

RESOURCE CONSIDERATIONS (Required) Field Inventory Guide Sheet

Client/Plan Information:

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

SOIL	Erosion	<input type="checkbox"/> Classic Gully <input type="checkbox"/> Streambank <input type="checkbox"/> Shoreline	<input type="checkbox"/> Irrigation Induced <input type="checkbox"/> Mass Movement <input type="checkbox"/> Road, Road Sides & Construction Sites	<input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
	<input type="checkbox"/> Sheet and Rill <input type="checkbox"/> Wind <input type="checkbox"/> Ephemeral Gully	<input type="checkbox"/> Subsidence <input type="checkbox"/> Contaminants-Salts & Other Chemicals <input type="checkbox"/> Contaminants-Animal Waste & Other Organics <input type="checkbox"/> Contaminants-Commercial Fertilizer	<input type="checkbox"/> Contaminants-Residual Pesticides <input type="checkbox"/> Damage from Soil Deposition	Assessment tools, Problems & Notes: _____
WATER	Quantity	<input type="checkbox"/> Excessive Seepage <input type="checkbox"/> Excessive Runoff, Flooding, or Ponding <input type="checkbox"/> Excessive Subsurface Water <input type="checkbox"/> Drifted Snow <input type="checkbox"/> Inadequate Outlets <input type="checkbox"/> Inefficient Water Use on Irrigated Land <input type="checkbox"/> Inefficient Water Use on Non-irrigated Land <input type="checkbox"/> Reduced Capacity of Conveyances by Sediment Deposition <input type="checkbox"/> Reduced Storage of Water Bodies by Sediment Accumulation <input type="checkbox"/> Aquifer Overdraft <input type="checkbox"/> Insufficient Flows in Water Courses <input type="checkbox"/> Rangeland Hydrologic Cycle <input type="checkbox"/> Other: _____	Quality	<input type="checkbox"/> Harmful Levels of Pesticides in Groundwater <input type="checkbox"/> Excessive Nutrients and Organics in Groundwater <input type="checkbox"/> Excessive Salinity in Groundwater <input type="checkbox"/> Harmful Levels of Heavy Metals in Groundwater <input type="checkbox"/> Harmful Levels of Pathogens in Groundwater <input type="checkbox"/> Harmful Levels of Petroleum in Groundwater <input type="checkbox"/> Harmful Levels of Pesticides in Surface Water <input type="checkbox"/> Excessive Nutrients and Organics in Surface Water <input type="checkbox"/> Excessive Suspended Sediment & Turbidity in Surface Water <input type="checkbox"/> Excessive Salinity in Surface Water <input type="checkbox"/> Harmful Levels of Heavy Metals in Surface Water <input type="checkbox"/> Harmful Temperatures of Surface Water <input type="checkbox"/> Harmful Levels of Pathogens in Surface Water <input type="checkbox"/> Harmful Levels of Petroleum in Surface Water
	Assessment tools, Problems & Notes: _____			
AIR	Quality	<input type="checkbox"/> Particulate matter less than 10 micrometers in diameter <input type="checkbox"/> Particulate matter less than 2.5 micrometers in diameter <input type="checkbox"/> Excessive Ozone <input type="checkbox"/> Excessive Greenhouse Gas - CO2 <input type="checkbox"/> Excessive Greenhouse Gas - N2O <input type="checkbox"/> Excessive Greenhouse Gas - CH4	<input type="checkbox"/> Ammonia (NH3) <input type="checkbox"/> Chemical Drift <input type="checkbox"/> Objectionable Odors <input type="checkbox"/> Reduced Visibility <input type="checkbox"/> Undesirable Air Movement <input type="checkbox"/> Adverse Air Temperature	<input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
	Assessment tools, Problems & Notes: _____			
PLANTS	Condition	<input type="checkbox"/> Plants are not adapted or suited <input type="checkbox"/> Impaired Forage Quality and Palatability <input type="checkbox"/> Threatened or Endangered Species	<input type="checkbox"/> Declining Species, Species of Concern <input type="checkbox"/> Productivity, Health and Vigor <input type="checkbox"/> Noxious and Invasive Plants	<input type="checkbox"/> Wildfire Hazard <input type="checkbox"/> Other: _____
	Assessment tools, Problems & Notes: _____			
ANIMALS	Fish and Wildlife	<input type="checkbox"/> Inadequate Food <input type="checkbox"/> Inadequate Cover/Shelter <input type="checkbox"/> Inadequate Space <input type="checkbox"/> Plant Community Fragmentation <input type="checkbox"/> Imbalance Among and Within Populations <input type="checkbox"/> Threatened and Endangered Species <input type="checkbox"/> Declining Species, Species of Concern	<input type="checkbox"/> Inadequate Water <input type="checkbox"/> Declining Species, Species of Concern	Domestic Animals <input type="checkbox"/> Inadequate Quantities and Quality of Feed & Forage <input type="checkbox"/> Inadequate Shelter <input type="checkbox"/> Inadequate Stock Water <input type="checkbox"/> Stress and Mortality <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
	Assessment tools, Problems & Notes: _____			

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U.S. Department of Agriculture Natural Resources Conservation Service		NE-CPA-52 8/9/2010		A. Client Name:			
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable): Program Authority (optional):			
				D. Client's Objective(s) (purpose):			
E. Need for Action:		G. Alternatives					
		No Action ✓ if RMS <input type="checkbox"/>		Alternative 1 ✓ if RMS <input type="checkbox"/>		Alternative 2 ✓ if RMS <input type="checkbox"/>	
Resource Concerns							
In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource 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 <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
			NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
			NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
WATER			NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
			NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
			NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC

F. Resource 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 <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
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PLANTS		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
ANIMALS		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC
		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> QC		NOT meet <input type="checkbox"/> 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 proceed for practices not involved in consultation. **The Guide Sheets for the Resource Considerations, for Cultural Resources/Historic Properties, and for Endangered and Threatened Species MUST be attached to each NE-CPA-52.**

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		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
●Clean Water Act / Wetlands-Other		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
●Coastal Zone Management	Upon Review, Not Applicable		Upon Review, Not Applicable		Upon Review, Not Applicable	
Coral Reefs	Upon Review, Not Applicable		Upon Review, Not Applicable		Upon Review, Not Applicable	
●Cultural Resources / Historic Properties	See Attached Documentation	<input type="checkbox"/>	See Attached Documentation	<input type="checkbox"/>	See Attached Documentation	<input type="checkbox"/>
●Endangered and Threatened Species	See Attached Documentation	<input type="checkbox"/>	See Attached Documentation	<input type="checkbox"/>	See Attached Documentation	<input type="checkbox"/>
Environmental Justice		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
●Essential Fish Habitat	Upon Review, Not Applicable		Upon Review, Not Applicable		Upon Review, Not Applicable	
Floodplain Management		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Invasive Species		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
●Migratory Birds/Bald and Golden Eagle Protection Act		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Prime and Unique Farmlands		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Riparian Area		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
●Wetlands-NRCS		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
●Wild and Scenic Rivers		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
K. Other Agencies and Broad Public Concerns	No Action		Alternative 1		Alternative 2	
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.						

K. (continued) Other Agencies and Broad Public Concerns	<i>No Action</i>	<i>Alternative 1</i>	<i>Alternative 2</i>																											
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	<input type="checkbox"/>	<input type="checkbox"/>																											
	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 Extraordinary Circumstances																														
<p>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.</p> <p>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.</p>																														
<table style="width:100%; border:none;"> <tr> <td style="width:10%; text-align:center;">Yes</td> <td style="width:10%; text-align:center;">No</td> <td></td> </tr> <tr> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td>• Is the preferred alternative expected to cause significant effects on public health or safety?</td> </tr> <tr> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td>• 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?</td> </tr> <tr> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td>• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?</td> </tr> <tr> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td>• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?</td> </tr> <tr> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td>• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?</td> </tr> <tr> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td>• 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?</td> </tr> <tr> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td>• 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.</td> </tr> <tr> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td>• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?</td> </tr> </table>				Yes	No		<input type="checkbox"/>	<input type="checkbox"/>	• Is the preferred alternative expected to cause significant effects on public health or safety?	<input type="checkbox"/>	<input type="checkbox"/>	• 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?	<input type="checkbox"/>	<input type="checkbox"/>	• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?	<input type="checkbox"/>	<input type="checkbox"/>	• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?	<input type="checkbox"/>	<input type="checkbox"/>	• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?	<input type="checkbox"/>	<input type="checkbox"/>	• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?	<input type="checkbox"/>	<input type="checkbox"/>	• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.	<input type="checkbox"/>	<input type="checkbox"/>	• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?
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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																											

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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 underlying 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 assistance (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 available.

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 where 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 Liaison 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 documents) 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.

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

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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To complete this Guide Sheet the planner must have successfully taken Cultural Resources Modules 1-8

NOTE: This Guide Sheet has been tailored to reflect a State Level Agreement (SLA) with the NESHPO and Tribal consultation protocols and operating procedures pertinent to Nebraska 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 effect 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. Consultation is not documented on this Guide Sheet but would occur with Steps 2, 3, and 4 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. For certain planning actions, Steps 3 and 4 will direct you to contact the Cultural Resources Specialist for assistance in further reviewing the action and conducting necessary consultation.

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

Note: If **any** response is "Yes," go to step 2.
 If **all** responses are "No," document on and continue with planning.

STEP 2.

Is the proposed action or activity identified as an undertaking with the potential to cause effects on cultural resources/historic properties? See FOTG Section IV, Practice Standards and Specifications Table of Contents for the Classification of NRCS Conservation Practices for Purposes of the NHPA. Practices with the potential to cause effects (status symbol of "+" or "√"). If the action is listed as "-" but you think it may need reviewed then contact the State Office Cultural Resources Specialist (CRS).

[eFOTG Section IV, Practice Standards and Specifications, Table of Contents](#)

If an action is not listed in the Table of Contents then contact the CRS for guidance.

- No If "No," document this finding on the NRCS-CPA-52 and proceed with planning.
- Yes If "Yes," go to Step 3.

STEP 3.

Determine the area of potential effect (APE) considering areas that will be impacted by ground disturbing actions, audible, visual, and atmospheric effects on potential cultural resources. Consider areas to be directly and indirectly impacted, including haul roads, borrow areas, viewsheds, etc. **Have a map that indicates the established APE.**

The Cultural Resources maps indicate previously identified archeological resources. Historic properties such as buildings, bridges, other historic structures, or traditional cultural properties may not be recorded on the Cultural Resources maps. Additional information on these resources can be found at the links below.

[Nebraska National Register Sites](#) AND [National Historic Landmarks Program \(NHL\) sites](#)

Is the APE within a yellow section indicated on the FO cultural resources map or contain a historic property?

CULTURAL RESOURCES (continued)

No and **TA:** If "No" and "TA" only, then do NOT go to next Step. Use any known information, notify the client of any potential affects, provide recommendations for consideration, and **enter your cultural resources data into PRS and proceed with planning.**

and **FA:** If "No" and "FA", then go to Step 4.

Yes and **TA:** If "Yes" and "TA" only, then do NOT go to next Step. **Enter your cultural resources data into PRS.** Contact the CRS before providing any information on present cultural resources.

and **FA:** If "Yes" and "FA", then send the CRS a copy of this Guide Sheet with a plan map showing the APE and applicable practices shown and labeled. **Do NOT proceed with finalizing project design or project implementation until receiving a response from the CRS advising how to complete the Step 4 field inspection and documentation. Then go to Step 4.**

STEP 4.

Conduct a field inspection of the APE and document results below. A field inspection is required by someone who has successfully completed Cultural Resources Modules 1-8. Cultural resource indicators are described in the Nebraska Cultural Resources Training and Reference Material. Indicators include, but are not limited to, artifacts, landscape position, and natural resources. Check with the client/landowner to see if they have observed any cultural resource indicators. For additional help identifying indicator contact a FOCRC or the CRS.

	Date of Field Visit	% Ground Visibility	Investigation Method	Indicators Observed (Y/N)	Field Notes/ List Indicators Observed
Practice Codes					

Were any cultural resource indicators observed during field inspection of the APE? If so, briefly list them in the "Field Notes" section of the Step 4 table.

No If **all** responses to "Indicators Observed" are "No", document the finding and proceed with planning. **Enter your cultural resources data into PRS.**

Yes If **any** response to "Indicators Observed" are "Yes", then document it on the "Field Notes" above or "Notes" section below and send the form with a plan map showing the APE to the State Office CRS. Do NOT proceed with finalizing project design or project implementation until the final CRS response is received. Completed the information below before proceeding. **Enter your cultural resources data into PRS.**

Record the date that notification was received from the CRS that cultural resources compliance is complete and "\/" any of the completed documents.

Date:

Completed documents: NORF (No Cultural Resource Found Form)
 Technical Report
 NE State Historical Society Site Survey Form

Notes:

**ENDANGERED AND THREATENED SPECIES
 (Required) NECH 610.26
 Evaluation Procedure Guide Sheet**

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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Refer to Section II of the FOTG for information pertaining to applicable species. If you are uncertain about the status of federally listed species or state or tribal species of concern then consult with the State Wildlife Biologist or Environmental Specialist. **If species listing/status changes prior to implementation, go back and analyze the affects in the appropriate section as dictated in Step 1. Use current range maps to further refine Species By County list to see proximity of APE to edge of range.**

Utilize any Nebraska statewide specific programmatic consultations to assist in making your affects determination. A formally recognized programmatic consultation can direct you when a project may have no effect, may affect, or what mitigating actions (conservation conditions) may be taken so that affects are acceptable and the project may proceed without further consultation.

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.

In the appropriate table below list any endangered or threatened species, designated critical habitat(s), proposed species/habitats, or state-listed species of concern present, or potentially present, in the area of potential effect. For species that must be considered during planning see eFOTG Section II and following paragraph.

See Nebraska NRCS Species By County: <http://efotg.nrcs.usda.gov>
 Use Current Range Maps to further revue APE: [\(eFOTG Section II\)](#)

General species information can be found at [Nebraska's Natural Legacy Project](#)
 eFOTG Section II and also the following links: [Nature Serve](#)

Four federally listed species that could potentially be found in Nebraska do not appear on any of the County lists: Eskimo curlew, black-footed ferret, scaleshell mussel, and gray wolf. If they are observed or believed to be present in the area then contact the State Wildlife Biologist.

If any of the species indicated on the *Nebraska NRCS Species By County* list are believed to be found in your APE but not listed for your County or area then contact the State Wildlife Biologist prior to further project planning. **Carefully review the Whooping crane map and note red dots indicating confirmed sightings that have occurred outside the migration corridor. If your APE is in proximity to a red dot you MUST review affects as if listed for the county.**

Species		
Federally: endangered or threatened		
	Critical habitat	

Go to Step 2.

Proposed Species		
Federally: proposed		
	Proposed critical habitat	

Go to Step 5.

Species of concern		
State: species of concern		

Go to Step 9.

After listing the pertinent species in the above tables then proceed to ALL the applicable Step(s) listed below to analyzed the affects of each species:

- For Federally listed **endangered or threatened** species or critical habitats. **Go to Step 2.**
- For Federally listed **proposed** species or proposed critical habitats. **Go to Step 5.**
- For **State listed species of concern.** **Go to Step 9.**

Federally endangered or threatened species/habitats

STEP 2.

What are the impacts (consider both short and long-term) of the proposed action or alternative on endangered or threatened species or their designated critical habitat?

For each planned practice/planning action, designate "No effect," May affect but "NLAA," or "May adversely affect," from the below definitions and place in the following table relative to each endangered or threatened species/critical habitats.

Use NE programmatic consultation Evaluation Parameters and Species Matrix for determination.

"No effect," additional evaluation is not needed. Document on the table and proceed with planning.

May affect but "NLAA" (Not Likely to Adversely Affect) Includes incidental, discountable, and beneficial effects. NLAA should only be used as directed by a Nebraska programmatic consultation (e.g. Species Matrix). Document below AND type in any required Conservation Conditions (CC), then go to Step 3. Without using a programmatic consultation this determination may require a site specific consultation with the USFWS. I&D = insignificant and/or discountable, Ben = beneficial.

"May affect". This requires a consultation with the USFWS. Modify the action if possible to avoid adverse effects and if action can be modified repeat Step 2. If action can not be modified, then notify the landowner that there may be Endangered Species Act concerns and then go to Step 3.

		Federal Species		Critical Habitat
Practice Codes:				

		Federal Species		Critical Habitat
Practice Codes:				

		Federal Species		Critical Habitat
Practice Codes:				

Federally endangered or threatened species/habitats (continued)

STEP 3.

Will a Federal agency other than 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, "NLAA" 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. The planning action only continues according to any applicable conservation conditions (*Landowner Agreement To Implement Conservation Conditions form*).
- No If "No," and your answer in Step 2 was, "May 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 USFWS. Refer the client to USFWS 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 "NLAA" according to the programmatic consultation and there are any required conservation conditions indicated by the Species Matrix, then the action will only be implemented according to the terms of the consultation (*Landowner Agreement To Implement Conservation Conditions form*).
If a NRCS programmatic consultation was not used then inform the client that the NRCS must consult on listed species with USFWS and only upon landowners' written consent (*Landowner Consent For Consultation/Conferencing form*). Contact the State Wildlife Biologist or Environmental Specialist to proceed with consultation. The action will only be implemented according to the terms of the consultation (*Landowner Agreement To Implement Conservation Conditions form*). When consultation is complete, reference or attach the consultation documents to form NE-CPA-52 and proceed with planning.
- Yes If "Yes," and your answer in Step 2 was, " May affect," then inform the client that the NRCS must consult on listed species with USFWS and only upon landowners' written consent (*Landowner Consent For Consultation/Conferencing form*). Contact the State Wildlife Biologist or Environmental Specialist to proceed with consultation. The action will only be implemented according to the terms of the consultation (*Landowner Agreement To Implement Conservation Conditions form*). When consultation is complete, reference or attach the consultation documents to form NE-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.

STEP 6.

Will a Federal agency other than 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? **Review affects as directed by a Nebraska specific programmatic or contact the State Wildlife Biologist to make the affects determination.**

- 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. Then go to Step 8.
- Yes** If "Yes," then inform the client that the NRCS must conference on proposed species with USFWS and only upon landowners' written consent (*Landowner Consent For Consultation/ Conferencing* form). Contact the State Wildlife Biologist or Environmental Specialist to proceed with conferencing. The action will only be implemented according to the terms of the conference (*Landowner Agreement To Implement Conservation Conditions* form). When conference is complete, reference or attach the consultation documents to form NE-CPA-52 and proceed with planning.

STEP 8.

Upon guidance from NRCS State Environmental Specialist, 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 of 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 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

STEP 9 ADDRESSES "STATE SPECIES OF CONCERN" ONLY.

Any of the state species of concern that are also listed federally as endangered, threatened, or proposed are addressed in the Federal species section. Review affects as directed by a Nebraska specific programmatic consultation or contact the State Wildlife Biologist to make the affects determination.

Use NE programmatic consultation Evaluation Parameters and Species Matrix for determination.

Type in any required *Conservation Conditions*

State Species of Concern				
Practice Codes:				

State Species of Concern				
Practice Codes:				

STEP 9.

Consider the short and long-term impacts along with the direct, indirect, and cumulative impacts of the proposed action or activity on the species

A "take" for this application is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.

Is there expected to be a take, exportation or possession as a result of the action?
When utilizing the State Species Matrix from the programmatic consultation you would ONLY answer a "Yes" below if the matrix indicates a "MA" (May result in take, exportation, or possession). Type in any required Conservation Conditions (CC). For state species only, a NLAA qualifies as "No Effect". If any Conservation Conditions are required then action will only be implemented according to the terms of the consultation (Landowner Agreement To Implement Conservation Conditions form). I&D = insignificant and/or discountable, Ben = beneficial.

- No If your answer is "No," additional evaluation is not needed. Type in any required Conservation Conditions. Attach documentation to NE-CPA-52 and proceed with planning.
- Yes If "Yes", contact the State Environmental Specialist or Wildlife Biologist to assist with addressing effects.

Notes for State species of concern:

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CLEAN AIR ACT
NECH 610.21
Evaluation Procedure Guide Sheet

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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NOTE: STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 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.

- 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/WETLANDS-OTHER
NECH 610.22
Evaluation Procedure Guide Sheet**

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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This Guide Sheet is for addressing wetland concerns relating to the Clean Water Act and Nebraska Title 130 and 117.

The client is responsible for obtaining permits and complying with the Clean Water Act and state requirements. **However, NRCS planners should work with the client for early coordination with the Corps of Engineers (COE) and state regulatory personnel so that if there may be any mitigation or installations measures required those are included in the planning portion of the project and documented on the NE-CPA-52.** Examples include permits related to Section 404 (Corps of Engineers) and Sections 401, 402, and 303 (Nebraska Department of Environmental Quality). The final plans (i.e. mitigation, restoration) should not be contrary to what other agencies may require through review/permitting processes. **NRCS can not provide planning assistance for alternatives that would be contrary to any other laws, regulations or executive orders, etc.** Changes made during the planning process that may impact the applicability of the permit or exemption, such as amount or location of fill or discharges of pollutants, should be coordinated with the appropriate issuing agency. It is preferred that the landowner should make the initial contact. NRCS is responsible for making their own Food Security Act determinations.

Answer BOTH sections: Clean Water Act/Title 130 & also Title 117

•Clean Water Act / Title 130

STEP 1.

Will the proposed activity impact any areas of potential "Other Waters" **OR** is the project in proximity of a water that has been listed by the state as "impaired" under Section 303(d)?

Note: Be aware of Title 130 Livestock Waste Control Regulations for CNMP applications.

Indicators of "Other Waters": Open water, dry lake/pond beds, or mud flats on photos
Drainage patterns that are evident on available inventory tools
Blue lines or similar designations on USGS and/or other maps
Features on maps labeled as stream, lake, river, creek, gulch, arroyo, etc.

For information on "impaired" waters and the 303(d) list see: [EPA Approved Section 303\(d\) List](#)

- No If "No," then additional CWA evaluation is not needed. Proceed to Title 117 section.
- Yes If "Yes," document the finding, and inform the client that they need to consult the agency responsible for management, oversight and/or permitting. The consultation is to determine if the action or activity requires a permit. Proceed to Step 2.

STEP 2

Will the proposed action or alternative likely result in point-source discharges from developments, construction sites, or other areas of soil disturbance, or sewer discharges (e.g. projects involving stormwater ponds or point-source pollution including CAFOs for which CNMPs are being developed)? *NPDES Construction Stormwater General Permit Notice of Intent (CSW-NOI) is needed if construction disturbs over 1 acre of land. NPDES for AFO is required if the operation meets the CAFO criteria and intends to discharge from the operation at any time.*

- No If "No," go to Step 4.
 - Yes If "Yes," go to Step 3.
- [NE Department of Environmental Quality](#)
See Permits & Authorizations / NDEQ Permitting & Authorization Programs / NPDES Program

STEP 3

Has the client obtained a National Pollutant Discharge Elimination System (NPDES) permit(s) as applicable 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. Proceed to Step 4.
- Yes If "Yes, document this on form CPA-52 and proceed with Step 4. 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.

STEP 4.

Continued assistance may be provided only with the concurrence of the regulatory agency.

To ensure compliance with COE requirements contact: Wehrspann Field Office
8901 South 154th Street, Omaha NE 68138-3621 (402) 896-0896 FAX (402) 896-0997

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.
- Yes If "Yes," 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.

●Title 117 Nebraska Surface Water Quality Standards

In some instances where the COE does not take jurisdiction, such as with isolated wetlands, Title 117 of Nebraska's Surface Water Quality Standards may apply. The Nebraska Department of Environmental Quality (NDEQ) administers this regulation. These standards apply to all "Waters of the State", including isolated and adjacent wetlands, creeks, lakes, rivers, etc. If the COE issues a individual permit or nationwide permit then NDEQ would already be involved with reviewing the project.

Does the proposed activity potentially impact any "waters of the state", either directly or indirectly that were not associated with COE authorization or permitting?

- No If "No," then additional evaluation is not needed. Document and proceed with planning.
- Yes If "Yes," document the finding, and inform the client that they need to contact NDEQ for recommendations, oversight and/or permitting. Continue planning, but NDEQ concurrence is required prior to implementation (attach or document response in "Notes" below).

To ensure compliance with NDEQ's standards contact:

Nebraska Department of Environmental Quality, Terry Hickman, (402) 471-2186
Water Quality Division -- Planning Unit, PO Box 98922, Lincoln NE 68509-8922

Notes:

ENVIRONMENTAL JUSTICE
NECH 610.27
Evaluation Procedure Guide Sheet

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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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 possibility 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:

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FLOODPLAIN MANAGEMENT
NECH 610.29
Evaluation Procedure Guide Sheet

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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NOTE: 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 Conservationist should design or modify the proposed action or alternative to minimize the adverse effects to the extent possible. Circulate a written public notice locally explaining why the action is proposed to be located in the 100-year floodplain. Document the decision, including the reasons, on form NRCS-CPA-52 and proceed with planning.

Notes:

INVASIVE SPECIES
NECH 610.30
Evaluation Procedure Guide Sheet

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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To assist in addressing invasive species utilize general information that is included in Nebraska Conservation Planning Sheet 19 regarding weed control and establishing and/or maintaining cover.

Use the links given below to access the The Nebraska Weed Control Association. For a list of plant species that must be addressed refer to both the Watch List for Invasive Species and the Noxious Weeds of Nebraska. Also be aware of any animal species that may become a concern in your planning area.

Watch List for Invasive Species: <http://www.neweed.org/watchlist.htm>

Noxious Weeds of Nebraska: <http://www.neweed.org/noxiousweeds.htm>

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:

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**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:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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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.

Background

NRCS must consider the impacts of planned actions on migratory bird populations and habitats. Reasonable measures should be designed to avoid impact, or where avoidance is not practicable, minimize impact, rectify the impact, reduce or eliminate the impact over time, or compensate for impacts.

In general, actions in grassland, wetland, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided.

Concerns

Although the provisions of the MBTA are applicable year-round, it is recognized that most migratory bird nesting activity in Nebraska occurs during the period April 1 to July 15. However, some migratory birds are known to nest outside of that primary nesting season period.

Examples

Raptors can be expected to nest in woodland habitats during February 1 through July 15.

Sedge wrens, occurring in some wetland habitats normally nest from July 15 to September 10.

Action Reviews

If the proposed construction project is planned to occur during the primary nesting season (April 1 to July 15) **or** at any other time which may result in the take of nesting migratory birds, then a field survey is needed of the affected habitats and structures to determine the absence or presence of nesting migratory birds. For cases where periodic management of grasslands is needed to improve habitat conditions within restricted dates (i.e. prescribed burning in April) contact the State Wildlife Biologist for guidance.

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).

KEEP in mind the above "Concerns" and that a field survey should be completed for actions taken that disturb those habitats in the basic timeframes as outlined. Contact the State Wildlife Biologist for guidance in completing those surveys.

- 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.

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

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. Contact the State Wildlife Biologist or Environmental Specialist.
- Yes If "Yes," document mitigation measures and go to Step 4.

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 abandonment, 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, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22 (Eagle Permits).
- Yes If "Yes," modify the alternative and repeat Step 1.

Notes:

Migratory Bird Survey Protocol

Under the MBTA (16 U.S.C. 703-712: Ch. 128 as amended) construction activities in grassland, wetland, stream, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided.

If the proposed project is planned to occur during the primary nesting season or at any other time which may result in the take of nesting migratory birds, the project proponent must arrange to have a qualified biologist conduct a field survey of the affected habitats and structures to determine the absence or presence of nesting migratory birds. Surveys must be conducted during the nesting season. The field surveys for nesting birds must be thoroughly documented and in the planning folder.

Prior to construction, a copy of any survey must be submitted to the NRCS State Wildlife Biologist for review and approval. If it has been determined that one or more active bird nests can not be avoided by the planned action then the NRCS State Wildlife Biologist or Environmental Specialist will need to coordinate with USFWS to review of the affects. NRCS will need to provide a written description of any avoidance measures implemented at the proposed project site to avoid the take of migratory birds.

The survey should provide detail in regards to survey methods, date and time of survey, species observed/heard, and location of species observed relative to the proposed project site (see survey template below).

Bird Surveyors

Note: The Surveyor chosen is solely at the project sponsor's discretion.

There are two ways to be qualified to perform Migratory Bird Treaty Act surveys for NRCS:

- The USFWS has compiled a list of persons they have deemed qualified.
Nebraska Field Office
U.S. Fish and Wildlife Service
203 West 2nd Street
Grand Island, NE 68801
Ph: 308-382-6468
- For use with NRCS employees or NRCS sponsored Technical Service Providers. Submit, in writing, the below Basic Qualifications information to the NRCS State Wildlife Biologist for review and approval.

Basic Qualifications

1. A degree in a biological science, ecology, natural resource management, or related discipline appropriate to the position. The degree must be obtained from an accredited college or university. Courses taken should include ornithology, population biology, ecology, botany, and statistics. Transcripts should be provided.
-OR-
A combination of formal education and field experience equivalent to a major in one of the above mentioned fields, plus appropriate experience or additional education. Transcripts or certificates of courses completed should be provided to the employer along with description of duties performed for field experience qualifications.
2. Evidence is provided to the employer that the person conducting ornithological surveys has knowledge in the fields of either biology, ecology, wildlife management, or ecology and special knowledge and understanding of pertinent terrestrial and aquatic ecosystems, especially Great Plains ecosystems, particularly Nebraska.
3. Evidence of knowledge, skills, and ability is provided to the employer that demonstrates the person's experience to successfully perform the duties required. This evidence must show the person's ability to identify birds by sight, sound, and nests, including cavity nesters. Examples include: experience in the performance of research or other professional or scientific work involving birds, their abundance and distribution, characteristics, life processes and adaptations, and ecological relationships.
4. Evidence of knowledge, skills, and ability to identify method of bird survey to conduct (e.g., point counts, line transects, etc.), design of survey, data collection and analysis, and reporting.
5. Provide a list of projects or events to the employer, including the name of previous employers, their address and telephone numbers, where bird surveys were conducted and the surveyor's involvement. Include a list of publications if projects that were submitted and approved by scientific journals for inclusion.
6. Provide a list of references of those people who would be able testify to the bird surveyor's knowledge, skills, and abilities to conduct surveys for nesting birds. This list should include names, addresses, telephone numbers, and relationship to the subject surveyor.

Pre-Construction Migratory Bird Nest Survey Form (Example or Template)

Attach additional information if more room is needed.

Include a map with the project area of potential effect (APE) identified.

Project Name, Location, and Basic Description:

Surveyor Information (Name, address phone):

NRCS Planning contact:

Date of Survey:

Start Time:

End Time:

Weather Conditions:

(e.g. Mostly sunny, 51F at survey start; winds variable from 8-15 mph from NNW)

Methods Used:

(e.g. The site was surveyed on foot for both song and nests. These areas were surveyed by systematically walking the area in parallel transects. Nest searching was conducted after the initial listening-survey with the aid of a stepladder and bicycle mirror mounted onto wooden pole. Field equipment utilized included binoculars (10x42 Nikon), spotting telescope (45x Bushnell), color and false-color infrared aerial photographs of the site, fluorescent marking tape and a National Geographic Society field guide. Birds present on site were identified by visual observation and by song. Bird species observations, locations of active nests and dominant plant species were documented. Locations of active and inactive nests were also mapped with GPS and flagged for further monitoring.)

On-Site Vegetation:

(e.g. Approximately one-half the site is covered by low-growing herbaceous vegetation, dominated by smooth brome, Kentucky bluegrass and sweetclover. Other herbaceous plants common in the area include curly dock and leafy spurge. Generally, the herbaceous plants were 10-18 inches in height except for an area (>2 acres) near the access from the highway, which had recently been mowed. The other half of the site is dominated by deciduous woody vegetation including cottonwood, mulberry, elm and green ash trees.)

Species Observations: (Example)

Common Name	Song (S) or Visual (V) or both (SV), Nest found (N)	Total Birds Observed	Total Nest Found	General Location of Nests	Notes
Eastern Bluebird	SV	1	0	SW corner of APE	
Northern Cardinal	SV, V, N	4	2	100 ft. N of pond, just NW of well	

PRIME AND UNIQUE FARMLANDS
NECH 610.32
Evaluation Procedure Guide Sheet

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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To see your specific County Prime and other Important Farmlands list, go to link below, and locate the state and pertinent county.

<http://www.nrcs.usda.gov/technical/efotg/>

Select Section II B (County Soil Survey Area and Site Information); County Soil Survey; Pick pertinent county; Generate Reports button; Select All button; Choose Prime and Other Important Farmlands Report from pick list; and Generate Report.

If map units that are listed as "Prime Farmland if Irrigated" in the Farmland Classification column are not irrigated, then they are considered to be "Farmland of Statewide Importance" when addressing effects relative to FPPA review. 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.

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 proposed 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:

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RIPARIAN AREA
NECH 610.33
Evaluation Procedure Guide Sheet

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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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:

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WETLANDS-NRCS
NECH 610.34
Evaluation Procedure Guide Sheet

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Other
	<input type="checkbox"/> Alternative 2	

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?

If avoidance is not achieved then you MUST contact a planner with the applicable wetland job approval authority as it will be REQUIRED to make the effects determination. Complete the NE-CPA-FSA-Worksheet-9 Nebraska Minimal Effect Procedure and if needed the NE-CPA-FSA-Worksheet-10 Nebraska Wetland Functional Assessment Protocol.

- No If "No," **and 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 as indicated by NE-CPA-FSA-Worksheet-10. Prior to or concurrent with NRCS assistance, the client should obtain all necessary permits or approvals related to work in the wetland. Document on form NE-CPA-52 and proceed with planning. **In your planning folder you must include documentation showing coordination and compliance for any other related wetland permits. See Wetlands-Other Guide Sheet.**
- 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. **In your planning folder you must include documentation showing coordination and compliance for any other related wetland permits. See Wetlands-Other Guide Sheet.**

Notes:

WILD AND SCENIC RIVERS
NECH 610.35
Evaluation Procedure Guide Sheet

Client/Plan Information:

Check all that apply to this Guide Sheet review:	<input type="checkbox"/> Alternative 1	<input type="checkbox"/> Alternative 2	<input type="checkbox"/> Other
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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?

For information regarding Wild, Scenic, or Recreational Rivers go to the following link below and consult Section II of the FOTG.

<http://www.rivers.gov/>

<http://www.nps.gov/ncrc/programs/rtca/nri/>

- 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.

WILD AND SCENIC RIVERS (continued)

STEP 4.

Is NRCS providing financial assistance 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.

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:

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