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**FINAL PROGRAMMATIC ENVIRONMENTAL ASSESSMENT  
FOR  
VOLUNTARY PUBLIC ACCESS HABITAT INCENTIVE PROGRAM  
STATE OF UTAH**

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**United States Department of Agriculture  
Farm Service Agency**

**January 2011**

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## **Finding of No Significant Impact**

### **Voluntary Public Access and Habitat Incentive Program State of Utah**

**January 2011**

#### **Introduction**

The United States Department of Agriculture Farm Service Agency proposes to implement a new program authorized by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) in the State of Utah. The Voluntary Public Access and Habitat Incentive Program (VPA-HIP) provides grants to State and tribal governments to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting, fishing, and other compatible recreation and to improve fish and wildlife habitat on their land. The VPA-HIP is administered by the State or tribal government that receives the grant funds.

The State of Utah, through the Utah Division of Wildlife Resources (UDWR), proposes to use VPA-HIP grant funds to expand its existing public access programs to provide the public with more opportunities to hunt, fish, watch wildlife, enjoy other recreation, and to improve wildlife habitat on private lands. The UDWR works closely with hundreds of landowners who voluntarily participate in three existing private-land access programs: Cooperative Wildlife Management Unit (CWMU), Landowner Association (LOA), and Walk-In Access (WIA). These programs provide financial incentives and the opportunity to work with state employed biologists for private landowners to allow public access to their lands as well as improve wildlife habitat. These programs have opened more than two million acres of private land to the public in Utah. Public access can vary depending on the specific program. These successful programs increase public awareness about the importance of private lands to individuals who hunt, fish, and enjoy wildlife-related recreation and motivate landowners to conserve wildlife species.

#### **Preferred Alternative**

The Preferred Alternative is the Proposed Action which consists of three main components: (1) expand the WIA program to the southern half of the state (it is currently only available in the northern regions of the state); (2) restructure the compensation schedule for the WIA program; and (3) offer habitat improvement as an incentive for landowner participation in all three existing public access programs (CWMU, LOA, and WIA).

#### **Reasons for Finding of No Significant Impact**

In consideration of the analysis documented in the Programmatic Environmental Assessment (EA) and in accordance with Council on Environmental Quality regulations 1508.27, the preferred alternative would not constitute a major State or Federal action affecting the human and natural environment. Therefore, this Finding of No Significant Impact (FONSI) has been prepared and an Environmental Impact Statement will not be prepared. This determination is based on the following:

1. Long-term beneficial impacts and short-term localized impacts would occur with the preferred alternative. Neither of these impacts would be considered significant.
2. The preferred alternative would not affect public health or safety.

3. Unique characteristics of the geographic area (cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas) would be preserved with implementation of the preferred alternative.
4. The potential impacts on the quality of the human environment are not considered highly controversial.
5. The potential impacts on the human environment as described in the Programmatic EA are not uncertain nor do they involve unique or unknown risks.
6. The preferred alternative would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.
7. Cumulative impacts of the preferred alternative in combination with other recent, ongoing, or foreseeable future actions are not expected to be significant.
8. The preferred alternative would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places.
9. The preferred alternative would have long-term beneficial impacts to wildlife and their habitats, including endangered and threatened species under the Endangered Species Act of 1973.
10. The preferred alternative does not threaten a violation of Federal, State, or local law imposed for the protection of the environment.

#### **Determination**

On the basis of the analysis and information contained in the Programmatic EA and FONSI, it is my determination that adoption of the preferred alternative does not constitute a major Federal action affecting the quality of the human and natural environment. Barring any new data identified during the public and agency review of the Final Programmatic EA that would dramatically change the analysis presented in the EA or identification of a significant controversial issue, the Programmatic EA and this FONSI are considered Final 30 days after date of approval signature.

APPROVED:



Signature

January 4, 2011

Date

## Cover Sheet

**Proposed Action:** The United States Department of Agriculture (USDA) Farm Service Agency (FSA) and the State of Utah have agreed to implement a new Voluntary Public Access – Habitat Incentive Program (VPA-HIP). USDA is provided the statutory authority by the provisions of the Food Security Act of 2008, and the Regulations at 7 Code of Federal Regulations (CFR) 1410. VPA-HIP provides grants to State and tribal governments to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting, fishing, and other compatible recreation and to improve fish and wildlife habitat on their land. The VPA-HIP is administered by the State or tribal government that receives the grant funds.

**Type of Document:** Programmatic Environmental Assessment

**Lead Agency:** USDA, FSA

**Sponsoring Agency:** Utah Division of Wildlife Resources

**Cooperating Agency:** None

**Comments:** This Programmatic Environmental Assessment was prepared in accordance with USDA FSA National Environmental Policy Act (NEPA) implementation procedures found in 7 CFR 799, as well as the NEPA of 1969, Public Law 91-190, 42 United States Code 4321-4347, 1 January 1970, as amended.

A Notice of Availability was released on January 7, 2011 announcing a 30-day comment period. A copy of the document can be found on the USDA FSA website: [www.fsa.usda.gov](http://www.fsa.usda.gov). Comments will be accepted until February 4, 2011. Comments may be submitted via e-mail to: [dhbanwart@tecinc.com](mailto:dhbanwart@tecinc.com)

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## **EXECUTIVE SUMMARY**

The United States Department of Agriculture Farm Service Agency proposes to implement a new program authorized by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) in the State of Utah. The Voluntary Public Access and Habitat Incentive Program (VPA-HIP) provides grants to State and tribal governments to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting, fishing, and other compatible recreation and to improve fish and wildlife habitat on their land. The VPA-HIP is administered by the State or tribal government that receives the grant funds.

The State of Utah, through the Utah Division of Wildlife Resources (UDWR), proposes to use VPA-HIP grant funds to expand its existing public access programs to provide the public with more opportunities to hunt, fish, watch wildlife, enjoy other recreation, and to improve wildlife habitat on private lands. The UDWR works closely with hundreds of landowners who voluntarily participate in three existing private-land access programs: Cooperative Wildlife Management Unit (CWMU), Landowner Association (LOA), and Walk-In Access (WIA). These programs provide financial incentives and the opportunity to work with state employed biologists for private landowners to allow public access to their lands as well as improve wildlife habitat. These programs have opened more than two million acres of private land to the public in Utah. Public access can vary depending on the specific program. These successful programs increase public awareness about the importance of private lands to individuals who hunt, fish, and enjoy wildlife-related recreation and motivate landowners to conserve wildlife species.

### **Proposed Action**

The Proposed Action consists of three main components: (1) expand the WIA program to the southern half of the state (it is currently only available in the northern regions of the state); (2) restructure the compensation schedule for the WIA program; and (3) offer habitat improvement as an incentive for landowner participation in all three existing public access programs (CWMU, LOA, and WIA).

### **Purpose and Need**

The purpose of the Proposed Action is to use VPA-HIP grant funds to increase public access and improve wildlife habitat on private farms, ranches, and forest land in the state of Utah. The need for the Proposed Action is to: increase the value realized by private landowners for wildlife populations inhabiting their property; increase the types and amounts of public access on qualified private land; and promote wildlife habitat restoration and improvement of watershed conditions on private properties.

### **Environmental Consequences**

This Programmatic Environmental Assessment has been prepared to analyze the potential environmental consequences associated with implementing the Proposed Action (Preferred Alternative) or the No Action Alternative. Under the Proposed Action, UDWR would utilize VPA-HIP funds to expand the existing public access programs and offer habitat improvement as an incentive for landowners to join these programs. Under the No Action Alternative, the three public access programs would continue as they are currently administered. The WIA program would not be expanded to the southern half of the state and the additional opportunities afforded by the proposed habitat improvement projects would not be realized.

The potential environmental consequences of implementing the Proposed Action would be beneficial overall to the natural environment and increase wildlife-related recreational opportunities in the state. A summary of environmental consequences is provided in Table ES-1.

**Table ES-1 Summary of Environmental Consequences**

<b>Resource</b>	<b>Proposed Action (Preferred Alternative)</b>	<b>No Action Alternative</b>
Biological Resources (Vegetation, Terrestrial and Aquatic Wildlife, Protected Species, and Wetlands)	Habitat improvement projects would cause minor short-term impacts to vegetation and nearby wildlife due to the direct disturbance of the land (re-seeding, mechanical vegetation removal, prescribed burning). However, long-term beneficial impacts to biological resources would be expected as a result of more stable native vegetation and improved cover and forage habitat for game species. No direct impacts to any protected species or wetlands would occur.	Expansion of the WIA program would not occur and the additional funding for VPA-HIP would not be available for habitat improvement projects. The current public access programs would remain, but the long-term benefits to the environment from increased funding for habitat improvement would not be realized.
Recreation	Some habitat improvement projects may temporarily limit entry until the project is firmly established. However, long-term beneficial impacts to recreation are expected from improving wildlife habitat and increasing hunting and fishing opportunities.	Expansion of the WIA program would not occur and there would be no use of VPA-HIP funding to expand or improve wildlife-related recreational opportunities in Utah. Current public access programs would continue.
Socioeconomics and Environmental Justice	Slight beneficial impacts to the local economy from WIA expansion and increased compensation, as well as from goods and services purchased for habitat improvement projects. Utilization of the land for wildlife-related recreation would also be slightly beneficial due to purchases (lodging, meals, and goods) from traveling sportsmen accessing the land. There would be no impacts to minority or low income populations; therefore, there are no environmental justice concerns.	Expansion of the WIA program would not occur and there would be no VPA-HIP grant funding. No direct negative impacts would occur to local economies. Any beneficial impacts from the spending of VPA-HIP funds locally would not be realized. No Environmental Justice impacts would occur.
Air Quality	Localized and temporary increases in particulate matter could occur during habitat improvement projects that disturbed soils or utilized prescribed fire. However, projects would adhere to all state and federal regulations to ensure that no impacts to regional air quality would occur.	Current public access programs and habitat improvement projects would continue. Prescribed burning would continue to occur as part of habitat restoration efforts in Utah. There would be no change to existing air quality conditions.
Water Resources	Short-term, localized impacts to water quality could occur from habitat improvement projects that disturb soil. However, long-term, beneficial impacts to water quality would be realized from restoring vegetation cover, establishing native riparian vegetation, and stabilizing banks and streambeds.	Expansion of the WIA program would not occur and there would be no increase in funding for habitat improvement projects. No direct impacts to water quality would occur. However, the increased benefit from VPA-HIP grant funding for improvements to habitats, and possible benefits to water quality would not be realized.
Soils	Short-term, localized negative impacts to soils could occur during habitat improvement projects with soil disturbance. However, use of best management practices and adherence to all state and federal regulations would minimize soil erosion and runoff. Long-term benefits to soils would occur from stabilization and returning habitats to native vegetative cover.	Expansion of WIA would not occur. No direct impacts to soils would occur. However, the increased long term benefits to soils from the utilization of VPA-HIP funding for habitat improvements would not be realized.



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## **ACRONYMS AND ABBREVIATIONS**

CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWMU	Cooperative Wildlife Management Unit
EA	Environmental Assessment
EO	Executive Order
FSA	Farm Service Agency
LOA	Landowner Association
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
PEA	Programmatic Environmental Assessment
UDNR	Utah Department of Natural Resources
UDWR	Utah Division of Wildlife Resources
U.S.	United States
USACE	U.S. Army Corps of Engineers
USCB	U.S. Census Bureau
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
VPA-HIP	Voluntary Public Access and Habitat Incentive Program
WIA	Walk-In Access

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## **CHAPTER 1.0 INTRODUCTION**

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The United States Department of Agriculture (USDA) Farm Service Agency (FSA) proposes to implement a new program authorized by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) in the State of Utah. The Voluntary Public Access and Habitat Incentive Program (VPA-HIP) provides grants to State and tribal governments to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting, fishing, and other compatible recreation and to improve fish and wildlife habitat on their land. The VPA-HIP is administered by the State or tribal government that receives the grant funds.

The VPA-HIP is a competitive grants program that is only available for state and tribal governments. The grant funding may be used to expand existing public access programs or create new public access programs, or provide incentives to improve wildlife habitat on enrolled lands. Applicable program objectives in the State of Utah are to:

- Maximize participation by landowners;
- Ensure that land enrolled in the program has appropriate wildlife habitat;
- Supplement funding and services from other Federal, state, or tribal government or private resources; and
- Inform the public about the location of public access land.

The State of Utah, through the Utah Division of Wildlife Resources (UDWR), proposes to use VPA-HIP grant funds to expand its existing public access programs to provide the public with more opportunities to hunt, fish, watch wildlife, enjoy other recreation, and to improve wildlife habitat on private lands.

### **1.1 BACKGROUND**

The UDWR works closely with hundreds of landowners who voluntarily participate in three private-land access programs: Cooperative Wildlife Management Unit (CWMU), Landowner Association (LOA), and Walk-In Access (WIA). In the CWMU and LOA programs, private landowners receive a limited number of big game vouchers that they may market to the public. In return, they must allow a limited number of sportsmen with public hunting permits to access their lands. In the WIA program, the UDWR provides landowners with annual payments in exchange for allowing public access for hunting, fishing, or other wildlife dependent recreation.

These programs provide financial incentives and the opportunity to work with state employed biologists for private landowners to allow public access to their lands as well as improve wildlife habitat. These programs have opened more than two million acres of private land to the public in Utah. Public access can vary depending on the specific program. These successful programs increase public awareness about the importance of private lands to individuals who hunt, fish, and enjoy wildlife-related recreation and motivate landowners to conserve wildlife species.

### **1.1.1 Cooperative Wildlife Management Unit**

The CWMU program began in 1990 (under a slightly different name) and provides landowners with vouchers for big game hunting permits, in exchange for allowing public access onto their property. These vouchers may be sold by the landowner for profit, as long as they allow a specified percentage of public hunters on their lands. Some of the basic requirements of enrolling in the CWMU program are:

- A minimum of 5,000 contiguous acres to qualify for mule deer, pronghorn, or turkey permits.
- A minimum of 10,000 contiguous acres to qualify for elk or moose permits.
- Numerous landowners may join together to form a single CWMU.
- Must have a Utah Wildlife Board-approved management plan.
- Public hunters must have hunting opportunities equal to those of the private hunters.

In 2010, 112 CWMUs were approved, comprising a total of 2.1 million acres. There were a total of 3,249 buck and bull hunting permits approved (2,123 for deer, 913 for elk, 104 for moose, and 89 for pronghorn). There were also an additional 1,513 antlerless permits.

### **1.1.2 Landowner Association**

The LOA program began in 2005 and is for landowners of limited-entry hunting units. These landowners receive big game vouchers in exchange for allowing public access. They also receive vouchers to provide mitigation for damages that wildlife may cause on their lands. Landowners who sell their vouchers must provide access to an equal number of public hunters with valid limited-entry public permits. Some of the basic requirements of the program are:

- Qualifying private lands must provide appropriate wildlife habitat.
- CWMU lands and domesticated elk farms are not eligible under this program.
- There may be only one LOA per species on a limited-entry unit.
- Must provide a minimum of 51 percent of the eligible private land in the unit to be signed up in the LOA.
- Program enrollment applications must go through public-input and Utah Wildlife Board-approval processes.
- Permit numbers are based on the percentage of habitat supplied by the private lands.

In 2010, 14 LOAs were approved on 30 limited-entry hunting units, comprising a total of 788,891 acres. A total of 212 hunting permits were approved (116 for buck deer, 89 for bull elk, and 7 for pronghorn).

### **1.1.3 Walk-in Access**

The WIA program began as a pilot program in 2006 and was officially approved in 2007. This program provides financial compensation to private landowners for allowing the public to access their properties for wildlife-related recreation. A UDWR biologist or representative evaluates all land or water to be enrolled in the program to ensure habitat is suitable and wildlife is available. This program is offered across the northern half of Utah and on a part-time basis in the southeastern region. Some basic requirements of the program are:



- Sportsmen are able to hunt, fish, or trap on WIA property.
- Compensation is based on amount of property and the length of time the land or water is enrolled in the program.
- Travel within a WIA is limited to foot traffic only.

By the end of 2009, there were 84,626 acres, 5.75 miles of stream, and 32.8 acres of pond available to sportsmen in the WIA program. Ten of the current WIA properties provide access through their land to public lands that were previously inaccessible for general public use.

## **1.2 THE PROPOSED ACTION**

With VPA-HIP grant funds and supplemental funds in license restricted state funds, the UDWR proposes to expand the WIA program; restructure the WIA compensation schedule; and offer habitat improvement as an incentive for landowner participation in all three existing public access programs (CWMU, LOA, and WIA).

## **1.3 PURPOSE AND NEED FOR PROPOSED ACTION**

The purpose of the Proposed Action is to use VPA-HIP grant funds to increase public access and improve wildlife habitat on private lands in the State of Utah. The need for the Proposed Action is to: increase the value realized by private landowners for wildlife populations inhabiting their property; increase the types and amounts of public access on qualified private land; and promote wildlife habitat restoration and improvement of watershed conditions on private properties.

## **1.4 REGULATORY COMPLIANCE**

This Programmatic Environmental Assessment (PEA) has been prepared to satisfy the requirements of the National Environmental Policy Act (NEPA) (Public Law 91-190, 42 United States Code 4321 et seq.); implementing regulations adopted by the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] 1500-1508); and FSA implementing regulations, Environmental Quality and Related Environmental Concerns – Compliance with NEPA (7 CFR 799). The intent of NEPA is to protect, restore, and enhance the natural and human environment through well-informed Federal decisions. A variety of laws, regulations, and Executive Orders (EOs) apply to actions undertaken by Federal agencies and form the basis of the analysis presented in this PEA.

## **1.5 ORGANIZATION OF EA**

This PEA assesses the potential impacts of the Proposed Action and the No Action Alternative on potentially affected environmental and economic resources.

- Chapter 1.0 provides background information relevant to the Proposed Action, and discusses its purpose and need.
- Chapter 2.0 describes the Proposed Action and alternatives.

- Chapter 3.0 describes the baseline conditions (i.e., the conditions against which potential impacts of the Proposed Action and alternatives are measured) for each of the potentially affected resources and the potential environmental impacts to those resources.
- Chapter 4.0 describes potential cumulative impacts and irreversible and irretrievable resource commitments.
- Chapter 5.0 discusses mitigation measures utilized to reduce or eliminate impacts to protected resources.
- Chapter 6.0 contains a list of the persons and agencies contacted during the preparation of this document.
- Chapter 7.0 lists the preparers of this document.
- Chapter 8.0 contains references.
- Appendix A provides a sample NEPA worksheet.
- Appendix B provides agency correspondence.

## **CHAPTER 2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES**

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### **2.1 PROPOSED ACTION**

The UDWR proposes to use VPA-HIP grant funds of \$2,192,527 and a supplemental \$1,129,432 in license restricted state funds to expand its existing public access programs to provide the public with more opportunities to hunt, fish, watch wildlife, and enjoy other recreation on private lands. Specific objectives include:

- Expand the WIA program into the southern half of Utah.
- Hire two biologists to oversee the WIA expansion.
- Increase landowner compensation in the WIA program, and offer five-year contracts instead of three-year contracts.
- Evaluate properties in all three programs to ensure suitability of wildlife habitat.
- Identify and prioritize potential habitat improvement projects on private lands in these programs.
- Use habitat improvement efforts to increase landowner participation.
- Enhance the UDWR website to provide up-to-date, in-depth information about all three programs; also develop printed material.
- Hire a half time web designer to design and complete web work and assist in outreach efforts to inform the public and landowners about program opportunities.

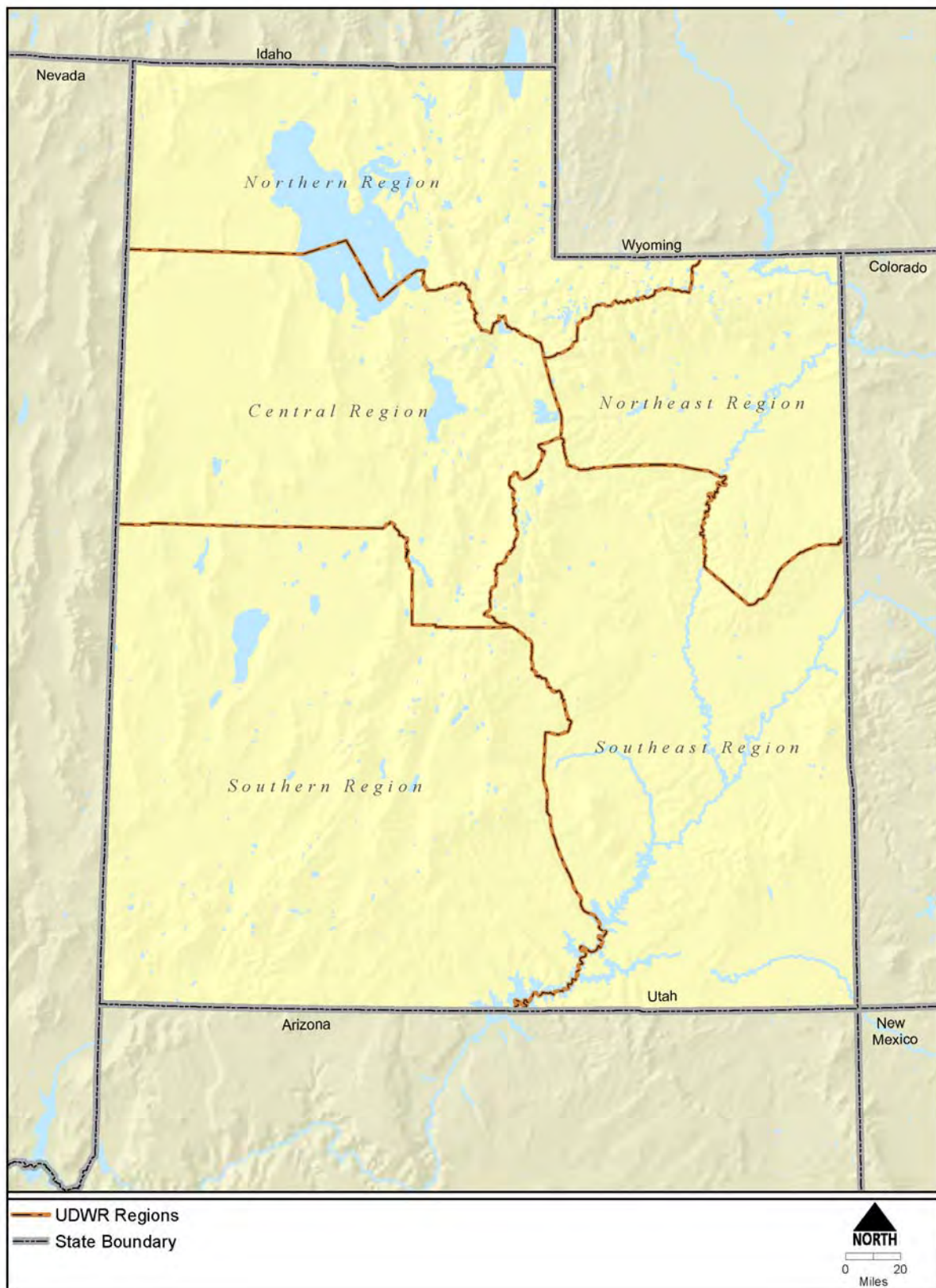
These objectives can be consolidated into three main Proposed Action components: expand WIA program, restructure WIA compensation schedule, and improve wildlife habitat on eligible private lands. These components are discussed in more detail in Sections 2.1.1 through 2.1.3.

#### **2.1.1 Expand WIA Program**

Administratively, Utah is divided into five regions (Figure 2-1). Currently, the WIA program is only available in the northern half of Utah (North, Northeastern, and Central regions) and on a part-time basis in the Southeastern region. Under the Proposed Action, UDWR would expand the WIA program so that it would be available in all five administrative regions of the state. Expanding this program would require hiring two regional WIA biologists.

Approximately 4 million acres of private land are located within the two southern UDWR administrative regions. Landowner participation in Utah's public access programs has steadily increased in the last decade. The WIA program has grown from 59 units in 2007 at the program's start to 93 units as of December 2010. For acceptance into the WIA program, potential properties are screened through an in-depth evaluation process that utilizes a grading/point system to determine the types and abundance of wildlife, availability of essential components (food, cover, and water), amount of land available for access (minimum of 80 acres required for enrollment), whether land is already enrolled in a conservation program, and the quality of the habitat for hunting and fishing.

**Figure 2-1 UDWR Administrative Regions**



### 2.1.2 Restructure WIA Compensation Schedule

Landowners participating in the WIA program receive annual payments for allowing the public to access their lands. Currently, landowners can enroll land for a contract period of up to three years. Payments are determined on the amount of land enrolled and the length of the contract (one, two, or three years). For recreation Walk-in Access these annual payments range from \$370 to \$1,680 for enrolling for one year or \$407 to \$1,848 for enrolling for three years. Fishing Walk-In Access provides annual payments ranging from \$625 to \$1,260 for one year and \$687.50 to \$1,386 for three years. The annual payment per year for enrolling in a two or three year contract includes a 5 percent and 10 percent bonus respectively. Under the Proposed Action, UDWR proposes to increase the annual payments and bonuses and allow landowners to enroll for a period of up to five years. The proposed payment schedules for walk-in recreation and walk-in fishing are provided in Tables 2.1-1 and 2.1-2.

**Table 2.1-1 Proposed Walk-In Recreation Access Landowner Payment Schedule**

Land Acres	1 Year Base Rate	2 Years, 5% bonus (per Year)	3 Years, 10% bonus (per year)	4 Years, 15% bonus (per year)	5 Years, 20% bonus (per year)
80-250	\$401	\$421	\$441	\$461	\$481
251-500	\$522	\$548	\$574	\$600	\$626
501-650	\$693	\$727	\$762	\$796	\$831
651-999	\$924	\$970	\$1,016	\$1,062	\$1,108
1,000-2,499	\$1,386	\$1,455	\$1,524	\$1,593	\$1,663
2,500-4,999	\$1,617	\$1,697	\$1,778	\$1,859	\$1,940
5,000+	\$1,848	\$1,940	\$2,032	\$2,125	\$2,217

**Table 2.1-2 Proposed Walk-In Fishing Access Landowner Payment Schedule**

Pond Size (acres)	Stream Length (miles)	1 Year Base Rate	2 Years, 5% bonus (per Year)	3 Years, 10% bonus (per year)	4 Years, 15% bonus (per year)	5 Years, 20% bonus (per year)
<1	-	\$404	\$424	\$444	\$464	\$484
1-5	-	\$520	\$546	\$572	\$598	\$624
6-25	<0.25	\$693	\$727	\$762	\$795	\$831
26-50	0.26-1.0	\$924	\$970	\$1,016	\$1,062	\$1,108
51-75	1.1-1.5	\$1,386	\$1,455	\$1,524	\$1,593	\$1,663
76-99	1.6-2.0	\$1,617	\$1,697	\$1,778	\$1,859	\$1,940
100+	2.1+	\$1,848	\$1,940	\$2,072	\$2,166	\$2,260

### 2.1.3 Improve Wildlife Habitat

The UDWR proposes to use VPA-HIP grant funds to increase the quality and quantity of wildlife habitat on privately-held farm, ranch, and forest land. Currently, the UDWR utilizes a project-tracking database to monitor habitat improvement projects that are initiated by the UDWR with private landowners. Over the past five years, UDWR has overseen habitat improvement projects on more than 77,517 acres of private land totaling over \$13 million. Under the Proposed Action, UDWR biologists would continue to evaluate private land habitat improvement projects and rank them for the use of available funding. All

habitat improvement projects would emphasize wildlife values and require a plan, monitoring, and an annual report of progress. VPA-HIP grant funds cannot be used for repairing equipment or buildings. The potential for habitat improvement would be used as an incentive for landowners to participate in public access programs.

Habitat restoration projects conducted by UDWR focus on improving habitat important to state conservation efforts as identified in the Utah Comprehensive Wildlife Conservation Strategy (UDWR 2005). Primary ecological areas identified in that plan include shrubsteppe, mountain shrub, grasslands, aspen, and riparian areas. Restoration or improvement projects can range from passive restoration efforts such as altering grazing schemes or crop rotations to mechanical restoration such as large-scale removal of invasive species. Herbicide or other chemical application is not included in the proposed restoration projects addressed in this PEA. Habitat improvement and restoration projects are also conducted in accordance with standards and guidelines developed by the Natural Resources Conservation Service.

Participation in public access programs is voluntary, as such, the exact habitat improvement projects and where they would occur is not known. This PEA is intended to serve as an overall programmatic analysis for individual habitat improvement projects up to 1,500 acres. Those improvement projects larger than 1,500 acres would require separate NEPA analysis beyond the scope of this PEA to ensure protection of the environment. Each individual habitat improvement project 1,500 acres or less would also require site-specific environmental evaluation in the form of a NEPA worksheet (Appendix A). If the potential for major impacts is determined for a specific project during the NEPA worksheet, a separate Environmental Assessment (EA) may be required. The worksheet is a comprehensive assessment of potential impacts to environmental and social resources resulting from the specific habitat improvement project being proposed. Resource areas addressed in the worksheet include: air quality, waters of the United States (U.S.), cultural resources, threatened and endangered species, environmental justice, floodplain management, invasive species, migratory birds, natural areas, prime and unique farmlands, riparian areas, scenic beauty, wetlands, and wild and scenic rivers. As part of the site-specific environmental evaluation, UDWR would consult with the appropriate resource area agency lead, such as the State Historic Preservation Officer, to ensure impacts to protected resources would not occur.

Potential restoration efforts that could occur within each primary habitat type under the Proposed Action are briefly described in Sections 2.1.3.1 through 2.1.3.5. Further discussion of wildlife habitat conservation efforts in Utah can be found in the Comprehensive Wildlife Conservation Strategy (UDWR 2005).

#### **2.1.3.1 Shrubsteppe**

Numerous threats exist to the shrubsteppe habitat in Utah. Generally the threats consist of improper brush eradication, development, drought, infrastructure used for energy development, altered fire cycle, improper grazing practices, improper off-highway vehicle use, and invasive plant species. Under the Proposed Action, VPA-HIP funds would be used for more passive improvement measures for the shrubsteppe habitat. These types of improvements would most likely consist of re-seeding or replanting

native vegetation, removal of invasive species, or possible use of prescribed burning if habitat conditions are suitable. Habitat improvements would remain rather small in scale with UDWR emphasis on targeting those private lands with the best, improvable habitat.

#### 2.1.3.2 Mountain Shrub

Threats to the mountain shrub ecological area are similar to the shrubsteppe and include: improper brush eradication, infrastructure used for energy development, altered fire cycle, improper grazing practices, and introduction of invasive plant species. Under the Proposed Action, it is anticipated that little habitat improvement would occur within the mountain shrub habitat type. Typical improvements in this type of habitat would be to remove invasive shrubs and vegetation that provide little cover or forage and to replant with native grasses, forbs, and shrubs. This practice would provide benefits to both livestock and foraging wildlife on the property.

#### 2.1.3.3 Grasslands

Grasslands are threatened primarily through development, altered fire cycle, improper grazing practices, and the introduction of invasive plant species. Possible habitat improvement projects on grassland areas that could occur under the Proposed Action would include: re-seeding degraded areas with native grasses and forbs and possible replanting of some shrubs depending on existing vegetation composition and the wildlife species the improvement efforts are targeting. As with the shrubsteppe, prescribed burning could be utilized if suitable habitat conditions exist.

#### 2.1.3.4 Aspen

General threats to aspen ecological areas are habitat loss or fragmentation, altered fire cycle that results in conifers displacing aspens, and overgrazing (livestock or elk) or grazing at the wrong time of year. Improvement projects under the Proposed Action for aspen habitat would likely involve the removal of conifer understory. Activities used to achieve this goal may be prescribed burning, as well as mechanical means to disrupt conifer growth. The overall goal for improving aspen habitat would be to restore the aspen stand to an earlier successional stage, thereby providing better forage habitat for livestock and wildlife.

#### 2.1.3.5 Riparian

Riparian habitats in Utah are generally divided into two types: lowland riparian and mountain riparian. For the purposes of this PEA, these two are addressed together since the threats and conservation efforts are similar. Primary habitat threats for riparian areas are channelization due to increased runoff velocity caused by degradation of riparian vegetation, development, improper grazing techniques, altered fire cycle, invasive plants species, and water use development. Under the Proposed Action, few improvement projects in riparian and stream habitats are anticipated. However, specific projects that could occur would be re-seeding or replanting of riparian vegetation, replacing bedrock in streambeds damaged by livestock, or restoring a more natural fire regime with prescribed burns, if suitable habitat conditions exist.

## **2.2 ALTERNATIVES**

CEQ regulations (40 CFR §1502.14) require the lead agency to identify all reasonable alternatives for implementing a Proposed Action. The Federal Register notice announcing the rule for VPA-HIP (Vol. 75(130), page 39135) explicitly states the purpose of VPA-HIP is to provide grants to State and tribal governments to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation and to improve fish and wildlife habitat on their land. Each VPA-HIP application received by USDA FSA underwent a selection screening process to identify those proposals that met the program objectives (listed in Introduction Section 1.0).

The UDWR considered other alternative strategies for the VPA-HIP in which habitat improvement projects would not be included in the proposal and/or expansion of the WIA program would not occur. However, these alternatives were eliminated from further analysis since they clearly did not meet the overall purpose and need of the program to improve habitat and increase public access for wildlife-dependent recreation.

Expanding the service area of the WIA program would greatly increase opportunities for private landowners of smaller farms and ranches to enroll in public access programs. The other two existing public access programs (CWMU and LOA) are currently available in all regions of the state and expansion of the service area is not necessary. The incentive for enrolling in CWMU and LOA is the potential financial income that could be generated from successful marketing of the limited number of hunting vouchers the landowner(s) receive. Beyond the vouchers, there is no current monetary contribution from UDWR in which to use the VPA-HIP funds in these programs. However, the proposed habitat improvement or restoration projects could represent a new incentive for additional landowners to enroll in the programs. Given these issues and the overall program goals, the only reasonable action alternative is the Proposed Action.

## **2.3 NO ACTION ALTERNATIVE**

Under the No Action Alternative, the VPA-HIP would not be implemented in the State of Utah. Expansion of the WIA into the southern half of the state and the proposed adjustments in the payment schedule would not occur. Habitat improvement projects would continue, but on a much reduced scale without the additional grant funds from VPA-HIP. The public access programs (CWMU, LOA, and WIA) as currently administered would continue to be available. The No Action Alternative does not meet the purpose and need of the Proposed Action, but is being carried forward in accordance with CEQ regulations to serve as the baseline against which potential impacts of the Proposed Action are measured.

## **2.4 RESOURCES ELIMINATED FROM ANALYSIS**

CEQ regulations (40 CFR §1501.7) state that the lead agency shall identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review, narrowing the discussion of these issues in the document to a brief presentation of why they would not have a dramatic effect on the human or natural environment.



As described above, the Proposed Action consists of three main components: expanding the WIA program, restructuring of the WIA compensation schedule, and habitat improvement activities. Two of these components are primarily administrative while the habitat improvement activities would have the greatest potential for environmental impacts. However, the potential direct and indirect impacts to physical resources would be dependent on specific ground disturbing activities proposed, methods, location, and time of year. Therefore, UDWR utilizes a comprehensive NEPA worksheet to assess each individual habitat improvement project (Appendix A). Prior to any activity taking place, a UDWR regional biologist would utilize the worksheet to make an assessment of potential impacts and would undertake the proper measures to minimize any impacts and/or consult with the responsible agencies or authority to prevent any undesired consequences. Thus, from a programmatic level, the Proposed Action would have little to no impact on the following resource areas:

*Noise.* The Proposed Action would not create any new permanent sources of noise to the environment. Expanding the WIA program to include the southern half of the state may introduce gunfire noise on lands where public hunting may not occur. This noise would be intermittent and occur during daylight hours during specified hunting seasons. Utah Code 76-10-508 prohibits discharge of a firearm within 600 feet of any building or any domestic animal facility, when animals are present, without the permission of the owner or person in control of the property. In addition, the requisite size of land needed for safe hunting would reduce the potential for gunfire noise to be heard outside the property. Habitat improvement activities could require the use of heavy equipment. These activities would be localized, temporary in nature, only occur during typical working daylight hours, and are not likely to exceed typical noise levels experienced on active agricultural land.

*Human Health and Safety.* No components of the Proposed Action would directly impact human health or safety. The goal of the Proposed Action is to increase public access to privately-held land that supports an abundance of wildlife, thereby allowing hunting, fishing, and outdoor recreation. While hunting does pose a slight safety risk, this activity would occur on private land with controlled access. Utah hunting regulations require hunters to receive the appropriate education and meet minimum age requirements before a permit can be issued. All habitat improvement requiring the use of heavy machinery would be done in accordance with existing safety guidelines.

*Land Use.* The Proposed Action would not result in any changes to land use designations. The Proposed Action would occur on private lands on a voluntary basis and would not require the alteration of land use.

*Transportation.* No aspect of the Proposed Action entails any alteration of the current transportation system in the State of Utah. Increasing acreage available for enrollment in the WIA program could cause an increase in the number of vehicles traveling to a new WIA area. However, it is highly unlikely this would be considered an impact to the transportation system, but rather a redistribution of vehicular traffic.

*Cultural Resources.* The Proposed Action would not directly or indirectly impact any cultural resources, either architectural or archaeological. UDWR is highly aware of the importance of cultural resources, and no aspect of the Proposed Action would allow for purposeful destruction of any cultural resources. As

part of the site-specific NEPA worksheet, consultation with the State Historic Preservation Officer would occur to ensure protection of any nearby cultural resources. As a matter of practical policy, UDWR avoids causing impacts to “eligible” historic properties, choosing instead to redesign or modify specific features of proposed habitat restoration efforts, following survey or consultation with the State Historic Preservation Officer. Therefore, no impacts to cultural resources would occur.

*Coastal Zones.* The State of Utah has no coastal zones, as it is a land-locked state. However, lakes and reservoirs do exist. UDWR is a partner in the Utah Watershed Restoration Initiative, a collaborative program that works to improve and restore Utah’s ecosystems and waterways. Proposed habitat improvement projects would ultimately benefit these areas. Potential water resources impacts are addressed in Section 3.4.

*Other Formally Classified Lands.* The Proposed Action can only be implemented on privately owned lands. The only formal classification applicable on private land would be Prime and Unique Farmland or Farmland of Statewide Importance. The Proposed Action would not include removing these lands from agricultural production. Therefore, there would be no impacts to any other formally classified lands.

## **CHAPTER 3.0    AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

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This chapter provides a description of the existing environmental conditions that have the potential to be affected from implementation of the Proposed Action and the potential environmental impacts that may occur to those resources. Resource areas potentially impacted by the Proposed Action and covered in this PEA include:

- Biological Resources (Vegetation, Terrestrial and Aquatic Wildlife, Protected Species, and Wetlands)
- Recreation
- Socioeconomics and Environmental Justice
- Air Quality
- Water Resources
- Soils

As described in Chapter 2, this PEA describes the potential impacts from implementing VPA-HIP funds in the State of Utah on a programmatic level. Site-specific analysis for all proposed habitat improvement projects (no more than 1,500 acres each) would be done using the NEPA worksheet. The site-specific analysis in combination with the programmatic level analysis provided in this PEA serves as the full NEPA documentation. Projects larger than 1,500 acres or any project determined to have potential significant impacts would require a separate EA and are outside of the scope of this analysis.

Environmental consequences to each resource area are described for the Proposed Action (Preferred Alternative) and the No Action Alternative:

- **Proposed Action (Preferred Alternative):** utilize VPA-HIP funds to expand and enhance existing public access programs and improve habitat.
- **No Action Alternative:** continuation of existing public access programs as they are currently administered. No expansion or additional financial incentives for enrollment would occur.

### **3.1    BIOLOGICAL RESOURCES**

Biological resources are any characteristic or feature of the natural environment that adds to the intrinsic value of the local area. In this PEA, biological resources include vegetation, terrestrial wildlife, aquatic wildlife, protected species, and wetlands. Biological resources are included in this PEA because habitat improvement projects have the potential to temporarily disturb the natural environment during implementation but would also result in long-term positive improvements to the natural environment. Also, expanding the public access programs and increasing hunting and fishing opportunities may increase the potential for impacting game populations.

### **3.1.1 Affected Environment**

The Proposed Action covers the entire state; however, the biological resources discussed in this PEA focus on those primary ecological areas where there is the potential to implement a habitat improvement project as discussed in Chapter 2. A very brief overview of the vegetation within those areas is presented in Section 3.1.1.1, terrestrial and aquatic wildlife and protected species are described in Section 3.1.1.2, and wetlands are described in Section 3.1.1.3.

#### **3.1.1.1 Vegetation**

Habitat types can be generally characterized by the dominant tree, shrub, and plant species. For this PEA, vegetation is briefly described for riparian, shrubsteppe, mountain shrub, grasslands, and aspen forests.

Riparian areas refer to the vegetated areas along rivers and streams and represent a very rare habitat type in Utah. Lowland riparian areas occur at elevations below 5,500 feet and include woody species such as: fremont cottonwood, salt cedar, netleaf hackberry, velvet ash, desert willow, sandbar willow, and squawbush. Mountain riparian areas occur at elevations above 5,500 feet and include willow, narrowleaf cottonwood, thinleaf alder, water birch, black hawthorn, rocky mountain maple, red-osier dogwood, and wild rose (Edwards et al. 1995).

Shrubsteppe habitat refers to large dry, grasslands with few or no trees and it represents one of the most abundant habitat types in Utah. This habitat is a combination of sagebrush shrubland and perennial grassland. The principle shrub species is sagebrush. Additional shrub species include rabbitbrush, bitterbrush, and oak. The most common grass species include bluebunch wheatgrass, sandburg bluegrass, crested wheatgrass, needlegrass, sand dropseed, blue gramma, thurbers needlegrass, western wheatgrass, indian ricegrass, and galleta (Edwards et al. 1995).

Mountain shrubland habitats include smaller trees and shrubs and occur from approximately 3,000 to 9,500 feet in elevation. This is a rare habitat type in Utah and is typically dominated by alder leaf mountain mahogany, cliff rose, bitterbrush, serviceberry, buckbrush, chokecherry, snowberry, pointleaf Manzanita, and bearberry (Edwards et al. 1995).

Grasslands, or short grass prairies, are not an abundant habitat type in Utah. Key grass species include bluebunch wheatgrass, sandburg bluegrass, crested wheatgrass, basin wildrye, galleta, needlegrass, sand dropseed, blue gramma, thurbers needlegrass, western wheatgrass, squirreltail, and indian ricegrass. Shrubs are limited but may include sagebrush (Edwards et al. 1995).

Aspen forests occur at elevations above 6,500 feet and are dominated by quaking aspen. Aspen forests are not a very abundant habitat type in Utah. Within these forests, Aspen is the dominant tree species, while shrub species, such as snowberry and serviceberry, and wildflowers, such as mountain bluebells, are often found on the forest floor (Edwards et al. 1995 and UDWR 2005).

### 3.1.1.2 Terrestrial Wildlife, Aquatic Wildlife, and Protected Species

Utah has a very diverse and extensive assemblage of wildlife species. The UDWR has adopted a three-tiered system that strives to define and prioritize Utah's native animal species according to their level of conservation need. Tier I species includes Federally Threatened and Endangered, Federal Candidate, and Conservation Agreement species (i.e., Protected Species). The species on the Tier II list are generally equivalent to the Utah Species of Concern List. Tier III species include species that are of conservation concern because they are linked to an at-risk habitat (e.g. mule deer), have had a significant decrease in population size, or the information available is limited, especially information regarding the species' life history, population status, and threats. Aquatic wildlife is also included in the tiered system and can be divided into flowing water and standing water habitats (UDWR 2005).

Table 3.1-1 provides the terrestrial and aquatic wildlife species of concern (including Protected Species) that are identified in the Comprehensive Wildlife Conservation Strategy and have the potential to be present in the five habitat types previously described. These habitat types are the most likely to receive habitat improvement projects. Table 3.1-1 identifies the animal species by habitat type and tier in accordance with the Comprehensive Wildlife Conservation Strategy.

### 3.1.1.3 Wetlands

Wetlands are broadly considered "waters of the U.S." and are defined by the U.S. Army Corps of Engineers (USACE) as areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE 1987). Wetlands provide valuable habitat for a variety of wildlife.

Low elevation marsh and wetland areas are typically associated with rivers, streams, and lakes, but can also occur in depressional areas as a result of spring and summer snow melt. The most common vegetation species include cattail, bulrush, and sedge (Edwards et al. 1995 and UDWR 2005). In Utah, wet meadows could also typically be considered wetlands as well as the fringe areas along rivers, ponds, and streams. Wildlife species associated with wetland habitats in Utah identified by UDWR's tiered system are also provided in Table 3.1-1.

**Table 3.1-1 Terrestrial and Aquatic Wildlife and Protected Species by Conservation Level**

<b>Habitat Type</b>	<b>Tier I (Protected Species)</b>	<b>Tier II</b>	<b>Tier III</b>
Riparian	Yellow-billed cuckoo Southwestern willow flycatcher	Arizona toad Western toad Allen's big-eared bat Black swift Cornsnake Western threadsnake Smooth greensnake	Broad-tailed hummingbird Canyon treefrog Black-necked garter snake Black-billed cuckoo Northern river otter Rubber boa
Shrub steppe	Gunnison sage grouse	Greater sage grouse Pygmy rabbit	Sage thrasher Sage sparrow Brewer's sparrow Mule deer
Mountain Shrub	Ogden Rocky Mountain snail	Brian head mountainsnail Deseret mountainsnail	Mule deer Desert shrew Black-throated gray warbler
Grassland	Black-footed ferret Utah prairie dog	Long-billed curlew Grasshopper sparrow Gunnison's prairie dog White-tailed prairie dog	Idaho pocket gopher Coachwhip Glossy snake
Aspen	Northern goshawk	Yavapai mountainsnail Mexican vole	Williamson's sapsucker
Wetlands	Columbia spotted frog Least chub	Preble's shrew Western toad Desert springsnail	Black-necked stilt Northern leopard frog American Avocet
Flowing Water	Colorado River trout Bonneville cutthroat trout Bonytail Woundfin Razorback sucker	Desert sucker Yellowstone cutthroat trout Leatherside chub	Utah sucker Mottled sculpin
Standing Water	Least chub June sucker Bonneville cutthroat trout Colorado River cutthroat trout	American white pelican Bonneville cisco Bear Lake whitefish	Osprey Glossy valvata

Source: UDWR 2005

### 3.1.2 Environmental Consequences

Impacts to biological resources would be considered significant if activities resulted in reducing the wildlife or fisheries populations to a level of concern, removing land with unique vegetation characteristics, incidental take of a protected species or its habitat, or filling of wetland areas without appropriate permits and mitigation measures.

#### 3.1.2.1 Proposed Action (Preferred Alternative)

Under the Proposed Action, additional habitat improvement projects similar to those currently done by UDWR would occur on privately-held farms, ranches, and forest land throughout Utah under the VPA-HIP. These projects would be consistent with overall strategies to conserve habitat and wildlife important to the state of Utah as described in the Comprehensive Wildlife Conservation Strategy (UDWR 2005). In

general, the activities associated with installing these projects would result in minor, short-term impacts, which include disturbance to local vegetation, wildlife, and wetlands. However, the goal of these projects is long-term habitat improvement and sustainability of wildlife. The specific impacts of each individual project, with respect to biological resources, would be addressed by the regional biologist through UDWR's NEPA worksheet (see Appendix A for a sample worksheet). This process would ensure minimal impacts to wildlife and their habitat, and no impact to a protected species or wetlands. Programmatic-level impacts to vegetation, terrestrial and aquatic wildlife, protected species, and wetlands are described below.

#### *Vegetation and Terrestrial Wildlife*

Under the Proposed Action, it is expected that implementation of the habitat improvement projects would increase habitat value by controlling less favorable vegetation species in preference for native species that provide greater habitat value. Many habitat improvement projects are focused on the conservation of important terrestrial wildlife species such as elk, mule deer, or sage grouse. In general, habitat improvement would remove invasive or nuisance species to allow for preferred native species to dominate the habitat. Removal of nuisance species can be done by hand, mechanically, or with prescribed burning depending on the habitat type, size of project area, and local conditions. Prescribed burning is preferred for aspen regeneration and could also be used in shrubsteppe and grassland areas if deemed appropriate by UDWR biologists. In some cases, preferred vegetation species may be seeded or planted to increase the habitat value, while in other cases the habitat would be allowed to naturally regenerate after removal of invasive species. Installation of the restoration activity could result in short-term, minor impacts to vegetation and disturbance to local terrestrial wildlife. However, these impacts would be more than offset by the long-term improvement in habitat value and subsequent conservation of important wildlife.

UDWR goes to great lengths to ensure hunting a game species does not negatively affect the status of the species. All game species are managed for the long-term viability of the populations. Each year UDWR determines the population health, population size, and the conservation objective for each species. UDWR then factors in the hunting take success for each species and determines the appropriate number of licenses to issue for each species in each area of the state based on the carrying capacity of that area. Expanding participation in the current programs and increasing hunting opportunities would not result in adverse impacts to game species' populations given the existing UDWR control through the permit process.

#### *Aquatic Wildlife*

Under the Proposed Action, it is expected that implementation of the habitat improvement projects would improve riparian habitats and result in long-term decreases in erosion. Improvements to riparian habitat may include herbaceous seeding, shrub planting, and limiting grazing during certain times of the year; all of which would improve the quality of the surface water associated with the riparian area. Improving the water quality would have subsequent beneficial impacts to aquatic wildlife. The habitat improvement measure could cause a minor, localized, short-term impact by increasing sediment loads in runoff;

however, the long-term benefit of the habitat improvement more than offsets the short-term impact. In addition, approved erosion and sediment control measures would be utilized during installation of the habitat improvement project.

To ensure an aquatic resource (i.e., trout) is not over fished, UDWR has a program whereby the quantity of fishing licenses issued for a certain area is calculated by annually assessing the population size and health of the target species in each area. Expanding participation in the current programs and increasing fishing opportunities would not result in adverse impacts to fish populations.

#### *Protected Species*

Under the Proposed Action, it is expected that implementation of the habitat improvement projects would increase habitat value by controlling less favorable species in preference for native species that provide greater habitat value. As described above, many habitat improvement elements target protected species, such as the sage grouse, and would result in long-term positive impacts to the habitat and associated wildlife. The UDWR NEPA worksheet process would identify the potential presence of a protected species or its habitat and ensure no impact would occur during installation of a project. Informal consultation with U.S. Fish and Wildlife Service would occur as necessary for individual projects.

#### *Wetlands*

The Proposed Action would not directly impact wetland areas; however, it is expected that implementation of the habitat improvement projects in adjacent habitats would increase wetland habitat value. Improvements to adjacent riparian habitat may include herbaceous seeding, shrub planting, and limiting grazing during certain times of the year. These measures would stabilize the banks and streambeds. Installation of the habitat improvement measure could cause a minor, short-term impact by increasing sediment loads in runoff; however, the long-term benefit of the habitat improvements more than offsets the short-term impact. In addition, erosion and sediment control measures would be utilized during project implementation. The NEPA worksheet process would identify the presence of a wetland area and ensure its protection. Consultation with USACE and the appropriate permit would be obtained for individual projects as required.

#### 3.1.2.2 No Action Alternative

Under the No Action Alternative, the WIA would not be expanded and no habitat improvement projects would be undertaken on private lands utilizing the VPA-HIP funding. The current public access programs would continue to be available, but the WIA program would not be expanded to the southern portion of Utah. While habitat improvement projects and restoration activities would still occur, the benefit from additional improvement projects throughout Utah utilizing the VPA-HIP funding would not be realized.

### **3.2 RECREATION**

Recreation includes those outdoor activities that take place away from the residence of the participant. The State of Utah offers a wide variety of recreational opportunities to its residents. Recreational



activities that are common in Utah include hunting, fishing, wildlife viewing, camping, golfing, boating, skiing, hiking, biking, and using off-road vehicles. For this PEA, recreation focuses on hunting and fishing opportunities and other wildlife-related recreational activities available to the public in the State of Utah.

### **3.2.1 Affected Environment**

Hunting in the State of Utah is regulated by UDWR and a valid hunting license is required to hunt within the state. These licenses are valid for one year after the date of purchase, and can be used to hunt small game, including most waterfowl and upland game. A separate hunting permit is required when hunting big game and less abundant species. Species that require a separate hunting permit in the State of Utah include bighorn sheep, bison, deer, elk, moose, pronghorn, Rocky Mountain goat, bear, bobcat, cougar, sage-grouse, sandhill crane, sharp-tailed grouse, swan, and turkey. Hunting permits in the state are species specific, and can be purchased in a variety of ways depending on the species. Licenses and permits can be obtained online, through a UDWR office, or at local retail stores. Each year, some permits can only be acquired through public drawings (UDWR 2010a).

Like hunting, fishing is also regulated by UDWR. To legally fish in Utah, anyone who is 12 years of age or older is required to purchase a fishing license. These licenses last for one day, seven days, or one year and can be obtained online, through a UDWR office, or at local retail stores. The most common types of fish that can be fished for in Utah are trout, bluegill, catfish, crappie, bass, muskie, walleye, perch, and wipers (UDWR 2010b).

Other wildlife-related recreational activities in the State of Utah include wildlife viewing and photography. A recent increase in public interest in these activities led to the creation of The Watchable Wildlife Program. This program creates specific opportunities for wildlife viewing, but also creates guidelines for citizens who wish to utilize private property for wildlife viewing.

### **3.2.2 Environmental Consequences**

Impacts to recreation would be considered significant if they drastically reduced, increased, or removed available public lands designated for recreation or significantly degraded the quality of the recreation. Impacts to environmental conditions such as air, water, or biological resources within or near public recreational land in such a way to affect its use would also be considered significant.

#### **3.2.2.1 Proposed Action (Preferred Alternative)**

The Proposed Action has the potential to provide long-term, beneficial impacts to recreational resources in the State of Utah. Expanding the WIA program in southern Utah would create more opportunities for citizens in the area to enjoy the recreational activities associated with the program. Expansion of the program would allow more opportunities and venues for hunting, fishing, and wildlife viewing on private property. During habitat improvement projects there could be short-term, negative impacts to recreational resources because the land may not be accessible and improvement activities could disturb wildlife and game species. However, the increased funding for habitat improvement would also lead to long-term,

higher quality hunting, fishing, and wildlife viewing opportunities. Therefore, the Proposed Action would have long-term, beneficial impacts to recreational resources in Utah.

#### **3.2.2.2 No Action Alternative**

Under the No Action Alternative, the WIA would not be expanded and no habitat improvement projects would be undertaken on private lands utilizing the VPA-HIP funding. There would be no use of VPA-HIP funds for expansion of recreational opportunities in Utah; therefore, under the No Action Alternative there would be no impacts to recreational resources. The current public access programs would continue as they are currently administered.

### **3.3 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE**

Socioeconomics for this PEA includes an investigation of population and demographic statistics as well as a discussion on the potential income from selling big game hunting vouchers.

EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires a Federal agency to “make achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” A minority population can be defined by race, by ethnicity, or by a combination of the two classifications.

According to CEQ, a minority is defined as being one of the following groups: American Indian or Alaska Native, Asian or Pacific Islander, Black, not of Hispanic origin, or Hispanic. A minority population is defined as one of these groups exceeding 50 percent of the population in an area or the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population (CEQ 1997). The United States Census Bureau (USCB) defines ethnicity as either being of Hispanic origin or not being of Hispanic origin. Hispanic origin is further defined as “a person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin regardless of race” (USCB 2001).

Each year the USCB defines the national poverty thresholds, which are measured in terms of household income and are dependent upon the number of persons within the household. Individuals falling below the poverty threshold are considered low-income individuals. USCB census tracts where at least 20 percent of the residents are considered poor are known as poverty areas (USCB 1995). When the percentage of residents considered poor is greater than 40 percent, the census tract is considered an extreme poverty area.

#### **3.3.1 Affected Environment**

##### **3.3.1.1 Population and Demographics**

The State of Utah had an estimated population of 2.8 million as of July 2009. According to the USCB, Utah ranked 2<sup>nd</sup> among the nation with a population growth rate of 2.1 percent from 2008 to 2009, as compared to a growth rate of 0.9 percent for the U.S. as a whole. Ninety-six percent of this increase was

attributed to natural population growth and not a result of in-migration to the state. Long-term projections for the population of the state show a population of 3.7 million by the year 2020 (State of Utah 2010).

The State of Utah's population is predominantly white, with 89.2 percent of the 2000 Census respondents claiming this ethnicity. Asians ranked second in the state at 1.7 percent, followed by American Indian or Alaskan Native (1.3 percent), Black or African American (0.8 percent), and Native Hawaiian or Pacific Islander (0.7 percent). Other Race accounted for 4.2 percent of respondents in the 2000 Census (State of Utah 2002).

Hispanics were the fastest growing population in Utah and increased 138 percent from 1990 to 2000. This growth rate was almost twice as fast as Hispanic growth nationwide. Hispanics now make up the largest minority population in Utah at 9 percent (State of Utah 2002).

In 2009, Utah ranked 7<sup>th</sup> in the nation with a poverty rate of 7.6 percent. Of the current population in Utah, 90.4 percent have attained a high school degree with 29.1 percent of persons over 25 having attained a bachelor's degree (State of Utah 2010).

#### 3.3.1.2 Private Landowner Income from Hunting Permits

Employment in Utah declined 5.1 percent in 2009. The unemployment rate was 7.6 percent for 2010 and the state ranked 16<sup>th</sup> overall in the nation for unemployment. Utah ranked 10<sup>th</sup> in the nation with a household median income of \$58,820 in 2008. However, the state was 49<sup>th</sup> in the nation with a per capita personal income of \$31,944 (State of Utah 2010).

The Proposed Action has the potential to directly impact Utah's privately-held farms, ranches, and forest land. In 2007 there were 16,700 farms in Utah, comprising 11,094,700 acres within the state, which yields an average farm size of 664 acres (USDA 2007). Landowners that are eligible for inclusion into one of UDWR's public access programs can receive annual compensation payments or hunting vouchers they may sell for profit depending on the program in which they are enrolled. Hunting vouchers are only given to CWMU and LOA program participants, while WIA landowners are given monetary compensation for allowing public access. According to UDWR, the current CWMU program may provide more than \$10 million in income to private landowners enrolled in the program from the sale of big game hunting vouchers (Table 3.3-1). The LOA program is estimated to provide over \$800,000 in private landowner income from these vouchers (UDWR 2010c).

**Table 3.3-1. CWMU and LOA Vouchers and Estimated Income and Costs for 2010**

Game Species	CWMU				LOA	
	Number of Vouchers	Estimated Value Private Land Owners	Number of Public Draw Permits	Estimated Cost Public Hunter*	Number of Vouchers	Estimated Value Private Landowners
<b>Deer</b>	2,081	\$6,243,000	278	\$9,730	120	\$360,000
<b>Elk</b>	808	\$4,040,000	121	\$5,445	98	\$490,000
<b>Moose</b>	58	\$348,000	39	\$15,912	--	--
<b>Pronghorn</b>	61	\$122,000	41	\$2,050	9	\$18,000
<b>Total</b>	<b>3,008</b>	<b>\$10,753,000</b>	<b>479</b>	<b>\$33,137</b>	<b>227</b>	<b>\$868,000</b>

Notes: \*Estimated cost determined by the number of public draw permits multiplied by the cost of the individual species permit and reflects the total amount of revenue UDWR could obtain if all permits were sold to state residents.

Source: UDWR 2010c

Since 2007, the State of Utah has earmarked \$450,000 annually in restricted license funds for the WIA program. These funds do not carry over year to year. The majority of this money is used to pay the salaries of the private land biologists and for program administration. However, \$120,000 is available for WIA landowner payouts to those private landowners that have voluntarily joined the program and have adhered to program regulations. Currently, landowners can enroll land for a contract period of up to three years. Payments are determined on the amount of land enrolled and the length of the contract (one, two, or three years). For hunting WIA these annual payments range from \$370 to \$1,680 for enrolling for one year or \$407 to \$1,848 for enrolling for three years. For fishing WIA annual payments range from \$625 to \$1,260 for one year and from \$687.50 to \$1,386 for three years. The annual payment per year for enrolling in a two or three year contract includes a 5 percent and 10 percent bonus respectively.

### 3.3.2 Environmental Consequences

Significance of an impact to socioeconomics varies depending on the setting of the Proposed Action, but 40 CFR 1508.8 states that effects may include those that induce changes in the pattern of land use, population density, or growth rate.

Environmental justice is achieved when everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and has equal access to the decision-making process. Significant environmental justice impacts would result if access to decision-making documents was denied or if any adverse environmental effects occurred that would disproportionately affect minority or low-income populations.

#### 3.3.2.1 Proposed Action (Preferred Alternative)

Under the Proposed Action, a total of \$3,321,959 VPA-HIP funds (includes a \$2,192,527 grant from USDA FSA and \$1,129,432 of supplemental funding from UDWR) would be used to expand the WIA program, increase the monetary compensation schedule for WIA payouts (see Tables 2.1 and 2.2), and perform habitat improvement projects on privately-held farms, ranches, and forest land enrolled in public

access programs in Utah. The VPA-HIP funds would also be used to hire two additional full time regional biologists to assist landowners in the southern UDWR administrative districts with enrollment and for any habitat improvement projects. VPA-HIP funds would also employ a part-time web designer to assist in public outreach efforts by maintaining a website with updated land information, thereby allowing the public to find and access these lands.

Ultimately, some of the increased money paid out to private landowners and the hiring of two additional full-time personnel would have a slight beneficial impact on local economies, especially for the southern two UDWR administrative districts that did not have WIA before. Any habitat improvement projects undertaken may require purchase of goods (seeds, seedlings, shrubs) and services (rental of heavy equipment) depending on the nature of the improvement project. This would also have a slight beneficial impact to local economies. Increasing hunting opportunities or allowing access to previously inaccessible hunting lands could also bring indirect economic benefits through traveling hunters needing lodging, meals, and other goods. Additionally, if more quality wildlife habitat became available, there would be some chance that the number of public draw permits could increase, thereby increasing the total revenue UDWR could use for program administration.

Under the Proposed Action, there would be no disproportionate impact to minorities or low income populations in Utah. All of the public access programs are voluntary and would only target landowners with eligible lands. UDWR's three public access programs actually could provide additional opportunities to lower income hunters by requiring public access to favorable big game habitat provided by private landowners without the need to purchase a big game voucher from the private landowner.

#### 3.3.2.2 No Action Alternative

Under the No Action Alternative, UDWR would not receive funding under the VPA-HIP. UDWR would not be able to hire personnel to support this program or perform additional habitat improvement projects. The No Action Alternative would not allow for any of the positive economic impacts from the introduction of the VPA-HIP funding into the economy, nor would it allow for the expansion of hunting opportunities on private lands in the southern administrative regions, which also brings economic benefit via lodging and purchase of goods and supplies.

### 3.4 AIR QUALITY

Air quality in the U.S. is governed by the Clean Air Act. National Ambient Air Quality Standards (NAAQS) have been established for criteria air pollutants regulated by the U.S. Environmental Protection Agency (USEPA): ozone, carbon monoxide, sulfur dioxide, nitrous oxide, lead, and particulate matter. The NAAQS are used as thresholds to determine if local air quality is within acceptable thresholds (in "attainment") or exceeds the thresholds ("non-attainment"). Air quality in this PEA is limited to an analysis of particulate matter since the proposed habitat improvement projects could include prescribed burning or result in soil disturbance, both of which have the potential to increase particulate matter in the local area.

### **3.4.1 Affected Environment**

Utah's mountain and valley topography, diverse economy, and rapidly growing population create air quality challenges for the state. Despite the challenges, the air quality in Utah is significantly better than it was 25 years ago (Utah Division of Air Quality 2009). Ogden, Provo, and Salt Lake City all exceeded the thresholds for particulate matter in 2010 (USEPA 2010a). Particulate matter is a mixture of solid particles and liquid droplets suspended in the air, ranging in size from particles large enough to be seen with the naked eye to particles that are microscopic. The USEPA regulates particulate matter less than 10 microns in diameter due to the possible health hazards from inhalation and disruption of visibility (haze) (USEPA 2010b).

The Utah Smoke Management Plan outlines the procedures for planning and acquiring approval for any burning within the state. Open burning in Utah is tightly controlled and the burning season is closed from May 30 to October 30. UDWR works closely with many other agencies to ensure successful and safe prescribed burns are conducted. Prescribed burns are conducted by the Utah Department of Natural Resources (UDNR) Division of Forestry, Fire, and State Lands. A close working relationship is maintained with the Utah Department of Air Quality thereby ensuring minimal air quality impacts. Additionally, each year an updated Fire Warden's Manual is created by the UDNR Division of Forestry, Fire, and State Lands that outlines all planning and administrative roles for the burning season.

### **3.4.2 Environmental Consequences**

Impacts to air quality would be considered significant if the action resulted in a violation of air quality regulations, resulted in a permanent increase of criteria pollutants, or affected the attainment status of the local area.

#### **3.4.2.1 Proposed Action (Preferred Alternative)**

The Proposed Action would have little potential for impacts to regional air quality. Increasing the land available for enrollment into the WIA program would not require any activities that would impact air quality. Only those habitat improvement projects that involved prescribed burning or soil disturbance (tillage or digging) could temporarily increase particulate matter in the local area. The amount of particulate matter that could be released into the local area and how far it may disperse would be dependent on the specific activity taking place, soil type and condition, topography, climate, and wind speed and direction. The site-specific impacts to air quality would be fully analyzed in the NEPA worksheet process. Programmatic-level air quality impacts with respect to prescribed burning and soil disturbance are described below.

Prescribed burning is a very cost effective and valuable tool that wildlife and habitat managers utilize to return an area to a more natural fire regime. The disturbance caused by prescribed burning releases nutrients, opens understory, thins out dead plant material, and may be necessary for seed germination of fire-dependent species. Prescribed burning, when used appropriately, can greatly benefit many of the targeted habitat types within the public access programs. Additionally, the use of prescribed burning reduces fuel availability to wildfires thereby making wildfires less intense and somewhat easier to control.

If it was determined by UDWR that prescribed burning was an appropriate course of action for habitat improvement and the private landowner was in agreement, a prescribed burning plan would be drafted and require permitting and approval in accordance with the guidelines set forth in the Smoke Management Plan (July 20, 1999; revised Jan 16, 2006).

Close correspondence and comprehensive planning would ensure that impacts to air quality would remain negligible from any activities undertaken for the Proposed Action. UDWR is cognizant of air quality budgets and would plan burning activities accordingly. Adherence to all applicable state regulations and smoke management guidelines would ensure safe and effective prescribed burning practices while minimizing risks to the greatest extent practicable.

In most cases, the proposed projects would occur on current farmland that is already subject to soil disturbance to some degree. The potential air quality impacts from soil disturbance during habitat improvement projects would be minor, temporary, and localized. During those habitat improvement projects that would disturb soil, best management practices would be utilized to reduce the possible amount of particulate matter released into the local area or lost to erosion (such as watering exposed soils, promptly restoring vegetative cover, or installing silt fencing around the project site).

It is anticipated that potential impacts to air quality would be minor and they would not affect the current attainment status of the area. Utilization of best management practices as well as adherence to all state air quality regulations, guidelines, and permits would reduce impacts to air quality to negligible levels.

#### **3.4.2.2 No Action Alternative**

Under the No Action Alternative, the WIA would not be expanded and no habitat improvement projects would be undertaken on private lands utilizing the VPA-HIP funding. UDWR would continue with the current public access programs and would not implement WIA in the southern portion of Utah. As such, no impacts to air quality from the No Action Alternative would occur.

### **3.5 WATER RESOURCES**

For this analysis, water resources include surface water quality. The Clean Water Act, the Safe Drinking Water Act, and the Water Quality Act are the primary Federal laws that protect the nation's waters including lakes, rivers, aquifers, and wetlands. Wetlands are addressed in Biological Resources, Section 3.1.

#### **3.5.1 Affected Environment**

Surface water in Utah includes approximately 14,250 miles of perennial rivers and streams and over 2,000 lakes and reservoirs. Surface waters play an important role in development in Utah because it is the second driest state in the U.S. Surface waters are needed in the state for drinking water, recreational opportunities, wildlife sustainment, and agricultural production. The quality of these surface waters impacts how they can be utilized by the populace (Utah Division of Water Quality 2010).

Utah has a robust Water Pollution Control Program that is used to analyze and enhance both surface and groundwater quality throughout the state. Rivers and streams are monitored using the Watershed Approach, the Clean Lakes Program monitors lakes and reservoirs, and groundwater is monitored through the Ground Water Protection Program. Various pollutants are monitored through the Total Maximum Daily Load Program, Water Quality Standards Program, Point Source Control Program, and Nonpoint Source Program (Utah Division of Water Quality 2010).

There are ten watershed management units in Utah. For the Watershed Approach, these areas are combined into five larger basin units. A rotating five year schedule is used to ensure that each basin is monitored over a one year period once every five years. During monitoring, data is collected, compiled, and analyzed to assess what portion of streams and rivers support beneficial uses to the populace. Utah's 2010 Draft Integrated Report for water quality found that for 10,534 miles of streams assessed, 69% fully support their intended beneficial uses, while 31% are impaired for at least one beneficial use (Utah Division of Water Quality 2010).

Lakes and reservoirs are monitored similarly to rivers and streams; however, there are only two lake units which are monitored yearly on an alternating basis. Utah's 2010 Draft Integrated Report for water quality found that for 469,070 acres of lakes assessed, 67% fully support their intended beneficial uses, while 33% are impaired for at least one beneficial use (Utah Division of Water Quality 2010). Utah's 2010 Integrated Report is currently in draft form; however, the last finalized Integrated Report was completed in 2006, and the information contained in that report is now out of date.

### **3.5.2 Environmental Consequences**

Impacts to water resources would be considered significant if implementation of the Proposed Action resulted in violating laws or regulations established to protect water resources, or actions resulted in major deterioration of water quality.

#### **3.5.2.1 Proposed Action (Preferred Alternative)**

Under the Proposed Action, it is expected that implementation of the habitat improvement projects would increase habitat value by controlling less favorable species in preference for species that provide greater vegetation and wildlife value, as well as long term decreases in erosion. Improvements to riparian habitat may include herbaceous seeding, shrub planting, and limiting grazing during certain times of the year. Surface water quality would be improved by stabilizing the banks, plantings, and limiting grazing during certain times of the year. The habitat improvement measure could cause a minor short term impact by increasing sediment loads in runoff; however, the long term benefit of the habitat improvements more than offset the short term impact. In addition, sound erosion and sediment control measures would be utilized during the habitat improvement. The NEPA worksheet would identify all nearby surface water sources and establish the appropriate management practices to protect those resources from increased sedimentation, such as installing silt fencing around the project site and establishing vegetative cover on exposed soils. The potential impact to aquatic wildlife species is addressed in Section 3.1.



#### 3.5.2.2 No Action Alternative

Under the No Action Alternative, the WIA program would not be expanded to the southern portion of Utah and VPA-HIP funding would not be available for habitat improvement projects on private lands. The current public access programs would continue to be available. While habitat improvement projects and restoration activities would still occur, the benefit from additional improvement projects throughout Utah utilizing the VPA-HIP funding would not be realized.

### 3.6 SOILS

Soils are included in this PEA because of the increased erosion potential resulting from the proposed habitat improvement projects.

#### 3.6.1 Affected Environment

A variety of soils occur throughout the State of Utah. The differences in geology, topography, and climatic conditions within the state have led to the development of many different soils with unique characteristics and distributions. There are also large areas in the state that are covered in outcropped rock, drifting sand dunes, and playa lakebeds.

Generally, soils in the mountainous regions of Utah are slightly acidic or neutral, and contain dark colored, thick surface horizons. Soils in desert areas are generally alkaline and lightly colored. Seven soil orders are found in the state. Ardisols, Entisols, and Mollisols are the dominant soils of the state, with Alfisols and Entisols being found to a lesser extent. Histosols and Vertisols are the least common, and only occur in small tracts where the parent material or moisture in the area has influenced their formation (Utah State University Cooperative Extension 2009).

#### 3.6.2 Environmental Consequences

Impacts to soils would be considered significant if activities resulted in increased erosion and sedimentation to a level that could not be avoided or minimized with appropriate management practices or mitigation measures.

##### 3.6.2.1 Proposed Action (Preferred Alternative)

The Proposed Action has the potential to negatively impact soils resources during habitat improvement projects associated with the Utah VPA-HIP. Specific impacts would depend on the types of soil in the project area and the erosion potential of each individual soil, and the size and depth of the proposed disturbance. These site-specific impacts would be fully addressed during the NEPA worksheet process. Programmatic-level impacts would include temporary disturbance during habitat improvement from activities such as grading or the removal of invasive vegetation. The use of Natural Resources Conservation Service approved proper best management practices, such as silt fencing, during soil disturbing activities would reduce the amount of soil erosion and sedimentation in project areas. Completion of habitat improvement projects would have long-term benefits on area soils because an increase in vegetation cover would help reduce future soil erosion in improved areas. Under the Proposed

Action, there would be short-term, negative impacts to soil resources during habitat improvement projects; however, once the projects are completed there would be long-term, beneficial impacts to soil resources in the State of Utah.

#### 3.6.2.2 No Action Alternative

Under the No Action Alternative, the WIA would not be expanded and no habitat improvement projects would be undertaken on private lands utilizing the VPA-HIP funding. UDWR would continue with the current public access programs and would not expand WIA to the southern portion of Utah. Therefore, the long-term, positive impacts associated with the implementation of the Proposed Action would not be realized. There would be no impacts to soils under the No Action Alternative.

## **CHAPTER 4.0 CUMULATIVE IMPACTS AND IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

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### **4.1 CUMULATIVE IMPACTS**

CEQ regulations stipulate that the cumulative impacts analysis within an EA should consider the potential environmental impacts resulting from “the incremental impacts of the action when added to past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions” (40 CFR 1508.7). Recent CEQ guidance in considering cumulative impacts involves defining the scope of the other actions and their interrelationship with the Proposed Action. The scope must consider geographical and temporal overlaps among the Proposed Action and other actions. It must also evaluate the nature of interactions among these actions.

Cumulative impacts are most likely to arise when a relationship or synergism exists between the Proposed Action and other actions expected to occur in a similar location or during a similar time period. Actions overlapping with or in proximity to the Proposed Action would be expected to have more potential for a relationship than those more geographically separated.

In this PEA, the affected environment for cumulative impacts includes all of the State of Utah since the public access programs are available statewide; therefore, the proposed habitat improvement projects could occur anywhere in the state on private land enrolled in one of the three public access programs. In addition to VPA-HIP, several other Federal and state programs in Utah focus on conservation. Federal programs include the Conservation Reserve Program, Wildlife Habitat Incentives Program, Environmental Quality Incentives Program, and the Wetlands Reserve Program. Wildlife conservation in the state of Utah is a multi-agency coordinated effort. The Utah Partners for Conservation and Development is an organization of nine public and private entities that serves as an advisory panel to UDWR. UDWR and the Partners actively solicit input from the public and stakeholders to ensure funding is effectively spent to restore and enhance wildlife populations and habitats.

The potential long-term impacts from habitat improvement projects under the VPA-HIP in combination with other wildlife habitat conservation strategies would have overall long-term, beneficial impacts to the wildlife populations and habitat in the state of Utah. Increasing public awareness of the presence of important wildlife and game species and minor activities they can do to improve habitat on their land would create an environment to support a sustained wildlife population. Therefore, cumulative impacts are expected to be beneficial to the natural environment.

### **4.2 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

Irreversible and irretrievable commitments are related to the use of nonrenewable resources and the effect that the use of these resources has on future generations. Irreversible effects primarily result from the use or destruction of a specific resource that cannot be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action. Under the Proposed Action, long-term beneficial impacts are expected to wildlife

populations, big game species, and their habitats. There would be no irreversible or irretrievable commitment of resources.

## **CHAPTER 5.0 MITIGATION MEASURES**

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The purpose of mitigation is to avoid, minimize, or eliminate significant negative impacts on affected resources. CEQ regulations (40 CFR 1508.20) state that mitigation includes:

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

CEQ regulations state that all relevant reasonable mitigation measures that could avoid or minimize significant impacts should be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies. This serves to alert agencies or officials who can implement these extra measures, and will encourage them to do so. The lead agency for this Proposed Action is FSA. The state partner agency is UDWR.

There are no expected long-term, significant negative impacts associated with implementation of the VPA-HIP in Utah. State employed biologists or representatives must complete site specific environmental evaluations (NEPA worksheet, Appendix A) prior to all habitat improvement projects which would reveal any protected resources on the property. In those site specific instances where a wetland, threatened or endangered species, or a cultural resource may be present, consultation with the appropriate lead agency would identify specific mitigation measures required to eliminate or reduce the negative impacts to an acceptable level.

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## **CHAPTER 6.0 PERSONS AND AGENCIES CONTACTED**

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Farm Bureau Federation

Utah Association of Conservation Districts

Utah Cattlemen's Association

Utah Department of Agriculture and Food

Utah Farm Service Agency

Utah Natural Resources Conservation Service

Utah Woolgrower's Association

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## **CHAPTER 7.0 REFERENCES**

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A.S. Science

7 years related experience

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## **APPENDIX A – SAMPLE NEPA WORKSHEET**

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U.S. Department of Agriculture Natural Resources Conservation Service		UT-NRCS-CPA-52 June 2010		<b>A. Client Name:</b> Utah Division of Wildlife Resources																																	
<b>ENVIRONMENTAL EVALUATION WORKSHEET</b>				<b>B. Conservation Plan ID #</b> (as applicable): <b>Program Authority</b> (optional): Watershed Restoration Initiative																																	
				<b>C. Identification #</b> (farm, tract, field #, etc as required): Cold Springs Aspen Regeneration, Habitat Project #1198 in the Utah Watershed Restoration Initiative database																																	
<b>D. Client's Objective(s) (purpose):</b> 1) Improve mule deer and elk summer habitat 2) Reduce conifer encroachment within aspen stands 3) Promote aspen regeneration in declining aspen stands																																					
<b>E. Need for Action:</b> Aspen stands in the Cold Springs Wildlife Management Area (WMA) are slowly being encroached upon and replaced by conifer (Subalpine fir and Douglas fir) stands due to		<b>G. Alternatives</b> <table border="1"> <tr> <th colspan="2">No Action</th> <th>✓ if RMS</th> <th colspan="2">Alternative 1</th> <th>✓ if RMS</th> <th colspan="2">Alternative 2</th> <th>✓ if RMS</th> </tr> <tr> <td colspan="2">This alternative would consist of not implementing a prescribed burn.</td> <td></td> <td colspan="2">Some time after June 10, 2010, a prescribed fire would be ignited, as per the approved burn plan, to remove 1,054 acres of mixed conifer-aspen stands. In addition, the fire will stimulate</td> <td></td> <td colspan="2"></td> <td></td> </tr> </table>						No Action		✓ if RMS	Alternative 1		✓ if RMS	Alternative 2		✓ if RMS	This alternative would consist of not implementing a prescribed burn.			Some time after June 10, 2010, a prescribed fire would be ignited, as per the approved burn plan, to remove 1,054 acres of mixed conifer-aspen stands. In addition, the fire will stimulate																	
No Action		✓ if RMS	Alternative 1		✓ if RMS	Alternative 2		✓ if RMS																													
This alternative would consist of not implementing a prescribed burn.			Some time after June 10, 2010, a prescribed fire would be ignited, as per the approved burn plan, to remove 1,054 acres of mixed conifer-aspen stands. In addition, the fire will stimulate																																		
<b>Resource Concerns &amp; Special Environmental Concerns</b> In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (For <i>Resource Concerns</i> see FOTG Section III - Resource Quality Criteria for guidance. For <i>Special Environmental Concerns</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.)																																					
<b>F. Concerns and Existing/Benchmark Conditions</b> (Analyze and record the existing/benchmark conditions for each identified concern)		<b>H. Effects of Alternatives</b> <table border="1"> <tr> <th colspan="4">No Action</th> <th colspan="4">Alternative 1</th> <th colspan="4">Alternative 2</th> </tr> <tr> <th colspan="2">Trend</th> <th rowspan="2">Amount, Status, Description</th> <th rowspan="2">✓ if meets QC or needs action</th> <th colspan="2">Trend</th> <th rowspan="2">Amount, Status, Description</th> <th rowspan="2">✓ if meets QC or needs action</th> <th colspan="2">Trend</th> <th rowspan="2">Amount, Status, Description</th> <th rowspan="2">✓ if meets QC or needs action</th> </tr> <tr> <th>short</th> <th>long</th> <th>short</th> <th>long</th> <th>short</th> <th>long</th> </tr> </table>						No Action				Alternative 1				Alternative 2				Trend		Amount, Status, Description	✓ if meets QC or needs action	Trend		Amount, Status, Description	✓ if meets QC or needs action	Trend		Amount, Status, Description	✓ if meets QC or needs action	short	long	short	long	short	long
		No Action				Alternative 1				Alternative 2																											
		Trend		Amount, Status, Description	✓ if meets QC or needs action	Trend		Amount, Status, Description	✓ if meets QC or needs action	Trend		Amount, Status, Description	✓ if meets QC or needs action																								
short	long	short	long			short	long																														
<b>SOIL</b> Erosion (Sheet and Rill) risks on steep slopes could apply. Erosion is not a substantive problem at present in the project treatment		+		-		not much of a risk at present, but risk of catastrophic wildfire and major erosion grows annually	meets <input type="checkbox"/> QC	-	++	+	limited increase in risk of erosion immediately following burn, but with aspen regeneration, ecology is	meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC																					
							meets <input type="checkbox"/> QC					meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC																					
							meets <input type="checkbox"/> QC					meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC																					
							meets <input type="checkbox"/> QC					meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC																					
<u>Prime and Unique Farmlands</u> There are not any farmlands in the project area.							needs <input type="checkbox"/> action					needs <input type="checkbox"/> action				needs <input type="checkbox"/> action																					
<b>WATER</b> Quality (Surface Water: Excessive Susp. Sedmt & Turbidity) There are not excessive suspended sediments or turbidity issues at		+		--		In the short term, no significant sediment offloading is likely, but following a catastrophic fire, broad areas	meets <input type="checkbox"/> QC	-	++	+	While some light risk of increased sedimentation is associated with prescribed fire treatments on steep slopes, in	meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC																					
							meets <input type="checkbox"/> QC					meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC																					
							meets <input type="checkbox"/> QC					meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC																					
<u>Clean Water Act/Waters of the U.S.</u> n/a							needs <input type="checkbox"/> action					needs <input type="checkbox"/> action				needs <input type="checkbox"/> action																					
<u>Floodplain Management</u> n/a							needs <input type="checkbox"/> action					needs <input type="checkbox"/> action				needs <input type="checkbox"/> action																					
<u>Riparian Area</u> n/a							needs <input type="checkbox"/> action					needs <input type="checkbox"/> action				needs <input type="checkbox"/> action																					
<u>Wetlands</u> n/a							needs <input type="checkbox"/> action					needs <input type="checkbox"/> action				needs <input type="checkbox"/> action																					
<u>Wild and Scenic Rivers</u> There are no such rivers nearby.							needs <input type="checkbox"/> action					needs <input type="checkbox"/> action				needs <input type="checkbox"/> action																					

F. Concerns and Existing/Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	H. (continued)											
	No Action				Alternative 1				Alternative 2			
	Trend		Amount, Status, Description	√ if meets QC or needs action	Trend		Amount, Status, Description	√ if meets QC or needs action	Trend		Amount, Status, Description	√ if meets QC or needs action
	short	long			short	long			short	long		
<b>AIR</b>												
Quality [Particulate Matter < 2.5µm diameter ("PM 2.5")] Fire management involves dealing with air quality thresholds which are Quality (Reduced Visibility)	+	--	over the short term, no problems would arise; with catastrophic fire events, PM2.5s and other pollution	meets <input type="checkbox"/> QC	-	++ +	the prescribed burning would contribute particulate pollution in the short term, but only as allowed under the air quality	meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
Fire management involves dealing with air quality thresholds which are	+	--	there is no immediate risk of visibility impairment, but unmanaged wildfire risk could lead to an explosive event	meets <input type="checkbox"/> QC	-	++	the prescribed burning would reduce visibility in the short term, but only as allowed under conditions the air	meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
•Clean Air Act Fire management involves reaching prescription conditions and staying	0	0	There is no regulatory requirement for taking no action; even a drastic wildfire	needs <input type="checkbox"/> action	0	0	short term events require permitting under an air quality regime as discussed above,	needs <input type="checkbox"/> action				needs <input type="checkbox"/> action
<b>PLANTS</b>												
Condition (Productivity, Health, and/or Vigor)	0	--	taking no action would allow aspen to continue to be displaced by invading conifers, as a result of	meets <input type="checkbox"/> QC	-	++ +	although there would be short duration interruption in plant growth and productivity, suckering (re-sprouting) would	meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
•Endangered and Threatened Species n/a				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action
Invasive Species Not aware of any particularly relevant invasive species issues				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action
Natural Areas n/a				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action
Riparian Area n/a				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action
<b>ANIMALS</b>												
Fish and wildlife (Inadequate Food) big game forage and productivity are somewhat reduced under the current	-	++	this attenuation of forage supply as an element of summer habitat would continue; big game animals	meets <input type="checkbox"/> QC	0	++ +	big game forage and cover would rise dramatically in response to aspen regeneration, which again is	meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
Fish and wildlife (Inadequate Cover/Shelter) the monotypic age structure and reduced structural diversity of the	-	++	no action would allow the current conditions to only worsen, through reduced structural diversity	meets <input type="checkbox"/> QC	0	++ +	with aspen regeneration, substantial structural diversity should develop within a short period, thereby benefitting	meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC				meets <input type="checkbox"/> QC
•Endangered and Threatened Species Invasive Species	0	0	Mexican spotted owl would be of interest, but there is no habitat for them in this area.	needs <input type="checkbox"/> action	0	0	The only ESA-listed animal of potential interest in this broad area is the Mexican spotted	needs <input type="checkbox"/> action				needs <input type="checkbox"/> action
				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action
•Migratory Birds/Bald and Golden Eagles				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action
Riparian Area				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action				needs <input type="checkbox"/> action



<b>F. Concerns and Existing/Benchmark Conditions</b> (Analyze and record the existing/benchmark conditions for each identified concern)		<b>H. (continued)</b>																	
		<b>No Action</b>						<b>Alternative 1</b>						<b>Alternative 2</b>					
		Trend		Amount, Status, Description		<input type="checkbox"/> if meets QC or needs action	Trend		Amount, Status, Description		<input type="checkbox"/> if meets QC or needs action	Trend		Amount, Status, Description		<input type="checkbox"/> if meets QC or needs action			
		short	long				short	long				short	long						
<b>HUMAN</b>																			
<a href="#">Cultural Resources</a> cultural resources survey completed and shared with the Utah SHPO					Not Applicable	needs action				Upon Review, No Effect; see attached letter from the Utah SHPO, addressed to NRCS.	needs action							needs action	
<a href="#">Environmental Justice</a> n/a						needs action					needs action							needs action	
<a href="#">Scenic Beauty</a>		0	-	-	The site contains currently beautiful, wild forest scenery, which is not secure against	needs action	-	+	A controlled fire, leaving a mosaic of 60-70% burned area, could be slightly less	needs action								needs action	
Other:						needs action				needs action								needs action	
<b>I. Economic and Social Considerations</b> (For guidance see FOTG Section I and Form Instructions)		<b>No Action</b>						<b>Alternative 1</b>						<b>Alternative 2</b>					
Land Use																			
Capital																			
Labor																			
Management Level																			
Profitability																			
Risk																			
Social Well-Being																			
Other:																			
<b>J. Other Agencies and Broad Public Concerns</b>		<b>No Action</b>						<b>Alternative 1</b>						<b>Alternative 2</b>					
Easements, Permissions, or Permits Required and Agencies Consulted		Not Applicable						Air quality permits are required for implementation of prescribed fires, and are secured within the structure of											
Identify any additional environmental, resource-protection, or land use laws or regulations or concerns to address:		Not Applicable						The Manti-LaSal National Forest's current Land and Resource Management Plan (LRMP) is relevant as for involved National Forest System lands, which are not the main ownership, but the project was designed in part by U.S. Forest Service staff; the prescribed fire will be administered under their direct											
<b>K. Mitigation</b>																			
<b>L. Preferred Alternative</b>	<input type="checkbox"/> preferred alternative	<input type="checkbox"/>						<input type="checkbox"/>						<input type="checkbox"/>					
	Supporting reason																		
<b>M. The information recorded above is based on the best available information:</b>																			
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>						<div style="border: 1px solid black; height: 40px; width: 100%;"></div>						<div style="border: 1px solid black; height: 40px; width: 100%;"></div>							
Signature						Title						Date							
<b>THE FOLLOWING SECTIONS ARE TO BE COMPLETED BY THE RESPONSIBLE FEDERAL OFFICIAL (RFO). Sections "N" &amp; "O" do not need to be completed when only Technical Assistance is provided (e.g. conservation plan development).</b>																			
The RFO is to use the NRCS-CPA-52 to determine whether there are significant adverse environmental effects or "extraordinary circumstances" that would preclude the applicability of a categorical exclusion or the tiering process. Review definitions below of significance and extraordinary circumstances as defined by context and intensity (40 CFR Part 1508.27).																			

**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**

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

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

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	• Is the preferred alternative expected to significantly affect public health or safety?
<input type="checkbox"/>	<input type="checkbox"/>	• Is the preferred alternative expected to significantly affect 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 environmental 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, wild and scenic rivers, clean air, riparian areas, natural areas, scenic beauty, 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?

**P. NEPA Compliance Finding (check one)**

The preferred alternative:

Action required

<input type="checkbox"/>	1) is <b>not a federal action</b> subject to NRCS regulations implementing NEPA (7 CFR Part 650)	Document in "Q" below. No additional analysis is required
<input type="checkbox"/>	2) is a federal action that is <b>categorically excluded</b> from further environmental analysis <b>and</b> there are no <u>extraordinary circumstances</u> .	Document in "Q" below. No additional analysis is required
<input type="checkbox"/>	3) is a federal action that has been <b>sufficiently analyzed</b> in an existing published NRCS state, regional, or national NEPA document <b>and</b> there are no predicted significant adverse environmental effects or extraordinary circumstances.	Document in "Q" below. No additional analysis is required.
<input type="checkbox"/>	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects <b>and has been formally adopted by NRCS</b> . NRCS is required to prepare and publish the agency's own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document.	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "Q" below. No additional analysis is required
<input type="checkbox"/>	5) is a federal action that has <b>NOT</b> been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

**Q. Rationale Supporting the Finding**

*I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances (as outlined in the NECH 610.22).*

**R. Signature of Responsible Federal Official:**


Signature

Title

Date

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

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

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## COMPLETING THE UT-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 tie to as addressed later in section "Q. Rationale 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. **Concerns and Existing 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.

**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 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 "J. 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). Optional: If desired, planners can include specific land use designations here.

- 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 610.28](#) for guidance on narrowing the scope of your analysis when considering alternatives.

- 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 judgment 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 610.33](#), "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 your state's eFOTG Section III Quality Criteria or other tools where possible which are the established threshold levels for identified resource concerns. Professional judgment should be used where 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 state specific documentation as needed and include them in the client's administrative file.

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.

**I. Economic and Social Considerations:** For additional information on Social and Economic Considerations, see [NECH, Part 610.32](#).

**Effects of Alternatives (Economic and Social Considerations)** Refer to instruction for Section "I" above for the process to analyze effects. Below are some examples for what to consider when addressing the economic and social considerations. First, record the short-term and long-term trend for each consideration. Choose from the following: "+" = increase; "-" = decrease; "0" = no change; or "N/A" if it does not apply.

**Criteria for Determining 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? (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 his/her 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?

**Social Well-Being:**

- What effect (both positive or negative) will the action have on the client and community with regard to:
  - Health and Safety
  - Family and community life (e.g., what will this mean for their children? Will it cause/resolve community conflict?)
  - Employment (e.g., Will this prevent/allow the client to keep farming, fishing, etc?)
- Are the proposed alternatives compatible with the client's values? The community's values?
- What is the social climate of the community in which you are working?
- Will the action affect community institutions, traditions or values, or the way of life for individuals in the community?
- What are the off-site effects?

**J. 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 610.31](#) provides important information on public participation requirements.



- K. **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 610.34](#), 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 impact over time by preservation/maintenance operations during action life.
- Compensating for the impact by replacing or providing substitute resources or environments.

- L. **Preferred Alternative:** Record which alternative was chosen 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.

- M. **Signature (planner):** The individual completing Parts A to M of the UT-NRCS-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 through R must be completed by the Responsible Federal Official (RFO).** Sections "N" and "O" do not need to be completed when only Technical Assistance is provided (e.g. conservation plan development). The RFO is the NRCS employee responsible for NEPA compliance at the state or field office level. The State Conservationist is the State RFO and delegates that authority to the District Conservationists for field office activities.

- 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:** 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 UT-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 client refuses to accept a proposed change, then Item 5 in Section "P" must be checked for the NRCS NEPA Compliance Finding to indicate that additional analysis and documentation is needed.

- P. **NEPA Compliance Finding (check one):** This finding will determine the appropriate NEPA action required. Instructions below correspond to the option numbers in Section "P". In Section "Q" below, 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.
- 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. USDA and NRCS categorical exclusions are listed in the [NECH, Part 610.72](#).

- 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 610.63](#).

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 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 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/technical/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 "Tiering" to NEPA documents see the [NECH Part 610.63](#).
- 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 UT-NRCS-CPA-52 and supporting documentation.

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

If "P 1)" was selected, explain why the action is NOT a federal action subject to NRCS regulations implementing NEPA.

If "P 2)" was selected, document the categorical exclusion that covers the proposed action **and** indicate that there are no extraordinary circumstances.

If "P 3)" was selected, identify any applicable NRCS NEPA document. Record the citation of the NRCS NEPA document you are tiering to.

If "P 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 "P 5)" was selected, document your analysis and provide this information (CPA-52 and supporting documents) to your State Environmental Liaison or equivalent.

**R. 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.



**CLEAN AIR ACT**  
**NECH 610.81**  
**Evaluation Procedure Guide Sheet**

**Client/Plan Information:**

Utah Division of Wildlife Resources

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

Other ☐

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198

**NOTE:** STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 helps determine whether the opportunity for emissions reduction credits exist. STEP 4 helps determine whether any other permitting, record keeping, reporting, monitoring, or testing requirements are applicable. Each of these steps will be updated with more specific language when guidance is obtained from the Utah Division of Air Quality, 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 Utah Division of Air Quality 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 UT-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 UT-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 UT-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 the finding on form UT-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 UT-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:

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**CLEAN WATER ACT/WATERS of the U.S.  
NECH 610.82  
Evaluation Procedure Guide Sheet**

Client/Plan Information:

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

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

**SECTION I**

**Federally Assisted Regulatory Program - Section 404 of the CWA**

**STEP 1.**

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

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

☐ **Yes** If "Yes," go to Step 2.

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

**STEP 2.**

Has the client obtained a Section 404 permit (Individual, Regional, or Nationwide) or a determination of an exemption from the appropriate COE office?

☐ **No** If "No," determine if the client has applied for a permit. If a permit has not been applied for, the client will need to do so. If a permit has been applied for, document this, and continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation. Complete Section II below.

☐ **Yes** If "Yes," document this on form UT-NRCS-CPA-52 and complete Section II below. The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the COE.

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

**Notes:**

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

### SECTION II

#### State Administered Regulatory Programs, Sections 303(d) and 402 of CWA

##### STEP 1

Is the proposed action or alternative located in proximity to waters listed by the State as "impaired" under Section 303(d) of the CWA?

- ☐ **No** If "No," document this on form UT-NRCS-CPA-52 and proceed to Step 2.
- ☐ **Yes** If "Yes," review and comply with any existing TMDLs that have been established by the State for that stream segment. However, even if TMDLs have not been established by the State for that stream segment, ensure that the action will not contribute to further degradation of that stream segment. Proceed to Step 2.
- ☐ **Unknown** If "Unknown," refer to <http://www.waterquality.utah.gov/TMDL/index.htm> for Utah's EPA approved 303(d) list of impaired waterbodies, or contact your NRCS Water Resources Specialist for assistance.

##### STEP 2

Will the proposed action or alternative likely result in point-source discharges from developments, construction sites, or other areas of soil disturbance, or sewer discharges (e.g. projects involving stormwater ponds or point-source pollution including CAFOs for which CNMPs are being developed)? *Section 402 of the CWA requires a permit for these activities through the National Pollutant Discharge Elimination System (NPDES) program which the States administer.*

- ☐ **No** If "No," document this on form UT-NRCS-CPA-52 and proceed with planning.
- ☐ **Yes** If "Yes," go to Step 3.
- ☐ **Unknown** If "Unknown," refer to your FOTG for additional information or contact your NRCS Environmental Liaison for assistance. Inform the client early on that they may need to contact the appropriate State regulatory office to determine if the proposed action or alternative will require a NPDES permit. Repeat Step 2.

##### STEP 3

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

- ☐ **No** If "No," determine if the client has applied for any necessary permits. If a permit has not been applied for, the client will need to do so. If they have applied, document this, and continue the planning process in consultation with the client and the regulatory agency. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation.
- ☐ **Yes** If "Yes," document this on form UT-NRCS-CPA-52 and proceed with planning. The final NRCS conservation plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit should be coordinated with the appropriate State regulatory agency.
- ☐ **Unknown** If "Unknown," meaning that you do not know if authorization has been obtained or applied for, consult with the client and repeat Step 3.

##### Notes:

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## CULTURAL RESOURCES

NECH 610.85

### Evaluation Procedure Guide Sheet

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

#### Client/Plan Information:

Utah Division of Wildlife Resources

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198 in the

**NOTE:** Follow the STANDARD CULTURAL RESOURCE PROCEDURES FOR UTAH NRCS PERSONNEL in Section II of the eFOTG. For additional information regarding compliance with Section 106 of the NHPA and NRCS cultural resource policy refer to the General Manual Title 420 Part 401 Cultural Resources; for current operating procedures see Title 190 Part 601, the National Cultural Resource Procedures Handbook (NCRPH).

**NOTE regarding consultations:** When dealing with undertakings with the potential to affect cultural resources/historic properties, it is important to follow NRCS's policy and the regulations that implement Section 106 and complete consultation with mandatory (SHPOs, THPOs, federally recognized tribes) and identified consulting parties during the course of planning. This consultation is not documented on this Guide Sheet but would occur with Steps 2, 3, 4, and 6 and these must be conducted in accordance with NRCS State Office operating procedures to ensure appropriate oversight by Cultural Resources Specialists who meet the Secretary of Interior's Qualification Standards.

#### STEP 1.

Is the proposed action or alternative funded in whole or part or under the control of NRCS? To make this determination, answer the following:

Is technical assistance carried out by or on behalf of NRCS?

☐ No

☐ Yes

☐ Unknown

Is it carried out with NRCS financial assistance?

☐ No

☐ Yes

☐ Unknown

Does it require Federal approval with NRCS as the lead federal agency (permit, license, approval, etc.)?

☐ No

☐ Yes

☐ Unknown

Is it a joint project with another Federal, State, or local entity with NRCS functioning as lead federal agency?

☐ No

☐ Yes

☐ Unknown

- If all of your responses are "No," document this decision on the UT-NRCS-CPA-52 and proceed with
- If any responses are "Yes," go to Step 2.
- If "Unknown," consult with your State Cultural Resources Specialist (CRS) to determine if this is an action/undertaking that requires review and then complete Step 1.

#### STEP 2.

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

☐ No

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

☐ Yes

If "Yes," go to Step 3.

#### STEP 3.

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

☐ No

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

☐ Unknown

☐ Yes

If "Yes," go to Step 4.

## STEP 4.

National Register of Historic Places?

☐ No    ☐ Yes    ☐ Unknown

State Register of Historic Places?

☐ No    ☐ Yes    ☐ Unknown

The SHPO's statewide inventory/data base?

☐ No    ☐ Yes    ☐ Unknown

Local/county historical society and/or commission lists?

☐ No      ☐ Yes      ☐ Unknown

Client knowledge of existing artifacts, historic structures or cultural features?

☐ No    ☐ Yes    ☐ Unknown

- ## STEP 5.

☐ No☐ Yes

## STEP 6.

☐ No☐ Yes

## STEP 7.

☐ No☐ Yes

### Notes:

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**ENDANGERED AND THREATENED SPECIES,  
NECH 610.86  
Evaluation Procedure Guide Sheet**

**Client/Plan Information:**

Utah Division of Wildlife Resources

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

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198

**For Federally listed species and designated critical habitats NRCS has the responsibility to utilize its programs and authorities to further the conservation of the species. As such, NRCS will only provide project funding if any adverse effects have been avoided, minimized, or mitigated. [190 GM Part 410.22(e)(5)(ii)(A)]. Also see Chapters 3 & 4 in the ESA Section 7 Consultation Handbook for more information.**

**All species on the county Utah Sensitive Species List must be considered:**  
<http://dwrcdc.nr.utah.gov/ucdc/ViewReports/sscounty.htm>

**STEP 1.**

Are there 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? **NOTE:** Federal candidate species (those species not yet listed) should be considered within the scope of planning. However, neither consultation nor conferencing is required by law or NRCS policy. Be aware that if the species becomes listed during project implementation, the project would be halted while the necessary consultation requirements are met.

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

☐ **Unknown** If "Unknown," complete Steps A and B of the Utah Threatened, Endangered, and Sensitive Species Effects Determination, then repeat Step 1. If you are still uncertain about the status of threatened, endangered, proposed, or species of concern in the planning area, ask your State or Area Biologist or UDWR Partner Biologist, as appropriate.

☐ **Yes** If "Yes," then proceed to the applicable section(s) listed below:  
• Federally listed **endangered or threatened** species/habitats. **Go to Step 2.**  
• Federally listed **proposed** species/habitats. **Go to Step 5.**  
• **State listed** species of concern and Federal candidate species. **Go to Step 9.**

**Federally endangered or threatened species/habitats**

**STEP 2.**

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

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

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

☐ **May adversely affect** If "May adversely affect," modify the action if possible to avoid adverse effects. If the action can be modified, repeat Step 2. If the action can not be modified, go to Step 3.

☐ **Effects are unknown** If "Effects are unknown," complete Step C of the Utah Threatened, Endangered, and Sensitive Species Effects Determination, then repeat Step 2.

## 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 UT-NRCS-CPA-52. Include both short-term and long-term effects. Document on form UT-NRCS-CPA-52 the need for the lead Federal agency to consult (if listed species or habitat may be affected beneficially or adversely) with the FWS. Inform the client and continue planning. However, make the client aware that the action can not be implemented without first obtaining the appropriate concurrence.

### STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ **No**

If "No," and your answer in Step 2 was, "May affect but not likely to adversely affect" and there is no possibility of any short-term or long-term adverse effects then continue with planning but ensure the client is aware of the effects.

☐ **No**

If "No," and your answer in Step 2 was, "May adversely affect," then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects (then repeat from Step 2) or the landowner obtains a "take" permit from the FWS. Refer the client to FWS to address their responsibilities under Sections 9 & 10 of the ESA, for Federally listed species.

☐ **Yes**

If "Yes," and your answer in Step 2 was either, "May affect but not likely to adversely affect", or, "May adversely affect," then inform the client that the NRCS must consult on listed species with FWS. The action will only be implemented according to the terms of the consultation. When consultation is complete, reference or attach the consultation documents to form UT-NRCS-CPA-52 and proceed with planning.

**Notes** for Federally endangered or threatened species/habitats:



Federally proposed species/habitats	
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For proposed species and their proposed critical habitats NRCS must determine that activities will not jeopardize the continued existence of proposed species or destroy or adversely modify proposed critical habitat [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.

- |   |  |
|---|--|
| <input type="checkbox"/> <b>No effect</b>           | If "No effect," additional evaluation is not needed concerning proposed species or proposed critical habitat. Document the finding, including the reasons for your determination on form UT-NRCS-CPA-52 and proceed with planning. |
| <input type="checkbox"/> <b>Effects Potentially</b> | If "Potentially affects," go to Step 6.  |
| <input type="checkbox"/> <b>Effects unknown</b>     | If "Effects are unknown," complete Step C of the Utah Threatened, Endangered, and Sensitive Species Effects Determination, then repeat Step 5.   |

## STEP 6.

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

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> <b>No</b>  | If "No," go to Step 7.   |
| <input type="checkbox"/> <b>Yes</b> | 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 UT-NRCS-CPA-52 the potential need for the lead Federal agency to conference with the FWS. Inform the client and continue planning. However, make the client aware that the action can not be implemented without first attaining the appropriate concurrence. |

## STEP 7.

Is NRCS providing financial assistance or otherwise controlling the action?

- ☐ **No** If "No," inform client of NRCS policy for proposed species and the need to use alternative conservation treatments to avoid adverse effects that are likely to jeopardize the continued existence of the proposed species or destroy or adversely modify proposed critical habitat. **Contact NRCS State Biologist to make the effects determination** then go to Step 8.

☐ **Yes** If "Yes," then inform the client that the NRCS must conference on proposed species with FWS. The action will only be implemented according to the terms of the conference. When conference is complete, reference or attach the conference documents to form UT-NRCS-CPA-52 and proceed with planning.

## STEP 8.

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

- ☐ **No** If "No," document the finding on the UT-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 FWS would be needed prior to project implementation if it is determined that the action may have an adverse effect on the listed species/habitat.

**Notes** for Federally proposed species/habitats:

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## State species of concern and Federal Candidate Species

**STEPS 9-11 ADDRESS STATE SPECIES OF CONCERN and FEDERAL CANDIDATE SPECIES. Consult Section II of your State's FOTG for a listing of State Species of Concern that may need to be evaluated, or ask your State Biologist for assistance.**

### STEP 9.

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

- ☐ **No adverse effect** If "No adverse effect," additional evaluation is not needed concerning State species of concern and/or Federal Candidate Species. Document the finding, including the reasons for your determination, on form UT-NRCS-CPA-52 and proceed with planning.
- ☐ **May adversely affect** If "May adversely affect," modify the action if possible to avoid adverse effects. If the action can be modified, repeat Step 8. If the action can not be modified, go to Step 10.
- ☐ **Effects are unknown** If "Effects are unknown," complete Step C of the Utah Threatened, Endangered, and Sensitive Species Effects Determination, then repeat Step 9.

### STEP 10.

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

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

### STEP 11.

Is NRCS providing financial assistance or otherwise controlling the action?

- ☐ **No** Inform the client of NRCS's policy and the need to use alternative conservation treatments to avoid adverse effects on species. Provide alternative measures to client for consideration, and continue planning. Be sure the client understands that actions adversely affecting sensitive species may lead to additional listings under the ESA and future regulations affecting their property rights.
- ☐ **Yes** Inform the client of NRCS's policy and the need to use alternative conservation treatments to avoid adverse effects on species. Provide alternative measures to client for consideration, and continue planning. Be sure the client understands that actions adversely affecting sensitive species may lead to additional listings under the ESA and future regulations affecting their property rights.

**Notes for State species of concern:**

## THREATENED, ENDANGERED & SENSITIVE SPECIES

### Effects Determination

NRCS policy contained in the General Manual Title 190 – Part 410.22 (e) states that the implementation of conservation programs through planning and application of conservation practices and measures shall provide for the conservation of federally-listed species, species proposed for listing, and candidate species; federally designated and proposed critical habitat; and State and Tribal species of concern and their habitats.

Determinations of “no effect” made by NRCS do not require consultation with the US Fish and Wildlife Service (FWS) under Section 7 of the Endangered Species Act (ESA), but do require documentation of the best scientific and commercial data available to support these determinations.

**STEP A.** Obtain lists of sensitive species that may occur in the planning area from the Utah Conservation Data Center web site: <http://dwrcdc.nr.utah.gov/ucdc/> and the US Fish and Wildlife Service (USFWS) Utah Endangered Species web site: <http://www.fws.gov/mountain-prairie/endssp/CountyLists/Utah.pdf>

All species on the county Utah Sensitive Species List must be considered: <http://dwrcdc.nr.utah.gov/ucdc/ViewReports/sscounty.htm>

**STEP B.** Could sensitive species occur in the planning area? If the habitat used by a species is present in the planning area, assume the species is present.

☐ No

If your answer is “No”, additional evaluation is not needed. Document the finding, **including the reasons**, on the EandT Species Guide Sheet, and proceed with planning.

☐ Yes

If your answer is “Yes,” document in Step 1 of the EandT Species Guide Sheet.

**STEP C.** For each sensitive species that may occur in the planning area, determine the short-term, long-term and cumulative effects of the proposed action or activity.

Go back to <http://dwrcdc.nr.utah.gov/ucdc/>

Use the menus for Vertebrate Animals, Invertebrate Animals, and Plants under the “Learn About Utah’s Species” heading to bring up species profiles for the species in the planning area.

Read the species profiles and determine if the planned practices will have **any** effect (beneficial or adverse) on each species in the planning area. **Practices that modify habitat will always have some effect.**

Document “no effect”, “not likely to adversely affect”, or “likely to adversely affect” for each species. **Only beneficial, insignificant, and discountable effects are not likely to adversely affect. Effects that result in any amount of “take”, including harassment, are likely to adversely affect.**

Additional references to help you make a determination are available in the eFOTG, Section II, Threatened, Endangered and Sensitive Species. If you are unable to make a determination using these resources, contact your Area or State biology specialist for assistance.

If federally listed threatened or endangered species occur in your planning area, also determine whether the planned practices could affect critical habitat for the species. Federally listed species that currently have designated or proposed critical habitat in Utah are:

bonytail, Colorado pikeminnow, humpback chub, razorback sucker, Virgin River chub, woundfin, June sucker, desert tortoise, Mexican spotted owl, southwestern willow flycatcher, heliotrope milk-vetch, Holmgren’s milk-vetch, Shivwits milk-vetch, Welsh’s milkweed, shrubby reed-mustard, and Navajo sedge

Critical Habitat maps for some species are available at: <http://criticalhabitat.fws.gov>

☐ No effect

☐ Not likely to adversely affect

☐ Likely to adversely affect

Document the effects determination, **including the reasons**, on the EandT Species Guide Sheet.

NOTES:

**ENVIRONMENTAL JUSTICE**  
**NECH 610.87**  
**Evaluation Procedure Guide Sheet**

**Client/Plan Information:**

Utah Division of Wildlife Resources

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

Other ☐

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198

**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 UT-NRCS-CPA-52 and proceed with planning.

☐ **Yes** If "Yes," go to Step 2.

☐ **Unknown** If "Unknown," consult your State Economist, and/or Cultural Resources Specialist 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 UT-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 Outreach Specialist or Cultural Resources Specialist. 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 UT-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 "P 5)" in P of the UT-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 610.36).

**Notes:**

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**FLOODPLAIN MANAGEMENT**  
**NECH 610.90**  
**Evaluation Procedure Guide Sheet**

**Client/Plan Information:**

Utah Division of Wildlife Resources

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

Other ☐

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198

**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 UT-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.

☐ **Yes** 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 UT-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 objective and/or alternative locations outside the 100-year floodplain. If the action can be modified, describe the modification on the UT-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 UT-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 UT-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 UT-NRCS-CPA-52 and proceed with planning.

### Notes:

**610.71 Evaluation Procedure Guide Sheets****INVASIVE SPECIES****NECH 610.91****Evaluation Procedure Guide Sheet**

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

Utah Division of Wildlife Resources

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198 in

**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 UT-NRCS-CPA-52 and proceed with planning.
- ☐ **Yes** If "Yes," go to Step 2.
- ☐ **Unknown** If "Unknown", consult <http://www.utahweed.org/weeds.htm> and <http://wildlife.utah.gov/habitat/ans/> 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 the UT-NRCS-CPA-52 and go to Step 3.

**STEP 3.**

Is the proposed action or alternative consistent with the EO 13112, the National Invasive Species Management Plan ([www.invasivespeciesinfo.gov/council/nmptoc.shtml](http://www.invasivespeciesinfo.gov/council/nmptoc.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 UT-NRCS-CPA-52 and in the case file.
- ☐ **Yes** If "Yes," describe strategies, techniques, and reasons, on the UT-NRCS-CPA-52 and proceed with planning.

**Notes:**

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## 610.71 Evaluation Procedure Guide Sheets



**MIGRATORY BIRDS, BALD AND GOLDEN  
EAGLE PROTECTION ACT, NECH 610.92  
Evaluation Procedure Guide Sheet**

**Client/Plan Information:**

Utah Division of Wildlife Resources

Check all that apply to this Alternative 1 ☐

Guide Sheet review: Alternative 2 ☐

Other ☐

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198

**NOTE: This guide sheet includes evaluation guidance for compliance with the Migratory Bird 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 BIRD TREATY ACT (MBTA)**

All species except the house sparrow, rock pigeon, common starling, and non-migratory upland game birds managed by the State like pheasants, partridge, quail and grouse, are protected.

**STEP 1.**

Could the proposed action or alternative result in a "take" (intentionally or unintentionally) to any migratory bird, nest or egg? **"Take"** means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR 10.12). **NOTE:** The MBTA does not contain any prohibition that applies to the destruction of a migratory bird nest alone (without birds or eggs) provided that no possession occurs during the destruction (USFWS, Migratory Bird Memorandum, MBPM-2, April 2003).

☐ **No**

If "No," additional evaluation is not needed concerning migratory birds. Document the finding, including the reasons, on form UT-NRCS-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 UT-NRCS-CPA-52. Inform the client that they must obtain a permit from USFWS before the action is implemented.

**STEP 3.**

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

☐ **No**

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

☐ **Yes**

If "Yes," document mitigation measures and go to Step 4.

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

### STEP 4.

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

- ☐ **No** If "No," additional evaluation is not needed concerning migratory birds. Document the finding, including the reasons, on form UT-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 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 UT-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 UT-NRCS-CPA-52. Contact the NRCS State Biologist 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:**

## NATURAL AREAS

### NECH 610.93

#### Evaluation Procedure Guide Sheet

#### Client/Plan Information:

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

Watershed Restoration Initiative  
Cold Springs Aspen Regeneration, Habitat Project #1198

Natural Areas are defined as land and water units where natural conditions are maintained. They may be designated areas of the Federal government, non-federal government, or by privately controlled land. Designation may be provided under Federal regulations, by foundations or conservation organizations, or by private landowners that specify it as such (GM 190. Part 410.23).

#### STEP 1.

Are there any designated natural areas present in or near the planning area?

- ☐ **No** If "No," additional documentation is not needed concerning natural areas. Document the finding on form UT-NRCS-CPA-52 and proceed with planning.
- ☐ **Yes** If "Yes," go to Step 2.
- ☐ **Unknown** If "Unknown," consult Section II of the FOTG for a list or the location of designated Natural Areas and repeat Step 1.

#### STEP 2.

Will the proposed action or alternative positively or negatively affect the natural area?

- ☐ **No** If "No," additional evaluation is not needed concerning natural areas. Document the finding, including reasons on form UT-NRCS-CPA-52 and proceed with planning.
- ☐ **Yes** If "Yes," go to Step 3.

#### STEP 3.

How will the proposed action or alternative affect the Natural Area?

- ☐ **Benefit/Improve** If the effects are consistent with maintaining, protecting, and preserving the integrity of the natural characteristics, document the beneficial effects on the UT-NRCS-CPA-52 and proceed with planning.
- ☐ **Adversely Impact** If the effects are not consistent with maintaining or improving the integrity of the natural characteristics, then consider the impacts to be adverse. Inform the client about the effects of the proposed action or alternatives on the identified natural areas. You must also encourage the client to consult with concerned parties to arrive at a mutually satisfactory alternative [GM 190, Part 410.23(c)4]. Document the effects of the action and any communications with the client on the UT-NRCS-CPA-52 and proceed with planning.

#### Notes:

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**PRIME AND UNIQUE FARMLANDS**  
**NECH 610.94**  
**Evaluation Procedure Guide Sheet**

<b>Client/Plan Information:</b>
Utah Division of Wildlife Resources
Watershed Restoration Initiative
Cold Springs Aspen Regeneration, Habitat Project #1198

## 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 UT-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 UT-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 UT-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 610.95**  
**Evaluation Procedure Guide Sheet**

**Client/Plan Information:**

Utah Division of Wildlife Resources

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

Other ☐

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198

**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 UT-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," use the Stream Visual Assessment Protocol 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 UT-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 UT-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 UT-NRCS-CPA-52 and proceed with planning.

**Notes:**

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<b>SCENIC BEAUTY</b> <b>NECH 610.96</b> <b>Evaluation Procedure Guide Sheet</b>	<b>Client/Plan Information:</b> Utah Division of Wildlife Resources	
	Watershed Restoration Initiative Cold Springs Aspen Regeneration, Habitat Project #1198	

Utah Division of Wildlife Resources

Cold Springs Aspen Regeneration, Habitat Project #1198

Will the proposed action or alternative negatively affect the scenic quality of the general landscape or any specifically designated unique or valuable scenic landscape? Designated Scenic Byways:  
<http://www.utah.com/byways/>

- ## STEP 2.

☐ **No** If "No," document the finding, including the reasons, on form UT-NRCS-CPA-52 and proceed with planning. Consider any state or local requirements.

☐ **Yes** If "Yes," modify the planned action or activity and repeat Step 1.

[illegible]

**WETLANDS**  
**NECH 610.97**  
**Evaluation Procedure Guide Sheet**

**Client/Plan Information:**

Utah Division of Wildlife Resources

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

Other ☐

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198

**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 Revised NRCS Wetland Technical Assistance Policy 7 CFR Part 650, November 17, 1997. 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 Cropland (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 UT-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 UT-NRCS-CPA-52, along with any additional supporting evidence, and proceed with planning.

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

**STEP 3.**

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

☐ **No** If "No," complete the Utah Minimal Effects Worksheet in Section II of the eFOTG. Contact the State Wildlife Biologist for help if needed. If it is determined that impacts to wetlands are likely to be minimal, proceed with planning. If it is determined that the action will likely exceed minimal effects, NRCS can provide assistance only if an adequate compensatory mitigation plan is provided. NRCS can assist with the development of a compensatory mitigation plan for the functions and values that were lost. Concurrent with NRCS planning, the client should obtain all necessary permits or approvals related to work in the wetland. Document on form UT-NRCS-CPA-52 and proceed with planning.

☐ **Yes** If "Yes," inform the client and advise them of the available option(s). If there is a practicable action or alternative that will avoid impacts, the client **MUST** choose the alternative, or NRCS will terminate assistance. **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 Wetland Conservation provisions, and that the NRCS may assist with the development of an acceptable associated mitigation plan for Swampbuster, but can not offer further financial assistance for the wetland conversion activity itself. Concurrent with NRCS assistance, the client should obtain all necessary permits or approvals related to work in wetlands. Document on the UT-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. Concurrent with NRCS assistance, the client should obtain all necessary permits or approvals related to work in wetlands. Document effects on the UT-NRCS-CPA-52.

### Notes:



**WILD AND SCENIC RIVERS**  
**NECH 610.98**  
**Evaluation Procedure Guide Sheet**

**Client/Plan Information:**

Utah Division of Wildlife Resources

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

Other ☐

Watershed Restoration Initiative

Cold Springs Aspen Regeneration, Habitat Project #1198

**STEP 1.**

Is there a designated Wild, Scenic, or Recreational River segment in or near the planning area?

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

☐ **Yes** If "Yes," go to Step 2.

☐ **Unknown** If "Unknown," consult Section II of the FOTG for a list of the location of Wild, Scenic, or Recreational Rivers (or see the NPS "Nationwide Rivers Inventory" at [www.nps.gov/nrcr/programs/rtica/nri/](http://www.nps.gov/nrcr/programs/rtica/nri/) and click on your state) and repeat Step 1.

**STEP 2.**

Could the proposed action or alternative have an effect on the natural, cultural and recreational values of the Wild, Scenic, or Recreational River?

☐ **No** If "No," no additional evaluation is needed concerning Wild and Scenic Rivers. Document the finding, including the reasons, on form UT-NRCS-CPA-52 and proceed with planning.

☐ **Yes** If "Yes," analyze the potential effects and develop alternatives, as necessary, that would mitigate potential effects and repeat step 2. If 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)

**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 UT-NRCS-CPA-52 and proceed with planning.

☐ **Yes** If "Yes," go to Step 4.

**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 "P 5)" on the UT-NRCS-CPA-52 and provide documentation regarding the action/activity to you State Environmental Liaison for further analysis.

## WILD AND SCENIC RIVERS (continued)

### STEP 5.

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

- ☐ **No**      If "No," inform the client that a permit may be required for their activities and they should consult with the NPS. The permit authorization should be reflected in the final plan and documentation.
- ☐ **Yes**      If "Yes," indicate on the UT-NRCS-CPA-52, that the lead agency should consult with the NPS.

### Notes:

## **APPENDIX B – AGENCY CORRESPONDENCE**

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January 5, 2011

United States  
Department of  
Agriculture

Farm and Foreign  
Agricultural  
Services

Farm Service  
Agency

1400 Independence  
Ave, SW  
Stop 0513  
Washington, DC  
20250-0513

**TO:** Utah Natural Resources Conservation Service

**FROM:** Matthew T. Ponish  
United States Department of Agriculture, Farm Service Agency  
National Environmental Compliance Manager

**SUBJECT:** Final Programmatic Environmental Assessment/Finding of No Significant Impact for Voluntary Public Access Habitat Incentive Program in the State of Utah

The United States Department of Agriculture, Farm Services Agency (FSA) on behalf of the Commodity Credit Corporation (CCC) and the State of Utah Division of Wildlife Resources has prepared a Final Programmatic Environmental Assessment (PEA) and Finding of No Significant Impact (FONSI) to examine the potential environmental consequences associated with implementing a Voluntary Public Access Habitat Incentive Program in the State of Utah. The PEA examines the Proposed Action and the no action alternative environmental baseline on natural and socioeconomic resources.

A copy of the Final PEA/FONSI has been provided on CD for your convenience. The Final PEA is also available at the following website:

<http://www.fsa.usda.gov/FSA/webapp?area=home&subject=ecrc&topic=nep-cd>.

The agency is accepting comments until **February 4, 2011**.

Comments may be e-mailed to: Dana Banwart at [dhbanwart@tecinc.com](mailto:dhbanwart@tecinc.com)

Written comments may be mailed to:

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11817 Canon Blvd., Suite 300  
Newport News, VA 23606

We appreciate your review and look forward to receiving your comments.



Matthew T. Ponish

Enclosure: 1 CD



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**TO:** Utah Farm Service Agency

**FROM:** Matthew T. Ponish  
United States Department of Agriculture, Farm Service Agency  
National Environmental Compliance Manager

**SUBJECT:** Final Programmatic Environmental Assessment/Finding of No Significant Impact for Voluntary Public Access Habitat Incentive Program in the State of Utah

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**TO:** Utah Association of Conservation Districts

**FROM:** Matthew T. Ponish  
United States Department of Agriculture, Farm Service Agency  
National Environmental Compliance Manager

**SUBJECT:** Final Programmatic Environmental Assessment/Finding of No Significant Impact for Voluntary Public Access Habitat Incentive Program in the State of Utah

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**TO:** Farm Bureau Federation

**FROM:** Matthew T. Ponish  
United States Department of Agriculture, Farm Service Agency  
National Environmental Compliance Manager

**SUBJECT:** Final Programmatic Environmental Assessment/Finding of No Significant Impact for Voluntary Public Access Habitat Incentive Program in the State of Utah

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**TO:** Utah Department of Agriculture and Food

**FROM:** Matthew T. Ponish  
United States Department of Agriculture, Farm Service Agency  
National Environmental Compliance Manager

**SUBJECT:** Final Programmatic Environmental Assessment/Finding of No Significant Impact for Voluntary Public Access Habitat Incentive Program in the State of Utah

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**TO:** Utah Cattlemen's Association

**FROM:** Matthew T. Ponish  
United States Department of Agriculture, Farm Service Agency  
National Environmental Compliance Manager

**SUBJECT:** Final Programmatic Environmental Assessment/Finding of No Significant Impact for Voluntary Public Access Habitat Incentive Program in the State of Utah

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**TO:** Utah Woolgrower's Association

**FROM:** Matthew T. Ponish  
United States Department of Agriculture, Farm Service Agency  
National Environmental Compliance Manager

**SUBJECT:** Final Programmatic Environmental Assessment/Finding of No Significant Impact for Voluntary Public Access Habitat Incentive Program in the State of Utah

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