Instructions for Completing the Environmental Evaluation Worksheet (Form ME-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 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 ME-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 ME-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 ME-CPA-52 to relay specific compliance information.

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

COMPLETING THE ME-CPA-52

A. **Client Name**

B. **Conservation Plan ID#** (as applicable)
Program Authority (optional): Identifying the program authority (EQIP, WHIP, etc.) can help lead the planner to the appropriate NRCS NEPA document the planner may tier to as addressed later in section "P. Rationale Supporting the Finding".

C. **Client's Objective(s) (purpose):** Briefly summarize the client's state objective(s). 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 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.

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

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's 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 Maine 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. **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 610.28 for guidance on narrowing the scope of your analysis when considering alternatives.

G. **Concerns and Existing Conditions:** 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.

Special Environmental Concerns For guidance in addressing special environmental concerns, see the Special Environmental Concern Evaluation Procedure Guide Sheets for specific information applicable to each concern. Where consultation with another 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 "I. Other Agencies and broad Public Concerns". Attach additional documentation if needed.

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). If desired, planners can include specific land use designations here.

H. **Effects of Alternatives**: Record the short-term and long-term trend for each alternative and concern. Choose from the following: "+" = improvement; "-" = worsening; "0" = no change; or "N/A" if it does not apply

Under "Amount, Status, Description", record the effect of each alternative on the concerns listed, quantifying where possible. *It is important to consider 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 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 610.33, "Impact 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 Maine'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 the Quality Criteria or other tools are not available. Place a check in the "meets QC" box for each resource concern to indicate whether FOTG Section III Quality Criteria will be met.

Special Environmental Concerns Briefly describe or quantify effects on any of the Special Environmental Concerns, and include other notes as needed. Complete applicable Evaluation Procedure Guide Sheets or other specific documentation needed and include them in the client's administrative file.

Human, Economic and Social Concerns For additional information on Human, Social and Economic Considerations, see ***NECH, Part 610.32***.

Example Considerations for Determining Human, Economic and Social Affects, 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?
- Will the action affect resources on which people depend for subsistence, employment or recreation?

Example Considerations for Determining Human, Economic and Social Affects, Capital:

- Does the producer have the funds or ability to obtain the funds needed to implement the proposed alternative
- What are the costs 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?
- Does the client have adequate machinery to implement the practice?

Example Considerations for Determining Human, Economic and Social Affects, Labor:

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

Example Considerations for Determining Human, Economic and Social Affects, Management Level:

- Are there specific and complex requirements regarding timing and placement of inputs?
- Does the client understand the inputs needed to manage the practice(s) and their responsibility in obtaining these inputs?
- Does the client understand their responsibility to maintain the practice(s) as planned and implemented?

Example Considerations for Determining Human, Economic and Social Affects, Profitability:

- Will there be a significant change in costs of production, yield, or quality of crops?
- Do the economic benefits of installing the practice(s) exceed the installation and maintenance costs?
- Is there a reasonable expectation of long-term profitability for the operation if the alternative is implemented?

Example Considerations for Determining Human, Economic and Social Affects, Risk:

- Is there a chance of a major reduction in income or increase in costs?
- Are yields or quality expected to become more consistent over time?
- Will this alternative reduce the chance of regulatory or other actions in the future?
- Will the proposed practice(s) have a possible adverse impact on the community at large (off-site effects)?
- What is the likelihood and impact of a practice failure (such as a dam or other structure)?

Example Considerations for Determining Human, Economic and Social Affects, Social Well Being:

- Social evaluation is a valuable planning tool because it identifies areas of potential conflict and options for decision making that might not otherwise be apparent.
- What are the values of the client (ex., economic well-being, stewardship, self-reliance, community, efficiency, flexibility, fiscal responsibility, trust)?
- What is the social climate of the community in which you are working? For example, how will the community view the conservation practices in the selected alternative?

I. **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, county or town 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 alternatives 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, ACOE, EPA, DEP, LURC, AWMB, etc., and others consulted, including public participation activities. The NECH, Part 610.31 provides important information on public participation requirements.

J. **Mitigation**: Include 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 the CEQ regulations Section 1508.20 and NECH Part 610.34, 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 impacts over time by preservation/maintenance operations during action life.
- Compensating for the impact by replacing or providing substitute resources or environments.

K. **Preferred Alternative:** Record which alternative was chosen and why. The decision should clearly address the underlying need(s) as identified in "E. Need for Action". The Objective(s) (Purpose) stated in "C. Client's Objective(s)" serves as the decision between alternatives

L. **Signature (planner):** The individual completing Parts A to N of the ME-CPA-52 must sign and date indicating they have used the best available information. This might not be the same person as the agency RFO.

Parts N thru R must be completed by the Responsible Federal Official (RFO). Sections "M" & "N" **do not** need to be completed when only Technical Assistance is provided (e.g. conservation plan development. 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.

M. **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.

N. **Determination of Significance or Extraordinary Circumstances:** Check "yes" or "no" for each of the questions. If you are not sure of the answer, contact your State Environmental Liaison for assistance. The ME-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 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 "O" must be checked for the NRCS NEPA Compliance Finding to indicate that additional analysis and documentation is needed.

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

1. Federal actions do NOT include the situations in which NRCS provides technical assistance only. NRCS 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.

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. 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. NRCS categorical exclusions are listed in NRCS 7 CFR Part 650.

3. Check this box if there is an existing NRCS NEPA document that has sufficiently analyzed the action being proposed. An example of this is *The Use of NRCS Conservation Practices to Address Natural Resource Concerns on Non-Federal Lands in the New England States and New York*. For information about "Tiering" to existing NRCS NEPA documents see the NECH Part 610.63.

   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 analysis 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 scenic beauty) 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 reviewed at:
http://www.nrcs.usda.gov/techncial/envicomp.html
Under "NEPA Documents"

4. It is possible to refer to NEPA documents prepared by other Federal agencies **if** they have undergone a formal "adoption" process by NRCS as outlined in the NECH 610.65 and CEQ regulations 40 CFR-1506.3. NRCS must have prepared and published the agency's own Finding of No Significant Impact for an EA or Record of Decision for an EIS in order for a NEPA document to be "adopted". For information about "adopting an existing NEPA documents see the NECH Part 610.65.

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 a copy of the ME-CPA-52 and supporting documentation.

P. **Rationale Supporting the Finding:** Explain the reasons for making the "Finding" in "O".
If "O 1." was selected, explain why the action is NOT a federal action subject to NRCS' regulations.

If "O2." was selected, document the categorical exclusion that covers the proposed action **and** indicate that there are no extraordinary circumstances.

If "O3." was selected, identify any applicable NRCS NEPA document. Record the citation of the NRCS NEPA document you are tiering to.

If "O4." was selected, identify any applicable NEPA document that was officially adopted from another agency. Record the citation of the NRCS adopted NEPA document you are tiering to.

If "O5." was selected, document your analysis and provide this information (ME-CPA-52 and supporting documents) to your State Environmental Liaison or equivalent.

Q. **Signature of Responsible Federal Official (RFO):** Agency RFO must sign and date. The RFO should wait to make the finding until all consultations, permits, etc., are finalized.