

TECHNICAL NOTES

U.S. Department of Agriculture

Natural Resources Conservation Service

TN – BIOLOGY - CA – 22

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ASSESSING SPECIAL ENVIRONMENTAL CONCERNS IN THE ENVIRONMENTAL EVALUATION CPA-52

Completing the Special Environmental Concerns section of the Environmental Evaluation CPA-52 form is often the most difficult section of the environmental evaluation to complete. This technical note is intended to assist the planner in completing their evaluation of potential impacts of recommended practices in a systematic and efficient method. Accessing newly developed geodata layers and metadata will assist the planners on recommending alternatives that avoid or minimize effects to these unique habitats and the species found in those Special areas protected by federal or state law, Executive Orders, or NRCS policy.

These geodata layers have been placed in the appropriate field office server location under F:\Geodata\category folders. The Field Office Local Geodata Administrator (LGA) will then incorporate the geodata layers into the existing office ArcMap/Toolkit map document templates for selection by planners. *These layers may be then grouped into a single "Group Layer" in ArcMap Table of Contents (ArcMap > select/highlight all listed CPA-52 layers > RClick > Group > Rename "New Group Layer" to "CPA-52 Layers").*

As part of the NRCS Planning Process, Step 3 Inventory of Resources the planner will check the boxes for those layers listed below as part of the initial assessment for the special Environmental Concerns.

1. Clean Water Act
2. Coastal Zone Management Areas
3. Endangered Species-presence of species and Critical Habitat
4. Essential fish habitat
5. Floodplains
6. Prime and unique farmland
7. Riparian areas
8. Wetlands
9. Wild and Scenic Rivers

When assessing the effects of the action on any of the special environmental Resource Concerns begin by reading the comments section for background information on that Special Resource Concern and then click on the hyperlinked Special Environmental Resource Concern. This will toggle the workbook to the appropriate worksheet. The first set of questions asks if the resource concern is present in or adjacent to the Common Treatment Unit. Accessing maps constructed with these geodata shapefiles should be one of the inventory tools assisting the planner in answering either yes or no as to the presence of that Special Environmental Concern

The Environmental Evaluation CPA-52 form can be found in Section I of the eFOTG under the Resource Assessment Tools folder <http://efotg.sc.egov.usda.gov/treemenuFS.aspx>.

Instructions for Evaluation Procedures Guide Sheet

1. **Clean Water Act/ Waters of the U.S.** (for additional information, see NECH 610.22): The Federal Water Pollution Control Act of 1972, now known as the Clean Water Act (CWA), established several programs to regulate and reduce discharges of pollutants into “waters of the U.S.” (including wetlands). The list of “pollutants” is long, however, those pollutants that are most frequently associated with water quality impairment include sediment, excess nutrients, and harmful bacteria. “Waters of the U.S.” are defined in 33 CFR Part 328 and include essentially all surface waters such as navigable waters and their tributaries, interstate waters and their tributaries, most natural lakes, wetlands adjacent to these waters, and impoundments of these waters. This may include lakes, rivers, streams (including intermittent and ephemeral streams), natural ponds, mudflats, playa lakes, sloughs, wet meadows, swamps, bottomland hardwood wetlands, and other kinds of watercourses, wetlands and aquatic areas. The term “other waters of the U.S.” is sometimes used simply to describe those jurisdictional waters such as streams and other aquatic sites that do not meet the definition of “wetlands.” “Special Aquatic Sites” are a subset of Waters of the U.S. and also receive special attention under EPA’s Section 404 (b)(1) guidelines.

Accessing the USGS National Hydrography Dataset (NHD *Web Map Service* layers feature file identifies Waters of the US begins the initial assessment of potential for “navigable waters” to be affected by the alternative. File Location:
F:\geodata\hydrography\NHD_WMS.lyr

2. **Coastal Zone Management Areas** (for additional information, see NECH 610.23): Section 307 of the Coastal Zone Management Act specifies that actions or activities within the Coastal Zone done by a Federal agency or on behalf of or through a Federal agency must be “consistent” with the State’s Coastal Zone Management Plan and in concert with the goals, tenets, and objectives of that plan. Coastal Zone Management Areas are areas located within or near the officially designated “coastal zone” of a state. Generally, this includes the Atlantic, Gulf of Mexico, and Pacific coastal areas, but also includes the Great Lakes. However, the National Oceanic and Atmospheric Administration’s Office of Coastal Zone Management approves coastal programs and not all coastal states have a Coastal Zone Management Area (CZMA). Coastal zone management areas are: 1) Coastal waters and adjacent shorelines, including the lands or waters inside and under those zones; 2) Areas that strongly influence adjacent coastal zones of the 35 states that have coastal zone management programs. Specific examples of areas included in the coastal zone are “transitional” and inter-tidal areas, such as salt marshes, fresh-water wetlands, and beaches. Also included are the connecting waters, harbors, and estuarine areas, such as bays, shallows and marshes as well as those waters adjacent to the shorelines, including but not limited to sounds, bays, lagoons, bayous, ponds, and the estuaries themselves.

Selecting for the CZMA shapefile will assist the planner determine if the alternative will potentially affect the habitat within the respective management area. Consultation with a CZMA biologist may be required.

F:\geodata\endangered_habitat\Coastal_Zones/LCPSegments_sw10.shp

3. **Endangered & Threatened Species** (for additional information, see NECH 610.26): NRCS policy (GM 190 Part 410.22(b) states that NRCS will assist in the conservation of threatened and endangered species, and consistent with legal requirements, avoid or prevent activities detrimental to such species. NRCS's concern for these species will not be limited to those listed by the Secretary of the Interior and published in the Federal Register, but will include species designated by State agencies as rare, threatened, endangered, etc. Consult Section II of the FOTG for a listing of threatened and endangered species and associated critical habitats, and State species of concern. Planners will access the shapefiles listed below to initially assess the potential for presence of any of the federal and state special status species mentioned. If after accessing these shapefiles the planner is still uncertain about the potential for presence of special status species in the planning area, consult with your State or Area Biologist.
 - a. Access the CA Natural Diversity Database (CNDDDB) shapefile and then follow the procedures outlined in the XXX to create a map depicting special status species located within the three mile buffer area of the project area. This map will assist the planner in their initial assessment of potential impacts to federal or state endangered and threatened species, and state Species of Concern. Additional information is available in the CNDDDB Rarefind Tool. Refer to the supplemental Guidance in the **Appendix A** of this Technical note for instructions on assessing potential for species affected by the alternatives. *S:\Service_Center\NRCS\CNDDDB3\gis\cnddb.shp*
 - b. Select the shapefile designated for Endangered Species Act (ESA) Critical Habitat terrestrial and select aquatic species under the jurisdiction of US fish and Wildlife Service (USFWS).
F:\geodata\endangered_habitat\Critical_Habitat\USFWS_ECOS\CriticalHab_usfws_a_2011_z10_ca.shp
 - c. Select the shapefile for ESA Critical Habitat for salmon, steelhead and other select aquatic species under the jurisdiction of the National Marine Fisheries Service (NMFS)
F:\geodata\wildlife\NMFS\Critical_Habitat\All Steelhead and Chinook Critical Habitat areas
4. **Essential Fish Habitat (EFH)** (for additional information, see NECH 610.28): The Magnuson-Stevens Act of 1996 calls for heightened consideration of fish habitat in resource management decisions and direct action to stop or reverse the continued loss of fish habitats. Essential Fish Habitats (EFH) are those areas identified as being vital for sustaining marine or anadromous fish populations. They include the waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. NRCS must consult with the National Oceanic and Atmospheric Administration (NOAA) - Marine Fisheries Service (NMFS) regarding any action or proposed action that may adversely affect EFH. NOAA-NMFS implements and enforces the management measures through Fisheries Management Plans. The Act requires cooperation among NOAA-NMFS, Regional Fisheries Councils, fishing interests, Federal and state agencies, and others in achieving the EFH goals of habitat protection, conservation, and enhancement.

Selecting the EFH layer will provide the planner with the information on whether the project site is located within an EFH for a species. If the location is within EFH consultation and the activity may adversely affect the EFH consultation may be required. Before continuing to provide technical assistance the planner should contact the local, Area or State Biologist for guidance as to how to proceed. Proceed with the instructions provided by the biologist and note the biologist's comments in the CPA-52.

F:\geodata\wildlife\NMFS\Essential_Fish_Habitat\EFH_SWR_Dec_2008.shp

5. **Floodplain Management** (for additional information, see NECH 610.29): NRCS policy on Floodplains is found in the GM 190, Part 410.25, and reflects Executive Order (EO) 11988, May 24 1977. Floodplains are defined as lowlands or relatively flat areas adjoining inland or coastal waters, including at a minimum, areas subject to a one percent or greater chance of flooding in any given year. The E.O. requires that decisions by Federal agencies must recognize that floodplains have unique and significant public values. Federal agencies are instructed to consider the natural and beneficial values of floodplains and the public benefits to be derived from floodplain restoration or preservation. The objectives of E.O. 11988 are to avoid, to the extent possible, the long and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development where there is a practical alternative.

The NRCS provides leadership, and takes actions, where practicable, to conserve, preserve and restore existing natural and beneficial functions and values in base (100 year) floodplains as part of the technical and financial assistance program that it administers.

Accessing the FEMA National Flood Hazard *Web Map Service* layer provides the planner with information on potential existence of floodplains. Locate those areas within the FEMA 100-year flood hazard area. Anthropogenic activities may have already significantly affected the potential for that river or stream to connect with all of the historic floodplain.

<F:\geodata\hydrography\FEMA 100 Year Flood Zones in the>

6. **Prime and Unique Farmlands** (for additional information, see NECH 610.32): The purpose of the Farmland Protection Act and 7 CFR Part 658 are to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private programs and policies to protect farmland.

For definitions of Prime, Unique, and Farmland of Statewide or Local Importance, see NECH 610.32. The NRCS should take steps to assure that its actions do not cause United States farmland to be irreversibly converted to Nonagricultural uses in cases in which other national interest do not override the importance of the protection of farmland nor otherwise outweigh the benefits of maintaining farmland resources.

NRCS shall use the criteria provided in regulations found at 7 CFR 658.5 to identify and take into account the adverse effects of Federal programs on the protection of farmland. NRCS is to consider alternative actions, as appropriate, that could lessen such adverse

effects, and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government and private programs and policies to protect farmland. Accessing the Farmland Mapping and Monitoring Program (FMMP) layer's Important Farmland data categories for California provides the planner with information on potential existence of Prime and Unique Farmland.

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Prime Farmland = data field "polygon_ty" code (P)

Unique Farmland = data field "polygon_ty" code (U)

7. **Riparian Area** (for additional information, see NECH 610.33): NRCS policy (190 GM, part 411.03(d) for riparian areas requires: 1) Riparian area management to be integrated into plans and alternatives; 2) Plans to maintain or improve water quality and quantity benefits; 3) Development of alternatives when land user's objectives are in conflict with conservation of the riparian area resources. Federal law does not specifically regulate riparian areas. However, portions of riparian areas, such as wetlands and other waters of the U.S., may be subject to federal regulation under provisions of The Food Security Act, The Clean Water Act, The National Environmental Policy Act and state and local legislation.

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

Conservation planning in riparian areas requires special considerations. A resource problem within the riparian zone may be the manifestation of upland management decisions. Planners working with riparian areas should consider soils, the present plant community, the site potential, geomorphology of both the stream and the watershed, the stage of stream evolution, fish and wildlife needs, the management of the upland areas of the watershed and the producer's objectives.

Selecting for the National Wetlands Inventory (NWI) polyline shapefile will provide the planner with initial information as to the potential for riparian habitat to exist. Again anthropogenic actions could have already eliminated or degraded the riparian habitat. The NWI layer indicates the locations of wetlands. Riparian areas are those vegetated with woody or herbaceous plants that exist because of the presence of that additional water source from adjacent river, stream, or wetland. *F:\geodata\wetlands\nwi_z10(or z11)_I_ca.shp*

8. **Wetlands** (for additional information, see NECH 610.34): NRCS activities must comply with Executive Order (EO) 11990, "Protection of Wetlands," Food Security Act of 1985, GM 190 Part 410.26, and with Revised NRCS Wetland Technical Assistance Policy at 7 CFR Part 650, dated November 17, 1997. Wetlands are defined as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation

typically adapted to life in saturated soil conditions. It is the policy of the NRCS to protect and promote wetland functions and values in all NRCS planning and application assistance. If wetlands will be impacted by a proposed activity, the NRCS will identify whether practicable alternatives exist that either enhance wetland functions and values, or avoid or minimize harm to wetlands.

In addition to NRCS requirements, activities that impact wetlands and “other waters of the U.S.” often require a Section 404 permit from the Corps of Engineers prior to beginning work. Early coordination with the appropriate Corps Regulatory Office to determine possible permit requirements is highly recommended for the client. (Refer to the Clean Water Act Guidesheet). Many states also have laws restricting activities in wetlands. Prior to or concurrent with NRCS assistance, the client should obtain all necessary permits or approvals related to work in wetlands. Activities in wetlands that occur in base (100 yr. or 500 yr.) floodplains are subject to review under NRCS Floodplain Management policy at GM 190, 410.25 and Executive Order 11988 (See Floodplain Management Guide Sheet)

Similar to the riparian resource concern accessing the NWI polygon shapefile will assist the planner in assessing alternatives to address resource issues prior to visiting the site.
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9. **Wild and Scenic Rivers** (for additional information, see NECH 610.34): National wild and scenic rivers are designated by act of Congress (PL 90-542, Wild and Scenic Rivers Act of 1968) or by the Secretary of the Interior at the request of a governor as part of the National Wild and Scenic Rivers System. For a listing of designated river segments, go to www.nps.gov/nrcr/programs/rtca/nri/. The designation of a river under the Wild and Scenic Rivers Act provides legal protections from adverse development and provides a mechanism for management of the river's resources. The principal effect of the Act is to preclude or to severely limit the construction of dams and other water resources projects that might affect the free-flowing character of the river or adversely affect the values for which a river was designated. Generally, timber harvests and agricultural operations on privately owned lands are unaffected in Wild, Scenic and Recreational River designations. However, some activities may require permits or may be covered under special provisions of a designated river's management plan. Through the Act, Federal agencies are directed to incorporate avoidance/mitigation measures for proposed actions that may have an adverse effect on the natural, cultural, and recreational values of the Inventory river segment to the maximum extent feasible within the agency's authority.

Accessing this shapefile for the planners work area can easily and quickly inform the planners as to the location of all wild and scenic rivers, streams and creeks in their work areas.

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The Field Office LGA will place the shapefiles in the geodata folders as listed above in each Special Environmental Concern listed above.