ 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 shall not provide assistance if the proposed action or alternative would result in a violaton 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 consultation is complete, document the agreed to items and reference or attach them to the NRCS-CPA-52.

STEP 4.

Will a Federal agency OTHER than NRCS provide funding or otherwise control implementation of the action?

☐ No — If "No," NRCS should provide the landowner with relevant information regarding any local/state compliance requirements and protocols (permitting, etc) in Special Management Areas as appropriate to comply with local Coastal Zone Management Programs. Document on the NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," recommend that the funding or controlling agency consult with the State Coastal Zone Management Office before the action is implemented. Proceed with planning.

Notes:

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:

STEP 1.

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

☐ No — If "No," additional evaluation is not needed concerning coral reefs. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 2. **Note:** If there are any endangered or threatened species of coral inhabiting the coral reef ecosystem you must also fill out the Endangered and Threatened Species Guide Sheet.

STEP 2.

Is there a potential for the proposed action or alternative to degrade the conditions of the coral reef ecosystem? (Refer to www.coralreef.gov/ for Local Action Strategies in your area.)

☐ No — If "No," additional evaluation is not needed concerning coral reefs. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 3.

STEP 3.

Can the action or alternative be modified to reduce or avoid degredation to the coral reef ecosystem?

☐ No — If "No," identify the component(s) of the system which will cause the potential impacts. Document the effects, including the reasons, on form NRCS-CPA-52. 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?

☐ No — If "No," go to Step 5.

☐ 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 and, if you are the RFO, select option 4) in Section S of the form NRCS-CPA-52.

STEP 5.

Will a Federal agency other than NRCS provide funding or otherwise control implementation of the action?

☐ 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. Document this on the NRCS-CPA-52, with a description of the potential impacts, and provide a copy of the form to the Federal agency providing funding or controlling the action. Inform the client and proceed with planning.

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:

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 (SLA's) with SHPOs or Tribal consultation protocols or operating procedures pertinent to your state, and/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 the General Manual Title 420 Part 401 Cultural Resources; for current operating procedures see Title 190 Part 601, the National Cultural Resource Procedures Handbook (NCRPH).

NOTE regarding consultations: When dealing with undertakings with the potential to affect cultural resources/historic properties, it is important to follow NRCS's policy and the regulations that implement Section 106 and complete consultation with mandatory (SHPOs, THPOs, federally recognized tribes) and identified consulting parties during the course of planning. This consultation is not documented on this guidesheet 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 proposed action or alternative funded in whole or part or under the control of NRCS? To make this determination, answer the following:

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

- If all of your responses are "No," document decision on the NRCS-CPA-52 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/CRS) to determine if this is an action/undertaking that requires review and then complete Step 1.

STEP 2.

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

☐ No — If "No," document this finding on the NRCS-CPA-52 and proceed with planning.

☐ Yes — If “Yes,” go to Step 3.

STEP 3.

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

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

☐ Yes — If “Yes,” go to Step 4.

CULTURAL RESOURCES (continued)

STEP 4.

Have the appropriate Records (National, State and local registers and lists) been checked and/or interviews conducted to determine whether any known cultural or historic resources are within or in close proximity to the proposed APE/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
State Register of Historic Places?	☐ No	☐ Yes	☐ Unknown
The SHPO's statewide inventory/data base?	☐ No	☐ Yes	☐ Unknown
Local/county historical society and/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/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, State Level Agreement (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 this on the NRCS-CPA-52 and proceed with planning. If NRCS is providing more that technical assistance go to Step 5.

STEP 5.

Did STEP 4 reveal the existence of any known or potential cultural resources in the APE, and/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 you State Cultural Resource Specialist to determine qualification criteria.

☐ No	If "No," document this finding on the NRCS-CPA-52 and proceed with planning.
☐ Yes	If "Yes," contact the CRC/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 action(s) or alternative(s) be modified to avoid effects on the known cultural resources?

☐ No	If "No," go to Step 7.
☐ Yes	If "Yes," modify the planned action(s) or activity(ies) and proceed according to CRS guidance and document this on the NRCS-CPA-52 and continue with planning.

STEP 7.

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

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

Notes:

ENDANGERED AND THREATENED SPECIES, NECH 610.26
Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review:	☐ Alternative 1 ☐ Alternative 2 ☐ Other	Client/Plan Information:

If species listing/status changes prior to implementation, go back and analyze the affects in the appropriate section as dictated in Step 1.

Note Regarding Candidate Species: As per GM Title 190, Part 410.22, NRCS shall contact the Services, State agencies, and Tribal governments to identify Federal candidate, State and Tribal designated species, and NRCS actions which have the greatest potential to affect those species and their habitats. NRCS shall determine which candidate species and species of concern are to be considered during planning and implementation of NRCS actions. When NRCS concludes that a proposed action "may adversely affect" Federal candidate species, NRCS will recommend only alternative conservation treatments that will avoid adverse effects, and to the extent practicable, provide long-term benefit to the species. If the species becomes

STEP 1.

Are there any endangered or threatened species, designated critical habitat(s), proposed species/habitats, or sState/Tribal species of concern protected by law or regulation present, or potentially present, in the area of potential effect?

☐ No — If "No," additional evaluation is not needed. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Unknown — If "Unknown," consult Section II of the FOTG for a listing of threatened and endangered species and associated critical habitats, and State species of concern, then repeat Step 1. If you are still uncertain about the status of threatened, endangered, proposed, or species of concern in the planning area, ask your State Biologist or contact the FWS/NMFS Fisheries, as appropriate.

☐ Yes — **If "Yes," then proceed to the applicable section(s) listed below:**

- Federally listed **endangered or threatened** species/habitats. **Go to Step 2.**
- Federally listed **proposed** species/habitats. **Go to Step 5.**
- **State/Tribal species of concern** protected by law or regulation. **Go to Step 9.**

Federally endangered or threatened species/habitats

STEP 2.

What are the short and long-term impacts of the proposed action or alternative on endangered or threatened species or their designated critical habitat? If more than one may apply, then differentiate in the "Notes" section below.

☐ No effect — If "No effect," additional evaluation is not needed concerning endangered and threatened species or designated critical habitat. Document the finding, including the reasons for your determination on form NRCS-CPA-52 and proceed with planning.

☐ May Affect but not likely to adversely affect (e.g. beneficial affect) — If "May affect but not likely to adversely affect," document the finding, including the reasons, on form NRCS-CPA-52. This determination may require concurrence from FWS/NMFS Fisheries. Go to Step 3.

Federally endangered or threatened species/habitats (continued)

☐ May adversely affect	If "May adversely affect," modify the action if possible to avoid adverse effects. If the action can be modified, repeat Step 2. If the action can not be modified, go to Step 3.
☐ Effects are unknown	If "Effects are unknown," contact the NRCS State Biologist for assistance and repeat Step 2.

STEP 3.

Will a Federal agency other then NRCS provide funding or otherwise control implementation of the action?

☐ No	If "No," go to Step 4.
☐ Yes	If "Yes," ensure that potential adverse effects are avoided to the extent feasible, document and describe the effects on form NRCS-CPA-52. Include both short-term and long-term effects. Document the need for the lead Federal agency to consult (if listed species or habitat may be affected beneficially or adversely) with the FWS/NMFS Fisheries, as appropriate. Inform the client and continue planning. However, make the client aware that the action can not be implemented without first attaining the appropriate concurrence.

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No	**If "No," and your answer in Step 2 was, "May affect but not likely to adversely affect"** and there is no possibility of any short-term or long-term adverse effects then continue with planning but ensure the client is aware of the effects.
☐ No	**If "No," and your answer in Step 2 was, "May adversely affect,"** 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 (then repeat from Step 2) or the landowner obtains a "take" permit from the FWS/NMFS Fisheries, as appropriate. Refer the client to USFWS/NMFS Fisheries to address their responsibilities under Sections 9 & 10 of the ESA, for Federally listed species.
☐ Yes	**If "Yes," and your answer in Step 2 was either, "May affect but not likely to adversely affect",** or,**"May adversely affect,"** then inform client that the NRCS must consult on listed species with FWS/NMFS Fisheries, as appropriate. The action will only be implemented according to the terms of the consultation. When consultation is complete, reference or attach the consultation documents to NRCS-CPA-52 and proceed with planning.

Notes for Federally endangered or threatened species/habitats:

Federally proposed species/habitats

For proposed species and their proposed critical habitats the action agency (NRCS) has the responsibility of determining that "activities will not jeopardize the continued existence of or destroy or adversely modify designated or proposed critical habitat for listed or proposed species" [190 GM Part 410.22(f)(5)(i)(B)]. Also see Chapter 6 in the ESA Section 7 Consultation Handbook for more information.

STEP 5.

What are the short and long-term impacts of the proposed action or alternative on proposed species or their proposed critical habitat? If more than one may apply, then differentiate in the "Notes" section below.

☐ No adverse effect	If “No adverse effect," additional evaluation is not needed concerning proposed species or proposed critical habitat. Document finding, including the reasons for your determination on form NRCS-CPA-52 and proceed with planning.
☐ Potential adverse effect	If "Potential adverse effect," go to Step 6.
☐ Effects unknown	If "Effects unknown," contact the NRCS State Biologist for assistance and then repeat Step 5.

STEP 6.

Will a Federal agency other then NRCS provide funding or otherwise control implementation of the action?

☐ No	If "No," go to Step 7.
☐ Yes	If “Yes,” ensure that potential adverse effects that are likely to jeopardize the continued existence of the proposed species or destroy or adversely modify proposed critical habitat are avoided. Coordinate with the lead Federal agency and provide any assistance needed for them to make the required "jeopardy" determination. Document on form NRCS-CPA-52 the potential need for the lead Federal agency to conference with the FWS/NMFS Fisheries, as appropriate. Inform the client and continue planning. However, make the client aware that the action can not be implemented without first attaining the appropriate concurrence.

STEP 7.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No	If "No," inform client of NRCS policy for proposed species and the need to use alternative conservation treatments to avoid adverse effects that are likely to jeopardize the continued existence of the proposed species or destroy or adversely modify proposed critical habitat. **Contact NRCS State Biologist to make the affects determination** then go to Step 8.
☐ Yes	If “Yes,” then inform the client that the NRCS must conference on proposed species with FWS/NMFS Fisheries, as appropriate. The action will only be implemented according to the terms of the conference. When conference is complete, reference or attach the conference documents to form NRCS-CPA-52 and proceed with planning.

STEP 8.

Upon guidance from NRCS State Biologist, has it been determined that the proposed action or alternative is likely to jeopardize the proposed species or destroy or adversely modify proposed critical habitat?

☐ No	If "No," document the finding on the NRCS-CPA-52 and proceed with planning.
☐ Yes	If “Yes,” further NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids that level if adverse effects (then repeat from Step 5). If the client is unwilling to modify the action, NRCS assistance must be discontinued. Although a "take" permit is not required for proposed species, there may be cases where the proposed species/habitats becomes formally listed as endangered/threatened or critical habitat is designated prior to project implementation. In this case, advise the client that a "take" permit from the USFWS/NMFS Fisheries would be needed prior to project implementation if it is determined that the action may have an adverse affect on the listed species/habitat.

Notes for Federally proposed species/habitats:

State / Tribal species of concern protected by law or regulation

STEPS 9-11 ADDRESS "STATE/Tribal SPECIES OF CONCERN" ONLY. Consult Section II of your State's FOTG for a listing of State/Tribal Species of Concern that are protected by law or regulation that may need to be evaluated, or ask your State Biologist for assistance.

STEP 9.

What are the short and long-term impacts of the proposed action or alternative on the State/Tribal Species of Concern? If more than one may apply, then differentiate in the "Notes" section below.

☐ No adverse effect	If "No adverse effect," additional evaluation is not needed concerning State species of concern, unless otherwise specified by State procedures or the State Biologist. Document the finding, including the reasons for your determination, on form NRCS-CPA-52 and proceed with planning.
☐ May adversely affect	If "May adversely affect," modify the action if possible to avoid adverse effects. If the action can be modified, repeat Step 9. If the action can not be modified, go to Step 10.
☐ Effects are unknown	If "Effects are unknown," contact the NRCS State Biologist for assistance and repeat Step 9.

STEP 10.

Will a Federal agency other then NRCS provide funding or otherwise control implementation of the action?

☐ No	If "No," go to Step 11.
☐ Yes	If "Yes," ensure that potential adverse effects are avoided to the extent possible, document and describe the effects on form NRCS-CPA-52. Include both short-term and long-term effects. Document on form NRCS-CPA-52 the need for the lead Federal agency to address State/Tribal species of concern as appropriate under State land Tribal aws and regulations. Inform the client and continue planning.

STEP 11.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No	I**f "No," and your answer in Step 9 was, "May adversely affect",** inform the client of NRCS's policy regarding State and Tribal species of concern and the need to use alternative conservation treatments to avoid adverse effects on species. Provide alternative measures to client for consideration. Advise the client to contact the appropriate State or tribal resource agency for additional guidance to avoid any penalties applicable under State or Tribal law, and continue planning.
☐ Yes	**If "Yes," and your answer in Step 9 was, "May adversely affect,"** inform the client of NRCS's policy concerning State species of concern and the need to use alternative conservation treatments to avoid adverse effects on species. Follow policy and procedures in your state for addressing State and Tribal species of concern. Consultation with the appropriate State wildlife resource agency may be needed.

Notes for State species of concern:

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:

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 be adversely impacted by environmental effects resulting from the proposed action or alternative?

☐ No — If "No," additional evaluation is not needed concerning environmental justice. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 2.

☐ Unknown — If "Unknown," consult your State Environmental Specialist, or equivalent, and/or Tribal Liaison for additional guidance. NOTE: The USDA Departmental Regulations 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 proposed action or alternative the type that might have a disproportionately adverse environmental or human health effect on any population?

☐ No — If "No," additional evaluation is not needed concerning environmental justice. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," initiate community outreach or Tribal consultation 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 proposed action or alternative 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.

☐ Yes — If "Yes," consider the feasibility and appropriateness of the proposed alternatives and their effects and the possiblity of developing additional alternatives or a mitigation alternative and repeat Step 4. Document results of these early scoping sessions on the NRCS-CPA-52. If it is felt that there remains a potentially high and/or adverse effect on human health or the environment, or the project/action carries a high degree of controversy, check "Q 5)" in Q of the NRCS-CPA-52 and refer the action to the State Environmental Liaison for further analysis. An EA may be required to determine if the action is "significant." If it is known that the "action will have significant effects on the quality of the human environment," and EIS will be required (NECH 610.44 and 610.45).

Notes:

ESSENTIAL FISH HABITAT
NECH 610.28
Evaluation Procedure Guide Sheet

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

Client/Plan Information:

STEP 1.

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

☐ No — If "No," additional evaluation is not needed concerning EFH. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 2.

☐ Unknown — If "Unknown," consult Section II of the FOTG for a list or the location of EFH areas and repeat Step 1. **Note:** Additional information regarding EFH Descriptions and Identifications can be found on NOAA's web site, http://www.nmfs.noaa.gov/habitat/habitatprotection/efh/index.htm

STEP 2.

Will the proposed action or alternative 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); MSA Section 305(b)(2)]

☐ No — If "No," consultation with NOAA Fisheries and further evaluation is not needed concerning EFH unless otherwise specified by the State Biologist. Document the finding on form NRCS-CPA-52 or equivalent and proceed with planning.

☐ Yes — If "Yes," GO TO Step 3.

☐ Unknown — If "Unknown," consult with your State Biologist and repeat Step 2.

STEP 3.

Can the proposed action or alternative be modified to avoid the potential adverse effect?

☐ No — If "No," document the effects, including the reasons, on form NRCS-CPA-52. 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 proposed action or alternative? [MSA Section 305(b)]

☐ No — If "No," go to Step 5.

☐ Yes — If "Yes," inform the client that the NRCS District Conservationist or NRCS State Biologist must consult with NOAA Fisheries before further action or activity can proceed [MSA, Section 305(b)(2)]. **Note:** For specific information regarding consultation for EFH, see NOAA's "Essential Fish Habitat Consultation Guidance," April 2004, available at http://www.nmfs.noaa.gov/habitat/habitatprotection/efh/index.htm

ESSENTIAL FISH HABITAT (continued)

STEP 5.

Is a Federal agency other than NRCS providing assistance that would result in the funding, authorization, or undertaking of the proposed action or alternative?

☐ 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. (GM 190, Part 410.3)

☐ Yes — If “Yes,” document on the NRCS-CPA-52 that the lead Federal agency should consult with NOAA Fisheries before the action is implemented. Inform the client and proceed with planning.

Notes:

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:

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 GM-190, Part 410.25.

STEP 1.

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

☐ No — If "No," additional evaluation is not needed. Record "N/A" on NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 2.

☐ Unknown — If "Unknown", review the HUD/FEMA flood insurance maps and/or other available data. 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.

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 and go to Step 4.

STEP 4.

Over the short or long term, will this 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 from the floodplain?

☐ No — If "No," document your finding on the NRCS-CPA-52 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 abjective 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 Step 4. If the action can not 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. Go to Step 6.

☐ Yes — If your answer is “Yes, **and client agrees** to implement the alternative methods or locations outside the floodplain, document the agreed upon actions, including the reasons, on form NRCS-CPA-52 or equivalent and proceed with planning.

If your answer is "Yes," **and 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. 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 the decision, including the reasons, on NRCS-CPA-52 and proceed with planning.

☐ Yes — If “Yes,” the District Conservartionist 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 the decision, including the reasons, on form NRCS-CPA-52 and proceed with planning.

Notes:

INVASIVE SPECIES
NECH 610.30
Evaluation Procedure Guide Sheet

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

Client/Plan Information:

NOTE: The GM 190, Part 414 states that "NRCS 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."

STEP 1.

Is the proposed action or alternative 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," additional evaluation is not needed concerning invasive species. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 2.

☐ Unknown — If "Unknown", consult Section II of the FOTG for a listing of invasive species in the area and/or the appropriate technical specialist to determine the potential for introduction of new invasive species into the area.

STEP 2.

Conduct an inventory of the invasive species and identify areas at risk for future invasions (GM 190, Part 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 proposed action or alternative consistent with the E.O. 13112, the National Invasive Species Management Plan (http://www.invasivespeciesinfo.gov/laws/execorder.shtml), and/or an applicable State or local Invasive Species Management Plan?

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

☐ Yes — If "Yes," describe strategies, techniques, and reasons, on the NRCS-CPA-52 and proceed with planning.

Notes:

MIGRATORY BIRDS, BALD AND GOLDEN EAGLE PROTECTION ACT, NECH 610.31 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☐ Alternative 1 ☐ Alternative 2 ☐ Other	

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

MIGRATORY BIRDS TREATY ACT

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

STEP 1.

Could the proposed action or alternative result in a "take" (intentionally or unintentionally) to any migratory bird, nest or egg? **"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 10.12). **NOTE:** The MBTA does not contain any prohibition that applies to the destruction of a migratory bird nest alone (without birds or eggs) provided that no possession occurs during the destruction (USFWS, Migratory Bird Memorandum, MBPM-2, April 2003).

☐ No — If "No," additional evaluation is not needed concerning migratory birds. Document the finding, including the reasons, on form CPA-52 and proceed with planning.

☐ Yes — If “Yes,” go to Step 2.

STEP 2.

Is it the purpose of the proposed action or alternative 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:** Take of migratory game birds is exempt, as provided for under state and Federal hunting regulations.

☐ No — If "No," go to Step 3.

☐ Yes — If “Yes,” document the effects, including the reasons, on form NRCS-CPA-52. Inform the client that they must obtain a permit from USFWS and any required state permit before the action is implemented.

STEP 3.

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

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

☐ Yes — If “Yes,” document mitigation measures and go to Step 4.

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

STEP 4.

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

☐ No — If "No," additional evaluation is not needed concerning migratory birds. Document the finding, including the reasons, on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take (EO 13186(3)(e)(9)). Repeat Step 1 or indicate which of the following options is pursued by the client:

- The client will obtain a permit from USFWS before the action is implemented; OR
- NRCS may need to terminate assistance. Contact the NRCS State Environmental Specialist or Wildlife Biologist.

Notes:

BALD & GOLDEN EAGLE PROTECTION ACT

STEP 1.

Will the proposed action or alternative 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?" **"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; 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or; 3) nest abandonement, by substantially interfering with normal breeding, feeding, or sheltering behavior.

☐ No — If "No," additional evaluation is not needed. Document the finding, including the reasons, on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 2.

STEP 2.

Can the proposed action or alternative be modified to avoid the adverse effect?

☐ No — If "No," document the finding, including the reasons, on form NRCS-CPA-52. 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, puchase, 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 (Eagle Permits).

☐ Yes — If "Yes," modify the alternative and repeat Step 1.

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:

STEP 1.

Using the criteria found in the FPPA Rule (7 CFR Part 658.5), does the proposed action or alternative 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.

☐ No — If "No," additional evaluation is not needed concerning prime and unique farmland. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If “Yes,” go to Step 2.

☐ Unknown — If "Unknown,” consult Section II of the FOTG and FPPA Rule and repeat Step 1. If you are still uncertain about the effects of prime and unique farmlands in your planning area, consult your State Soil Scientist.

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 proposed action or alternative?

☐ No — If "No," additional evaluation is not needed concerning prime and unique farmland. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If “Yes,” go to Step 3.

STEP 3.

Can the pproposed action or alternative be modified to avoid adverse effects or conversion?

☐ No — If "No," document the adverse effects on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If “Yes,” modify and repeat Step 2 or contact the State Soil Scientist for further assistance.

Notes:

RIPARIAN AREA
NECH 610.33
Evaluation Procedure Guide Sheet

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

Client/Plan Information:

STEP 1.

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

☐ No — If "No," additional evaluation is not needed concerning riparian areas. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 2.

STEP 2.

Does the proposed action or alternative conflict with the conservation values/functions of the riparian area?

☐ No — If "No," go to Step 3.

☐ Yes — If "Yes," explain the values/functions of riparian areas to the client, including their contribution to floodplain function, streambank stability and integrity, nutrient cycling, pollutant filtering, sediment retention, biological diversity, and present alternatives that will resolve the conflict (GM 190, Part 411.03). Then, go to Step 3.

☐ Unknown — If "Unknown," refer to your state specific protocols to determine the current status of ecological function of the riparian area and project future conditions if the practice is implemented. If further assistance is required, contact your State Biologist.

STEP 3.

Does the proposed action or alternative maintain or improve water quality and quantity benefits provided by the riparian area?

☐ No — If "No," alternatives must be developed which maintain or improve water quality and quantity benefits (GM 190, Part 411.03). When alternatives have been developed and discussed with the client, go to Step 4.

☐ Yes — If "Yes," no additional evaluation is needed concerning Riparian Areas. Document the finding on form NRCS-CPA-52 and proceed with planning.

STEP 4.

Is the client willing to modify the proposed action or alternative so that water quality and quantity benefits provided by the riparian area are maintained or improved?

☐ No — If "No," inform the client that NRCS policy requires that the conservation plan must maintain or improve water quality and quantity benefits of riparian areas where they exist (GM 190, Part 411.03). If the client remains unwilling to modify the proposed action, NRCS must discontinue assistance on those portions of the plan impacting riparian areas. If assistance is terminated, indicate the circumstances in the Remarks section of the NRCS-CPA-52. Be sure to also document in the case file that the values of riparian areas were explained to the client and alternatives were provided, but the client declined to modify the proposed action.

☐ Yes — If "Yes," no additional evaluation is needed concerning Riparian Areas. Document the finding along with any mitigation actions or modifications on the NRCS-CPA-52 and proceed with planning.

Notes:

WETLANDS
NECH 610.34
Evaluation Procedure Guide Sheet

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

Client/Plan Information:

This guide sheet addresses policy relative to the Food Security Act of 1985, GM 190, Part 410.26, E.O. 11990 "Protection of Wetlands," and the NRCS Wetland Technical Assistance Policy 7 CFR Part 650.26. Use the Clean Water Act guide sheet for addressing wetland concerns relating to the Clean Water Act.

STEP 1.

Are wetlands present in or near the planning area? **NOTE:** This includes ALL wetlands except those artificial wetlands created by irrigation water. Thus, areas determined as Prior Converted (PC) per the 1985 Food Security Act and non-irrigation induced artificial wetlands (AW), which retain wetland characteristics, are wetlands as they relate to the Wetland Protection Policy.

☐ No — If "No," document this on the NRCS-CPA-52. (If the area could qualify as an "other water of the U.S." such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 or River and Harbors Act Section 10 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide sheet.)

☐ Yes — If “Yes,” document and go to Step 2.

STEP 2.

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

☐ No — If "No," document this on the form NRCS-CPA-52, along with any additional supporting evidence, and proceed with planning.

☐ Yes — If “Yes,” describe (on the NRCS-CPA-52) the effects of the proposed activity on the wetland area. Proceed to Step 3.

STEP 3.

Do practicable actions or alternatives exist which either enhance wetland functions and values, or avoid or minimize harm to wetlands?

☐ No — If "No," a "minimal effects determination" will need to be conducted. (For State-specific protocols, consult with your State Wetland Specialist.) If it is determined that impacts to wetlands are likely to be minimal, proceed with planning. **If it is determined that the action will likely exceed minimal effects, NRCS can provide assistance only if an adequate compensatory mitigation plan is provided.** NRCS can assist with the development of a compensatory mitigation plan for the functions and values that were lost. Prior to or concurrent with NRCS, the client should obtain all necessary permits or approvals related to work in the wetland. Document on NRCS_CPA-52 and proceed with planning.

☐ Yes — If “Yes,” inform the client and advise them of the available option(s). (If there is a practicable action or alternative that will avoid impacts, the client MUST choose the alternative. HOWEVER, under Swampbuster, if the participant wants to convert a wetland the statute affords the mitigation exemptions without question.) Proceed to Step 4.

WETLANDS (continued)

STEP 4.

Does the client wish to pursue an identified practicable action or alternative that will enhance wetland functions and values, or avoid/minimize harm to wetlands?

☐ No — If "No," advise the client regarding eligibility criteria under the FSA as amended, and that the NRCS may assist with the development of acceptable associated mitigation plan for swampbuster, but can not offer further technical or financial assistance for the wetland conversion activity itself. Prior to or concurrent with NRCS assistance, the client should obtain all necessary permits or approvals related to work in wetlands. Document on the NRCS-CPA-52.

☐ Yes — If “Yes,” continue with planning and technical assistance for the activity, and, if applicable, the development of an associated mitigation plan. Prior to or concurrent with NRCS assistance, the client should obtain all necessary permits or approvals related to work in wetlands (including those required under the Clean Water Act). Document effects on the NRCS-CPA-52.

Notes:

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:

STEP 1.

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

☐ No — If "No," additional evaluation is not needed concerning Wild and Scenic Rivers. Document the finding on form NRCS-CPA-52 and proceed with planning.

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

STEP 2.

Is there a Federal or State designated Wild, Scenic, or Recreational River segment or a river listed in the National River Inventory in or near the planning area?

☐ No — If "No," additional evaluation is not needed concerning Wild and Scenic Rivers. Document the finding on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," and there is still potential for effect consult your State Environmental Liaison to assist with determining significance. Go to Step 3. **Note:** The State Office may request the National Park Service to assist you in developing appropriate avoidance/mitigation measures. (Remember that if an action/activity has not been sufficiently analyzed to determine if it may be significant (either beneficial or adverse), an EA or EIS may be required)

☐ Unknown — If "Unknown," consult Section II of the FOTG for a list or the location of Wild, Scenic, or Recreational Rivers of river segments (or see the NPS list of Wild and Scenic Rivers and the "Nationwide Rivers Inventory") and repeat Step 2.

STEP 3.

Upon further analysis, could the proposed action or alternative have an **adverse effect or have the effects been found to be significant** on the natural, cultural and recreational values of the Wild, Scenic, or Recreational River segment?

☐ No — If "No," document the finding, including the reasons, on form NRCS-CPA-52 and proceed with planning.

☐ Yes — If "Yes," go to Step 4.

STEP 4.

Is NRCS providing financial assistace or otherwise controlling the proposed action or alternative?

☐ No — If "No," go to Step 5.

☐ Yes — If "Yes," an environmental assessment (EA) or, if the effects are significant, an environmental impact statement (EIS) must be prepared. Check "Q 5)" on the NRCS-CPA-52 and provide documentation regarding the action/activity to you State Environmental Liaison for further analysis.

WILD AND SCENIC RIVERS (continued)

STEP 5.

Will a Federal agency other than NRCS provide funding or otherwise control implementation of the action?

☐ No — If "No," inform the client that a permit may be required for their activities and they should consult with the NPS. The permit authorization should be reflected in the final plan and documentation.

☐ Yes — If “Yes,” indicate on the NRCS-CPA-52, that the lead agency should consult with the NPS.

Notes:

RESOURCE CONSIDERATIONS (Optional)

Field Inventory Guide Sheet

Identify the resource concern(s) that need to be addressed and the assessment tool(s) used for the evaluation.

Client/Plan Information:

SOIL

Erosion

- ☐ Sheet and Rill
- ☐ Wind
- ☐ Ephemeral Gully
- ☐ Classic Gully
- ☐ Streambank
- ☐ Shoreline
- ☐ Irrigation Induced
- ☐ Mass Movement
- ☐ Road, Road Sides & Construction Sites
- ☐ Other: _____
- ☐ Other: _____

Condition

- ☐ Organic Matter Depletion
- ☐ Rangeland Site Stability
- ☐ Compaction
- ☐ Subsidence
- ☐ Contaminants-Salts & Other Chemicals
- ☐ Contaminants-Animal Waste & Other Organics
- ☐ Contaminants-Commercial Fertilizer
- ☐ Contaminants-Residual Pesticides
- ☐ Damage from Soil Deposition

Assessment tools, Problems & Notes:

WATER

Quantity

- ☐ Excessive Seepage
- ☐ Excessive Runoff, Flooding, or Ponding
- ☐ Excessive Subsurface Water
- ☐ Drifted Snow
- ☐ Inadequate Outlets
- ☐ Inefficient Water Use on Irrigated Land
- ☐ Inefficient Water Use on Non-irrigated Land
- ☐ Reduced Capacity of Conveyances by Sediment Deposition
- ☐ Reduced Storage of Water Bodies by Sediment Accumulation
- ☐ Aquifer Overdraft
- ☐ Insufficient Flows in Water Courses
- ☐ Rangeland Hydrologic Cycle
- ☐ Other:

Quality

- ☐ Harmful Levels of Pesticides in Groundwater
- ☐ Excessive Nutrients and Organics in Groundwater
- ☐ Excessive Salinity in Groundwater
- ☐ Harmful Levels of Heavy Metals in Groundwater
- ☐ Harmful Levels of Pathogens in Groundwater
- ☐ Harmful Levels of Petroleum in Groundwater
- ☐ Harmful Levels of Pesticides in Surface Water
- ☐ Excessive Nutrients and Organics in Surface Water
- ☐ Excessive Suspended Sediment & Turbidity in Surface Water
- ☐ Excessive Salinity in Surface Water
- ☐ Harmful Levels of Heavy Metals in Surface Water
- ☐ Harmful Temperatures of Surface Water
- ☐ Harmful Levels of Pathogens in Surface Water
- ☐ Harmful Levels of Petroleum in Surface Water

Assessment tools, Problems & Notes:

AIR

Quality

- ☐ Particulate matter less than 10 micrometers in diameter
- ☐ Particulate matter less than 2.5 micrometers in diameter
- ☐ Excessive Ozone
- ☐ Excessive Greenhouse Gas - CO2
- ☐ Excessive Greenhouse Gas - N2O
- ☐ Excessive Greenhouse Gas - CH4
- ☐ Ammonia (NH3)
- ☐ Chemical Drift
- ☐ Objectionable Odors
- ☐ Reduced Visibility
- ☐ Undesirable Air Movement
- ☐ Adverse Air Temperature
- ☐ Other: _____
- ☐ Other: _____

Assessment tools, Problems & Notes:

PLANTS

- ☐ Plants are not adapted or suited

Condition

- ☐ Impared Forage Quality and Palatability
- ☐ Threatened or Endangered Species
- ☐ Declining Species, Species of Concern
- ☐ Productivity, Health and Vigor
- ☐ Noxious and Invasive Plants
- ☐ Wildfire Hazard
- ☐ Other:

Assessment tools, Problems & Notes:

ANIMALS

Fish and Wildlife

- ☐ Inadequate Food
- ☐ Inadequate Water
- ☐ Inadequate Cover/Shelter
- ☐ Inadequate Space
- ☐ Plant Community Fragmentation
- ☐ Imbalance Among and Within Populations
- ☐ Threatened and Endangered Species
- ☐ Declining Species, Species of Concern

Domestic Animals

- ☐ Inadequate Quantities and Quality of Feed & Forage
- ☐ Inadequate Shelter
- ☐ Inadequate Stock Water
- ☐ Stress and Mortality
- ☐ Other: _____
- ☐ Other:

Assessment tools, Problems & Notes: