

Chapter 4

ALTERNATIVES INCLUDING THE PROPOSED ACTION

Alternatives—This section is the heart of the environmental impact statement. Based on information and analysis presented in the sections on the Affected Environment (1502.15) and the Environmental Consequences (1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining issues and providing a clear basis for choice among options by the decisionmaker and the public. (40 CFR 1502.14)

This chapter summarizes the FSA's proposed new program changes in ECP. It describes the ECP's Alternatives, including the No-Program alternative, No-Action Alternative, and the Proposed Action that is FSA's Preferred Alternative. The chapter provides text and tabular comparisons of the important aspects of the Proposed Action and alternatives that would likely cause differences in environmental impacts and summarizes and compares the beneficial and adverse environmental impacts of the program alternatives based on the detailed analysis presented in Chapter 5.

4.1 DEVELOPMENT OF ALTERNATIVES

The purpose of the scoping process, as outlined in the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1501.7), is to determine the scope of issues to be addressed in the EIS and to identify significant issues relating to the action being proposed. The lead agency is required to invite input from Federal, State, and local agencies, affected Indian tribes, project proponents, and other interested parties (Section 1501.7 (a)(1)).

4.1.1 Agency Scoping

The issues identified through internal scoping are considered the original focus of the Agency, and helped in determining the methods, procedures, and data that were to be used in the compilation of the draft PEIS.

The following agencies were consulted concerning issues they believed should be addressed in the PEIS: FSA, NRCS, U.S. Geological Survey, U.S. Forest Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Economic Research Service, , and the Cooperative State Research, Education, and Extension Service.

4.1.2 Public Scoping

Public scoping meetings were held in Wye Mills, Maryland; Mobile, Alabama; Amarillo, Texas; Gresham, Oregon; Lawrence, Kansas; and Moorhead, Minnesota to gather public input on the

project and issues to be addressed in the EIS. An informal presentation was given, which described the purpose of the PEIS. After the presentation the public was given the opportunity to comment on the ECP PEIS.

Press releases and newspaper advertisements across the U.S. informed the public of the scoping meetings and solicited comments via regular mail, e-mail, and toll-free line. Additional written comments were received in the mail at a later date. Letters, court transcripts, phone transcriptions, and comments submitted during the scoping process were reviewed and substantive comments identified, categorized and tabulated.

4.1.3 Scoping Issues

All the comments received during the public and internal agency scoping process were recorded and categorized based upon environmental resource area, social value, or economic importance of the proposed actions. That breakdown was then evaluated by FSA to determine the scope and significance of each issue, and the depth at which it would be analyzed in this PEIS.

ECP received few comments during scoping. Three groups commented, voicing concern about the way the program is administered. Commenters were concerned that the contract process needs to be streamlined, that the program needs to be standardized to other programs, and that response time for receiving funds, especially for drought, are too long. For a listing of the comments please refer to Appendix O.

4.2 ECP ALTERNATIVES

4.2.1 Alternative 1 - No Program (Baseline)

The No Program alternative is used as an analytical device to establish a baseline upon which to evaluate the other alternatives. This alternative represents a true baseline rather than a "permanent legislation" alternative, since not enough information exists to define the latter. The analysis will establish a baseline by describing what would happen if ECP had never existed.

4.2.2 Alternative 2 - No Action - The Current Program

Under the No-Action Alternative, FSA State and county committees would continue to administer the ECP under its current regulations. FSA would not make substantive changes in its administration, the mechanisms for review of projects before funding, or follow-up on the program's procedures after completion. FSA would continue to set cost-share levels up to 64 percent based on a sliding rate. FSA would not have a special cost-share level for limited resource producers. This alternative simply continues the current program. Refer to Chapter 3 for detailed discussion of the current program.

4.2.3 Alternative 3-The Proposed Action-ECP Improvement and Expansion (FSA's Preferred Alternative)

Under the Proposed Action, FSA would institute changes to facilitate the administration of the program without incurring significant additional costs while making the ECP cost-share rates consistent with other USDA programs. Also it is meant to prevent potential abuse such as when a large practice is subdivided into several smaller practices to avoid lower reimbursement rates applicable at the higher loss levels. It is also meant to improve program delivery and ensure the economic, environmental, and social defensibility and technical soundness of its decisions and practices. FSA would also expand the ECP to provide extra funding to those limited resource producers to deal with disaster recovery work it has not addressed previously.

4.2.3.1 Elements of the Proposed Action

The Proposed Action is comprised of 4 new elements:

- Does away with the tiered level of cost sharing currently in use, allowing for a consistent cost-share rate;
- Tentatively added provisions for measures dealing with confined livestock;
- Provides for a higher level of cost-share assistance for limited resource producers, and;
- Requires the completion of the environmental evaluation checklist form, "FSA 850," prior to the awarding of the cost-share assistance (See Appendix F for an example of FSA 850).

The proposed changes in ECP are meant to clarify current regulations and expand upon them to reflect current policy. It is meant to make the program easier to administer and prevent potential abuse such as when a large practice is subdivided into several smaller practices to avoid lower reimbursement rates applicable at the higher loss levels. This action will also make ECP cost-share rates consistent with other USDA programs. The new changes have little or no effect on land eligibility or existing ECP conservation practices outlined by the current program, please refer to Table 4.1-1. However, provisions will be added specifying that in certain instances ECP funding can be made available for certain measures dealing with confined livestock. Assistance for confined livestock operations cannot be allocated for replacing or repairing buildings but could be used to help with cleanup efforts on those buildings, or supplying water in times of severe drought.

Other technical and clarifying changes have been made and provisions have been added regarding schemes and devices and debt avoidance to assure that the program is operated in a manner that is most beneficial for farmers and the public. Provisions have been added to assure that special consideration be given to limited resource producers in order that the most beneficial use of ECP funds may be obtained. The definition of a 'limited resource producer' will be determined by the Deputy Administrator, but is tentatively defined as any producer with an annual gross income of \$20,000 or less derived from all sources, including income from a spouse or other members of the household, for each of the prior 2 years; or less than 25 cropland acres aggregated for all crops, where the majority of the producer's annual gross income is derived from such a farm or farms, but the producer's annual gross income from all farming operations does not exceed \$20,000. Final authorization of this definition is yet to be made by the Deputy Administrator.

The new rule would change how the maximum cost-share level is computed. Under the current regulations, the maximum rate of cost-share is calculated according to a sliding scale, with a higher cost-share percentage being allowed for the first part of the costs of the practice up to a certain limit, and a lower percentage being allowed for additional costs. To eliminate confusion, this new rule would provide, instead, for a standard maximum percentage to be used for all costs associated with the practice for which the cost-share is to be received. This change would make the program easier to administer without significant additional costs. Payments will continue to be limited by a number of other criteria and by the provisions that in no case may the reimbursement exceed \$200,000 per person per disaster. In this rule, the local county FSA committee would be allowed to permit reimbursements of up to 75 percent for all reimbursable costs, subject to the same per person limitations that now exist in the regulations and subject to certain additional allowances that are made with respect to limited resource producers. Under the proposed rule, a special 90 percent rate could be allowed for limited resource producers.

The 75 percent rate, like the sliding rate contained in the current regulations, goes to determining the maximum total amount that can be paid to all participants that are involved with all practices applied for that particular disaster. However, the \$200,000 limit is, and would remain under this rule, a separate and distinct limit that would limit how much an individual “person” could receive.

In addition, each person participating in the ECP would be required to fill out an Environmental Evaluation Checklist before FSA’s decision is made on whether or not to approve the cost-share assistance (See Appendix F). This form is an environmental evaluation checklist that provides a mechanism for:

- Reviewing actions to determine impacts.
- Documenting a finding of no significant impact, as well as compliance determinations for other applicable environmental laws, regulations, and policies.
- Discussing Environmental Assessments

This environmental evaluation checklist also provides a format for assessing potential impacts and reviewing alternatives and mitigations measures when potential impacts to any of the protected resources listed on the FSA-850, item 3, are identified, these protected resources include: wetlands, floodplains, sole source aquifer recharge areas, critical habitat for threatened and endangered species, wilderness, coastal barrier in coastal barrier resources system or approved coastal zone management areas, natural landmarks, and historical and archaeological sites.

Table 4.2-1 Comparisons of Current ECP Regulations with Proposed Regulation Change

Current Rules	Proposed Changes/Additions	Reasons for Proposed Action
Land eligibility	No Proposed Changes	
Rules pertaining to the procedures of the allocation and dispersion of funds	No Proposed Changes	
Cost-share levels up to 64 percent based on a sliding rate	Cost-Share set at a Flat rate of 75 percent	<ul style="list-style-type: none"> • Easier to administer without significant additional costs • Will make ECP cost-share rates consistent with other USDA programs. • Prevent potential abuse. For example, when a large practice is subdivided into several smaller practices to avoid lower reimbursement rates applicable at the higher loss levels.
Not Accounted for in Current Program	A special flat rate of 90 percent for limited resource producers.	<ul style="list-style-type: none"> • Increase participation among this group • Increased payments • Increase acreage rehabilitated after damaged by natural disaster event
Emergency water conservation or water enhancing measures (including measures carried out to assist confined livestock) during periods of severe drought	Added provisions for measures dealing with confined livestock	<ul style="list-style-type: none"> • AWAITING PUBLIC COMMENT • Could be used to help with cleanup efforts on those buildings. • Could be used to provide new measures to supply water in times of sever drought.
No Requirement	Required to complete an Environmental Evaluation Checklist (FSA 850)	<ul style="list-style-type: none"> • Describes purpose and need of project • Gives description of physical landscape, and damage caused by natural disaster. • Reviews actions to determine impacts. • Documents a F.O.N.S.I., as well as compliance determinations for other applicable environmental laws, regulations, and policies.

4.3 Summary of Impacts for the Alternatives

Table 4.3-1 summarizes the impacts of the different ECP alternatives discussed in this PEIS.

Table 4.3-1. Summary of the Impacts of the ECP Alternatives			
<u>Environmental Resource</u>	<u>Alternative 1 – No Program</u>	<u>Alternative 2 – No Action Alternative – Continue the Current Program</u>	<u>Alternative 3 – Proposed Action – ECP Improvement and Expansion</u>
Water Resources	If there were no ECP Program, disaster recovery efforts would likely be reduced or not undertaken in some floodplain locations. Damaged marginal agricultural production areas might be abandoned for farming and might revert to natural vegetative cover in the long term. This might reduce some of the impacts of farming on affected watersheds. Where wildfires or drought have eliminated protective cover over upland areas including hillsides, lack of restoration measures would leave these sites vulnerable to water and wind erosion that could adversely impact water resources.	Minor short-term effects on water resources such as sedimentation from restoration practices would temporarily add to any adverse impacts that may be resulting from farming activities such as soil erosion or pesticide or fertilizer use. These effects may be important in watersheds already stressed by farming and other factors such as development or that are sensitive to natural disasters.	The same short-term effects on water quality as under the No Action Alternative would occur and temporarily add to any agricultural degradation of water quality. Until specific practices are determined for confined livestock operations no additional impacts are expected from any program changes.
Wetlands	If there were no ECP Program disaster recovery efforts would likely be reduced or not undertaken in some locations. Damaged marginal agricultural production areas might be abandoned for farming and might revert to natural vegetative cover in the long term. This might reduce some of the impacts of farming on affected downstream wetlands. Where wildfires or drought have eliminated protective cover over upland areas including hillsides, lack of restoration measures would leave these sites vulnerable to water and wind erosion that could adversely impact wetlands in the watershed.	Wetlands on agricultural lands would not be affected by continuing the current ECP program. FSA would ensure that any disaster recovery measures to be taken would not adversely affect wetlands although some impacts to wetlands downstream in the watershed may continue to occur to the extent that any deleterious farming practices resume after disaster recovery.	Wetlands would not be affected by instituting the proposed ECP program. FSA would not allow any disaster recovery measures to be taken that would adversely affect wetlands although some impacts to downstream wetlands may continue to occur to the extent that any deleterious farming practices resume after disaster recovery.

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Soil Quality	<p>If there were no ECP Program, disaster recovery efforts would likely be reduced or not undertaken in some locations. Damaged marginal agricultural production areas might be abandoned for farming and might revert to natural vegetative cover in the long term. This might reduce some of the impacts of farming on soils in these locations.</p> <p>Where wildfires or drought have eliminated protective cover over upland areas including hillsides, lack of restoration measures would leave these sites vulnerable to water and wind erosion that could remove or damage topsoil.</p>	<p>Short-term minor effects from restoration practices would continue to occur, and could add to any erosion and soil quality impacts that are a part of general agricultural production. FSA would ensure that highly erodible land soils are protected from erosion by ensuring the producer is in compliance with HEL requirements.</p>	<p>Short-term minor effects from restoration practices would continue to occur, same as the current program and could add to any erosion and soil quality impacts that are a part of general agricultural production. FSA would ensure that highly erodible land soils are protected from erosion by ensuring the producer is in compliance with HEL requirements. No further impacts are expected because of the proposed ECP changes.</p>
Air Quality	<p>No program would be expected to have effects on air quality from wind erosion. Where wildfires or drought have eliminated protective cover over upland areas including hillsides, lack of restoration measures would leave these sites vulnerable to wind erosion that could lead to air quality impacts from airborne particulate matter.</p>	<p>Short-term minor effects from restoration practices would continue to occur, and could add to any erosion and soil quality impacts that are that are a part of general agriculture production. FSA would ensure that highly erodible land soils are protected from wind erosion, in particular, by ensuring the producer is in compliance with HEL requirements.</p>	<p>Short-term minor effects from restoration practices would continue to occur, same as the current program and could add to erosion that is a part of general agriculture production. FSA would ensure that highly erodible land soils are protected from erosion by ensuring the producer is in compliance with HEL requirements. No further impacts are expected because of the proposed ECP changes.</p>

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Vegetation	<p>If there were no ECP Program, disaster recovery efforts would likely be reduced or not undertaken in some locations. Damaged marginal agricultural production areas might be abandoned for farming and might revert to natural vegetation, for example in floodplains. Plant associations such as bottomland hardwood forests might expand in the long term. Rare plant species might benefit from these changes. Where wildfires or drought have eliminated protective cover over upland areas including hillsides, lack of restoration measures would leave these sites vulnerable to wind erosion that could adversely affect any natural revegetation that might occur in the short term.</p>	<p>Restoration of crop production, pasture, and shelterbelt sites would maintain sites in managed use that would likely otherwise revert to natural vegetation.</p>	<p>Restoration of crop production, pasture, and shelterbelt sites would maintain sites in managed use that would likely otherwise revert to natural vegetation.</p>
Wildlife and Their Habitats	<p>If there were no ECP Program disaster recovery efforts would likely be reduced or not undertaken in some locations. Damaged marginal agricultural production areas might be abandoned for farming and might revert to natural vegetative cover, which would provide wildlife cover and food in the long term. Some wildlife species dependent in part on farming to maintain earlier successional and transitional habitats and to provide a portion of their food, may be adversely affected. Wildlife requiring later successional and relatively undisturbed habitats may benefit where farming is reduced.</p>	<p>Some wildlife species dependent in part on farming to maintain earlier successional and transitional habitats and to provide a portion of their food, may benefit from restoration measures. Wildlife requiring later successional and relatively undisturbed habitats would not benefit where farming is restored.</p>	<p>Some wildlife species dependent in part on farming to maintain earlier successional and transitional habitats and to provide a portion of their food, may benefit from restoration measures. Wildlife requiring later successional and relatively undisturbed habitats would not benefit where farming is restored</p>

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Socioeconomic and Other Human Resources	Farm owners and operators would experience a greater exposure to the risk and uncertainty associated with a natural disaster	The primary beneficial impact of the program is to provide repair funds and inject necessary capital into the local economy at a time when individual producers/operators and their surrounding communities are under stress as the result of the disaster event.	The primary effect of ECP program with the changes proposed under this alternative would be similar to those outlined for the no action alternative; that is the beneficial aspect of repairing and restoring the affected area to its pre-disaster condition and use.