FSA HANDBOOK

Environmental Quality Programs

To access the transmittal page click on the short reference.

For State and County Offices

SHORT REFERENCE

1-EQ
(Revision 2)

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

Environmental Quality Programs 1-EQ (Revision 2)	Amendment 2

Approved by: Deputy Administrator, Farm Programs

Amendment Transmittal

A Reason for Amendment

Paragraph 58 has been amended to clarify FSA's existing responsibilities under Executive Order 12898.

Page Control Chart		
TC	**Text**	**Exhibit**
	4-83 4-84 (remove)	1, pages 1, 2

Table of Contents

		Page No.
Part 1	**General Information**	
1	Purpose and Mission	1-1
2	Sources of Authority and Regulations	1-2
3	Basic Requirements	1-5
4	Roles and Responsibilities	1-6
5	Consultations	1-13
6	Public Involvement	1-17
7-20	(Reserved)	
Part 2	**Farm Programs (FP's)**	
21	Introduction	2-1
22	Actions Exempt from Environmental Review	2-2
23	Environmental Evaluations (EE's)	2-4
24	Environmental Assessments (EA's)	2-11
25-30	(Reserved)	
Part 3	**FLP's**	
31	Introduction	3-1
32	CATEX's	3-3
33	RD 1940-22's	3-7
34	Environmental Assessments (EA's)	3-11
35-40	(Reserved)	

Table of Contents (Continued)

		Page No.
Part 4	**Protected Resources**	
41	Introduction	4-1
42	Surface Water Quality	4-5
43	Wetlands	4-12
44	Floodplains	4-17
45	Sole Source Aquifers	4-21
46	Wild and Scenic Rivers	4-25
47	CZMA Areas	4-29
48	Coastal Barriers	4-35
49	Biological Resources	4-41
50	Cultural Resources	4-48
51	Soils	4-57
52	Air Quality	4-61
53	Noise	4-65
54	National Natural Landmarks	4-67
55	Important Land Resources	4-71
56	Wilderness Areas	4-76
57	Social and Economic Impacts	4-80
58	Environmental Justice	4-83

Exhibits

1	Reports, Forms, Abbreviations, and Redelegations of Authority
2	Definitions of Terms Used in This Handbook
3	(Reserved)
4	Sources of Authority
5	Example Letter to USFWS Requesting Information
6	Example Letter to SHPO/THPO
7	Example of Coastal Consistency Request
8	Example MOA With USFWS
9	Example SLA With SHPO and THPO
10	Example MOA for CZMA Consistency Determination
11	Example MOA With USACE
12	NOA Template
13-20	(Reserved)
21	Class II EA Template
22	Example Coordination Letter
23	FONSI Template
24	NOA for FONSI Template
25-30	(Reserved)
31	Acceptable Forms of Documentation

Part 1 General Information

1 Purpose and Mission

A Purpose

This handbook:

- is to assist FSA staff, technical service providers, contractors, and others in carrying out environmental compliance reviews and environmental impact analysis according to NEPA requirements, CEQ regulations, and USDA implementing regulations

- contains procedures and guidelines for completing the appropriate level of environmental compliance review or environmental impact analyses while ensuring compliance with all applicable environmental and cultural resource laws, regulations, and Executive Orders

- applies to all programs administered by FSA, including but **not** limited to CCC programs, FLP's, and FP's.

B Environmental Compliance Program Mission

FSA's Environmental Compliance Program mission is to use all practicable means to ensure FSA compliance with all applicable environmental laws, regulations, and procedures.

2 Sources of Authority and Regulations

A Sources of Authority

FSA's environmental compliance program is governed by numerous sources of authority. See Exhibit 4.

B NEPA, CEQ, and FSA Regulation Implementation Overview

NEPA requires:

- that **before** implementing activities that have the potential to significantly impact the human environment, Federal agencies **must** consider **all** potential environmental impacts of their proposed actions by incorporating an analysis of impacts into their decision-making processes and considering reasonable alternatives to those activities

- agencies to consult with and obtain comments from Federal agencies that manage or have expertise about resources that are potentially affected (42 U.S.C. 4321 et seq).

NEPA established CEQ. CEQ's regulations (40 CFR Parts 1500-1508) inform Federal agencies of how to comply with NEPA and require agencies to establish their own procedures for implementing CEQ regulations.

FSA has NEPA implementing regulations for both of the following:

- FP's (7 CFR Part 799)
- FLP's (7 CFR 1940 subpart G).

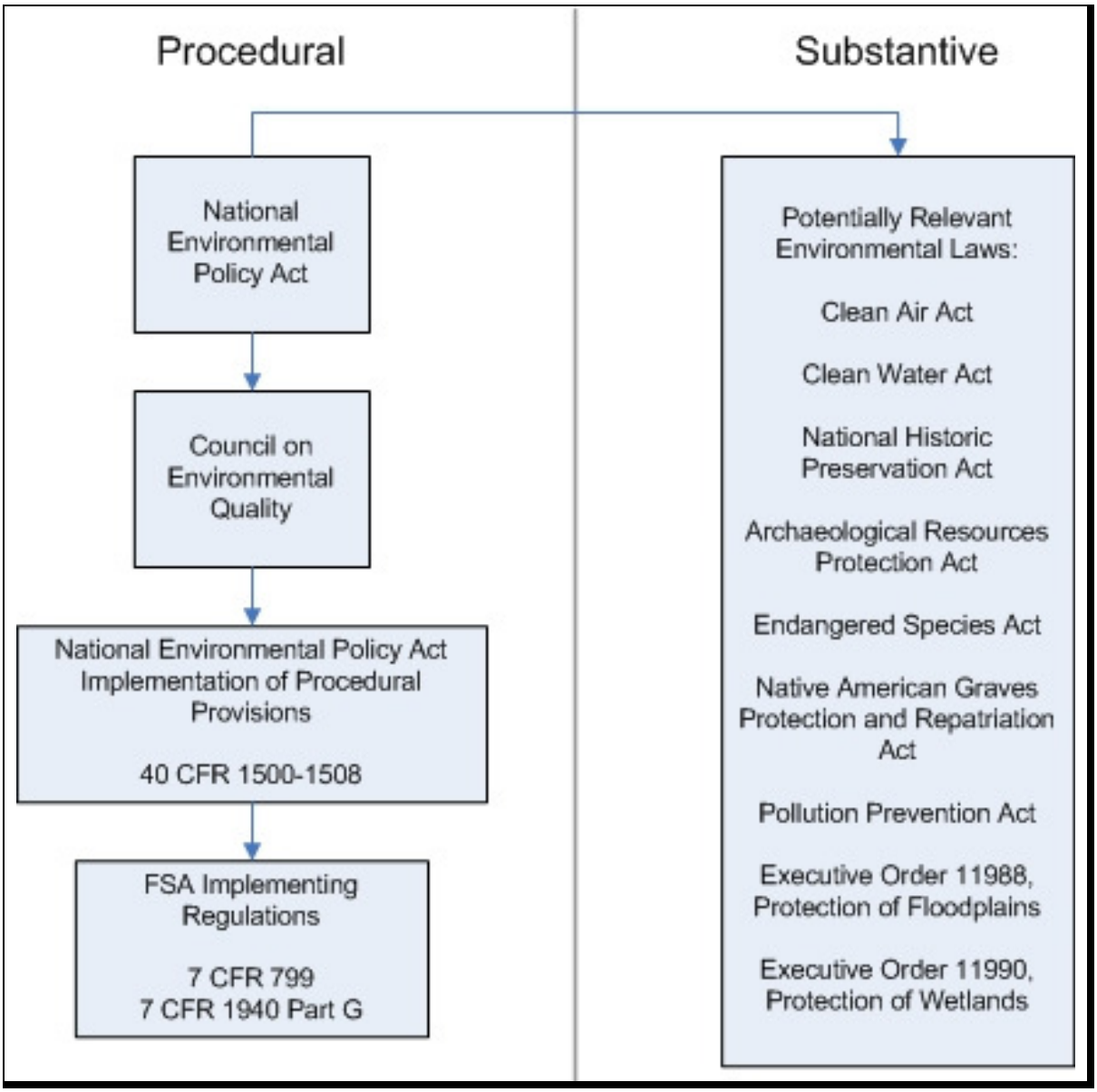
The process for implementing these regulations is described in Parts 2 and 3.

2 Regulations (Continued)

C Related Environmental Regulations

NEPA, CEQ, and FSA implementing regulations require compliance with relevant environmental regulations. A variety of laws, regulations, and Executive Orders apply to protected environmental resources and actions carried out by Federal agencies. These laws, regulations, and Executive Orders form the basis of NEPA analyses. Part 4 describes these regulations by resource area and provides guidance on how to ensure FSA compliance.

The following provides an overview of the relationship between NEPA, implementing regulations, and environmental laws and regulations that protect valuable resources.



2 Regulations (Continued)

C Related Environmental Regulations (Continued)

NEPA is a procedural law that ensures Federal agencies protect the environment from their activities and thus requires that Federal agencies comply with a variety of substantive environmental laws and regulations. Federal agencies **not** in compliance with NEPA subject themselves to the risk of lawsuits that can ultimately delay implementing a needed activity.

D Timing

NEPA regulations require that agencies complete the NEPA process **before** a commitment of resources.

Some emergency circumstances may make it necessary to take immediate action to protect life and property and these actions could have significant environmental impacts. FSA's National Office will consult with CEQ and other authorizing Federal agencies, depending on the resource APE, about alternative arrangements and implementation during emergency procedures described in 40 CFR 1506.11. However, this only occurs in very limited instances and would be negotiated by the National Office with CEQ and appropriate regulatory authority.

3 Basic Requirements

A Public and Agency Involvement

NEPA requires:

- informing the public of planned Federal activities potentially impacting the environment

- coordination with regulatory agencies and entities responsible for managing protected resources, such as surface water quality, threatened and endangered species, and cultural resources.

Paragraph 5 provides information on involving agencies and entities, and paragraph 6 provides information on the public, during the NEPA process.

B Levels of NEPA Documentation

NEPA regulations contain requirements to ensure that the proper level of environmental analysis is completed. There are several levels of documentation that provide compliance with NEPA. The level of environmental review depends on the nature, complexity, and scope of the proposed activity. FSA uses the environmental review process to determine the appropriate level of NEPA analysis and documentation required. The environmental review process, detailed in Parts 2 and 3, differs for FP and FLP. In general, there are 3 levels of NEPA analysis as follows.

- **CATEX**. Activities that have been demonstrated through prior analysis to **not** significantly affect the environment may qualify for CATEX. Each agency has a list of CATEX's that have been determined by the agency to have little or no effect on the environment and have been approved by CEQ.

- **EA**. Either RD 1940-21 or Exhibit 21 is prepared for activities that do **not** qualify for CATEX. Either RD 1940-21 or Exhibit 21 is prepared when it is unclear whether an activity will significantly affect the environment. RD 1940-21 and Exhibit 21 are concise documents that provide analyses sufficient to determine whether the proposed action would significantly affect the environment. FONSI is prepared when RD 1940-21 or Exhibit 21 determines significant impacts will **not** occur as a result of the proposed action.

  Note: RD 1940-20 is prepared for proposed FLP actions requiring Exhibit 21.

- **EIS**. Major Federal actions that are expected to have significant impact on the human environment shall be addressed with EIS, the highest level of NEPA documentation. EIS's are managed from FSA's National Office and are **not** covered in this handbook.

4 Roles and Responsibilities

A National Level

FSA's Administrator or designee is responsible for carrying out NEPA for **all** FSA and CCC programs. The Administrator:

- ensures that the responsibility for complying with NEPA is adequately delegated to FSA staff within their respective areas of responsibility and expertise at the National, State, and county levels

- remains informed on the general status of FSA's compliance, as well as the need for any necessary improvements in FSA's NEPA process

- ensures that adequate staffing levels and financial resources for accomplishing compliance with this handbook are reflected in budget requests for Departmental consideration.

4 Roles and Responsibilities (Continued)

A National Level (Continued)

NECM:

- is responsible for:
  - complying with NEPA provisions for legislative proposals, multi-State and national programs, and/or major revisions of national programs
  - providing education and training pertinent to implementing NEPA and related authorities to the appropriate FSA personnel
  - complying with environmental policy articulated in NEPA, other statutes, Executive Orders, and regulations
- serves as:
  - the principal FSA advisor on NEPA-related requirements
  - FSA's representative in NEPA-related matters
  - intra- and interagency liaison and coordinator on NEPA-related matters on a national basis
- provides:
  - expert advice on NEPA-related matters to the Administrator, FSA divisions, program managers, State and County Offices
  - periodic updates to FSA environmental compliance program guidance
- coordinates NEPA with the requirements of all environmental and cultural resource laws, regulations, and Executive Orders
- maintains a record of FSA's environmental activities and advances the national environmental policy
- ensuring State and County Office compliance.

4 Roles and Responsibilities (Continued)

A National Level (Continued)

FPO's:

- serve as:
  - the principal FSA advisor on NHPA-related requirements and coordinating NHPA with the requirements of the laws and regulations
  - FSA liaison on NHPA-related matters
- provide:
  - expert advice on NHPA-related matters to the Administrator, NECM, FSA divisions, program managers, State and County Offices
  - periodic updates to FSA program guidance
- maintain a record of FSA's environmental activities related to NHPA and advances the national preservation policy articulated in NHPA, other statutes, Executive Orders, and regulations
- ensure State and County Office compliance.

B State Level

SED's:

- serve as responsible approving officials:
  - to ensure NEPA compliance for all FSA actions in their State
  - at the State Office level for ensuring compliance with the requirements of this handbook
- appoints an individual to serve as SEC.

4 Roles and Responsibilities (Continued)

B State Level (Continued)

SEC's:

- facilitate completing NEPA compliance requirements
- act as the program coordinator on all environmental matters
- coordinate requirements of this handbook
- advise SED's on environmental matters
- represent SED's at conferences and meetings about environmental matters of a State Office nature
- act as liaison on State Office environmental matters with interested public groups and local, State, and other Federal agencies
- serve as SED's alternate on State-level USDA committees about environmental, land use, and historic preservation matters
- solicit expert advice and assistance of other professional staff members within the State Office to adequately implement this handbook
- provide technical assistance on an activity-by-activity basis to State and County Office staffs
- develop controls for avoiding or mitigating adverse environmental impacts and monitors their implementation
- review FSA actions that are **not** CATEX for further environmental review by this handbook and require the approval and/or clearance of the State Office, and recommends to the approving official either activity approval, disapproval, or modification **after** analyzing and considering the anticipated adverse environmental impacts, anticipated benefits, and action's consistency with the requirements of this handbook

4 Roles and Responsibilities (Continued)

B State Level (Continued)

- provide assistance to resolve post-approval environmental matters at the State Office level
- maintain decision records/files for actions required by this handbook
- coordinate, for SED's, State Environmental Guide development
- provide direction and training to State and County Office staffs on the requirements of this handbook
- develops and coordinate, for SED's, monitoring of the States compliance with this handbook and keep SED's advised of the results of the monitoring process.

4 Roles and Responsibilities (Continued)

C Applicant or Producer Responsibilities

Applicants or producers seeking to participate in FP or FLP should:

- contact appropriate FSA personnel as soon as possible after they decide to pursue FSA financial or program assistance about FSA's environmental compliance requirements
- provide necessary information as a part of a complete application to FSA for evaluation of their proposal's potential environmental impacts.

This information can include, but is **not** limited to:

- activity design specification
- topographical, aerial, and activity location maps
- AD-1026
- RD 1940-20 for proposed FLP actions requiring a Class II EA
- notification of all parties potentially affected by or interested in the proposed action when it involves AFO or CAFO
- provide surveys deemed necessary and appropriate by FSA to determine the impact of the proposed action on the human environment, such as:
  - wetland determination, if required
  - cultural resource survey, if necessary, for proper review by SHPO or THPO
  - biological assessment, if necessary, for proper evaluation by USFWS
  - applications and/or permits for all Federal, regional, State, and local approvals including construction permits, storm water run-off and operational permits, and engineering plans
  - CNMP or nutrient management plan
- provide public notification, including associated costs, and attend and fully cooperate in holding public information meetings, as required.

4 Roles and Responsibilities (Continued)

C Applicant or Producer Responsibilities (Continued)

Applicants, borrowers, guaranteed lenders, program participants, and producers seeking to participate in FP or FLP are expected to:

- consider the potential environmental impacts of their requests at the earliest planning stages
- develop actions that minimize the potential to adversely impact the environment
- ensure that **all** required materials are current, sufficiently detailed and complete, and are submitted directly to the FSA office processing the application.

Complete environmental information is considered a part of a complete application or offer for assistance. Incomplete materials or delayed submittals may seriously jeopardize consideration or postponement of a proposed action by FSA or CCC.

Producers **must not** take **any** actions with respect to their proposed actions during the period of review and processing that could have a potential adverse impact on the environment or limit the range of alternatives. Examples include site work requiring excavation, clearing, or hauling of fill dirt on or to the activity site. This requirement does **not** preclude developing preliminary plans or designs, or performing other work necessary to support an application for Federal, State, or local permits or assistance. However, developing detailed plans and specifications is discouraged when the costs involved inhibit the realistic consideration of alternative proposals.

D Adopting Documents Prepared by Another Federal Agency

Adoption of NEPA documents, or portions thereof, prepared by other Federal agencies when proposed actions affect lands enrolled, or with the potential to be enrolled, is encouraged in FSA or CCC programs. When reviewing documents prepared by another agency, FSA will ensure that:

- resources of special interest to FSA under the Farmland Protection Policy Act (Prime and Unique Farmland, Prime and Unique Rangeland, and Prime and Unique Forestland) and HEL are adequately addressed
- required coordination and consultation with regulatory agencies has occurred
- the proposed action would **not** adversely affect the potential for land to be enrolled in FSA programs.

RD 1940-21, RD 1940-22, or Class II EA will be prepared if there is the potential to impact such resources.

5 Consultations

A Consultation Requirements

Consultation with the appropriate lead agency is required when a protected resource is potentially affected, such as threatened and endangered species or their critical habitat, cultural resources, wetlands, or floodplains. Any required consultations under environmental laws **must** be completed **before** an activity is approved or FONSI is signed. Through these consultations, measures to reduce or mitigate impacts below the level of significance may be identified and agreed upon with the relevant permitting or consulting agencies and groups. Mitigation agreed to through consultations may be carried out **after** FONSI is issued, and **must** be stipulated in FONSI. There are time stipulations for consultation that should be accounted for in the overall activity timeline. This table provides the average time for consultation under CWA, CZMA, ESA, and NHPA.

Consultation	Timing
CWA	30 to 90 calendar days
CZMA	
ESA	
Formal Informal	up to 135 calendar days 30 to 45 calendar days
SHPO/THPO	30 calendar days
Tribes without THPO	Tribes without THPO shall be consulted along with SHPO. The 30 calendar day time period applies concurrently to both the tribe and SHPO.

5 Consultations (Continued)

B ESA

If threatened or endangered species or their designated critical habitat have the potential to be affected, consultation under ESA, Section 7, should occur. See Part 4 for steps to determine if a protected species or its habitat occurs within the activity area. See Exhibit 5 for an example coordination letter to be sent to the appropriate State USFWS or National Marine Fishery Office for migrating fish.

Note: Exhibit 5, as well as any responses received from USFWS, **must** be included in the producers file for CATEX or RD 1940-22 or as an appendix to EA to provide documentation for compliance with ESA, Section 7.

Mitigation measures to reduce or eliminate significant impacts to an acceptable level for protected species identified by USFWS should be included in EA as part of the proposed action. If USFWS determines that the action has the potential to adversely affect threatened or endangered species or critical habitat, formal consultation and additional documentation is **required** from FSA. **All** formal consultation **must** be referred to FSA's National Office.

Note: State Offices that have entered into agreements for ecological services with their respective USFWS offices should follow agreement protocols rather than the letter in Exhibit 5 (see Exhibit 8).

C NHPA

If historic properties have the potential to be affected, consultation under NHPA, Section 106 **must** be coordinated with SHPO and/or THPO. See Part 4 for the steps to determine if cultural resources may be affected. See Exhibit 6 for an example coordination letter to be sent to the appropriate SHPO and, in some cases, appropriate THPO to solicit their comments on FSA's decision. This letter, as well as any responses received, would be included in the producers file for CATEX, RD 1940-22, or as an appendix to EA to provide documentation for compliance with NHPA, Section 106.

5 Consultations (Continued)

D CZMA

If the proposed action will take place in the coastal zone, consultation with the State coastal zone agency will be necessary. A coastal consistency review can take up to 60 calendar days. See **Part 4** for steps for identifying the coastal zone. The agency preparing the NEPA document should provide a copy of the EA or a sufficient description of the proposed action details with a request for a consistency determination to document they are in compliance with the enforceable policies of the State's coastal zone management program (see Exhibit 7 for an example letter). The producers file or EA should include a copy of the Coastal Consistency Determination, often a letter or form providing concurrence with the agency's determination received from the State, as well as any mitigation measures established by the State.

5 Consultations (Continued)

E MOA's and SLA's

Federal agencies may develop interagency MOA's to streamline the consultation or review process. MOA's could be developed at the national or State level; however, at the State level they may be called SLA's, and are typically developed for routine actions with minimal or no adverse environmental effects or a group of similar actions that will occur within the same geographic location and time. The process for developing MOA's and associated templates are provided, as follows:

- Exhibit 8 for USFWS
- Exhibit 9 for SHPO and THPO SLA template
- Exhibit 10 for CZMA authorities
- Exhibit 11 for USACE.

MOA's with EPA will be handled at FSA's National Office.

Note: All MOA's, SLA's, and other agreements developed according to this handbook **must** be sent to CEPD for review before approval.

6 Public Involvement

A Introduction

Public participation is required under NEPA and can include a variety of activities. The level and kind of public participation depends on the nature of the proposed action and the environmental issues determined during internal activity kickoff to be potentially impacted by the proposed action. The methods and amount of public involvement should be commensurate with the nature of the activity, expected impacts, potential for public controversy, and potentially significant issues.

Public involvement in the NEPA process can range from a 1-on-1 meeting with a stakeholder to, small group discussions and soliciting comments from the public on EA's to facilitated meetings and mediation. The requirement of meetings and mediation may indicate that the action is controversial enough to merit an EIS. FSA's NECM should be consulted whenever public meetings or mediation is required.

B FP's and FLP's - FSA-850's, CATEX's, RD 1940-21's, and RD 1940-22's

For both FP and FLP, FSA-850's, CATEX's, RD 1940- 21's, and RD 1940-22's require **no** public involvement. By definition, activities for which FSA-850's, CATEX's, RD 1940-21's, and RD 1940-22's would be completed meet NEPA compliance requirements and have **no** potential to impact the quality of the human environment.

6 Public Involvement (Continued)

C FLP Class II EA's

EA's can require varying degrees of public involvement depending on the complexity, geographic scope and controversy associated with the proposed action. For FLP Class II EA's, the most basic level of public involvement is preparation and publication of NOA for 3 consecutive calendar days or 2 consecutive weeks in a weekly newspaper that informs the public of the proposed action, the availability of EA for their review, and solicits their comments on EA. A template for NOA is given in Exhibit 12. Public review periods should be 15 calendar days.

At EA completion, FONSI should be published for 3 consecutive calendar days or 2 consecutive weeks in a weekly newspaper in the same manner as NOA.

For controversial actions or activities with potential environmental impacts, public meetings may be held before the development of EA. These meetings serve to inform the public of the proposed action and to solicit input that may help in the development of the proposed action and alternatives. NECM should be informed if any proposed action or activity could require public meetings to assist in determining if the proposed action or activity should be funded because of the proposed action or activity's controversial nature. County Offices should clear the need for any public meeting through SEC **before** setting up a public meeting. SEC will notify NECM.

6 Public Involvement (Continued)

D Public Involvement Procedures when Important Resources are Affected

For actions that impact or may impact floodplains, wetlands, important farmlands, prime rangelands, or prime forest lands, specific public involvement procedures apply. These procedures apply to **all** FP EA's, except for Class I EA's where the action is normally classified as a CATEX and has lost its status because of the potential to impact floodplains, wetlands, important farmlands, prime rangelands, or prime forest lands.

Note: Consultation requirements for these resources still apply.

A preliminary notice **must** be published for 3 consecutive calendar days or 2 consecutive weeks in a weekly newspaper, as soon as practicable, to inform the public of the proposed action and the potential effects to these important resources. NOA (Exhibit 12) could be used to satisfy this requirement.

For actions that will impact floodplains or wetlands, a minimum 15-calendar-day public comment period **must** occur and a final notice that details the agency's findings and decision for the proposed action **must** be published. This notice would be the same as FONSI (Exhibit 23). For Class I EA's that do **not** require preparing FONSI, a notice similar in format to FONSI should be used. This final notice should detail the proposed action, the effects to the important resource, and whether or **not** there are practicable alternatives to eliminate or minimize these effects.

6 Public Involvement (Continued)

E FOIA

FOIA is a law ensuring public access to government records. When written request is received, agencies **must** provide records, including NEPA documents, policy, and decision documents, etc., unless they can be lawfully withheld under 1 of the 9 specific FOIA exemptions as follows:

- classified material
- data specifically exempted by statute
- geological and geophysical information, including maps, about wells
- inter-agency or intra-agency memos, unless involved in litigation with that agency
- internal personnel rules and practices
- personnel and medical files that would constitute an invasion of privacy
- records or information collected for law enforcement purposes
- reports for an agency for the regulation of financial institutions
- trade secrets and financial information collected from a person.

7-20 (Reserved)

Part 2 Farm Programs (FP's)

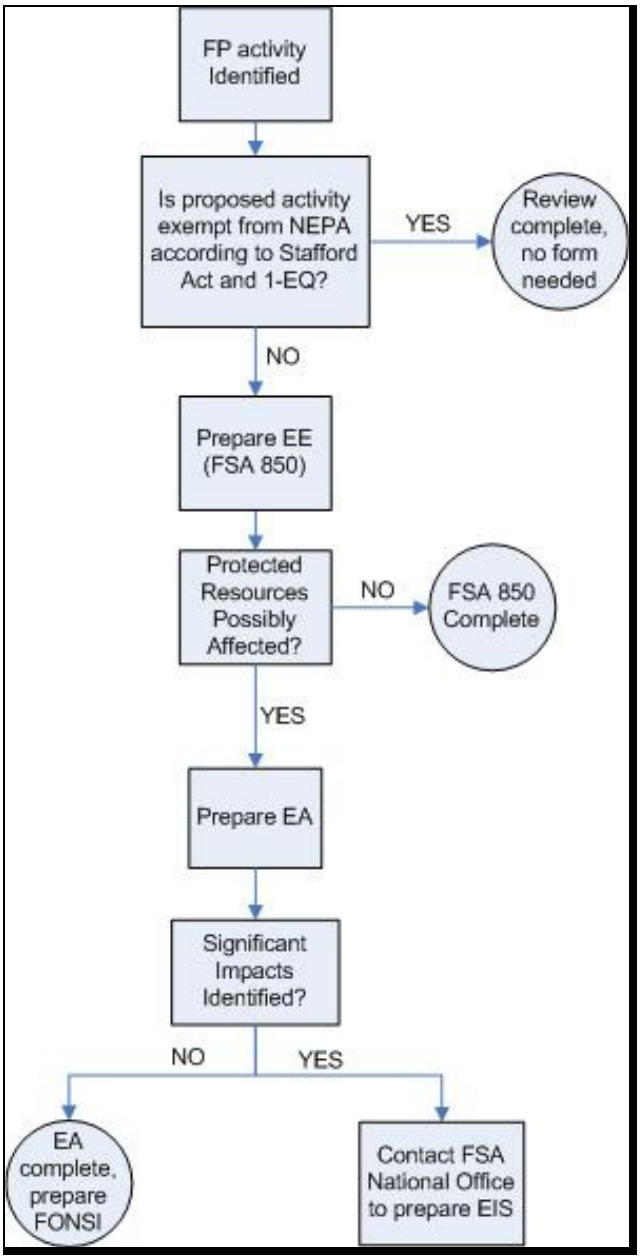
21 Introduction

A Implementing Regulation

FP's operate according to 7 CFR Part 799 that established procedures for implementing NEPA requirements. These regulations are different from the implementing regulations for FLP's (Part 3). Both regulations ensure that environmental factors are considered in agency decision-making.

B Overview

The following is an overview of the environmental review process for an FP activity.



22 Actions Exempt from Environmental Review

A FP Actions Exempt from Environmental Review

In 7 CFR Part 799, there are **no** officially designated CATEX's. However, FSA has determined that financial assistance for certain actions that can occur under ECP and CRP are **exempt** from the NEPA process under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Robert T. Stafford Disaster Relief and Emergency Assistance Act applies to Presidential-declared disasters and **exempts** the following activities from NEPA requirements:

- clearing roads and constructing temporary bridges necessary for performing emergency tasks and essential community services
- debris removal
- demolishing unsafe structures that endanger life or property as determined by local government officials or building inspectors
- disseminating public information and assistance for health and safety measures
- providing technical advice to State and local governments on disaster management and control
- reducing immediate threats to life, property, and public health and safety; such as temporary fencing, manure lagoon pumping to prevent overflow, etc.
- warning of further risks and hazards.

Note: Exemption is geographically limited to Presidential-declared disaster areas applicable to the activity for which funding is proposed to be obligated.

22 Actions Exempt from Environmental Review (Continued)

B Exemptions

Exemption from NEPA requirements under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for certain activities in a Presidential-declared emergency **always** exempts a Federal agency from complying with other Federal laws governing emergency activities as applicable to individual environmental resources.

Example: NHPA regulations have specific emergency exemptions requiring **no** notice while other activities are time sensitive and require notification and consultation.

23 Environmental Evaluations (EE's)

A EE Process

For proposed FP activities and program participation, EE (FSA-850 for **FP** and RD-1940-22 for **FLP**) is used to determine if an action could potentially affect protected resources. Part 4 provides definitions for various protected resources and guidance for determining whether the potential for impacts exists.

Individual farm participation in FSA or CCC programs does **not** normally require preparing EA's. However, for certain practices, a site-specific EE **must** be completed to verify no protected resources would be affected. If, through completing EE, it is determined that there is **no** potential for an activity or program to impact the environment, EE serves as FSA's compliance with NEPA as well as the requirements of other environmental laws, regulations, and Executive Orders.

B FSA-850 Guidance

FSA-850 is used to document the NEPA process for **FP** activities. The following table provides guidance for preparing FSA-850's.

Item	Description and/or Action
1	Provide applicant name, activity number, State and county code, activity title, and general location. Check appropriate box for type of activity: "Loan", "CRP", "ECP", or "Other".
2 a	Explain why the action is needed and identify the decision to be made. Define any laws or regulations that make the activity necessary, if appropriate.
2 b	Provide a description of the site, the activities proposed, and how and when the activities will be implemented. Provide maps and figures, including an aerial photo of the site, topographic map with activity area delineated, site photos, if available, and a standard soil survey, if available.
2 c	Provide description of all adjacent land uses, including direction and distance.

23 Environmental Evaluations (EE's) (Continued)

B FSA-850 Guidance (Continued)

Item	Description and/or Action
3	The authorized agency official must select "Yes" or "No" for each of the 3 categories. **Notes:** See Part 4 for specific information on each of the protected resources and how to determine if a potential impact exists. Often an impact on 1 resource may affect another resource. Impacts to a resource could be direct or indirect, beneficial or adverse, and short-term or long-term, as follows: • **direct impacts** are caused by the proposed action and occur at the same time and place **Example:** Construction disturbs the soil in the immediate vicinity of the activity area and removes vegetation. • **indirect impacts** are caused by the proposed action, but occur later in time or are farther removed in distance **Example:** Exposing the soil during construction increases run off into a nearby stream which increases sedimentation. Increased sedimentation degrades the water quality. • **beneficial impacts** would result in favorable conditions for the environment or protected resources **Example:** Establishing conservation practices improve local water quality.

23 Environmental Evaluations (EE's) (Continued)

B FSA-850 Guidance (Continued)

Item	Description and/or Action
3 (Cntd)	• **adverse impacts** would result in unfavorable conditions for the environment and may be considered significant **Example:** The construction of a fence results in removing an endangered plant species. The potential impact on 1 of these resources would require consultation with the appropriate lead agency and possibly EA development. • **short-term impacts** are temporary and environmental conditions return to their previous state within a short period of time **Example:** Noise generated from construction equipment ends once construction is complete. • **long-term impacts** have longer lasting effects and may be permanent in nature. **Example:** Creating a wildlife food plot would provide foraging area for local wildlife as long as the food plot was in production. According to CEQ regulations, actions potentially affecting protected resources **must** be circulated to other agency representatives and the public (see paragraph 5 for consultations and paragraph 6 for public participation). Copies of all formal correspondence between FSA and other agencies should be included in the producers file. The producers file should contain a list of all agencies that: • were given the opportunity to review and comment on the proposed action • provided consultation for a specific resource • assisted in developing the proposed action.

23 Environmental Evaluations (EE's) (Continued)

B FSA-850 Guidance (Continued)

<table>
<tr><th>Item</th><th>Description and/or Action</th></tr>
<tr><td>4-10</td><td>These items address other environmental resources that could potentially be affected by a proposed action to include:

• air quality
• environmental justice
• important land resources
• noise
• social and economic impacts
• unique natural features and areas
• water quality.

Detailed discussion on how to determine if a proposed action may potentially impact 1 of these resources is provided in Part 4.</td></tr>
<tr><td>11</td><td>Some States and U.S. territories have environmental planning requirements similar to NEPA. For proposed actions in 1 of these States, the State law should be reviewed to ensure an applicant's compliance. SED's are responsible for determining the applicable State requirements. If the proposed activity is subject to State NEPA and requires preparing EIS, it should be prepared concurrently with EE or EA, as applicable. Completing a State EIS does **not** preclude the requirement for FSA to prepare EA in compliance with NEPA. FSA shall consider the finding by the State in the State EIS when making decisions under NEPA. If the State NEPA process determines a significant impact will result and FSA determines under Federal guidelines that it does **not** agree, FSA will prepare EA discussing the difference and provide supporting information in the document.

This table provides States with NEPA-like laws. State laws and points of contact can be found at **www.nepa.gov/nepa/states.html**.

<table>
<tr><td>California</td><td>Hawaii</td><td>Montana</td><td>Puerto Rico</td></tr>
<tr><td>Connecticut</td><td>Indiana</td><td>Nevada/California-Tahoe</td><td>South Dakota</td></tr>
<tr><td>Dist. of Columbia</td><td>Maryland</td><td>New Jersey</td><td>Virginia</td></tr>
<tr><td>Georgia</td><td>Massachusetts</td><td>New York</td><td>Washington</td></tr>
<tr><td>Guam</td><td>Minnesota</td><td>North Carolina</td><td>Wisconsin</td></tr>
</table></td></tr>
</table>

23 Environmental Evaluations (EE's) (Continued)

B FSA-850 Guidance (Continued)

Item	Description and/or Action
12	For most actions that only require preparing FSA-850, public involvement is **not** required. If it is determined that an important land resource could be affected that warrants preparing EA, public involvement would be required. NEPA's intent is to ensure that the public is aware of Federal activities that could potentially affect environmental resources. NEPA regulations stipulate that the public be allowed to review and comment on these proposed activities.
13	Provides a summary of other past, present and reasonably foreseeable Federal and non-Federal activities that may, when combined with the effects of the proposed action, impact protected resources. Other activities could include construction activities at the same location or nearby, other FSA programs in the same geographic area, etc. Cumulative impacts are more likely when actions occur in the same geographic region and/or at the same time.
14	Proposed actions with potential environmental concerns as determined by items 3 through 10 would require a higher level of NEPA analysis. Reasonable alternatives to a proposed action must meet the defined purpose and need and include a no action alternative.

23 Environmental Evaluations (EE's) (Continued)

B FSA-850 Guidance (Continued)

Item	Description and/or Action
15	Mitigation refers to taking additional measures to reduce or eliminate the potential effects from implementing the proposed action. These can be developed in coordination with the agency that manages the resources potentially affected. See paragraph 5 for consultation requirements and Part 4 for permitting and mitigation measures specific for each resource. These measures would become part of the proposed action, included in all loan agreements, conditional commitments, and could include: • avoiding the impact by not taking a certain action or parts of an action • limiting the timing or geographic extent of an action • repairing, rehabilitating, or restoring the affected environment • performing additional studies or surveys to ensure protected resources are not present on site • implementing various preservation and maintenance operations during the life of the action • replacing or providing substitute resources or environments • monitoring the affected environment for an established period of time.
16	The authorized agency official may provide any comments **not** addressed in any other item.
17	Includes a checklist for required permits, forms, letters, and other requirements. Part 4 provides permit and form requirements by resource area.

23 Environmental Evaluations (EE's) (Continued)

B FSA-850 Guidance (Continued)

Item	Description and/or Action
18	After review of the completed FSA-850, the responsible agency official **must** provide a recommendation. The information provided on FSA-850 should support 1 of the 2 findings: • activity may continue **without** EA • EA is needed. **Note:** If EA is needed, contact NECM. FSA's approval official **must** provide concurrence with the finding for the activity to be officially approved.
19	The preparer as well as the concurring official **must** sign FSA-850 for it to be considered complete.

Note: NRCS-CPA-052 can be accepted instead FSA-850.

24 Environmental Assessments (EA's)

A EA Overview

EA's are prepared on a programmatic level for FP. Individual, site-specific EA's are **not** typically required for FP participation. The principle purposes for preparing EA's are to:

- inform the affected and interested public of any potential environmental impacts of the program
- provide information on impacts sufficient to assist in making an informed decision
- document that procedural NEPA requirements have been followed
- evaluate the impacts of the proposed action and mitigate any potential adverse impacts on the human environment
- determine whether preparing an EIS for the proposed action is necessary.

FP activities require preparing EA if protected resources are impacted in the activity area and could be adversely affected by the proposed action. Part 4 provides a complete list of protected resources and guidance on evaluating potential impacts to resources. Examples of protected resources that would require preparing EA include, but are **not** limited to:

- the presence and effect on wetlands, cultural resources, threatened and endangered species, critical habitat, and others listed
- activities that involve existing structures or proposed structures, such as buildings, dikes, levees, etc. that occur in a floodplain
- activities that could impact surface water quality.

24 Environmental Assessments (EA's) (Continued)

B Who Prepares EA for FP Activities

CEPD is responsible for preparing programmatic EA's for FP. In general, EA's can be prepared by FSA employees who have received training for EA type being completed. EA's can also be prepared by contractors, if the activity is complex or if there are time constraints. If any portion of EA is completed by outside sources, FSA shall independently evaluate and be responsible for the accuracy of the information submitted.

C Significance

The meaning of significant varies with context (location) and intensity (severity of impact). A significant effect from implementing a proposed action would cause a substantial change to existing environmental conditions and provide a major influence in the decision-making process. CEQ regulations state that many factors should be considered when determining the intensity of impacts:

- beneficial and adverse impacts do **not** cancel each other out
- unique characteristics of area (proximity to endangered species habitat or historic property) may cause an impact to be significant whereas in another location it may normally not be significant
- the degree to which impacts or the activity is likely to be controversial
- the degree to which impacts are highly uncertain or have unknown risks
- the degree to which an action may establish a precedent for future actions
- whether the action is related to other actions with individually insignificant but cumulatively significant impacts
- whether the action has the potential to violate Federal, State, or local environmental laws.

24 Environmental Assessments (EA's) (Continued)

D FONSI

Once EA is finalized and no significant impacts are identified, FONSI should be prepared.

FONSI is a document that very briefly:

- summarizes EA findings
- presents the reasons an action is **not** expected to have a significant effect on the natural and human environment
- concludes it is **not** necessary to prepare EIS.

25–30 (Reserved)

Part 3 FLP's

31 Introduction

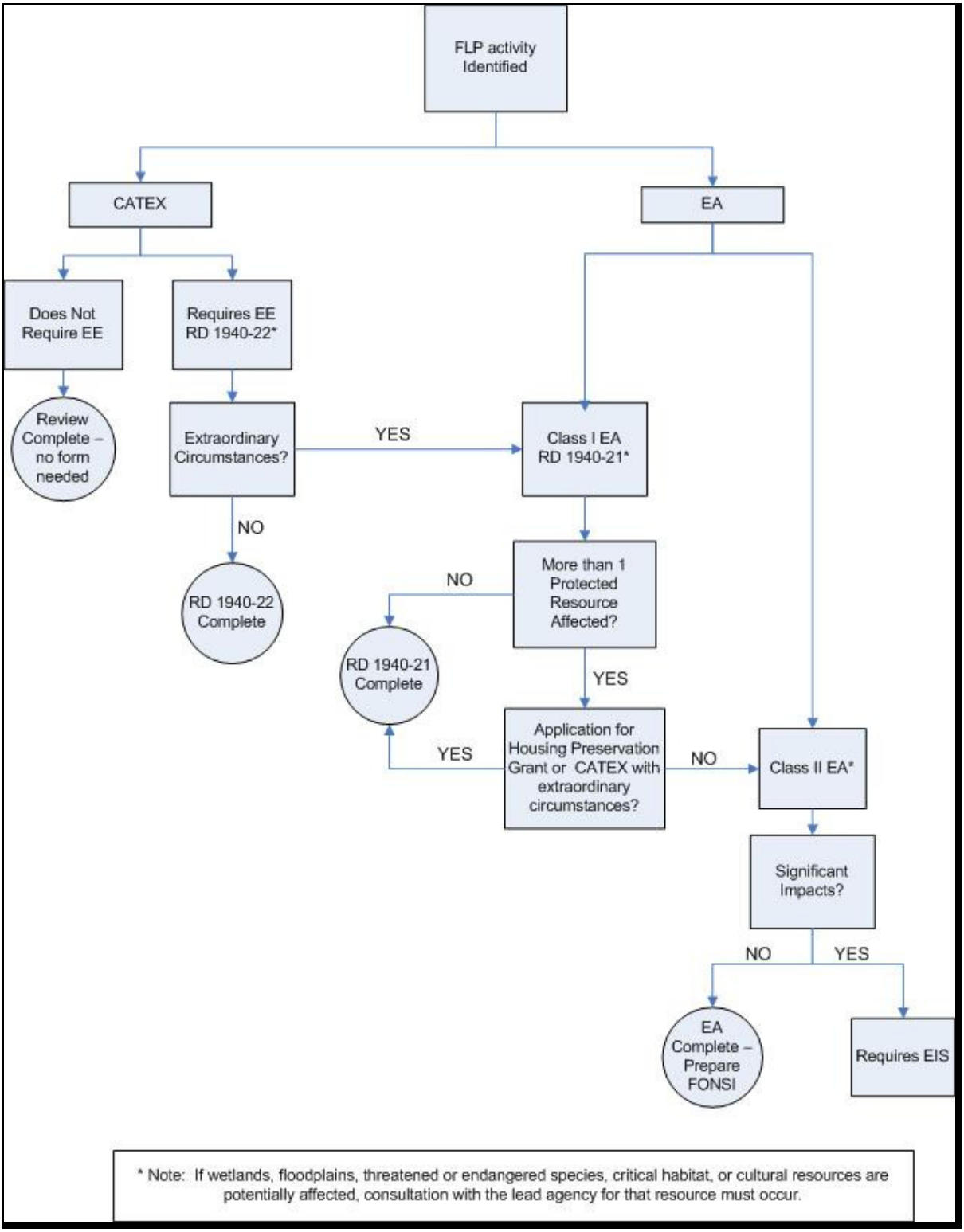
A Implementing Regulation

FLP's operate according to 7 CFR 1940 subpart G regulations that established procedures for implementing NEPA requirements. These regulations are different from the implementing regulations for FP. Both regulations ensure that environmental factors are considered in agency decision-making.

31 Introduction (Continued)

B Overview

The following provides an overview of the environmental review process for FLP.



32 CATEX's

A CATEX Overview

Classes of actions that do **not** individually or cumulatively have potential for a significant effect on the environment and; therefore, do **not** require further environmental analysis, have been established as CATEX according to 40 CFR 1507.3(b)(2)(ii). CATEX's cover categories of actions that:

- have only minimal and short-term adverse effects on EQ
- result in **no** measurable change to existing environmental conditions
- are too small to contribute measurably to cumulative environmental impacts
- have socioeconomic effects **only**.

B CATEX Methodology

For FLP actions, CATEX's fall into the following 2 categories:

- minor actions listed by FSA as **not** requiring any type of review or documentation; these routine actions have been determined by FSA to **not** have any potential environmental impacts and; therefore, are excluded from the NEPA process

- minor actions potentially causing impacts to the human environment depending on location and requiring RD 1940-22 to determine exclusion from further environmental review.

32 CATEX's (Continued)

C CATEX Actions Exempt From Further Environmental Review

The following actions have been identified in 7 CFR 1940.310(e) as actions **not** requiring further environmental review:

- servicing activity, including partial releases and assumptions, for all FSA/CCC/FLP programs that do **not** alter the purpose, operation, location, or design of the proposed action as originally approved

- construction management activities, amendments, and revisions to approved activities, including the provision of additional financial assistance, that do **not** alter the purpose, operation, location, or design of the activity as originally approved

- issuing regulations, handbooks, and internal guidance, as well as amendments to them, describing administrative and financial procedures for processing, approving, and implementing FSA loan programs

- procurement activities for goods and services, routine facility operations, personnel actions, and other management activities related to FSA operation

- reduction-in-force or employee transfers resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar circumstances

- transactions that are either **not** controversial for environmental reasons or will **not** result in a change in use of the real property within the reasonably foreseeable future.

32 CATEX's (Continued)

D CATEX Actions that Require RD 1940-22's

The following CATEX actions have been identified by 7 CFR 1940.310(d) regulations as needing RD 1940-22's (paragraph 33) to ensure that no extraordinary circumstances exist:

- purchasing an existing farm or enlarging a farm, provided no major shifts in land use will occur, and that are land clearing not more than 15 acres and converting no more than 10 acres of pasture

- purchasing livestock and essential farm equipment, including crop storing and drying equipment, provided this equipment is **not** to be used to accommodate major shifts in land use, and that are land clearing not more than 15 acres and converting no more than 10 acres of pasture

- paying annual operating expenses other than those specifically addressed in paragraph 34

- refinancing debts

- constructing essential farm dwellings and service buildings of modest design and cost, as well as repairs and improvements to them, and family living expenses

- onsite water supply facilities to serve a farm dwelling, farm buildings, and livestock needs

- installing or enlarging irrigation facilities, including storage reservoirs, diversion dams, wells, pumping plants, canals, pipelines, and sprinklers designed to irrigate less than 80 acres

- replacing or restoring irrigation facilities only, to include those facilities previously discussed, with minimal change in use, size, capacity, or location from the original facility

32 CATEX's (Continued)

D CATEX Actions that Require RD 1940-22's

- developing farm ponds or lakes of no more than 5 acres in size
- converting:
  - land in agricultural production to pastures or forests
  - pastures to forests
- land clearing operations of no more than 15 acres, provided no wetlands are affected
- converting no more than 160 acres of pasture to agricultural production
- transfers, assumptions, easements and subordinations that alter the purpose, operation, location, or design of the proposed action as originally approved.
- leasing or disposing of real property by FSA whenever the transaction is either controversial for environmental reasons or will result in a change in use of the real property within the reasonably foreseeable future
- individual participation in DFN.

33 RD 1940-22's

A RD 1940-22 Process

Some minor FSA actions may have the potential to cause impacts to the human environment depending on location or other site specific conditions. RD 1940-22 is used to determine:

- if circumstances exist potentially disqualifying actions from receiving CATEX status
- the appropriate NEPA consideration for newly proposed FSA actions.

B Extraordinary Circumstances

RD 1940-22 is used to determine if an action could potentially affect protected resources. Therefore, RD 1940-22 demonstrates FSA compliance with NEPA regulations as well as the requirements of other environmental laws, regulations, and Executive Orders. If extraordinary circumstances exist, that is if a protected resource could be affected, preparing EA would be required to fully address the potential environmental concerns. Some FLP actions automatically require EA and will **not** require completing RD 1940-22. These actions are listed in paragraph 34.

Extraordinary circumstances involving protected resources that would require preparing RD 1940-21 would include:

- wetlands, the proposed action would either:
  - be located adjacent to a wetland and adversely impact that wetland, or a wetland is within the activity footprint
  - alter the hydrology or vegetation of the wetland
  - affect the values and functions of the wetland by such means as converting, filling, draining, or directly discharging into it

33 RD 1940-22's (Continued)

B Extraordinary Circumstances (Continued)

- floodplains, the proposed action would either:
  - include or involve existing structures located within a 100-year floodplain (500 year floodplain, if critical action)
  - be located within a 100-year floodplain (500-year floodplain, if critical action) and affect the values and functions of the floodplain by such means as converting, dredging, or filling or clearing the natural vegetation
- wilderness (designated or proposed), the proposed action would either:
  - be located in a wilderness area and adversely impact that area
  - have a direct and adverse effect on the value of a wilderness area for which it was established
- wild or scenic river; proposed or designated or identified in the Nationwide Rivers Inventory, and the proposed action would:
  - be located within 1/4 mile of the banks of the river
  - involve withdrawing water from the river or discharging water to the river by a point source
  - have a direct and adverse effect on the value of a wilderness area for which it was established

  Note: A wild and scenic river can be established because of its remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar value.
- historical and archaeological sites, listed on or eligible for NRHP, and the proposed action would:
  - contain a historical or archaeological site within the construction site or APE
  - adversely affect a historical or archaeological site
  - involve the disposal of inventory property

33 RD 1940-22's (Continued)

B Extraordinary Circumstances (Continued)

- critical habitat or endangered/threatened species, listed or proposed, and the proposed action would 1 of the following:
  - be within or impact a designated critical habitat area and result in an adverse effect to that area
  - be adjacent to and have potential to impact a critical habitat
  - affect a critical habitat or endangered/threatened species
- coastal barrier included in coastal barrier resources system and the proposed action would be located within the coastal barrier resources system
- natural landmark, listed on National Register of Natural Landmarks, the proposed action would either of the following:
  - contain a natural landmark within the activity site
  - adversely affect a natural landmark
- important farmlands, the proposed action would convert important farmland to nonagricultural uses except when the conversion would result from the construction of on-farm structures necessary for farm operations
- prime forest lands, the proposed action would convert prime forest land to other uses, except when the conversion would result from the construction of on-farm structures necessary for farm operations
- prime rangelands, the proposed action would convert prime rangeland to other use s except when the conversion would result from the construction of on-farm structures necessary for farm operations

33 RD 1940-22's (Continued)

B Extraordinary Circumstances (Continued)

- approved CZMA area, and the proposed action would be located within an approved CZMA area and no agreement exists with the responsible State agency requiring a consistency determination for the type of action under consideration

- the proposed action would be located within a sole source aquifer recharge area

- State water quality standard; the proposed action would impair a water quality standard, including designated and/or existing beneficial uses, or would not meet applicable anti-degradation requirements for point or nonpoint sources.

For FLP actions, whenever CATEX loses its status for any of the extraordinary circumstances listed in this subparagraph, **not** all of the procedural requirements for RD 1940-21 apply. The following exemptions exist:

- no public notice provisions apply (paragraphs 5 and 6)

- the applicant does **not** complete RD 1940-20

- the action requires a Class II EA, if 2 or more important land resources are affected

- if wetlands, floodplains, threatened and endangered species, critical habitat, or cultural resources are potentially affected, formal or informal consultation with lead agencies is required (paragraph 5).

34 Environmental Assessments (EA's)

A Purpose

The principle purposes for preparing EA's are to:

- inform the affected and interested public
- provide information on impacts sufficient to assist the decision-maker in making an informed decision
- document that the procedural NEPA requirements have been followed
- evaluate the impacts of the proposed action and mitigate any potential adverse impacts on the human environment
- determine if EIS is required for the proposed action.

34 Environmental Assessments (EA's) (Continued)

A Purpose (Continued)

To prepare an adequate EA, the preparer should:

- use an interdisciplinary approach involving personnel with expertise in the natural and social sciences to evaluate the potential for impacts to protected resources
- write in easily understood language and use graphics to make proposed action and analysis of impacts clear by decision-makers and the public
- be specific; writers should avoid lengthy discussions of issues irrelevant to those resources potentially impacted by activities
- the assessment of impacts should be analytical and incorporate other studies and documents by reference, providing enough information to make informed decisions
- focus on significant environmental issues and alternatives
- ensure the EA process correctly assesses environmental impacts of a proposed action, not serving as a justification for decisions already made.

For FLP activities, EA's are divided into 2 classes depending on the potential environmental concerns of the proposed action:

- Class I EA (RD 1940-21)
- Class II EA (Exhibit 21).

B Who Prepares EA for FSA Activities

EA's can be prepared by FSA employees that have received training for the type of assessment being completed. EA's can also be prepared by contractors if the activity is complex or if there are time constraints. If FSA field employee is unsure if they are authorized or trained to complete EA, or whether they should request contractor assistance, they should consult with SEC who may also consult FSA's NECM. If any portion of EA is completed by outside sources, FSA shall independently evaluate and be responsible for the accuracy of the information submitted.

34 Environmental Assessments (EA's) (Continued)

C Types of FLP Actions

FLP actions normally require either RD 1940-21's or Class II EA's. For proposed actions **not** contained in the following table, or that qualify for CATEX, RD 1940-22 as listed in paragraph 32 can be used to determine appropriate NEPA documentation. The following table details FLP actions for determining RD 1940-21 or Class II EA activities.

Action	CATEX	RD 1940-21	Class II EA
Financial assistance for installing or enlarging irrigation facilities including storage reservoirs, diversion dams, wells, pumping plants, canals, pipelines, and sprinklers.	Less than 80 acres.	80 to 160 acres.	More than 160 acres or a wetland is affected.
Financial assistance for developing farm ponds or lakes.	Total area covered is no more than 5 acres.	Total area covered is more than 5 and no more than 10 acres.	Total area covered is more than 10 acres or a wetland is affected.
Financial assistance for constructing or enlarging aquaculture facilities.	Enclosed tank systems producing fish inside of buildings.		All other aquaculture facilities.
Financial assistance for land clearing operations.	No more than 15 acres.	More than 15 and no more than 35 acres.	More than 35 acres or a wetland is affected.
Financial assistance for constructing energy producing facilities designed for on-farm needs, such as methane digesters and fuel production facilities.		RD 1940-21 required.	

34 Environmental Assessments (EA's) (Continued)

C Types of FLP Actions (Continued)

Action	CATEX	RD 1940-21	Class II EA
Financial assistance for converting pasture to agricultural production.	No more than 160 acres.	160 to 320 acres.	More than 320 acres or a wetland is affected.
Financial assistance for using a farm or portion of a farm for recreational purposes or nonfarm enterprises.		Less than 10 acres.	More than 10 acres or a wetland is affected.
Any proposed action which is normally considered CATEX, but which is controversial for environmental reasons, or which is the subject of an environmental complaint raised by another agency, interested group, or citizen.		RD 1940-21 required.	
FLP loan closing and servicing activities, transfers, assumptions, subordinations, construction management activities, and amendments and revisions to all approved actions that alter the purpose, operation, location, or design of the proposed action as originally approved.		The decision as to whether to complete RD 1940-21 or Class II EA will be determined by what level of EA would be done for a proposed action that is equivalent in size or type.	
Leasing or disposal of real property that is controversial for environmental reasons or includes a change in land use.		RD 1940-21 required.	
Financial assistance for a new livestock-holding facility, activity, or feedlot.		See Animal Type table in this subparagraph.	

34 Environmental Assessments (EA's) (Continued)

C Types of FLP Actions (Continued)

To determine the level of analysis required for a new livestock-holding facility, activity, or feedlot, the following table should be used. Some States may have more requirements for permitting (see Part 4 for resource specific permits). In States that have more requirements, the State requirements take precedence over the requirements listed in the table.

Animal Type	In Excess of These Numbers			
	RD 1940-21		Class II EA	
	Head	AU's	Head	AU's
Slaughter steers and heifers.	500	500	1,000	1,000
Mature dairy cows (milkers or dry cows).	350	490	700	980
Swine (each weighing 55 lbs or more).	1,250	500	2,500	1,000
Swine (each weighing 55 lbs or less).	12,500	500	25,000	1,000
Sheep.	5,000	500	10,000	1,000
Broilers, regardless of the type of manure handling or watering system used.	50,000		100,000	
Layer hens, regardless of the type of manure handling or watering system used.	50,000		100,000	
Turkeys.	27,500		55,000	
Horses.	250	500	500	1,000
Combination of slaughter steers/heifers, dairy cattle, swine, sheep, or horses.	500		1,000	

Note: If the operation is comprised of a combination of AU types in this table, the capacity will be determined based on AU combinations. AU means a unit of measurement for any AFO calculated as follows:

Number of slaughter and feeder cattle x 1.0 + number of mature dairy cattle x 1.4 + number of swine weighing over 25 kilograms (approximately 55 pounds) x 0.4 + number of sheep x 0.1 + number of horses x 2.0.

34 Environmental Assessments (EA's) (Continued)

D RD 1940-21's

RD 1940-21 is used to provide NEPA documentation for routine small scale actions as described in subparagraph C tables. The scope and level of detail of EA need only be sufficient to determine whether the potential impacts are substantial and if further analysis is necessary. Descriptions of protected resources and possible data sources are provided in Part 4. The completed RD 1940-21 should be included in the producers file as proof of NEPA compliance.

If more than 1 protected resource is potentially affected from implementing the proposed activity, then a Class II EA **must** be prepared, except if the action is either:

- an application for a Housing Preservation Grant
- normally CATEX that has lost its exclusion status.

If wetlands, floodplains, threatened and endangered species, critical habitat, or cultural resources are potentially affected, consultation with agency responsible for the resource is required (paragraph 4).

34 Environmental Assessments (EA's) (Continued)

E Class II EA

Class II actions exceed RD 1940-21 established thresholds and; consequently, have the potential for resulting in more varied and substantial environmental impacts. Therefore, a more detailed EA is required (Exhibit 21). The intent of Class II EA is as follows:

- provides a summary of the proposed action including who wants to do it, when it will occur, how long it will take, and where it would take place
- presents relevant background information about the proposed action
- explains why action is needed
- identifies the decision to be made
- outlines the scope of the analysis
- defines the selection criteria for choosing alternatives
- identifies regulatory and coordination requirements.

34 Environmental Assessments (EA's) (Continued)

E Class II EA (Continued)

The following table provides detailed descriptions of components for Class II EA.

Component	Description

Description of Proposed Action and Alternatives	• Provides, in detail, the proposed action as follows:
	  • the amount of detail should be equal to the size and scope of the action
	  • a more detailed description of the action, describing who wants to do the action, when it will take place, how long it will take, and where it will take place.
	• Presents a clear and concise explanation of the proposed action and the alternatives and how they meet the purpose and need.
	  • Should provide reasonable alternatives to be carried forward in the analysis.
	  • Provide brief explanation for alternatives eliminated from detailed study and why they were eliminated.
	  • Per CEQ regulations, must include a no action alternative, which is a continuation of current activities. This alternative is included in the analysis to serve as a baseline against which the impacts of the proposed action can be assessed.
	• Uses maps, figures, and tables to help illustrate the proposed action.

Affected Environment	• Presents a discussion of the relevant resource components of the existing environment. • Eliminates resource areas that are not potentially affected by the proposed action according to CEQ regulations (40 CFR 1501.150). • Descriptions of resource areas and possible data sources to help prepare the Affected Environment Section are provided in Part 4.

34 Environmental Assessments (EA's) (Continued)

E Class II EA (Continued)

Component	Description

Environmental Consequences	Describes the probable consequences (impacts, effects) of each alternative on the resource areas described in the affected environment chapter, as follows:
	
	• provides the scientific and analytic basis for making a decision whether to implement the proposed action or 1 of the alternatives
	
	• states how effects on 1 resource area typically affect another resource
	
	• addresses direct, indirect, short-term, long-term, beneficial, and adverse effects, as follows:
	
	  • **direct impacts** are caused by the proposed action and occur at the same time and place
	
	  Example: Construction disturbs the soil in the immediate vicinity of the activity area and removes vegetation.
	
	  • **indirect impacts** are caused by the proposed action, but occur later in time or are farther removed in distance
	
	  Example: Exposing the soil during construction increases run off into a nearby stream which increases sedimentation. Increased sedimentation degrades the water quality.
	
	  • **short-term impacts** are temporary and environmental conditions return to their previous state within a short period of time
	
	  Example: Construction related noise ends when construction activities are complete.

34 Environmental Assessments (EA's) (Continued)

E Class II EA (Continued)

Component	Description
Environmental Consequences (Cntd)	• **long-term impacts** have longer lasting effects and may be permanent in nature **Example:** Creating a wildlife food plot would provide foraging area for local wildlife as long as the food plot was in production. • **beneficial impacts** would result in favorable conditions for the environment or protected resources **Example:** Establishing conservation practices improve local water quality. • **adverse impacts** would result in unfavorable conditions for the environment and may be considered significant. **Example:** The construction of a fence results in removing an endangered plant species. Describes the geographical (location) and temporal extent (timeframe and duration) of the effects on each resource. **Note:** When possible, effects should be quantified.
Cumulative Impacts	Provides a summary of other past, present and reasonably foreseeable Federal and non-Federal activities that may, when combined with the effects of the proposed action, impact protected resources. Other activities could include construction activities at the same location or nearby, other FSA programs in the same geographic area, etc. Cumulative impacts are more likely when actions occur in the same geographic region and/or at the same time.

34 Environmental Assessments (EA's) (Continued)

E Class II EA (Continued)

Component	Description
Mitigation Measures	Mitigation refers to taking additional measures to reduce or eliminate the potential effects from implementing the proposed action. These can be developed in coordination with the agency that manages the resources potentially affected. These measures would become part of the proposed action, included in all loan agreements, conditional commitments, and could include the following: • avoiding the impact by not taking a certain action or parts of an action • limiting the timing or geographic extent of an action • repairing, rehabilitating, or restoring the affected environment • performing additional studies or surveys to ensure protected resources are not present on site • implementing various preservation and maintenance operations during the life of the action • replacing or providing substitute resources or environments • monitoring the affected environment for an established period of time.
Agencies and Persons Contacted	According to CEQ regulations, EA is circulated to other agency representatives and the public (see paragraph 5 for consultations and paragraph 6 for public involvement). Copies of all formal correspondence between FSA and other agencies should be included as an appendix to EA. EA should contain a list of all agencies that: • were given the opportunity to review and comment on EA • provided consultation for a specific resource • assisted in developing the proposed action.

34 Environmental Assessments (EA's) (Continued)

F Completing Class II EA

The EA process should be started as soon as possible after an application for FSA assistance is received and it is determined that EA is necessary. EA could require involvement of multiple Federal agencies. The overall timeline should account for this review so activity implementation can begin within the activity schedule. General steps for completing a Class II EA are as follows, but for unusual circumstances that SEC **cannot** resolve, SEC should contact FSA's National Office for guidance:

- hold internal activity kick-off meeting with an interdisciplinary team, as follows:
  - this team at times may only include the agency action official
  - fully define the proposed action details and the purpose and need for the proposed action
  - a site visit **must** be done to adequately describe the local environment

    Note: Photos of the site should be taken.
  - identify the relevant environmental issues associated with the proposed action
- initiate the consultation process if cultural resources or threatened or endangered species are located within or near the activity area (see paragraph 5 for consultations and Part 4 for specific resource areas), as follows:
  - incorporate mitigation measures or changes to the proposed action into EA to eliminate or reduce potential impacts
  - include all agency correspondence in an appendix for EA
- develop an internal draft EA for FSA review

34 Environmental Assessments (EA's) (Continued)

F Completing Class II EA (Continued)

- develop public draft EA, as follows:
  - publish NOA for draft EA in local newspaper (see paragraphs 5 and 6 and Exhibit 12) for 15 calendar days
  - provide copies of draft EA to other Federal agencies that have an interest in the activity (see Exhibit 22 for an example coordination letter)
- develop final EA and FONSI (Exhibit 23) if no significant impacts are identified
  - incorporate relevant public and agency comments
  - publish **only** NOA (Exhibit 24) for final EA and FONSI in local newspaper.

34 Environmental Assessments (EA's) (Continued)

G Significance

The meaning of significant varies with context (location) and intensity (severity of impact). A significant effect caused by implementing a proposed action would cause a substantial change to the existing environmental conditions and provide a major influence on the decision-making process. CEQ regulations state that many factors should be considered when determining the intensity of impacts:

- beneficial and adverse impacts do **not** cancel each other out
- unique characteristics of an area (proximity to endangered species habitat or historic property) may cause an impact to be significant whereas in another location it would not be significant
- the degree to which possible effects are uncertain, potential is high that effects may occur, or the activity is likely to be controversial
- the degree to which impacts are highly uncertain or unknown risks
- the degree to which an action may establish a precedent for future actions
- whether the action is related to other actions with individually insignificant but cumulatively significant impacts
- whether the action has the potential to violate Federal, State, or local environmental laws.

34 Environmental Assessments (EA's) (Continued)

H FONSI

Once EA is finalized and no significant impacts are identified, FONSI should be prepared (see Exhibit 23 for template).

FONSI is a document that very briefly does the following:

- summarizes the findings of EA
- presents the reasons an action is **not** expected to have a significant effect on the natural and human environment
- concludes it is not necessary to prepare EIS.

I Supplementing or Revising EA

CEQ regulations allow agencies to revise and issue supplements to NEPA documents, thus maintaining flexibility in the face of changing circumstances, and eliminating redundancy in their environmental process. Revisions are made when a factual error is discovered, or when minor changes take place that need to be recognized in EA. Revisions are documented by issuing errata sheets or producing replacement pages for EA.

Supplemental EA's are prepared when a more substantial change is made to a proposed activity for which NEPA analysis has already been completed. For example, making additional conservation practices available or including additional acreages or counties under a program for which EA has already been completed. For supplements for substantial changes, new draft and final NEPA documents **must** be prepared and circulated in the same manner as the original document. Supplemental EA's should focus **only** on environmental issues or concerns potentially affected by proposed change to a program.

Copies of revisions and supplements **must** be provided to **all** parties reviewing the original EA and included with the original EA in the administrative record.

35-40 (Reserved)

Part 4 Protected Resources

41 Introduction

A Background

This Part provides descriptions of each protected resource typically examined during the NEPA process. Each paragraph includes the following:

- definition of the resource that can be used in the development of EA's
- lead agency
- FSA policy and objectives
- flowchart with an overview of the review process
- process for determining potential for impacts
- Web data sources
- permits and consultation required
- acceptable types of documentation for FP and FLP.

41 Introduction (Continued)

A Background (Continued)

Protected resources with substantive regulation typically addressed in NEPA documents and discussed in detail in this Part include the following:

- surface water quality/quantity
- wetlands
- floodplains
- sole source aquifers
- wild and scenic rivers
- CZMA areas
- coastal barriers
- biological resources
    - vegetation
    - wildlife
    - threatened and endangered species and critical habitat
- cultural resources
    - archaeological resources
    - architectural resources
    - traditional cultural properties

41 Introduction (Continued)

A Background (Continued)

- soils
- air quality
- noise
- national natural landmarks
- important land resources
  - prime and unique farmland
  - prime forestland
  - prime rangeland
- wilderness areas
- social and economic impacts
- environmental justice.

B Eliminating Resource Areas

According to CEQ (40 CFR 1501.15), EA's should focus **only** on protected resources potentially impacted by a proposed action and all other resource areas should be eliminated from any detailed review. This allows EA to be clear, concise, and focused on important issues.

41 Introduction (Continued)

C Acceptable Forms of Documentation

FSA requires a variety of forms to either accompany the NEPA document or serve as the NEPA documentation, depending on the type of action being proposed and the protected resources that may be affected.

Exhibit 31 provides a breakdown of FSA activities and proposed actions, the resources potentially affected, and the required documentation. Potential impacts and affected resources will vary depending on the location and other specifics of the proposed action; therefore, Exhibit 31 should be used as a starting point for planning the **minimal** level of environmental review of the proposed action. In some cases, not all checked resources would be affected from a proposed activity nor would all forms be required.

Exhibit 31 should be used along with information provided in this handbook to determine the appropriate environmental review. FSA understands that the environmental compliance process **cannot** be completely standardized and special circumstances can occur. For special instances, SEC can be contacted for assistance.

42 Surface Water Quality

A Resource

Surface waters, as defined by EPA, are U.S. waters; primarily lakes, rivers, estuaries, coastal waters, and wetlands. The principal law governing pollution of the nation's surface water resources is CWA. CWA uses water quality standards, permitting requirements, effluent limitations, and monitoring to protect water quality.

B Lead Agency for Resource

In most cases, EPA has delegated enforcement authority related to point sources of pollution to the States. Point sources of pollution are primarily defined as direct discharges into surface waters from pipes, ditches, and channels, but also including CAFO's and construction sites. States regulate nonpoint sources of pollution and issue certifications to ensure Federal activities that may result in discharge to U.S. waters are consistent with CWA, including compliance with State ambient water quality standards. Nonpoint sources of pollution are defined by exclusion as resulting from runoff of precipitation and **not** considered a point source of pollution according to CWA.

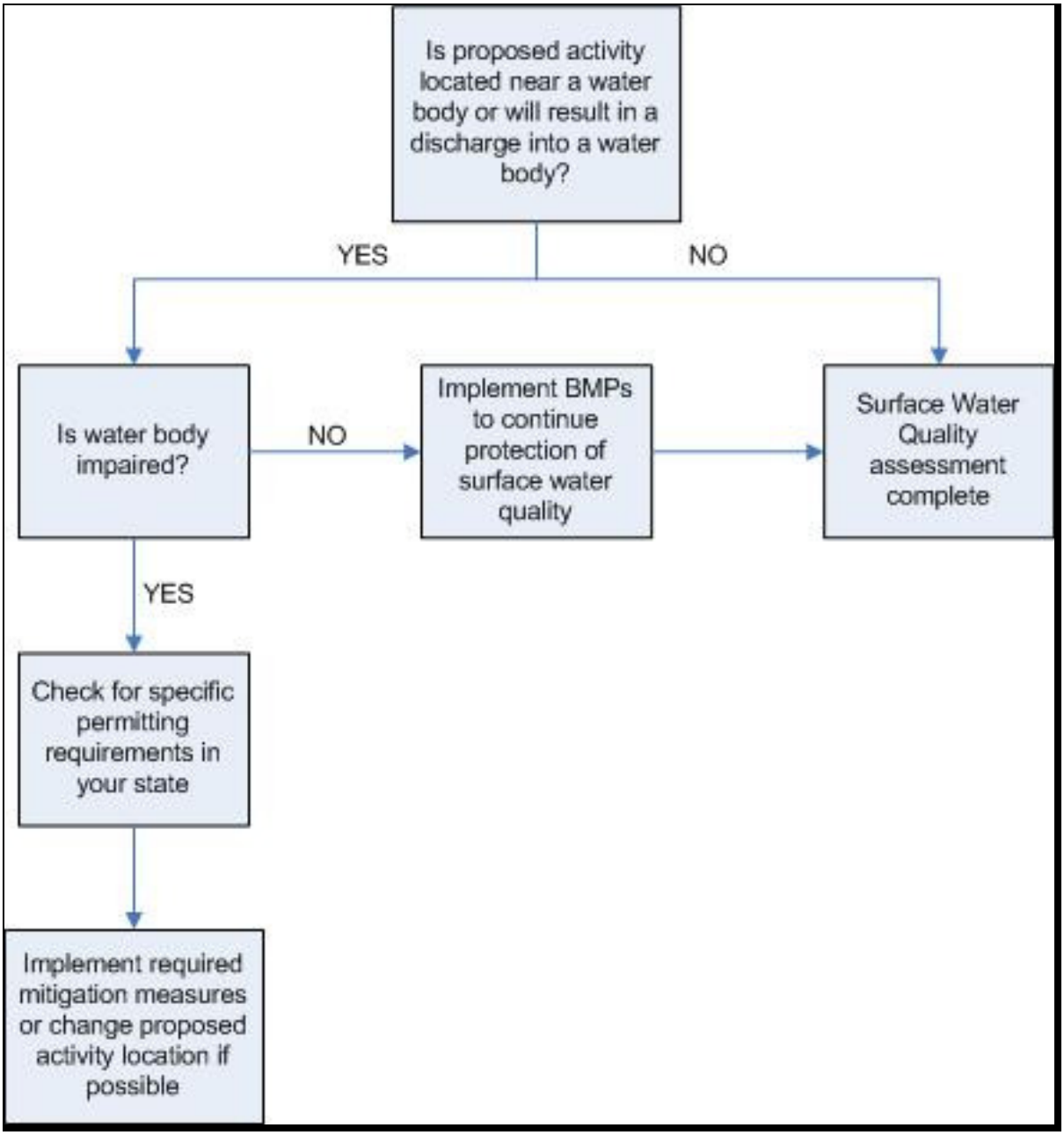
C FSA Policy and Objectives

FSA will **not** approve actions or activities that could significantly affect surface water quality.

42 Surface Water Quality (Continued)

D Review Process

The following provides an overview of the surface water quality review process.



42 Surface Water Quality (Continued)

D Review Process (Continued)

EPA sets the standards for water pollution abatement for all U.S. waters under the programs contained in CWA, but in most cases gives qualified States the authority to issue and enforce permits. Normal, routine, and continuous agricultural activities, such as the following, are **exempt** from CWA permitting requirements according to BMP's:

- drainage ditch maintenance
- farm roads
- farm or stock ponds
- irrigation ditch construction and maintenance
- plowing, cultivating, and harvesting crops.

Surface water quality can be impacted by direct discharge into waters and construction. Land conversion and clearing may indirectly impact surface waters by runoff. The NEPA document should identify surface waters that may be directly or indirectly impacted and should contain a plan for implementing the State's BMP at a level necessary to comply with the State's water quality standards.

IF the proposed action…	THEN…
involves any of the following: • CAFO construction or alteration as defined in subparagraph 34 C • construction affecting greater than 1 acre • construction of a facility that would discharge effluent including storm water into surface water or a municipal sewage system	NPDES permit would be **required** to ensure that the facility would **not** affect surface water quality.
would result in a change to farming practices that would increase the quantity or quality of runoff into adjacent surface waters	State regulations and guidelines related to the control of nonpoint source pollution, primarily implementing BMP's would be implemented to ensure that the action would **not** affect surface water quality.

42 Surface Water Quality (Continued)

D Review Process (Continued)

Determine if the proposed activity will affect surface waters, as follows.

- Is proposed activity located adjacent to designated U.S. waters; that is, rivers, lakes, estuaries, coastal waters, wetlands?

  Note: If possible, change the location or design of the activity to avoid such locations and eliminate the possibility of impacts to surface water quality.

- Is there a potential to positively or negatively affect surface water quality by reducing or increasing the quantity and quality of waters running off the land or discharging directly into surface waters or municipal sewage systems?

  Note: The following activities are considered to contribute to point source pollution, as defined by EPA, and require NPDES permits (CWA, Section 402), and in some cases the development of supporting plans to ensure that no impacts to water quality result from the proposed activities:

  - construction or modification of CAFO
  - construction affecting greater than 1 acre
  - construction of a facility that would discharge effluent, including storm water, into surface water or a municipal sewage system.

  Other activities may be sources of nonpoint source pollution by runoff of chemicals, nutrients, sediments, etc. over the land. States regulate nonpoint source pollution and should be contacted to determine whether permits, plans, or using BMP's are required to ensure that there is no impact to surface water quality.

- Contact SEC who will advise on the next step to take in contacting the State's water quality department for specific permitting requirements.

- Wetlands are often associated with water bodies. See paragraph 43 for determining the presence of wetlands and the potential impacts.

42 Surface Water Quality (Continued)

E Possible Data Sources

This table provides Web data sources.

Data	Web Location
NPDES CAFO Permitting Offices	Go to **www.epa.gov** and under Quick Finder, CLICK "**Water**". Scroll down and under Wastewater, CLICK "**Permits**", and CLICK "**NPDES Permit Program Basics**".
State Water Quality Permitting Offices	Go to **www.epa.gov** and under Quick Finder, CLICK "**Water**". Under Water, CLICK "**Office of Water**". Scroll down and under Topics, CLICK "**Source Water**". Under My Source Water, CLICK "**Where You Live**".
CAFO Water Protection Resources	Go to **www.epa.gov/safewater** and CLICK "**Source Water Protection**".

42 Surface Water Quality (Continued)

F Associated Permits

CWA, Section 319: Other activities undertaken near U.S. waters may be sources of nonpoint source pollution by runoff over the land. Under CWA, Section 319 authority, States regulate nonpoint source pollution and should be contacted to determine whether permits, plans, or using BMP's are required.

CWA, Section 401: Before issuing a license or permit, including NPDES permit, for proposed Federal actions that may result in discharge to U.S. waters, agencies **must** obtain a certification from the State that the proposed action is consistent with CWA, including compliance with State ambient water quality standards. Applications for CWA, Section 401 certification vary by State. Contact applicable State's water quality department for an application and assistance.

CWA, Section 402: Most CAFO's, construction affecting greater than 1 acre, and construction of a facility that would discharge effluent, including storm water, into surface water or a municipal sewage system, require NPDES permits. EPA gives most States the authority to determine the permit based on size and type of facility and environmental risk. CNMP **must** accompany permit applications for CAFO's. Contact the State's EQ department or regional EPA for permitting information.

Joint Permits: Joint Section 401/402 permits may be available to streamline the acquisition of required Federal and State water quality permits. Contact applicable State's water quality department to determine if joint permit applications are available.

G Consultation

Obtaining the appropriate permits for the proposed activity is considered consultation for surface water quality.

42 Surface Water Quality (Continued)

H FP Acceptable Types of Documentation

A completed FSA-850 serves as documentation for surface water quality impact discussion. If a potential impact exists, mitigation measures, including reference to required permits, management plans, and compliance monitoring, should accompany the environmental review.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or Exhibit 21 serves as documentation for surface water quality impact discussion. If a potential impact exists, mitigation measures, including reference to required permits, management plans, and compliance monitoring, should accompany the environmental review. CAFO's meeting the definition of CAFO **must** have CNMP. CAFO's **not** meeting the definition of CAFO (Exhibit 2) are encouraged, but **not** required to have CNMP. If potential impact exists for AFO **not** meeting the definition of CAFO, it is the owner's responsibility to provide information on how potential risks will be mitigated. See subparagraph 34 C for level of analysis required for a new livestock holding facility, activity, or feedlot.

43 Wetlands

A Resource

CWA established a program to regulate the discharge of dredged or fill material into wetlands. Wetlands, such as swamps, marshes, and bogs, are areas saturated or inundated by surface or groundwater and support vegetation adapted for saturated soils. CWA provides for regulations and procedures for the protection of wetlands and compensation for unavoidable impacts. The Food Security Act of 1985 contains provisions to discourage the conversion of wetlands into cropland. The swampbuster provisions deny Federal FP benefits to producers who convert or modify wetlands for agricultural purposes as defined in the Food Security Act, Title XII; additional guidance for FLP can be found in 7 CFR 1940 subpart G, Exhibit M.

B Lead Agency for Resource

EPA issues policies and guidelines related to wetlands and USACE issues permits and perform wetland determinations.

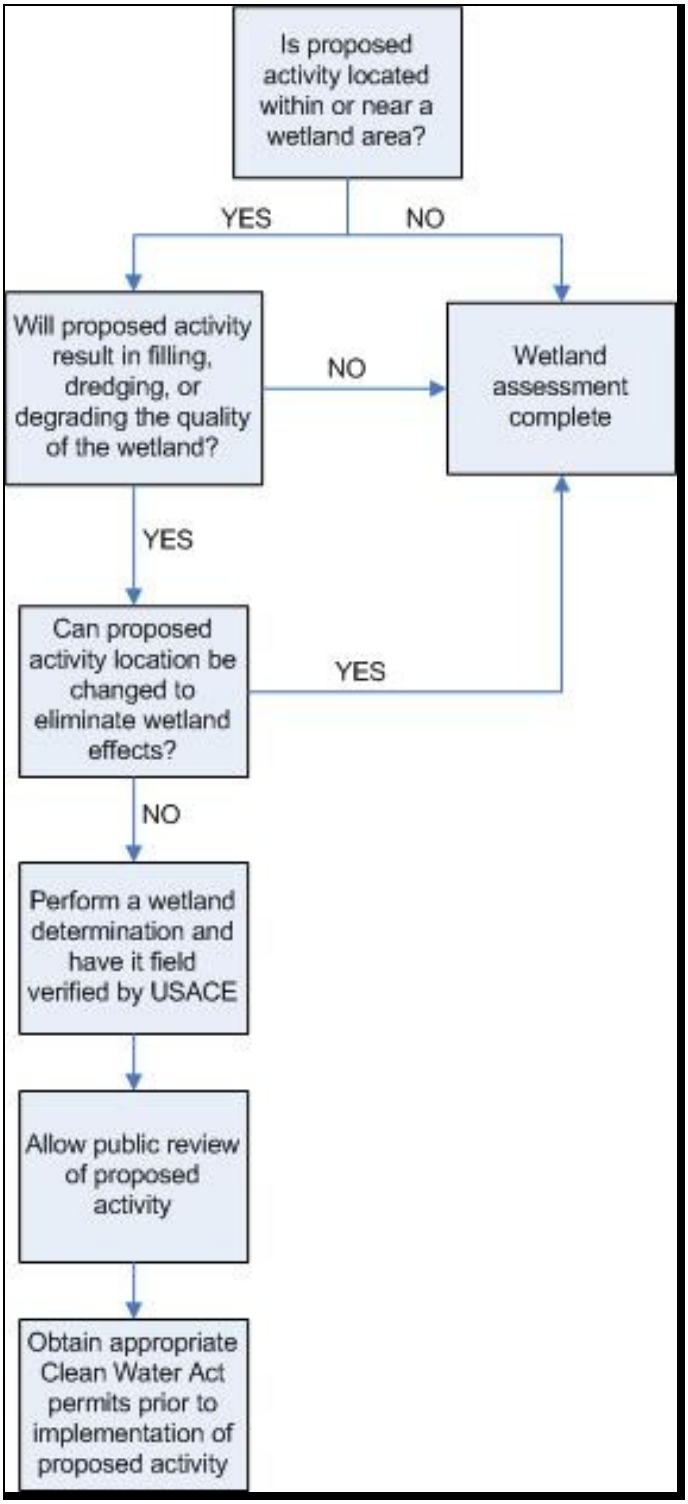
C FSA Policy and Objectives

FSA will **not** approve actions or activities that violate CONACT, Section 363 (7 U.S.C. 2006(e)). CONACT, Section 363 prohibits using loan funds to drain, dredge, fill, level, or otherwise manipulate a wetland, as defined in the Food Security Act of 1995, Section 1201(a)(16) (16 U.S.C. 3801(a)(16)) , or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water, except for activity related to the maintenance of previously converted wetlands.

43 Wetlands (Continued)

D Review Process

The following provides an overview of the wetland review process.



43 Wetlands (Continued)

D Review Process (Continued)

EPA sets the standards for water pollution abatement for all U.S. waters under the programs contained in CWA, but gives qualified States the authority to issue and enforce permits. Normal, routine, and continuous agricultural activities, such as the following, are **exempt** from CWA permitting requirements according to BMP's:

- drainage ditch maintenance
- farm roads
- farm or stock ponds
- irrigation ditch construction and maintenance
- plowing, cultivating, and harvesting crops.

The following outlines the review process to determine if the proposed activity will affect wetlands.

- Is proposed activity located in a wetland?

  Note: FSA officials should consult wetlands maps and soils maps and consult with NRCS to determine if the proposed activity site characteristics indicate the presence of a wetland. If no current documentation or data exists, refer to the current policy or guidance on obtaining a wetland determination or wetland delineation.

- Does the activity include a discharge of dredge or fill material into a wetland?

If "yes" to either of the questions in this subparagraph, then:

- change position or design of the activity to reduce or eliminate the wetland acreage affected

- contact a wetland professional for a wetland determination to ensure that wetland boundaries are defined to reduce or eliminate impact

- contact regional USACE office for a field verification of the wetland determination; States may require a professional land survey of wetland boundaries

- agricultural activities may or may **not** be exempt from permit requirements; if unsure, verify with USACE.

- NOI and public review may be required; consult with the appropriate permitting authority for process.

43 Wetlands (Continued)

D Review Process (Continued)

FSA **must** ensure that a reasonable range of alternatives and sufficient analysis of potential impacts to wetlands is contained in the environmental review. Wetlands can be impacted by activities, such as the following:

- disposal of soil and construction materials
- excavation
- placement of structures, such as culverts, storm drain outfalls, bridges, and buildings
- modifying amount or quality of water flow because of adjacent landscape modifications.

NEPA documentation should include the number and type of wetland acres in activity area as provided in the wetland determination with a description of the affects of the proposed activity on wetland resources. Mitigation to reduce or eliminate impacts may be required.

E Possible Data Sources

This table provides Web data sources.

Data	Web Location
USFWS National Wetlands Inventory Database	Go to **www.wetlandsfws.er.usgs.gov/** and CLICK "**Go to the Wetlands Mapper Home Page**". CLICK "**Download Wetlands Digital Data**".
USACE Permitting Division Offices	Go to **www.usace.army.mil** and CLICK "**Find a Local Corps Office**". CLICK "**Division/District Boundaries**", CLICK "**Addresses for Corp Offices**", and click applicable map location.
Wetland Scientist By Location	Go to **www.wetlandcert.org/overview.html** and under Professional Wetland Scientist, CLICK "**Search For A Scientist**".
Agricultural Activities Exempt From 404 Permitting Requirements	Go to **www.epa.gov** and under Quick Finder, CLICK "**Water**". Under Aquatic Ecosystems, CLICK "**Wetlands**", and CLICK "**Wetlands Fact Sheets**". Scroll down and under Regulatory Information Clean Water Act Section 404, CLICK "**Exemptions to Section 404 Permit Requirements**".

43 Wetlands (Continued)

F Associated Permits

CWA, Section 401: Before issuing a license or permit, including 404 permits, for proposed Federal actions that may result in discharge to U.S. waters, agencies **must** obtain a certification from the State that the proposed action is consistent with CWA, including compliance with State ambient water quality standards. Applications for CWA, Section 401 certification vary by State. Contact the State water quality department for an application and assistance.

CWA, Section 404: Activities that affect wetlands can be authorized by USACE through a standard individual permit, letter-of-permission, nationwide permit, or regional permit. USACE will determine the type of permit needed. Questions on the permitting process or applying for CWA, Section 404 permits should be directed to local or regional USACE offices.

Joint Permits: Joint CWA, Section 401/404 permits may be available to streamline required Federal and State water quality permit acquisition. Contact the State water quality department or local USACE office to determine if joint permit applications are available.

G Consultation

Obtaining the appropriate permits for the proposed activity is considered consultation for wetlands.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for wetland impact discussion. If a potential impact exists, mitigation measures, including reference to required permits, management plans, and compliance monitoring, should accompany the environmental review.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or Class II EA serves as documentation for wetland impact discussion. If a potential impact exists, mitigation measures, including reference to required permits, management plans, and compliance monitoring, should accompany the environmental review.

44 Floodplains

A Resource

Floodplains are low lying and relatively flat areas adjoining inland and coastal waters subject to inundation by a 100-year flood, a flood that has a 1 percent chance of occurring in any given year. Executive Order 11988 of May 24, 1977, requires Federal agencies to evaluate the potential effects of actions in a floodplain, consider alternatives, and develop plans to reduce flood hazards.

B Lead Agency for Resource

Under FEMA guidance, local governments participating in National Flood Insurance Program are **required** to review proposed development activities if they are in identified floodplains.

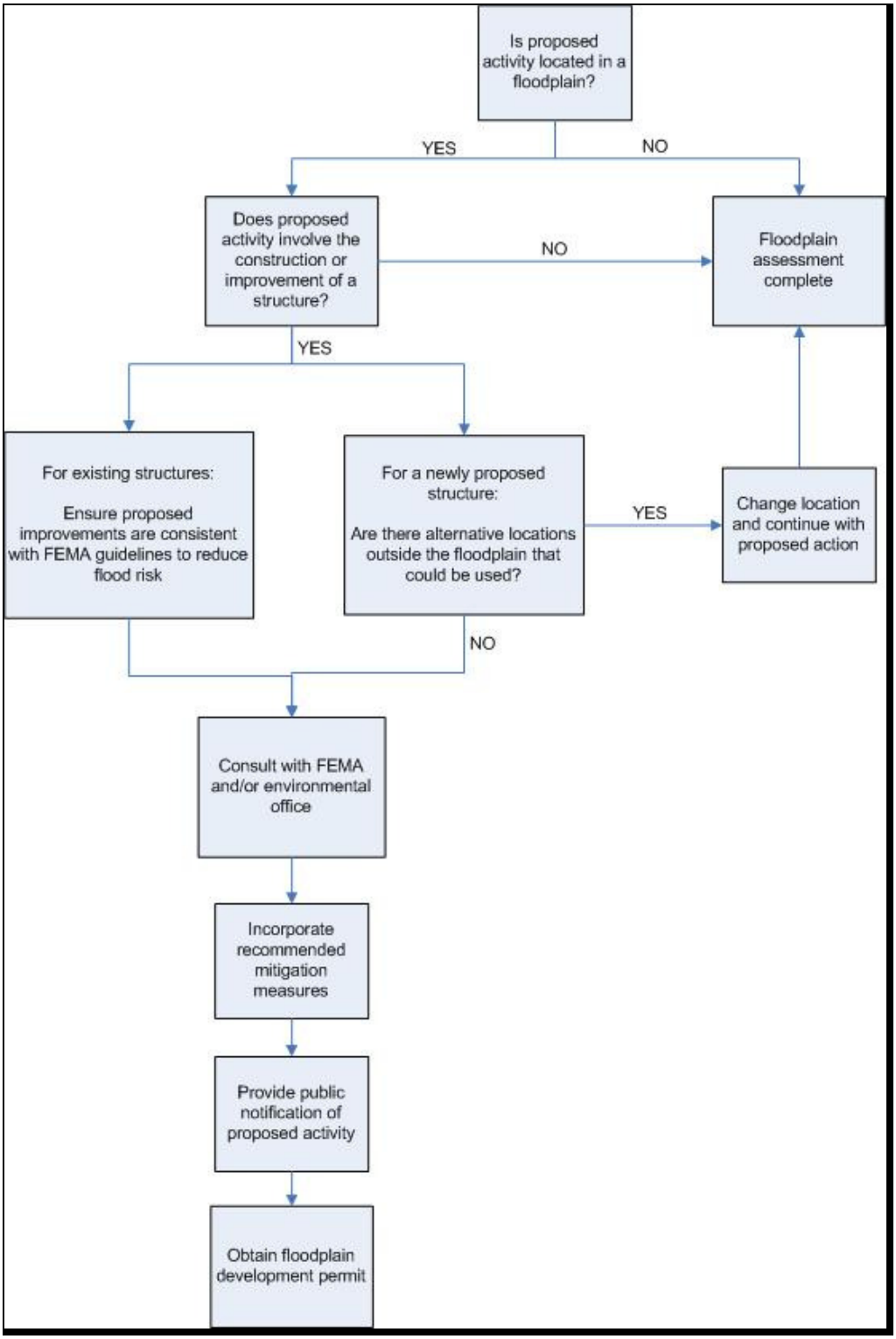
C FSA Policy and Objectives

FSA will **not** approve actions or activities that could significantly affect floodplains.

44 Floodplains (Continued)

D Review Process

The following provides an overview of the floodplain review process.



44 Floodplains (Continued)

D Review Process (Continued)

Effects of an action on a floodplain would likely include the flood risk and loss from building structures, such as dams, dikes, or bridges, on the floodplain. Construction in a floodplain could result in:

- increasing the size and frequency of floods
- decrease ability of floodplain to disperse stream energy during floods
- decrease aquifer recharge
- reduce vegetative cover and habitat.

An indirect effect might be created if a structure is built adjacent to a floodplain and the need for further development is generated as a result of that structure. In addition, FSA **must** evaluate the risk potential for **any** activity in a 500-year floodplain in which even a slight chance of flooding would occur (critical action).

To review potential effects to a floodplain, the following process should be followed:

- consult FEMA's current flood insurance rate map

  Note: If the current flood insurance rate map for the area does **not** exist, or if more specific information is needed, contact the FEMA regional office or the appropriate State agency established for flood prevention purposes.

- if proposed action is determined to be in a floodplain, review proposed activity for alternative locations and/or design, such as elevating structures above the base flood level

- if there are impacts to floodplains that **cannot** be avoided, provide NOI to prepare EA as well as the findings of that EA **must** be posted; the public comment period **must** be at least 15 calendar days

- if the activity requires development in a floodplain, a floodplain development permit is required

- if the activity requires development in a floodplain, FSA will inform any private parties participating in the transaction of the hazards of locating structures in floodplains.

44 Floodplains (Continued)

E Possible Data Sources

This table provides Web data sources.

Data	Web Location
FEMA Floodplain Maps	Go to **www.fema.gov/hazard/map/flood.shtm** and CLICK "**Flood Maps**".
FEMA Specific Requirements for NEPA	Go to **www.fema.gov/plan/ehp/regionviii/8steps.shtm#1** and follow the steps that will be displayed.
FEMA Flood Hazard Mapping	Go to **www.fema.gov/hazard/map/flood.shtm**, scroll down and under Related Topics, CLICK "**Flood Hazard Mapping**".
Permit Information for Development Within a Floodplain	Go to **www.fema.gov/about/programs/nfip/index.shtm** and CLICK "**Floodplain Management**". Scroll down and in the middle of the page, CLICK "**NFIP Policy Keyword Index**". CLICK "**P**" and CLICK "**Permit for Floodplain Development**".

F Associated Permits

A floodplain development permit through the local floodplain management or environmental office is required for construction in a floodplain.

G Consultation

The review of the proposed activity by the local environmental permitting office serves as consultation for floodplain resources.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for floodplain impact resource discussion. Documentation should reference any existing or required permits and correspondence with other agencies.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or Class II EA serves as documentation for floodplain resource impact discussion. Documentation should reference any existing or required permits and correspondence with other agencies.

45 Sole Source Aquifers

A Resource

The Safe Drinking Water Act is the main Federal law that ensures the quality of drinking water. EPA designates as "sole source" aquifers that supply at least 50 percent of the drinking water consumed in an area overlying the aquifer. Under the Safe Drinking Water Act, EPA sets standards for drinking water quality and oversees the States, localities, and water suppliers who implement those standards.

B Lead Agency for Resource

EPA is the lead agency for ensuring the water quality and protection of sole source aquifers.

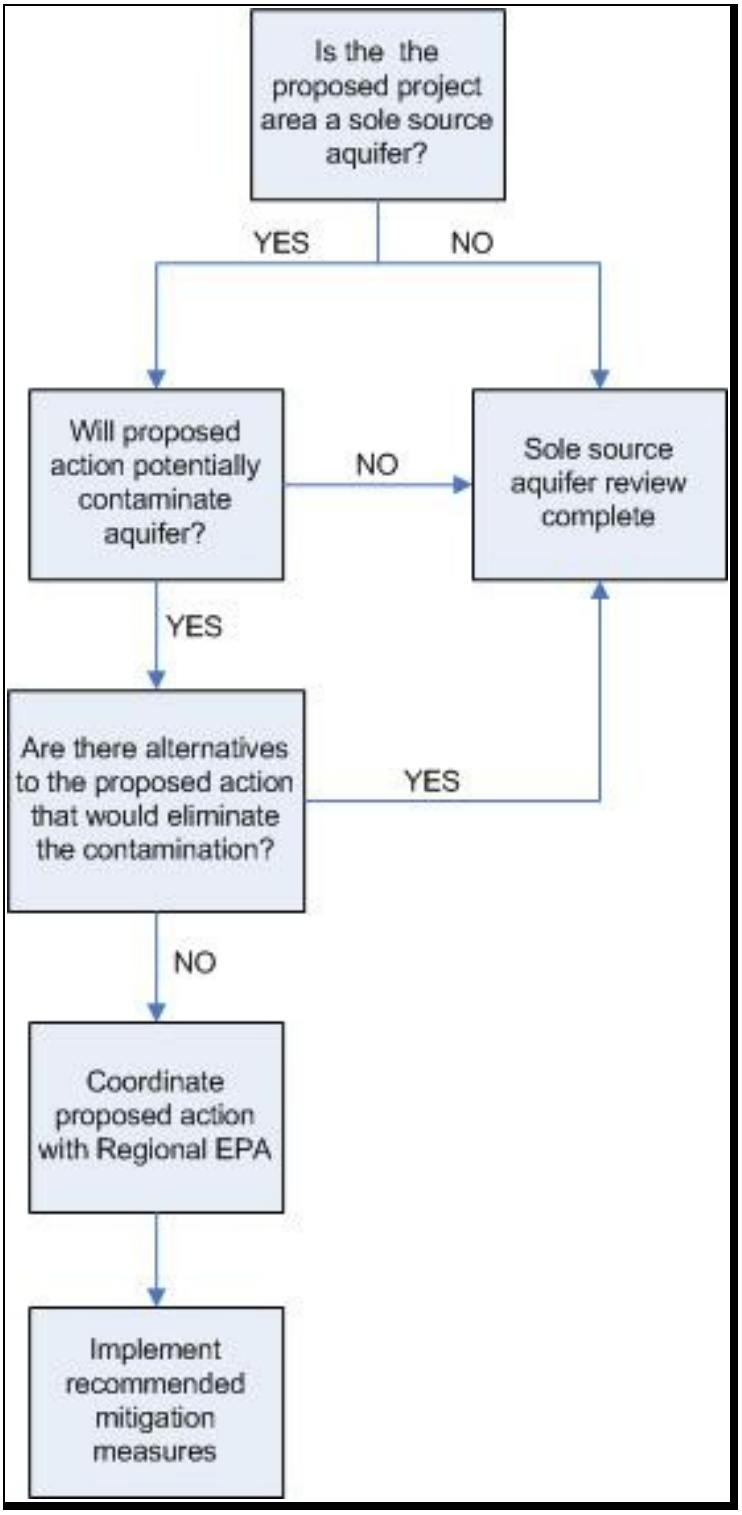
C FSA Policy and Objectives

FSA will **not** approve actions or activities that could significantly affect sole source aquifers.

45 Sole Source Aquifers (Continued)

D Review Process

The following provides an overview of the sole source aquifer review process.



45 Sole Source Aquifers (Continued)

D Review Process (Continued)

All proposed actions should be reviewed for the potential to contaminate sole source aquifers or other drinking water sources. Aquifer recharge occurs by the following:

- precipitation on the land
- seepage from streams
- subsurface flow from the till and bedrock along the sides and bottoms of the valleys.

Contamination of sole source aquifers can occur through storm water runoff and leaching of animal waste, pesticides, and fertilizers. Other sources of contamination may include spills from storage or transportation of agricultural chemicals and onsite septic systems.

Activity implementation should include BMP's for protecting the aquifer to include proper:

- operation, maintenance, and storage of equipment
- chemical use, handling, and storage
- waste storage and handling.

The NEPA document should identify **any** sole source aquifer present in the activity area and determine whether it may be affected by the proposed activity. If a proposed action may affect a sole source aquifer, the regional EPA office should be allowed the opportunity to review the activity. When possible, practicable alternatives to the proposed action should be developed. Possible mitigation measures to offset the contamination of a sole source aquifer would vary depending on the proposed action, but could include constructing functional wetlands or vegetated buffer strips along shorelines to act as a natural filter.

45 Sole Source Aquifers (Continued)

E Possible Data Sources

This table provides a Web data source.

Data	Web Location
EPA's List of Sole Source Aquifers by Region	Go to **www.epa.gov** and CLICK "**Water**". Scroll down and under Drinking Water, CLICK "**Protection**". CLICK "**Source Water Protection**" and CLICK "**Where You Live**".

F Associated Permits

There are **no** permits associated with sole source aquifers.

G Consultation

EPA should review NEPA documentation related to proposed actions that may affect a sole source aquifer.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for review of sole source aquifers.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or Class II EA serves as documentation for review of sole source aquifers.

46 Wild and Scenic Rivers

A Resource

The Wild and Scenic Rivers Act:

- establishes a National Wild and Scenic Rivers System comprised of rivers designated as wild, scenic, or recreational by the legislatures of the States through which they flow

- designates over 130 rivers, including tributaries, creeks, and small lakes, with adjacent land that possess outstanding scenic, recreational, and wildlife values to be preserved in free-flowing condition.

B Lead Agency for Resource

Wild and scenic rivers are preserved and managed by several Federal agencies, including BLM, USFWS, FS, USACE, and NPS, who maintains the compiled list for the other Federal and State agencies. USACE **must** authorize or permit **any** actions that have the potential to impact wild and scenic rivers.

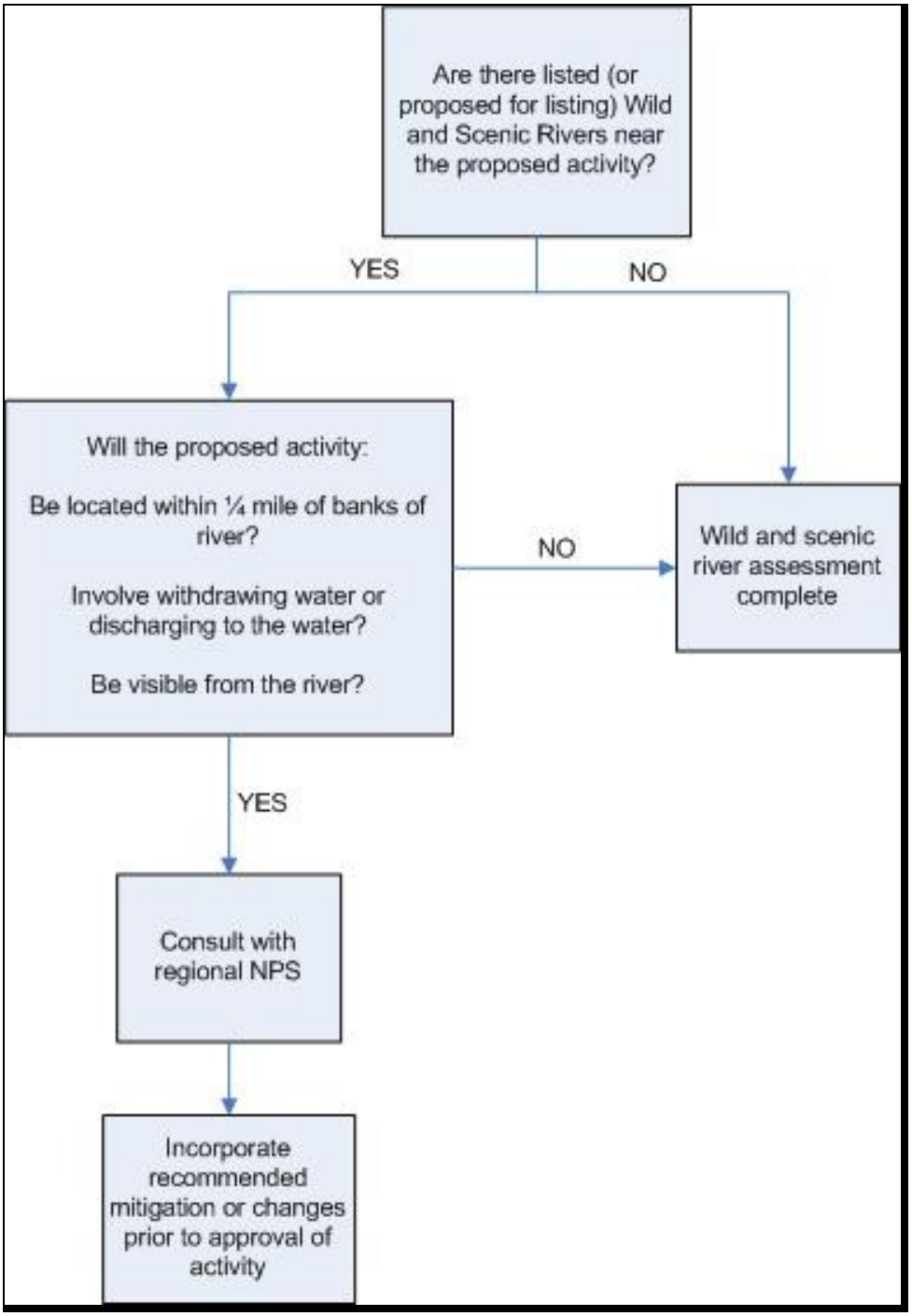
C FSA Policy and Objectives

FSA will **not** approve actions or activities that could significantly affect wild and scenic rivers.

46 Wild and Scenic Rivers (Continued)

D Review Process

The following provides an overview of the wild and scenic river review process.



46 Wild and Scenic Rivers (Continued)

D Review Process (Continued)

If the proposed action is located within or adjacent to a river included in the National River System Inventory or is under study for potential addition, effects to wild and scenic rivers **must** be addressed in the NEPA document. Consultation with the regional NPS office **must** occur if the proposed action:

- would be located within 1/4 mile from the banks of the river
- involves withdrawing water from the river or discharges to the river
- would have a direct and adverse effect on the values for which the view was established.

Recommended mitigation measures or changes to the proposed action should be included in the proposed action **before** implementation.

E Possible Data Sources

This table provides a Web data source.

Data	Web Location
State List of Designated Wild And Scenic Rivers and Wild and Scenic Rivers Under Study	Go to **www.rivers.gov**.

46 Wild and Scenic Rivers (Continued)

F Associated Permits

There are **no** permits specific for wild and scenic rivers; however, discharge of dredge or fill materials into U.S. waters would require a CWA, Section 404 permit.

G Consultation

Activities that could significantly impact wild and scenic rivers should be reviewed by the regional office of NPS.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for wild and scenic rivers assessment.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or Class II EA serves as documentation for wild and scenic rivers assessment.

47 CZMA Areas

A Resource

CZMA:

- encourages States and territories to preserve, protect, develop, and, where possible, restore or enhance valuable natural coastal resources, such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife supported by those habitats

- provides a procedure for States to review Federal actions for consistency with their own approved coastal zone management program.

Although Federal lands and actions are exempt from State law jurisdiction, CZMA **requires** Federal activities that are reasonably likely to affect using lands, waters, or natural resources of the coastal zone to be consistent to the maximum extent practicable with the enforceable policies of the States coastal zone management plan. All Federal activities inside the coastal zone are automatically subject to consistency review and require a consistency determination.

B Lead Agency for Resource

NOAA, Office of Ocean and Coastal Resource Management provides national leadership, strategic direction, and guidance to State and territory coastal programs and estuarine research reserves. The State's coastal zone management program office would review FSA actions for consistency with the State's enforceable policies. State coastal zone management programs are usually held in the natural resources or EQ departments (see subparagraph E).

47 CZMA Areas (Continued)

C FSA Policy and Objectives

FSA **must** be consistent with Federal and State coastal zone management programs. The key to effective and efficient consistency actions is early coordination and regular consultation between State coastal zone management agencies, Federal agencies, and applicants.

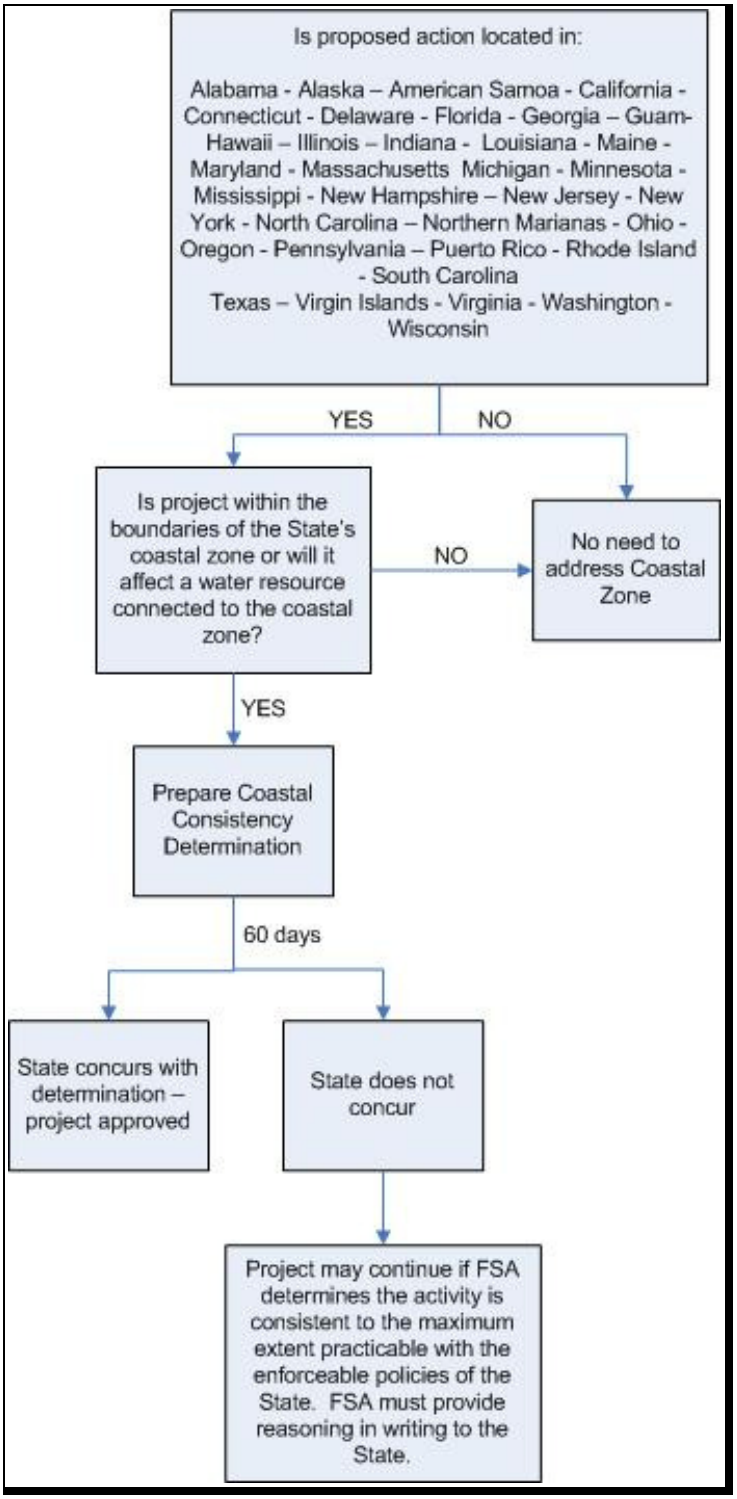
CZMA sets out the following 4 basic objectives:

- preserve, protect, develop, and where possible, restore or enhance the resources of the nation's coastal zone
- encourage and assist the States and territories to develop and implement coastal zone management programs meeting specified national standards
- provide for increased specificity in protecting natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, and improved predictability in Governmental decision-making
- encourage participation and cooperation of public, State, and local governments, and other regional agencies, and Federal agencies in achieving CZMA purposes.

47 CZMA Areas (Continued)

D Review Process

The following provides an overview of the coastal zone management review process.



47 CZMA Areas (Continued)

D Review Process (Continued)

Proposed Federal activities within the following States and territories may be subject to a coastal consistency review.

States and Territories		
Alabama	Louisiana	Ohio
Alaska	Maine	Oregon
American Samoa	Maryland	Pennsylvania
California	Massachusetts	Puerto Rico
Connecticut	Michigan	Rhode Island
Delaware	Minnesota	South Carolina
Florida	Mississippi	Texas
Georgia	New Hampshire	Virgin Islands
Guam	New Jersey	Virginia
Hawaii	New York	Washington
Illinois	North Carolina	Wisconsin
Indiana	Northern Marianas	

NOAA's web site provides the coastal zone boundary for each State, see subparagraph E. If the proposed activity is located within the coastal zone boundary or could potentially affect a water resource connected to the coastal zone, a consistency determination **must** be prepared and submitted to the lead agency. A consistency determination **must** include:

- a detailed activity description
- the expected coastal effects
- an evaluation of the proposed action in light of the enforceable policies in the State's coastal management plan.

47 CZMA Areas (Continued)

D Review Process (Continued)

The State has 60 calendar days to concur with or object to the consistency determination. State concurrence is presumed if the State does **not** meet the timeframes.

IF the State…	THEN…
agrees with the consistency determination	the activity may proceed.
objects to the consistency determination	FSA should obtain mitigation measures or recommendations for changing the activity in order to proceed. FSA may proceed with the activity, regardless of the State's objection, if it provides legal authority as to why it must proceed or clearly describes, in writing to the State, how the activity is consistent to the maximum extent practicable with the enforceable policies.

E Possible Data Sources

This table provides Web data sources.

Data	Web Location
General Information on the National Coastal Program and Guidance on Federal Consistency	Go to **coastalmanagement.noaa.gov**, and from links on left, CLICK "**Federal Consistency**".
State Coastal Zone Boundaries **Note:** There are 35 State and territory coastal zone management programs, including the Great Lakes States.	Go to **coastalmanagement.noaa.gov**, and from links on left, CLICK "**Federal Consistency**". On right, CLICK "**State Coastal Zone Boundaries**".
Coastal Program Office and Federal Consistency Points Of Contact For Each State With a Coastal Program	Go to **coastalmanagement.noaa.gov**, and from links on left, CLICK "**Federal Consistency**". On right, CLICK "**State Federal Consistency Contacts**".

47 CZMA Areas (Continued)

F Associated Permits

There are **no** permits specific for CZMA.

G Consultation

The Federal consistency process is considered consultation for the coastal zone.

H FP Acceptable Types of Documentation

If a potential impact exists, an official letter or form from the State's coastal zone management program office accepting the coastal consistency determination **must** accompany the environmental review document.

I FLP Acceptable Types of Documentation

If a potential impact exists, an official letter or form from the State's coastal zone management program office accepting the coastal consistency determination **must** accompany the environmental review document.

48 Coastal Barriers

A Resource

Coastal barriers are unique landforms that provide protection for diverse aquatic habitats and serve as the mainland's first line of defense against the impacts of coastal storms and erosion. CBRA was amended by the Coastal Barrier Improvement Act of 1990 and restricts Federal expenditures and financial assistance that may encourage development of coastal barriers. Areas within CBRS, established by CBRA that may support development, are **ineligible** for Federal assistance **unless** they conform to designated purposes for protection of the area.

CBRS currently includes almost 1.3 million acres from Maine to Florida on the Atlantic Coast; from Florida to Texas along the Gulf Coast; in Puerto Rico and the Virgin Islands; and in Michigan, Minnesota, Ohio, and Wisconsin, on the Great Lakes.

B Lead Agency for Resource

The Department of the Interior is the lead agency for coastal barriers. Activities conducted within CBRS **require** consultation with USFWS.

48 Coastal Barriers (Continued)

C FSA Policy and Objectives

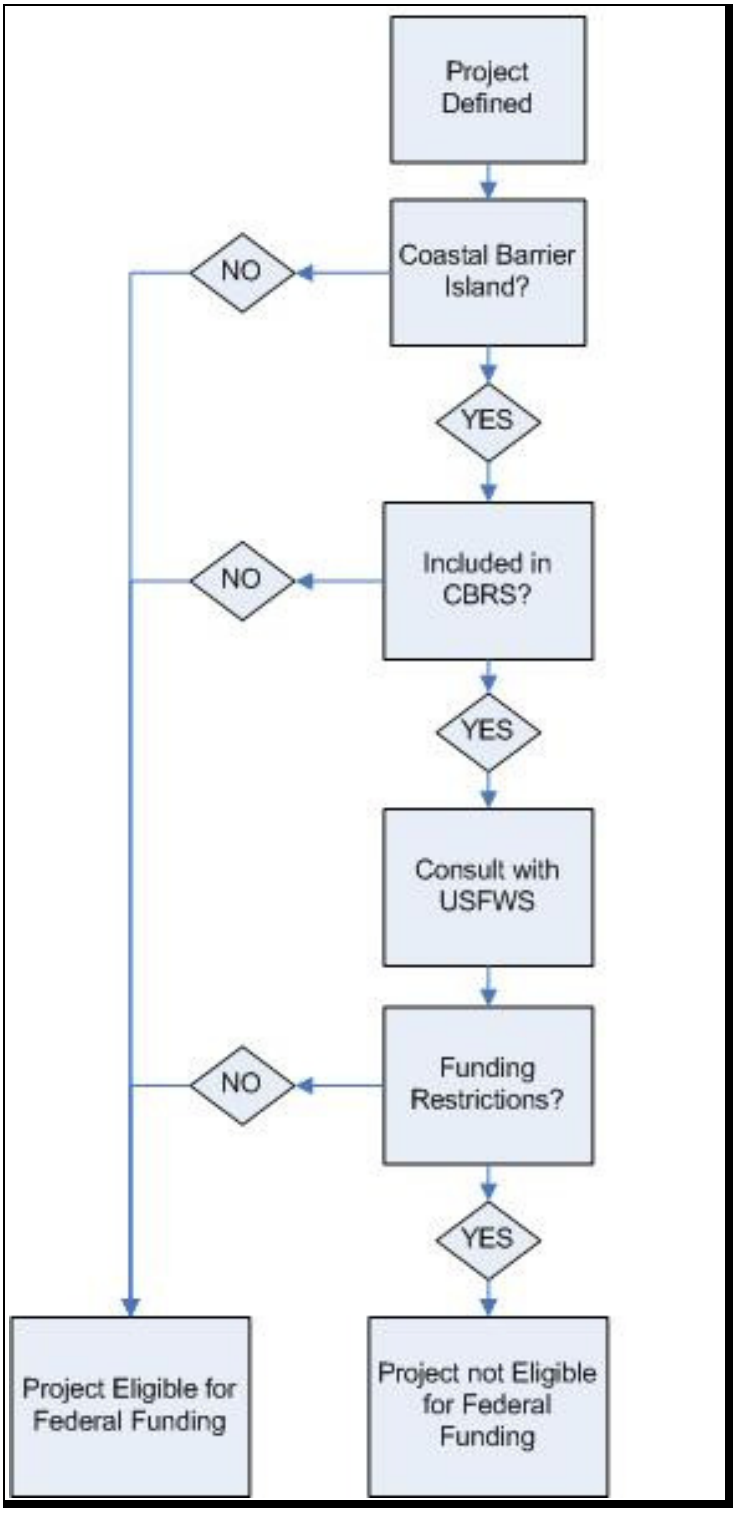
FSA will **not** approve actions or activities that could significantly affect coastal barriers, as follows.

Actions or Activities Prohibited Using Federal Funds	Actions or Activities Allowed Using Federal Funds
Construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge causeway to, any CBRS unit.	Maintenance, replacement, reconstruction, or repair, but **not** the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger system or network.
Construction or purchase of any structure, appurtenance, facility, or related infrastructure.	Certain facilities necessary for the exploration, extraction, and transportation of energy resources. Military activities essential to national security. Construction, operation, maintenance, rehabilitation, and access to Coast Guard facilities.
Any activity to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units in cases where an emergency threatens life, land, and property immediately adjacent to that unit.	Activities provided they are consistent with the purposes of the Coastal Barrier Improvement Act. Maintenance or construction of improvements of existing Federal navigation channels and related structures, including the disposal of dredge materials.
Flood control activities, Federal flood insurance for new or substantially improved structures, disaster relief funding, or community block grants.	Activities provided they are consistent with the purposes of the Coastal Barrier Improvement Act.

48 Coastal Barriers (Continued)

D Review Process

The following provides an overview of the coastal barrier review process.



48 Coastal Barriers (Continued)

D Review Process (Continued)

All of the following actions **must** be reviewed to determine if the activity is located within the CBRS:

- applications for financial assistance or program payments, not benefits
- proposed direct FSA fund expenditures for construction or maintenance purposes
- proposed disposal of real estate, including inventory property, that includes any form of FSA financial assistance or subsidy to the purchaser.

48 Coastal Barriers (Continued)

E Possible Data Sources

This table provides Web data sources.

Data	Web Location
List of All CBRS Communities by State	Go to **www.fema.gov** and under Customer Gateways, CLICK "**Business**". Under Flood Maps and Insurance, CLICK "**Flood Insurance**", CLICK "**National Flood Insurance Program**", under Information For, CLICK "**State & Local Officials**", CLICK "**Coastal Barrier Resource System**", and click applicable State.
List of CBRS Map Units by State	Go to **www.USFWS.gov** and on left, CLICK "**Coastal**". Scroll down and on right CLICK "**Coastal Barriers Resource System**". Scroll down and CLICK "**John H. Chaffee Coastal Barrier Resources System Map Units**".
CBRS Maps Available For Download	Go to **www.USFWS.gov** and on left, CLICK "**Coastal**". Scroll down and on right CLICK "**Coastal Barriers Resource System**". Scroll down and under John H. Chaffee Coastal Barrier Resources System, CLICK "**Download CBRA Maps**". User will be prompted that they are leaving USFWS site and redirected to **projects.dewberry.com/USFWS/CBRS%20Maps/Forms/AllItems1.aspx**. Select map wanted.
Forms for Purchasing Paper Copies of CBRS Map Units From USGS	Go to **www.usgs.gov** and CLICK "**Maps, Imagery, and Publications**". **Note:** USFWS field office can provide assistance in determining if the proposed activity is located within CBRS and will have paper maps on hand for review.

48 Coastal Barriers (Continued)

F Associated Permits

There are **no** permits specific for coastal barriers.

G Consultation

If a proposed activity is located within CBRS, consultation with USFWS **must** occur **before** implementing the activity. The consultation will determine if the activity is eligible for Federal funding.

H FP Acceptable Types of Documentation

If the proposed activity will occur within CBRS, a formal letter of consultation from USFWS should accompany the environmental review document. A map depicting the location of the proposed activity would serve as documentation that coastal barriers would **not** be affected.

I FLP Acceptable Types of Documentation

If the proposed activity will occur within CBRS, a formal letter of consultation from USFWS should accompany the environmental review document. A map depicting the location of the proposed activity would serve as documentation that coastal barriers would **not** be affected.

49 Biological Resources

A Resource

Biological resources include vegetation, wildlife, and protected species including threatened and endangered species and their designated critical habitat. Vegetation and wildlife refer to the plant and animal species, both native and introduced that characterize a region.

ESA:

- provides for conserving species and ecosystems that are in danger of becoming extinct
- applies to candidate species that have been recommended for listing as threatened or endangered of becoming extinct
- for the following Federally or State listed species, prohibits under Federal jurisdiction or State law:
    - harming or harassing animal species
    - prohibits removing or reducing plant species.

The Migratory Bird Treaty Act implements various treaties and conventions between the United States and Canada, Japan, Mexico, and the former Soviet Union, for the protection of migratory birds. Under the Migratory Bird Treaty Act, taking, killing, or possessing migratory birds is unlawful.

The Bald and Golden Eagle Protection Act imposes criminal and civil penalties for taking or possessing bald or golden eagles. Taking includes pursuing, shooting, poisoning, wounding, killing, capturing, trapping, collecting, molesting, or disturbing.

Critical habitats are specific areas designated by USFWS and the NOAA, National Marine Fisheries Service, as essential for conserving threatened and endangered species that may require special management.

Executive Order 13112 of February 3, 1999, requires that Federal agencies prevent introducing invasive species and provide for their control to minimize the economic, ecological, and human health impacts that invasive species cause.

49 Biological Resources (Continued)

B Lead Agency for Resource

USFWS and the NOAA, National Marine Fisheries Service, provide consultation for actions that may impact threatened and endangered species or their designated critical habitat.

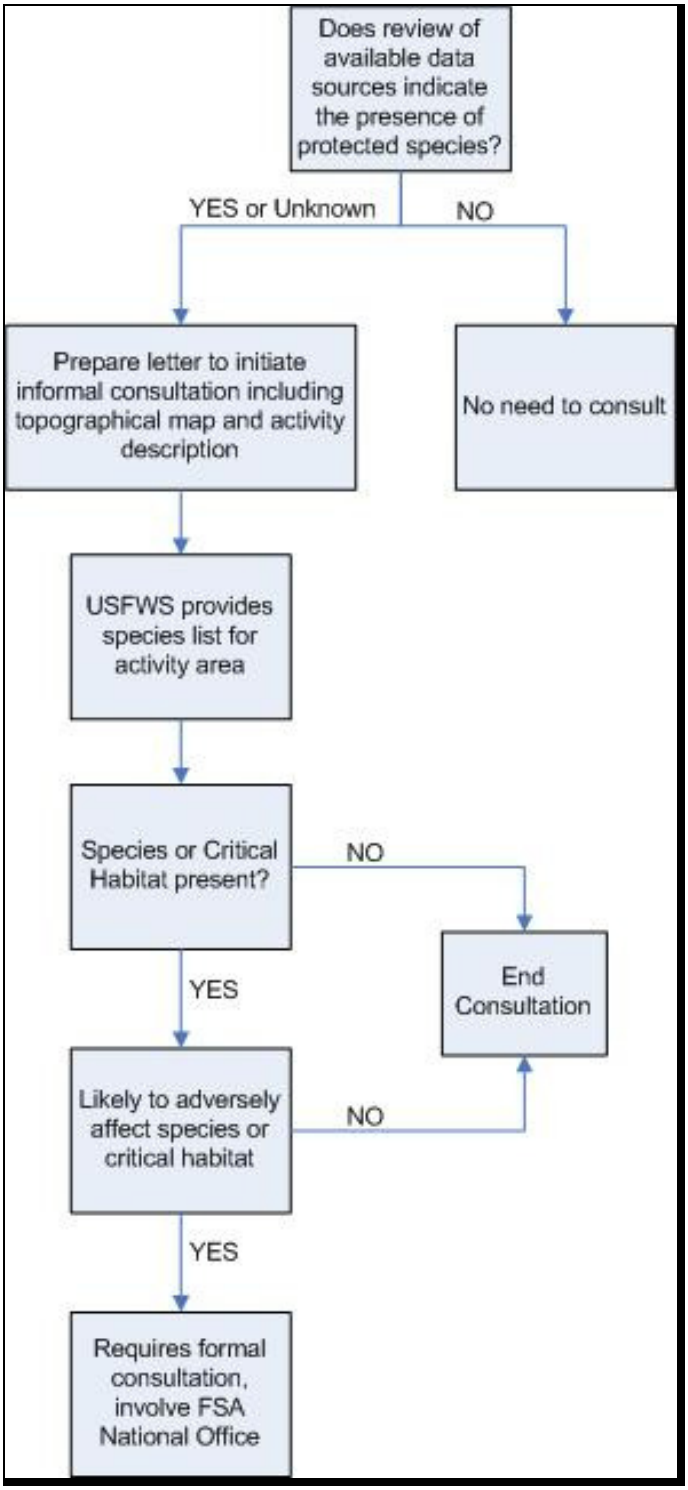
C FSA Policy and Objectives

FSA will **not** approve actions or activities that could significantly affect threatened or endangered species or their formally designated critical habitats.

49 Biological Resources (Continued)

D Review Process

The following provides an overview of the biological resource review process.



49 Biological Resources (Continued)

D Review Process (Continued)

The following table provides additional review guidance.

Topic	Background and Requirements
Vegetation and Wildlife	Vegetation is often described in terms of ecoregions, areas of relatively homogenous soils, vegetation, climate, and geology. Provinces are divided into sections based on geology and soils. Each ecoregion has wildlife common to that environment and the habitat. EA should describe the following for the area of the proposed action: • vegetation, based on the dominant plant community type • wildlife, based on the common species found in that area. **Note:** See subparagraph E for possible data sources. Proposed actions **must** do the following: • prohibit introducing invasive species and noxious weeds • provide for invasive species and noxious weeds management **before** activity approval. **Note:** For FP actions, invasive and noxious weeds are controlled under the producer's required conservation plan according to 2-CRP.

49 Biological Resources (Continued)

D Review Process (Continued)

Topic	Background and Requirements	
Threatened and Endangered Species and Critical Habitat	ESA requires Federal agencies to evaluate **all** actions for the potential to impact protected species or critical habitat, including activities considered CATEX that involve a shift in land use. In addition, many migratory birds (some of which are also threatened or endangered) and bald and golden eagles are protected from harm under related laws and are considered protected species. Informal consultation can consist of e-mails, phone contacts, meetings, conversations, and letters and should be initiated as early in the activity as possible. Informal consultations: • clarify whether a species or critical habitat may be in the activity area • determine what effect the action may have on the species or critical habitat • explore ways to modify the action to reduce or eliminate potential impacts • determine the need to enter into formal consultation. To verify the presence or absence of protected species and critical habitat, a letter **must** be submitted to USFWS requesting a species list for the activity area, unless your State currently has a signed agreement in place that dictates otherwise (Exhibit 5). If NRCS is providing technical assistance, NRCS-CPA-052 can also be used to determine the presence or absence of protected species. While there are no designated timeframes for informal consultation, USFWS attempts to respond to species list requests within 30 calendar days. Depending on the nature of the action and if additional information is needed, this timeframe may be longer or shorter, so it is important to initiate consultation as early in the environmental review process to not delay activity implementation.	
	IF…	**THEN…**
	USFWS response indicates there are **no** protected resources or critical habitat in the area	record findings in the appropriate environmental analysis document and consultation is complete.
	USFWS species list indicates that species or critical habitat is present	NEPA document should: • include the list of species and critical habitat in the area and a description of the activity with enough detail to analyze to the fullest extent possible the potential impacts • consider areas beyond the immediate footprint of the construction activity or proposed action and beyond the property line, depending on the indirect effects of the proposed action.
	FSA, in coordination with USFWS, determines the proposed action is likely to adversely affect or likely to adversely modify a listed species or its critical habitat	formal consultation should be initiated to further discuss alternatives and/or mitigation measures. FSA's National Office should be involved in formal consultation.

49 Biological Resources (Continued)

E Possible Data Sources

This table provides Web data sources.

Data	Web Location
Invasive Species Information	Go to **www.invasivespeciesinfo.gov**.
Bailey's Ecoregions Common Vegetation and Wildlife by Region	Go to **www.fs.fed.us/land/ecosysmgmt/ecoreg1_home.html**.
NatureServe Species Habitat Descriptions	Go to **www.natureserve.org**.
Listed and Candidate Species, and Critical Habitat Designations by State	Go to **ecos.fws.gov** and select items as needed under Endangered Species.
USFWS General Guidance for Consultations With Federal Agencies	Go to **www.fws.gov** and on left, CLICK "**Endangered Species**". Scroll down and from left, CLICK "**Consultations**" and select required information.
USFWS Consultation Handbook titled, "Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act", dated March 1998	Go to **www.fws.gov** and on left, CLICK "**Endangered Species**". Scroll down and from left and CLICK "**Consultations**". Scroll down and CLICK "**Consultations with Federal Agencies" Section 7 of the ESA [pdf]**.

49 Biological Resources (Continued)

F Associated Permits

USFWS will issue a Biological Opinion, also known as an incidental take statement, which serves as a permit for activities that would affect a known threatened or endangered species. This will be accomplished through the formal consultation process.

In certain situations, USFWS may agree to accept a Biological Assessment completed by FSA or its designee. Completion of this assessment should be coordinated by SEC with advice provided by NECM. The applicant may be responsible to pay for the completion of the assessment.

G Consultation

USFWS and the NOAA, National Marine Fisheries Service, provide informal and formal consultation for actions that may impact threatened and endangered species or threatened and endangered species designated critical habitat. Consultations should be initiated as early as possible in the environmental review process. Keep a permanent record of **all** correspondence.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for threatened and endangered species or critical habitat impact discussion. NEPA documentation should reference any consultation undertaken. A Biological Assessment is required if proposed action is likely to adversely affect a listed species or critical habitat.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or Class II EA serves as documentation for threatened and endangered species or critical habitat impact discussion. NEPA documentation should reference any consultation undertaken. A Biological Assessment is required if proposed action is likely to adversely affect a listed species or critical habitat.

50 Cultural Resources

A Resource

Cultural resources, in the broadest sense, are properties created by man and generally more than 50 years of age. They include, but are not limited to, archaeological sites, structures, buildings, shipwrecks, cemeteries, mines, battlefields, rural landscapes, and places that a community associates with their values, traditions, or beliefs. Some cultural resources are significant, others are not. Cultural resources that are significant are called historic properties under NHPA, as amended (16 U.S.C. 470 et seq.). NHPA, Section 106, requires all Federal agencies to take into account the effect of their undertakings; that is activities that are Federally permitted, Federally funded, or carried out on Federal lands, on historic properties.

Historic properties are cultural resources listed in or eligible for inclusion in NRHP. A historic property should possess integrity of location, design, setting, materials, workmanship, feeling, and association. In other words, a building with numerous modern additions and little of its original materials would be determined, in most cases, to no longer possess integrity. In addition to integrity, NPS requires that a historic property meet 1 of the following 4 criteria:

- association with events that have made a significant contribution to the broad patterns of our history
- association with the lives of persons significant in our past
- have distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction
- have yielded or may be likely to yield, information important in prehistory or history.

50 Cultural Resources (Continued)

A Resource (Continued)

The most commonly identified types of cultural resources are as follows:

- archeological resources may be visible on the ground surface or buried and include, but not be limited to:

  - battlegrounds
  - historic mission sites
  - old mines
  - remains of abandoned farmsteads
  - remains of prehistoric cultures
  - ruins of private and military forts
  - stage stops

- structures/buildings generally over 50 years of age; architectural resources include, but are not limited to:

  - barns
  - bridges
  - cabins
  - farmsteads
  - houses
  - silos
  - other structures

- traditional cultural properties; traditional cultural properties associated with the beliefs or cultural traditions of an existing community are eligible for NRHP; such beliefs or traditions are part of the history of the community and are important in holding the community together; they include, but are not limited to:

  - traditional locations to gather food or materials, such as reeds for baskets or clay for pottery

  - locations to host traditional dances

  - mountain tops where ceremonies are performed

  - an ethnic enclave within a larger urban setting.

50 Cultural Resources (Continued)

B Lead Agency for Resource

ACHP oversees NHPA, Section 106 and its implementing regulations (36 CFR Part 800). Most consultation is done with the appropriate SHPO or THPO.

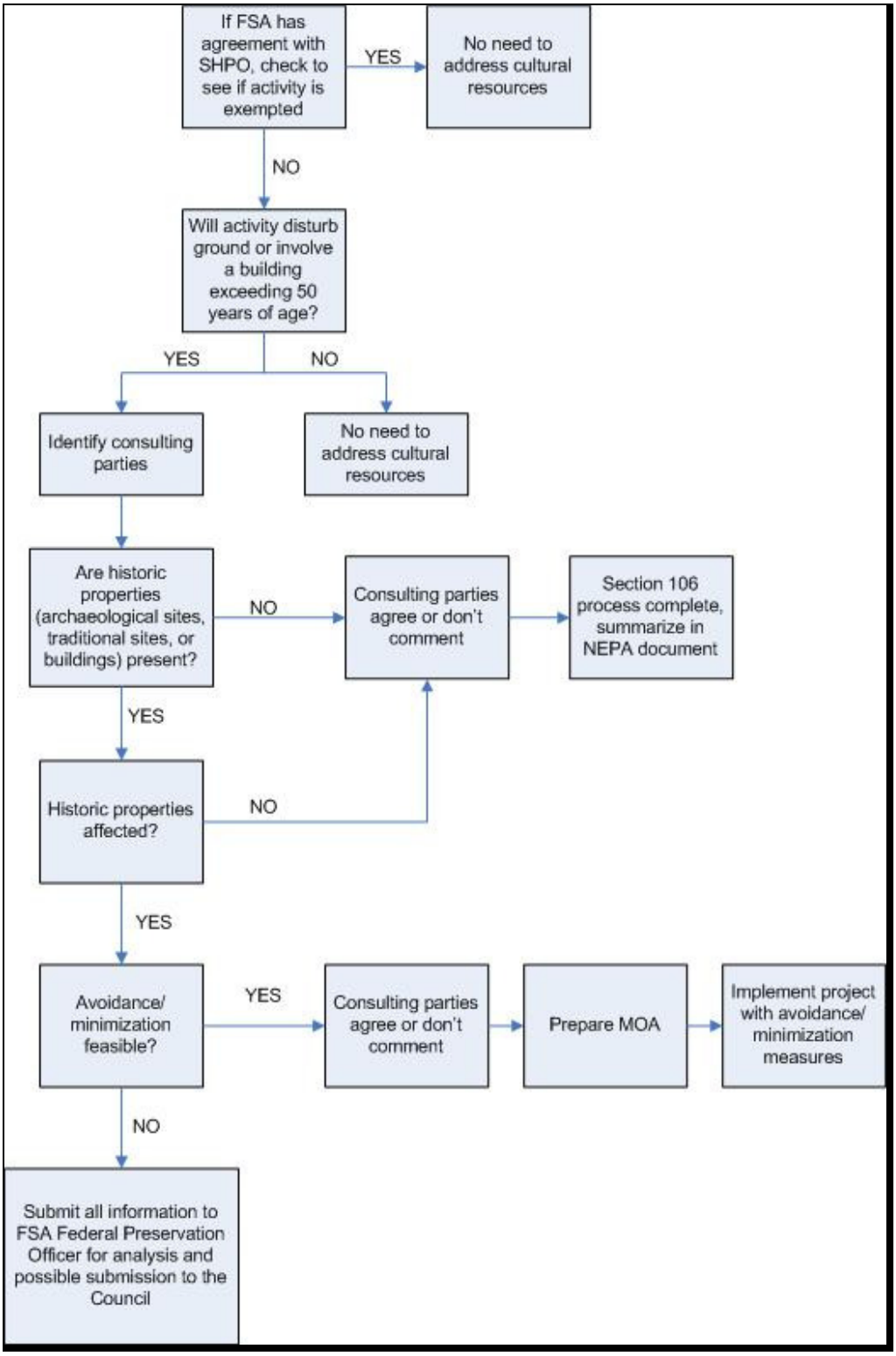
C FSA Policy and Objectives

FSA will **not** approve actions or activities that could significantly affect historic properties without proper mitigation.

50 Cultural Resources (Continued)

D Review Process

The following provides an overview of the cultural resource review process.



50 Cultural Resources (Continued)

D Review Process (Continued)

Not all FLP or FP activities (undertakings) require compliance with NHPA. Activities potentially affecting the qualities that make a cultural resource eligible for NRHP are "undertakings with the potential to cause effects" under the Section 106 implementing regulations, and will require compliance with NHPA. These activities typically require some type of earthmoving or modifications to a building. Some States have established agreements with their SHPO/THPO's or tribes that list FSA activities that are and are **not** undertakings with the potential to cause effects. If the activity is exempted by an agreement, note this in the environmental documentation and proceed. A Federal agency's responsibility under NHPA, Section 106 for emergency situations is found in 36 CFR 800.12. Undertakings that are immediate responses for rescue and salvage operations conducted to preserve life or property are **exempt** from NHPA, Section 106 and 36 CFR 800.12. The regulations encourage Federal agencies to develop guidance on dealing with emergency situations through SLA's, MOA's, or SLA's, or with SHPO/THPO and ACHP. This can and should be done as part of SHPO/THPO SLA's (Exhibit 9). If no SLA exists, FSA **must** notify the appropriate SHPO/THPO, ACHP, and appropriate Indian tribes of the undertaking and afford SHPO/THPO, ACHP, and appropriate Indian tribes 7 calendar days to respond. If FSA determines that 7 calendar days is too long, SHPO/THPO should be notified as to the needed timeframe.

Note: The 7-calendar day time period is **only** applicable to undertakings implemented within 30 calendar days after the disaster or emergency has been officially declared. FSA may request an extension if ACHP is notified before the 30 calendar days expire.

For activities that are undertakings with the potential to cause effects, NHPA, Section 106 review process consists of a series of steps, laid out in the flowchart provided in this subparagraph, carried out during the environmental review. As shown in the flowchart, the process is complete when users move to the far right of the flowchart. One or more types of historic properties may be present in the activity's APE, but NHPA, Section 106 steps are identical regardless of the type of historic property that may be present. If SEC has SLA, SLA will spell out the steps. At times, SEC and SHPO/THPO may disagree. If the issues **cannot** be resolved, SEC will send all information to FSA's National Office FPO for advice. If FSA's National Office FPO concurs with the local office findings, FSA's National Office FPO may elect to submit the documentation to ACHP for comment.

50 Cultural Resources (Continued)

D Review Process (Continued)

This table provides additional clarification of the cultural resources review process.

<table>
<tr><th>Step</th><th colspan="2">Action</th></tr>
<tr><td>1</td><td colspan="2">If user's State has SHPO exemption agreement, then determine if proposed activity is exempt. If no agreement, determine on a case-by-case basis, if proposed activity has the potential to affect a historic property, if an historic property were present.</td></tr>
<tr><td>2</td><td colspan="2">If the proposed activity is not exempt, or if user determines that the activity has the potential to effect, identify consulting parties. These may include SHPO/THPO, tribes, landowners, and other interested parties. Details of consultation can be found in subparagraph G.</td></tr>
<tr><td>3</td><td colspan="2">FSA County Office:

• consults informational sources; such as NRHP, the landowner, SHPO database, if available, and other local information, such as museums, libraries, etc., to determine if known cultural resources exist within the activity's APE

• gathers cultural resource information and sends it to SEC.</td></tr>
<tr><td>4</td><td colspan="2">SEC, or designee, reviews the information and sends it to SHPO/THPO and other consulting parties (see subparagraph G for definition of consulting parties and when to consult). See Exhibits 6 for an example letter to the SHPO/THPO. SEC, or designee, will need to submit each finding; that is the results of each step; such as finding properties present, properties not present, etc.; to appropriate consulting parties for their review and comment. Include a map showing the location of the activity, a description of the activity, and information on any cultural resources identified in the documentation.</td></tr>
<tr><td rowspan="4">5</td><td colspan="2">SHPO/THPO may request a field survey of APE.</td></tr>
<tr><td>IF…</td><td>THEN…</td></tr>
<tr><td>survey of APE is needed</td><td>survey shall be done by a professional that meets the Secretary of the Interior's standards at 36 CFR Part 61.</td></tr>
<tr><td>cultural resources are present within APE</td><td>FSA will evaluate the cultural resources under NRHP criteria in consultation with SHPO/THPO and any other consulting parties.

Note: Often the survey preparer can offer their opinion about the eligibility of the cultural resources for NRHP.</td></tr>
<tr><td rowspan="4">6</td><td colspan="2">After reviewing survey preparer's opinion, SEC will make their determination and submit it to the SHPO/THPO.</td></tr>
<tr><td>IF cultural resources…</td><td>THEN SEC…</td></tr>
<tr><td>are determined eligible for NRHP</td><td>will determine if cultural resources will be adversely affected by the proposed activity.</td></tr>
<tr><td>will be adversely affected</td><td>and SHPO/THPO will seeks ways to avoid or minimize adverse effects, including archaeological excavation, and notify the other consulting parties of these efforts. The avoidance/minimization will be detailed in MOA. ACHP may/may not elect to participate in MOA.</td></tr>
</table>

50 Cultural Resources (Continued)

E Possible Data Sources

This table provides a Web data source.

Data	Web Location
Historic Properties	Go to **www.nps.gov/nr**. **Notes:** The list can be searched by State and county. Agency officials and applicants should be aware the list does **not** contain historic properties that have been determined eligible for listing, but have **not** been officially listed, and that many cultural resources have never been evaluated for eligibility for NRHP. Often SHPO's maintain information on identified cultural resources in their State that have **not** been evaluated for eligibility. Local museums, libraries, and historical organizations also have information on cultural resources. Consulting parties often have additional information about cultural resources.
Tribal Consultation	Go to **www.hud.gov/offices/cpd/environment/tribal**. **Note:** The list can be searched by State and county for tribes that may need to be consulted when planning activities. Go to **www.achp.gov/regs-tribes2008.pdf**. **Note:** The "Consultation With Indian Tribes in the Section 106 Review Process: A Handbook" will be displayed.

F Associated Permits

Permits for cultural resource investigations are **not** required under NHPA. However, permits for cultural resource investigations are required for activities in some States, particularly on State-owned land; in a few States, permits are required on privately owned land, for instance, Washington State. ARPA permits are required for archeological investigations on Federally owned land. Inquiry can be made with SHPO to determine if ARPA permits will be needed.

50 Cultural Resources (Continued)

G Consultation

Consultation is an important part of completing NHPA, Section 106 process. **[36 CFR 800.16] <u>Consultation</u> means the process of seeking, discussing, and considering the views of other participants and, where feasible, seeking agreement with them regarding matters arising in the section 106 process.** For example, if user concludes that properties are present, but they are **not** eligible for NRHP, do the other consulting parties agree? NHPA, Section 106 and ACHP's implementing regulations specify with whom FSA will consult. They are as follows:

- ACHP
- appropriate SHPO/THPO
- if on tribal land, the tribe does not have THPO, the tribe **must** be consulted
- Indian tribe and Native Hawaiian organizations that attach religious and cultural significance to historic properties in the region
- local governments with jurisdiction over the area
- applicants
- individuals and organizations with a legal or economic interest in the activity or with a concern for the historic properties.

If a Traditional Cultural Property is present, FSA will add the community that the Traditional Cultural Historic Property serves as a consulting party. The implementing regulations for NHPA, Section 106 specify that comments from any consulting party, including SHPO/THPO or ACHP, be submitted to FSA in most cases within 30 calendar days of receipt of the information from FSA. If SEC has SLA, those timeframes may be less. As the activity moves forward, the consulting parties should be informed, in writing, of decisions made by FSA and SHPO/THPO with the consulting parties comments requested. Any comments from consulting parties should be considered by FSA. If a consulting party, including SHPO/THPO, fails to comment within 30 calendar days, FSA may assume that the party concurs with FSA's findings and proceed.

During activity planning, FSA will identify the consulting parties, including the appropriate SHPO/THPO. Location of the activity determines whether FSA will consult with SHPO and/or THPO.

50 Cultural Resources (Continued)

G Consultation (Continued)

For NHPA, Section 106 consultations, this table shows SHPO versus THPO.

Land Status	Consult With
Private land or land owned by State, city, or county.	SHPO.
Tribal land.	THPO, if the tribe has THPO. If the tribe does not have THPO, consult with SHPO and the tribe.
Tribal land, but the property is owned by a nontribal party.	THPO, if the tribe has THPO, but the owner may request SHPO's participation. If the tribe does not have THPO, consult with SHPO and the tribe.

Other participants in NHPA, Section 106 consultation process should be consulted as well, such as Federally recognized Indian tribes or Native Hawaiian organizations. Consultations with Federally recognized American Indian tribes are conducted within a Government-to-Government relationship. Consultation Protocol Agreements, which are similar to SLA's with SHPO, can be established between FSA and Indian tribes. Consultation Protocol Agreements indicate how and with whom FSA consults when working with a particular Indian tribe.

H FP Acceptable Types of Documentation

The results of the consultation and identification of historic properties, any adverse effects to the historic properties, and mitigation measures can be summarized in EE, EA, or EIS. Copies of letters with consulting parties are usually attached to the environmental document. If professional cultural resource work has been performed, the Secretary of Interior's Standards require a separate formal report of the work performed. Information about Traditional Cultural Historic Property is sometimes considered confidential by the community that they serve. If this is the case, the information in the environmental document should respect that confidentiality. Location information for archaeological sites is often restricted by State laws and should **not** be published in the environmental document.

I FLP Acceptable Types of Documentation

The results of the consultation and identification of historic properties, any adverse effects to the historic properties, and mitigation measures can be summarized on RD 1940-22, RD 1940-21, or Class II EA. Copies of letters with consulting parties are usually attached to the environmental document. If professional cultural resource work has been performed, the Secretary of Interior's Standards require a separate formal report of the work performed. Information about Traditional Cultural Historic Property is sometimes considered confidential by the community that they serve. If this is the case, the information in the environmental document should respect that confidentiality. Location information for archaeological sites is restricted by Federal law and should **not** be published in the environmental document.

51 Soils

A Resource

The Food Security Act of 1985 includes provisions that contribute to soil protection, referred to as the sodbuster provisions. With limited exceptions, the Food Security Act of 1985 provides that persons who produce agricultural commodities on HEL are ineligible for certain Federal payments typically available to farmers. Cropland with erodibility index values greater than 8 is considered to be HEL.

B Lead Agency for Resource

NRCS oversees HEL program.

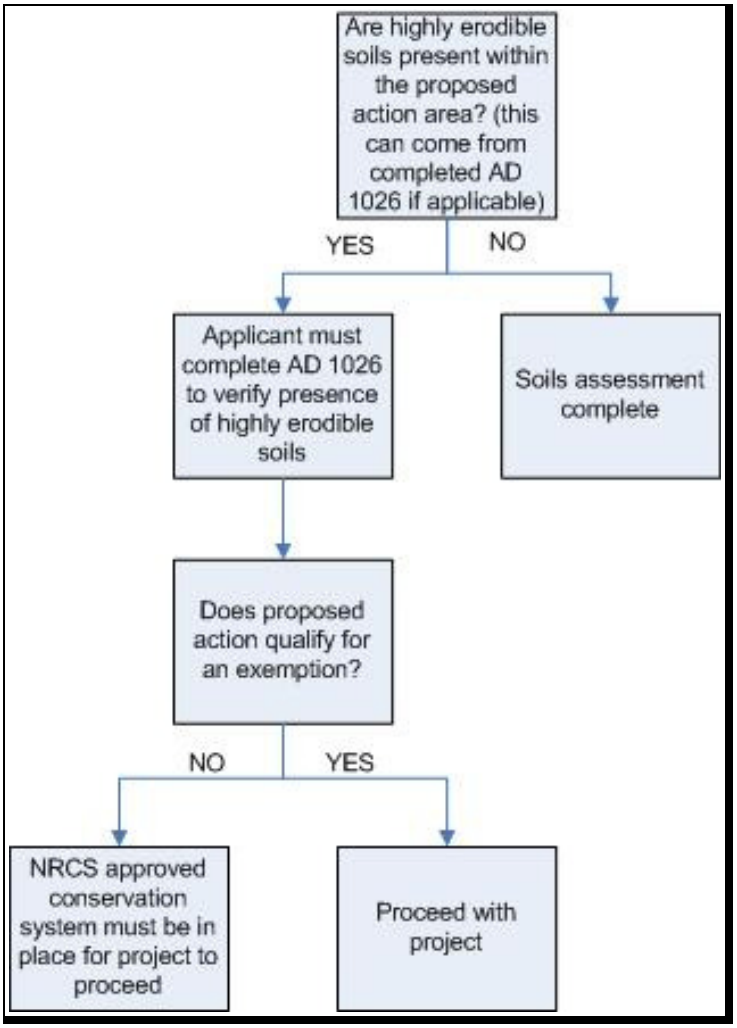
C FSA Policy and Objectives

All persons that produce agriculture commodities **must** protect cropland classified as being HEL from excessive erosion.

51 Soils (Continued)

D Review Process

The following provides an overview of the soil review process.



51 Soils (Continued)

D Review Process (Continued)

An applicant requesting Federal assistance **must** determine if highly erodible soils are present within the proposed action area. FSA has determined that excessive erosion of HEL results or would result whenever a field that is on predominantly HEL is or would be used to produce an agricultural commodity **without** conforming to a conservation system approved by NRCS.

Note: A field that is on predominantly HEL is **not** exempt from soils provisions.

If an applicant intends to produce an agricultural commodity on a nonexempt field on which HEL is predominant, the applicant **must** do the following:

- develop a conservation system approved by NRCS
- demonstrate that it is or will be in compliance with a conservation system approved by NRCS at the time the field is to be used
- provide NRCS's concurrence with this position
- provide an AD-1026 to document the presence of highly erodible soils.

If the applicant does **not** intend to produce an agricultural commodity on a nonexempt field on which HEL is predominant, that is land sown in pasture or woodland, the field is considered exempt.

Exemptions from soils provisions are detailed in 7 CFR 1940 subpart G, Exhibit M.

51 Soils (Continued)

E Possible Data Sources

This table provides a Web data source.

Data	Web Location
List of Published Soil Surveys	Go to **soils.usda.gov**, CLICK "List of Published Soil Surveys". by State and possibly county.

F Associated Permits

There are **no** permits specific for soils.

G Consultation

There are **no** consultations specific for soils.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for a soil assessment. If highly erodible soils are present, a completed conservation plan **must** be on file with FSA or NRCS.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, Class II EA serve as documentation for a soil assessment. If highly erodible soils are present, a completed conservation plan **must** be on file with FSA or NRCS.

52 Air Quality

A Resource

Air pollution threatens the health of human beings and every other living thing on the planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer, respiratory problems, heart or lung disease, and other serious health effects, and diminish the protective ozone layer in the upper atmosphere.

Main sources of air pollution include stationary, mobile, and agricultural sources. A stationary source is an emission source that does **not** move, such as manufacturing facilities, utilities, etc. A mobile source is a source that is capable of moving under its own power, such as planes, cars, farm and construction equipment, etc. Agricultural sources are agricultural operations that raise animals and grow crops can generate emissions of gases, particulate matter, chemical compounds, and odor.

B Lead Agency for Resource

EPA is responsible for the national air quality. Each State's EQ or similar department is responsible for maintaining the national standards within their State.

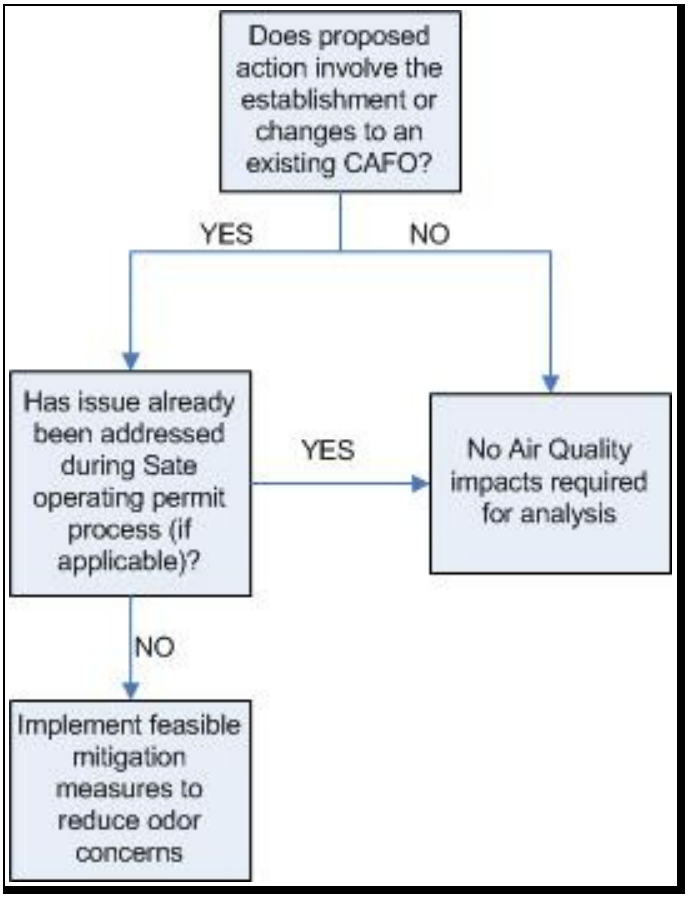
C FSA Policy and Objectives

FSA will **not** approve actions or activities that could cause significant air pollution.

52 Air Quality (Continued)

D Review Process

The following provides an overview of the air quality review process.



52 Air Quality (Continued)

D Review Process (Continued)

FP actions do **not** contribute to air quality issues. Likewise, **no** FLP actions contribute to air quality issues **except** AFO's, which cause odor. Main sources of odor from livestock confinement operations include manure storage facilities, animal housing, and land application of manure. It is important to note that odor is subjective; however, some States and local governments impose site setback requirements for siting facilities or application of manure. There are State modeling devices and statutes that assist in determining air quality impacts. There may also be impacts to the value of adjoining farms.

Large CAFO's are typically required to obtain an air permit and odors resulting from CAFO's are a controversial issue. Some States require an Odor Management Plan under special conditions. The important principle of odor control is avoiding anaerobic conditions by keeping the following:

- manure and other organic materials as dry as possible
- manure storages and surfaces exposed to oxygen
- feedlot surfaces hard, smooth, and free of uncompacted manure.

Mitigation measures to help reduce or eliminate odor and dust emissions should be implemented with proposed actions. The primary concern with odor is the affect on the local community, specifically close neighbors and people sensitive to odors. Mitigation measures include, but are not limited to the following:

- installing biofilters on buildings

- erecting windbreak walls downwind from animal facilities, lagoons, manure storage areas, etc.

- installing shelterbelts; that is rows of trees and other vegetation.

52 Air Quality (Continued)

E Possible Data Sources

This table provides Web data sources.

Data	Web Location
Information on Air Quality Issues Pertaining to Agricultural Production	Go to **www.airquality.nrcs.usda.gov** and under Quick Access, CLICK "**Agricultural Air Quality Task Force**".
EPA produced a document titled, "Major Existing EPA Laws and Programs That Could Affect Agricultural Producers"	Go to **www.epa.gov/agriculture/agmatrix.pdf** for an overview of environmental laws and required permits for agricultural producers.
State Environmental Agencies	Go to **www.epa.gov** and on the left, CLICK "Where You Live". CLICK "Select State Environmental Agencies".

F Associated Permits

Most large CAFO's require a NPDES permit for air quality.

G Consultation

If the environmental review determines that a proposed activity would affect the attainment status of the county, FSA should coordinate with the State and/or EPA to develop mitigation measures.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for air quality impact discussion. NEPA documentation should reference any existing or required permits.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or Class II EA serves as documentation for air quality impact discussion. NEPA documentation should reference any existing or required permits.

53 Noise

A Resource

Noise is defined as any sound that is undesirable because it interferes with communication, is intense enough to damage hearing, or is otherwise annoying. Human response to noise varies according to the type and characteristics of the noise source, the distance between source and receiver, receiver sensitivity, and time of day.

The Noise Control Act of 1972 directs all Federal agencies to comply with Federal, State, interstate, and local requirements respecting control and abatement of environmental noise.

B Lead Agency for Resource

Noise abatement and control is the responsibility of State and local governments.

C FSA Policy and Objectives

FSA will review each activity that involves machinery or large numbers of livestock that may have the potential for producing loud, continuous, high decibel sound and provide possible mitigation measures to reduce the impact.

D Review Process

The noise impacts of FSA actions will be evaluated on the programmatic level by the National Office. No impacts are expected to result from individual farm participation. If there is a question about whether impacts to socioeconomic resources would result from program participation, contact the National Office for guidance.

53 Noise (Continued)

E Possible Data Sources

There are **no** data sources specific for noise.

F Associated Permits

There are **no** permits specific for noise.

G Consultation

FSA does **not** implement activities that have the potential to greatly increase permanent noise levels of an area. However, if a unique activity or circumstance arises it should be coordinated with State and county governments to determine appropriate mitigation measures to reduce the noise levels to an acceptable level.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for a discussion of noise impacts, if applicable.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or Class II EA serves as documentation for a discussion of noise impacts, if applicable.

54 National Natural Landmarks

A Resource

A national natural landmark is a nationally significant natural area that has been designated by the Secretary of Interior. To be nationally significant a site **must** be 1 of the best examples of a type of terrestrial or aquatic biotic community or geologic feature in its physiographic province. National natural landmarks can be owned by State, Federal, or private entities. There are fewer than 600 sites within the U.S. Some States have protected natural landmarks **not** listed on the national natural landmarks list. The sites should also be considered in environmental review.

B Lead Agency for Resource

NPS is responsible for managing and protecting national natural landmarks.

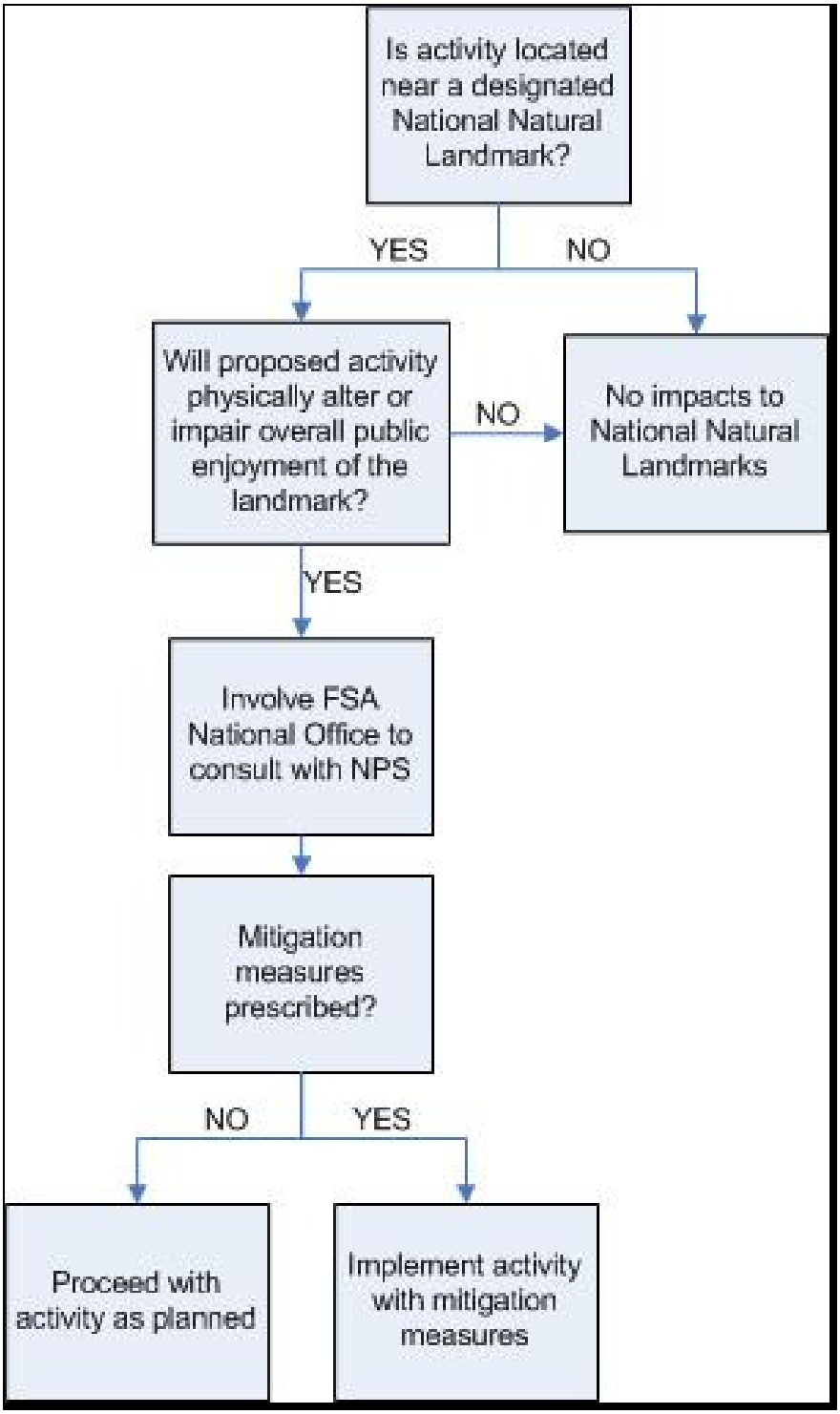
C FSA Policy and Objectives

FSA strives to ensure that national natural landmarks are **not** negatively impacted by agency activities.

54 National Natural Landmarks (Continued)

D Review Process

The following provides an overview of the national natural landmark review process.



54 National Natural Landmarks (Continued)

D Review Process (Continued)

RAO should verify if a national natural landmark is located in the vicinity of the proposed action. If a national natural landmark is nearby and can potentially be impacted by the proposed action, consultation with NPS should occur to determine if implementation of the proposed action would adversely affect the protected resource. Potential effects would include physical destruction or alteration of the property as well as impairing overall public enjoyment of the site; that is, reduced visibility, permanently increasing noise or odors, or restricting access.

E Possible Data Sources

This table provides a Web data source.

Data	Web Location
List of All Designated National Natural Landmarks by State	Go to **www.nature.nps.gov** and on the left, under Explore Topics, CLICK "**Protecting and Restoring**". On the right under Highlights, CLICK "**National Natural Landmarks**". Scroll down and under Quick Links, CLICK "**National Natural Landmarks Guide (by state)**" and click the applicable State.

F Associated Permits

There are **no** permits specific for national natural landmarks.

54 National Natural Landmarks (Continued)

G Consultation

If a proposed action has the potential to affect a national natural landmark, consultation with the regional NPS office **must** occur and SEC should contact FSA's NECM for assistance.

H FP Acceptable Types of Documentation

Completed FSA-850 or EA serves as documentation for addressing potential impacts to national natural landmarks.

I FLP Acceptable Types of Documentation

Completed RD 1940-22, RD 1940-21, or Class II EA serves as documentation for addressing potential impacts to national natural landmarks.

55 Important Land Resources

A Resource

Important land resources include prime farmland, unique farmland, prime forestland, and prime rangeland. Continued reduction in the nation's farmland base may threaten the ability of the U.S. to produce food and fiber to sustain domestic needs. The Farmland Protection Policy Act was established to minimize to the extent practicable the conversion of farmland to nonagricultural uses.

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary of Agriculture.

Unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary of Agriculture. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods.

Prime forestland is land used for the production of wood. It is divided into 4 categories based on yield and use, as follows:

- **prime timberland** grows at least 85 cubic feet /year in natural stands
- **unique timberland** grows less than 85 cubic feet/ year in sustained yields of high-value species
- **timberlands of statewide importance** are additional forest stands of State importance
- **timberlands of local importance** are additional forest stands of local importance.

Prime rangeland is land that has the highest quality or value for grazing animals, and the (potential) natural vegetation is palatable, nutritious, and available to the area's common herbivores.

55 Important Land Resources (Continued)

B Lead Agency for Resource

NRCS oversees farmland protection.

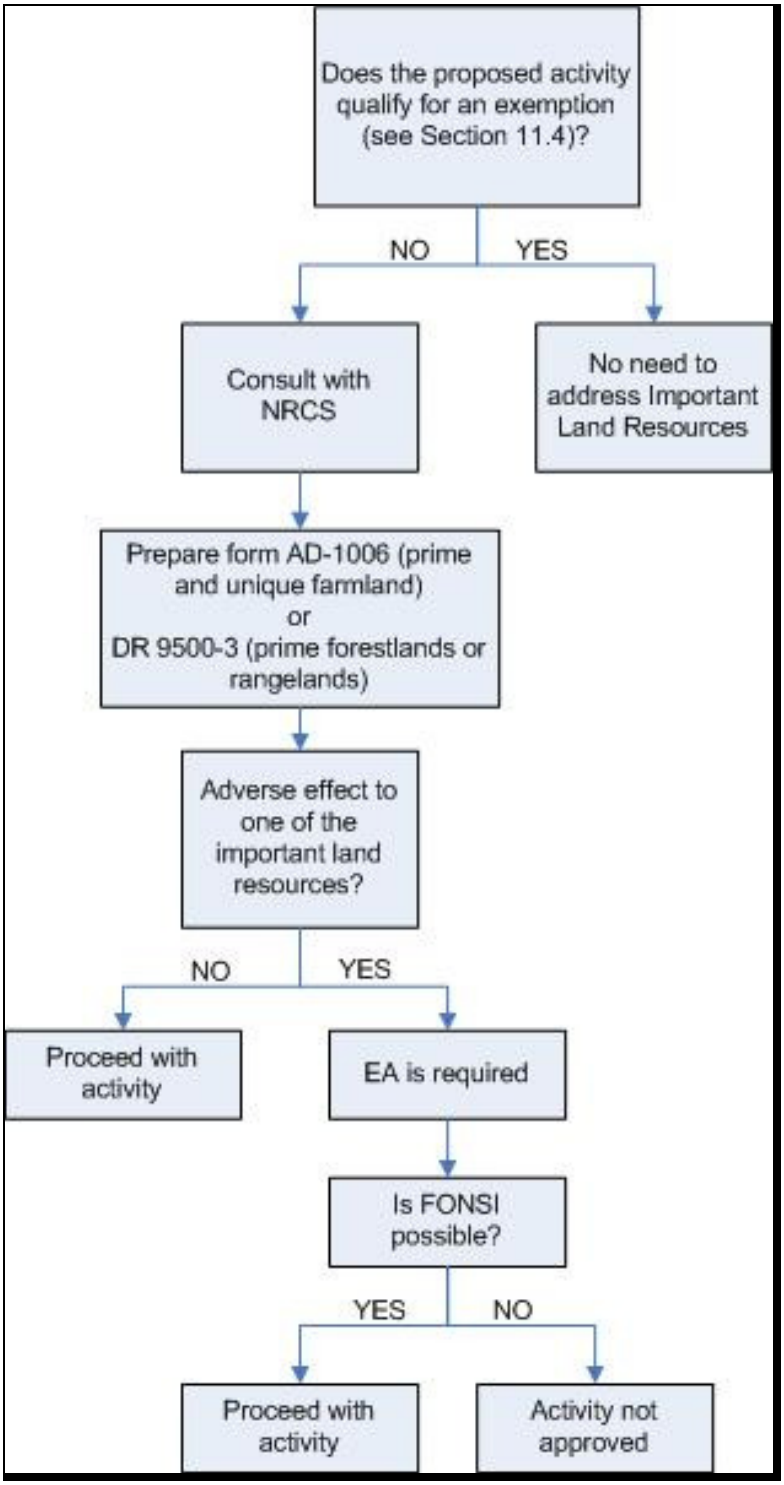
C FSA Policy and Objectives

FSA will **not** approve actions or activities that could significantly affect farmlands, prime forestland, or prime rangeland.

55 Important Land Resources (Continued)

D Review Process

The following provides an overview of the important land resource review process.



55 Important Land Resources (Continued)

D Review Process (Continued)

The following actions are exemptions and do **not** require consultation with NRCS:

- proposed action will **not** create a conversion of the existing use of the property
- proposed action involves renovating or repairing existing facilities, and the future use of these facilities remains unchanged from the original use of the facilities
- proposed action includes new facilities or improvements, but is for an agricultural purpose and effects only farmland
- FSA reviews NRCS soil surveys, soil lists, and maps of important land resources (only those authorized for use by NRCS); and determines that the action will **not** effect important farmlands, prime forestlands, or prime rangelands
- farmland is already in urban development or water storage and has been committed for those purposes.

If no exemption exists, then FSA will consult with NRCS on the following:

- for farmland, NRCS will determine if an important farmland (prime farmland or unique farmland) is present in the action area. Land Evaluation and Site Assessment will be used, and requires using AD-1006 and NRCS-CPA-106 or their successor forms
- for prime forestlands or prime rangelands, if there is a potential impact, FSA will consult with NRCS; DR 9500-3 will be used as a guide for prime forestlands; no established procedure exists for evaluating prime rangelands.

If it is determined that there is an adverse effect to the important land resource and activity **must** occur on that site, EA is required. If FONSI is **not** possible the activity will **not** be approved.

55 Important Land Resources (Continued)

E Possible Data Sources

This table provides a Web data source.

Data	Web Location
Map With Acres of Prime Farmland	Go to **www.nrcs.usda.gov** and do the following: • on menu bar, CLICK "**Technical Resources**" • at the bottom of page under Quick Access, CLICK "**National Resources Inventory**" • under NRI Results, CLICK "**Map Room**" • on NRI Map Room Screen, CLICK "**Prime Farmland**" • scroll down and under Tables click appropriate link.

F Associated Permits

There are **no** permits specific for important land resources.

G Consultation

If important land resource could be affected, consultation with NRCS is **required** to determine appropriate mitigation measures or alternatives to the proposed action.

H FP Acceptable Types of Documentation

Completed FSA-850 or EA serves as documentation if no important land resource exists. If an important land resource exists, AD-1006 and NRCS-CPA-106, or their successor forms, **must** be submitted with NEPA document.

I FLP Acceptable Types of Documentation

Completed RD 1940-21, RD 1940-22, and Class II EA serve as documentation if no important land resource exists. If an important land resource exists, AD-1006 and NRCS-CPA-106, or their successor forms, **must** be submitted with NEPA document.

56 Wilderness Areas

A Resource

The Wilderness Act established the National Wilderness Preservation System. Wilderness, as defined by The Wilderness Act, is the following:

- lands designated for preservation and protection in their natural condition
- an area where the earth and its community of life are untrammeled by man
- an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvement or human habitation
- generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticed
- has outstanding opportunities for solitude or a primitive and unconfined type of recreation
- shall be devoted to the public purposes of recreation, scenic, scientific, educational, conservation, and historic use.

B Lead Agency for Resource

There is **no** single lead agency for wilderness areas. Wilderness areas are managed by BLM, FS, USFWS, and NPS.

C FSA Policy and Objectives

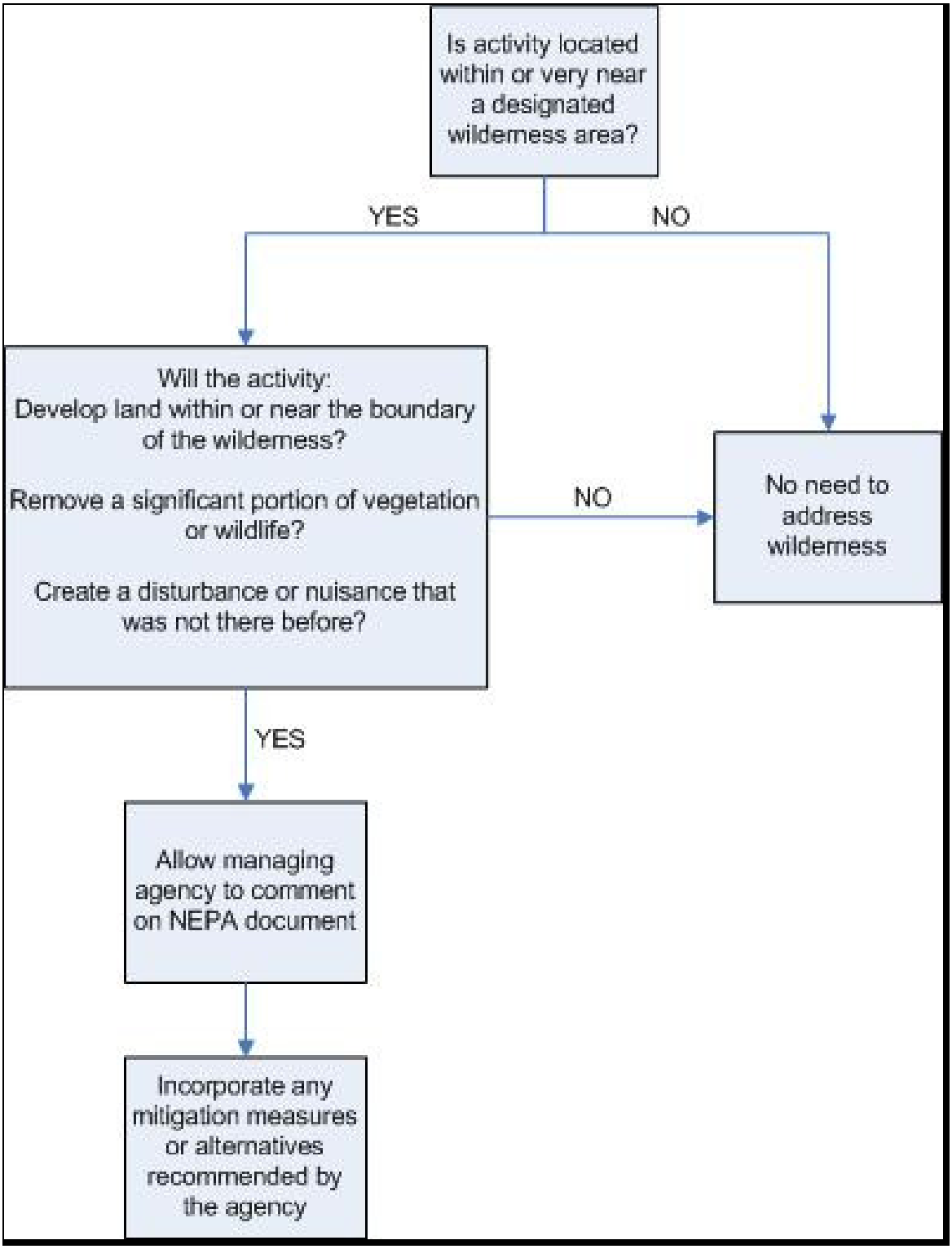
FSA shall consider the impact of proposed actions on **any** designated wilderness or wilderness study areas to do the following:

- protect wilderness or wilderness study areas from permanent improvements and human habitation
- preserve the wilderness characteristics and ecological, geological, or other features of scientific, educational, scenic, or historical value.

56 Wilderness Areas (Continued)

D Review Process

The following provides an overview of the wilderness area review process.



56 Wilderness Areas (Continued)

D Review Process (Continued)

Potential impacts to a wilderness area would only occur if a person exists within or very near the activity area. Potential impacts could include impacts that would alter the characteristics of the wilderness defined by The Wilderness Act, such as:

- developing the land within or very close to the boundaries of the wilderness
- removing significant portions of vegetation or wildlife
- creating a disturbance or nuisance that was **not** there before, such as noise, odor, aesthetics, or unsightly facilities and manmade structures.

E Possible Data Sources

This table provides a Web data source.

Data	Web Location
Interactive Map of U.S. Wilderness Areas	Go to **www.wilderness.net** and under Search Maps, CLICK "**National Service Preservation System**". Click applicable State and click wilderness area.

F Associated Permits

There are **no** permits specific for wilderness areas.

G Consultation

The agency that manages a wilderness' APE by a proposed action should be allowed the opportunity to comment on NEPA document. Any mitigation measures or alternatives recommended should be included in NEPA document as well as any correspondence from the wilderness area managing agency.

56 Wilderness Areas (Continued)

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for addressing impacts to wilderness areas. Correspondence with the agency managing the wilderness area should be included with NEPA document.

I FLP Acceptable Types of Documentation

A completed RD 1940-22, RD 1940-21, or a Class II EA serves as documentation for addressing impacts to wilderness areas. Correspondence with the agency managing the wilderness area should be included with NEPA document.

57 Social and Economic Impacts

A Resource

NEPA requires that Federal agencies address how a proposed action may affect economic variables, such as population, housing, income, and employment of the activity area. For FSA activities, the socioeconomic analysis should focus on farm and nonfarm employment and income, farm production expenses and returns, and agricultural land use production.

B Lead Agency for Resource

There is **no** lead agency for coordination or consultation on social and economic impacts.

C FSA Policy and Objectives

It is FSA's policy to fully evaluate the social and economic impacts of FSA programs and loans **before** approval to ensure that there is **not** an adverse social or economic affect.

D Review Process

The social and economic impacts of FSA actions will be evaluated on the programmatic level by the National Office. No impacts are expected to result from individual farm participation. If there is a question about whether impacts to social and economic resources would result from program participation, contact the National Office for guidance.

57 Social and Economic Impacts (Continued)

E Possible Data Sources

This table provides Web data sources.

Data	Web Location
Population, Housing, and Income by State, County, ZIP Code, and Census Tract	Go to **www.census.gov** and on left, CLICK "**Data Tools**".
NASS Census	Go to **www.nass.usda.gov** and select required data.
Wages, Earnings, Productivity, and Demographics on the National, Regional, State, and Metropolitan Level	Go to **www.bls.gov** and select required data.
Enviro-Mapper Including Demographics From Census Data Producing Maps Showing Population and Poverty Statistics	Go to **www.epa.gov/compliance/whereyoulive/ejtool.html**.

57 Social and Economic Impacts (Continued)

F Associated Permits

There are **no** permits specific for social and economic impacts.

G Consultation

There are **no** consultations specific for social and economic impacts.

H FP Acceptable Types of Documentation

A completed FSA-850 or EA serves as documentation for social and economic impacts.

I FLP Acceptable Types of Documentation

An attachment to the completed RD 1940-22 and RD 1940-21, or a Class II EA, serves as documentation for social and economic impacts, if applicable.

58 Environmental Justice

A Resource

Executive Order 12898 of February 11, 1994, 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".

--**On the 20th anniversary of Executive Order 12898, President Obama issued a Presidential Proclamation reaffirming support for this order. He stated, "By effectively implementing environmental laws, we can improve quality of life and expand economic opportunity in overburdened communities."**--

*** * ***

B Lead Agency for Resource

Environmental justice regulations are carried out under an interagency working group. There is **no** specific agency that provides coordination or consultation.

C Review Process

--**After careful review of Executive Order 12898 and other related policies and guidance documents, it has been determined that FSA actions do **not** involve activities with potential to disproportionally or adversely affect or displace low income or minority groups. Accordingly, environmental justice is **not** specifically referenced on RD 1940-20, RD 1940-21, or RD 1940-22, nor is a detailed analysis called for in the Class II EA Template. However, as with all EA's, if controversial conditions are known to exist, or in response to a Class II public notice an environmental justice issue or concern is raised, then it must be considered in the formulation of the final decision.**--

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

None

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1006	Farmland Conversion Impact Rating		55
AD-1026	Highly Erodible Land Conservation and Wetland Conservation Certificate		4, 51, Ex. 31
FSA-850	Environmental Evaluation		6, 23, Part 4, Ex. 31
NRCS-CPA-026	Highly Erodible Land Conservation and Wetland Conservation Determination		Ex. 31
NRCS-CPA-052	Environmental Assessment and Resource Inventory Checklist		23, 49, Ex. 9
NRCS-CPA-106	Farmland Conversion Impact Rating for Corridor Type Projects		55
RD 1940-20	Request for Environmental Information		4, 33, 58
RD 1940-21	Environmental Assessment for Class I Action		4, 6, 23, 32-34, Part 4
RD 1940-22	Environmental Checklist for Categorical Exclusions		4-6,23, 32-34, Part 4, Ex. 31

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
ACHP	The Advisory Council on Historic Preservation	50, Ex. 9
AFO	animal feeding operation	4, 34, 52, Ex. 2
APE	area of potential effect	2, 33, 50, 56, Ex. 9
ARPA	Archaeological Resources Protection Act of 1979	50
AU	animal unit	34, Ex. 2
BMP	best management practices	42, 45
CAFO	concentrated animal feeding operation	4, 42, 52, Ex. 2
CATEX	categorical exclusion	3-6, 22, 32-34, 49, Ex. 31
CBRA	Coastal Barrier Resources Act of 1982	48
CBRS	Coastal Barrier Resources System	48
CEQ	Council on Environmental Quality	1-3, 23, 24, 34, 41
CNMP	Comprehensive Nutrient Management Plan	4, 42
CONACT	Consolidated Farm And Rural Development Act	43
CWA	Clean Water Act	5, 42, 43, 46, Ex. 2, 11
CZMA	Coastal Zone Management Act of 1972	5, 33, 41, 47, Ex. 10
DFN	Debt for Nature Program also known as the Debt Cancellation Conservation Contract Program	32, Ex. 31
EA	environmental assessment	Text, Ex. 12, 21-24, 31
EE	environmental evaluation	Text, Ex. 31
EIS	Environmental Impact Statement	3, 6, 23, 24, 34, 50, Ex. 2
EPA	Environmental Protection Agency	5, 42, 43, 45, 52, Ex. 2
EQ	environmental quality	42, 47, 52
ESA	Endangered Species Act of 1973	5, 49, Ex. 8
FONSI	Finding of No Significant Impact	3, 5, 6, 24, 34, 55, Ex. 23, 24
FP	farm programs	Text, Ex. 2, 31
FPO	federal preservation officer	4, 50, Ex. 9

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Abbreviations Not Listed in 1-CM (Continued)

Approved Abbreviation	Term	Reference
MOA	Memorandum of Agreement	5, 50, Ex. 8, 10, 11
NECM	national environmental compliance manager	4, 6, 23, 24, 34, 49, 54, 58
NEPA	National Environmental Policy Act of 1969	Text, Ex. 2, 21
NHPA	National Historic Preservation Act	4-6, 22, 50, Ex. 2, 9, 31
NOA	Notice of Availability	6, 34, Ex. 12, 24
NOAA	National Oceanic and Atmospheric Administration	47, 49
NOI	notice of intent	43, 44, Ex. 2
NPDES	National Pollutant Discharge Elimination System	42, 52
NPS	National Park Service	46, 50, 54, 56
NRHP	National Registry of Historic Places	33, 50, Ex. 9
RAO	responsible agency official	54, 58, Ex. 2, 12
SEC	State environmental coordinator	4-6, 34, 41, 42, 49, 50, 52, 54, 58, Ex. 2, 9
SHPO	State historic preservation officer	4, 5, 50, Ex. 2, 6, 9, 21
SLA	State Level Agreement	5, 50, Ex. 9
THPO	tribal historic preservation officer	4, 5, 50, Ex. 2, 6, 9
USACE	United States Army Corps of Engineers	5, 43, 46, Ex. 11

Redelegations of Authority

None.

Definitions of Terms Used in This Handbook

Animal Feeding Operation (AFO)

[40 CFR 122.23 (b)(1)] AFO means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

(i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and

(ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Animal Unit (AU)

AU means a unit of measurement for any AFO calculated, as follows:

Number of slaughter and feeder cattle x 1.0 + number of mature dairy cattle x 1.4 + number of swine weighing over 25 kilograms (approximately 55 pounds) x 0.4 + number of sheep x 0.1 + number of horses x 2.0.

Concentrated Animal Feeding Operation (CAFO)

CAFO's, as defined by EPA, are AFO's having a minimum threshold for numbers of animals by size, category, and type, and meet 1 of the following criteria:

- discharge to or contact with surface waters
- are designated by the permitting authority.

Consultation

[36 CFR 800.16] Consultation means the process of seeking, discussing, and considering the views of other participants and, where feasible, seeking agreement with them regarding matters arising in the section 106 process.

Definitions of Terms Used in This Handbook (Continued)

Federal Action

Federal actions are actions that fall within 1 of the following categories:

- adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreement; formal documents establishing an agency's policies which will result in or substantially alter agency programs

- adoption of formal plans, such as official documents prepared or approved by Federal agencies which guide or prescribed alternative uses of Federal resources, upon which future agency actions will be based

- adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive

- approval of specific activities, such as construction or management activities located in a defined geographic area; activities include actions approved by permit or other regulatory decision as well as Federal and Federally-assisted activities.

Note: Federal actions include new and continuing activities, including activities and programs entirely or partly financed, assisted, conducted, regulated, or approved by Federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals.

Financial Assistance

Financial assistance is any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance.

Definitions of Terms Used in This Handbook (Continued)

Floodplains

Floodplains are lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands. There are two types of floodplains, as follows:

- base floodplain (or 100-year floodplain) is the area subject to inundation from a flood of a magnitude that occurs once every 100 years on the average (the flood having a 1 percent chance of being equaled or exceeded in any given year).

- critical action floodplain (or 500-year floodplain) is the area subject to inundation from a flood of a magnitude that occurs once every 500 years on the average (the flood having 0.2 percent chance of being equaled or exceeded in any given year).

Note: The term floodplain will be taken to mean the base floodplain, unless the action involves a critical action. If a critical action is involved, then the critical action floodplain is the minimum floodplain of concern.

Historic Property

[36 CFR 800.16] Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

Human Environment

Human environment means the natural and physical environment and the relationship of people with that environment. Human environment includes resources covered by 36 CFR Part 800.

Note: As described in NEPA regulations at 40 CFR 1508.14, economic or social effects are not intended by themselves to require preparing EIS.

Definitions of Terms Used in This Handbook (Continued)

Major Federal Action

[40 CFR 1508.18] Major Federal action includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (Section 1508.27) for NEPA evaluation purposes.

Manipulation

Manipulation, as related to wetlands, is generally considered, but not limited to, the alteration of the hydrology and/or removal of woody vegetation (including stems and stumps) on a wetland.

Memorandum of Agreement (MOA)

[36 CFR 800.16] MOA means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

Mitigation

Mitigation means the following:

- 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.

Definitions of Terms Used in This Handbook (Continued)

Noise

Noise is defined as any sound that is undesirable because it interferes with communication, is intense enough to damage hearing, or is otherwise annoying.

Nonpoint Sources of Pollution

Nonpoint sources of pollution are defined by exclusion as resulting from runoff of precipitation and **not** considered a point source of pollution according to CWA.

Notice of Intent (NOI)

[40 CFR 1508.22] NOI means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

(a) Describe the proposed action and possible alternatives.
(b) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.
(c) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement.

Point Sources of Pollution

Point sources of pollution are defined primarily as direct discharges into surface waters from pipes, ditches, and channels, but also including CAFO's and construction sites.

Practicable Alternative

[7 CFR 1940.302] Practicable alternative means an alternative that is capable of attainment within the confines of relevant constraints. The test of practicability, therefore, depends upon the particulars of the situation under consideration and those constraints imposed by environmental, economic, legal, social and technological parameters. This test, however, is not limited by the temporary unavailability of sufficient financial resources to implement an alternative. That is, alternatives cannot be rejected solely on the basis of moderately increased costs. The range of alternatives that must be analyzed to determine if a practicable alternative exists includes the following three categories of alternatives:

(1) Alternative project sites or designs,
(2) Alternative projects with similar benefits as the proposed actions, and
(3) The no-action alternative.

Definitions of Terms Used in This Handbook (Continued)

Protected Resources

Protected resources are sensitive resources that are protected by other statutes, regulations, or Executive Orders for which FSA's activities may pose highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. The following resources are protected under NEPA:

- area within an approved State coastal zone management program
- coastal barrier or a portion of a barrier with the Coastal Barrier Resources System
- Federally designated wilderness area
- floodplain
- important farmlands or prime forestlands or rangelands
- listed species or critical habitat for a threatened or endangered species
- national natural landmark.
- property that is listed on or may be eligible for listing on the National Register of Historic Places
- river or a portion of the river included in, or designated for potential addition to, the Wild and Scenic Rivers System
- soils
- sole source aquifer recharge area
- State water quality standard
- wetland.

Definitions of Terms Used in This Handbook (Continued)

Responsible Agency Officials (RAO's)

RAO's are FSA employees who have received environmental training and conduct the day-to-day duties of the environmental compliance process. These employees include, but are not limited to, SED's, SEC's, State FP and FLP specialists, DD's, farm loan managers, farm loan officers, and CED's.

Scope

Scope is a range of actions, alternatives, and impacts to be considered in EIS. The scope of an individual statement may depend on its relationship to other statements.

Scoping

Scoping is the early and open process for both the following:

- determining the scope of issues to be addressed
- identifying the significant issues related to a proposed action.

Significantly

[40 CFR 1508.27] Significantly, as used in NEPA, requires considerations of both context and intensity. This means that 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. 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. Intensity refers to the severity of impact; impacts that may be both beneficial and adverse. Responsible officials must bear in mind that more than 1 agency may make decisions about partial aspects of a major action. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Definitions of Terms Used in This Handbook (Continued)

State Historic Preservation Officer (SHPO)

[36 CFR 800.16] SHPO means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

Surface Waters

Surface waters, as defined by EPA, are U.S. waters, primarily lakes, rivers, estuaries, coastal waters, and wetlands.

Threatened Species

[50 CFR 17.3] Threatened species means a species of wildlife listed in 17.11 or plant listed in 17.12 and designated as threatened.

Tribal Historic Preservation Officer (THPO)

[36 CFR 800.16] THPO means the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.

Undertaking

[36 CFR 800.16] Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

Definitions of Terms Used in This Handbook (Continued)

Waters of the State

Waters of the State include ditches, intermittent streams, lakes, streams, and wetlands, as identified on USGS topographical maps.

Wetlands

[33 CFR 328.3] Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wilderness

Wilderness, as defined by The Wilderness Act, is the following:

- lands designated for preservation and protection in their natural condition
- an area where the earth and its community of life are untrammeled by man
- an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvement or human habitation
- generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticed
- has outstanding opportunities for solitude or a primitive and unconfined type of recreation
- shall be devoted to the public purposes of recreation, scenic, scientific, educational, conservation, and historic use.

Sources of Authority

Following are sources of authority for FSA's environmental compliance program.

- National Environmental Policy Act **[42 U.S.C. 4321]**
- Safe Drinking Water Act Section 1424(e) **[42 U.S.C. 300h]**
- Clean Water Act, 33 U.S.C. 1251 et seq **[32 CFR Parts 200-230; 40 CFR Part 320]**
- Endangered Species Act, 16 U.S.C. 1531 **[50 CFR Parts 17 and 23]**
- Wild and Scenic Rivers Act, 16 U.S.C. 1271 **[36 CFR Part 797 Subpart A]**
- National Historic Preservation Act, 16 U.S.C. 470
- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Archaeological and Historic Preservation Act, 16 U.S.C. 469-469c
- Coastal Zone Management Act, 16 U.S.C. 1451 et seq
- Farmland Protection Policy Act, subtitle I, Pub. L. 97-98 **[7 CFR Parts 657 and 658]**
- Coastal Barrier Resources Act, Pub. L. 97-348
- Clean Air Act, 42 U.S.C. 7401-7671q **[40 CFR Parts 50-53, 60, 61, 67, 81, and 82]**
- Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9620 **[40 CFR Parts 300, 302, 355, 370, and 373]**
- Resource Conservation and Recovery Act, 42 U.S.C. 6962 **[40 CFR Parts 240-280]**
- Archaeological Resources Protection Act, 16 U.S.C. 470aa-470mm **[43 CFR Part 7]**
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-3013 **[40 CFR Part 10]**
- The Wilderness Act, 16 U.S.C. 1121; 1131-1136
- Migratory Bird Treaty Act, 16 U.S.C. 703-711

Sources of Authority (Continued)

- Executive Order 11593 of May 13, 1971
- Executive Order 11514 of March 5, 1970
- Executive Order 11988 of May 24, 1977
- Executive Order 11990 of May 24, 1977
- Executive Order 11991 of May 24, 1977
- Executive Order 12898 of February 11, 1994
- Executive Order 13007 of May 24, 1996
- Executive Order 13084 of May 14, 1998
- Executive Order 13186 of January 10, 2001
- Executive Order 13287 of March 3, 2003
- 7 CFR Parts 1b and 1c
- 7 CFR Part 3100
- 7 CFR Part 658
- 36 CFR 60 (NRHP)
- 36 CFR 63 (elig)
- 36 CFR Part 800
- 40 CFR Parts 1500-1508
- 87 CFR Part 12
- DR 9500-3, Land Use Policy
- DR 9500-4, Fish and Wildlife Policy.

Example Letter to USFWS Requesting Information

TO: *[Point of Contact, if known*
Name and address of Field Office]

FROM: *[Point of Contact Name]*

SUBJECT: Request for Species List or Information

The USDA, FSA is preparing an EA for [*name of EA/proposed activity]*. This proposed action involves [*brief overview of proposed action*].

Please provide a complete list of threatened and endangered species and critical habitat that occur on or in the vicinity of [*specific location of proposed activity, including a map]*.

Please send all correspondence to:
[*Provide name and contact information for person responsible for preparing EA.*]

Sincerely,

[Name and signature]

Note: Use appropriate and approved letterhead.

Example Letter to SHPO/THPO

TO: *[Point of Contact, if known*
Name and address of SHPO/THPO & Other Consulting Parties]

FROM: *[Point of Contact Name]*

SUBJECT: Request for Concurrence on [*choose 1: No Historic Properties Affected; No Historic Properties Adversely Affected; Finding of Adverse Effect and Mitigation Measures; Memorandum of Agreement*]

The USDA, FSA is preparing an EA for [*name of EA/proposed activity]*. This proposed action involves [*brief overview of proposed activities; include specific location of proposed activity, including a map*].

Attached please find a copy of [*choose 1: a summary of the inspection of the property by _____ showing that No Historic Properties are Affected in the proposed area; a report by _____ that documents the presence of XX cultural resources and a recommendation that they are not eligible for listing in the National Register of Historic Places and as such No Historic Properties are Affected; a report by ____ that documents the presence of historic properties that are eligible for listing in the National Register of Historic Places; a recommendation that the proposed undertaking will have No Adverse Effect on the eligible historic properties; a summary of the adverse effects on eligible Historic Properties and the mitigation measures proposed to avoid or lessen the finding of Adverse Effect; a Memorandum of Agreement for the proposed activity*]. The FSA endorses the conclusions and recommendations in these attachments and requests your written concurrence on them.

Please send all correspondence to:
[*Provide name and contact information for person responsible for preparing EA.*]

Sincerely,

[Name and signature]

Attachments

Note: Use appropriate and approved letterhead.

Example of Coastal Consistency Request

TO: *[State Point of Contact Address]*

FROM: *[Activity Title]*

SUBJECT: Request for Concurrence

The Farm Service Agency (FSA) requests a consistency review of the proposed actions associated with the above referenced Environmental Assessment, pursuant to Section 307 of the Coastal Zone Management Act. FSA notifies that it anticipates that the proposed Federal action would [*not*] affect coastal uses or resources of the State of [*list activity State*], and that [*mitigation measures or best management practices*] would be implemented to ensure compliance with all regulatory environmental requirements.

The proposed action would include such activities as [*add summary of proposed action details and any alternatives. Discussion should include specific actions and mitigation measures for natural resources that would be of concern to the State*].

An Environmental Assessment for the proposed action [*is being prepared or has been prepared*] and [*will be forwarded to the Coastal Zone Program Office or is enclosed*]. Please feel free to contact me at [*phone number or e-mail address*] should you have any questions or need further information. Correspondence may be sent to:

[Name
Address]

Sincerely,

[Name and Signature]

Enclosures: Include a map of activity area

Note: Use appropriate and approved letterhead.

Example MOA With USFWS

MOA's developed between FSA and USFWS would streamline the ESA, Section 7 consultation process by identifying and resolving conflicts **before** they occur. Establishing an interagency agreement would initiate early coordination with the regulatory agency, which is the best way to avoid costly delays in activity timelines. Developing MOA's could require substantial upfront FSA staff involvement, but timeline benefits for activities may be significant. An example MOA between FSA and USFWS is provided in this exhibit. MOA objectives are to:

- determine the scope of the proposed action or group of actions covered under MOA
- establish the appropriate level of signature authority for both agencies
- determine the scale of the analysis necessary to complete consultation
- designate staff and responsibilities for both agencies
- establish timelines for completion of consultation
- develop a dispute resolution process
- incorporate conservation or mitigation measures into activity design to avoid adverse effects to listed species.

Situations where MOA's would be beneficial include:

- repetitive actions with similar effects to protected species
- variety of actions affecting a particular geographic area or group of species
- group of actions occurring over a particular period of time
- large, controversial activity where impacts to listed species are likely.

If a State Office feels MOA would be beneficial, contact the State USFWS Ecological Services office delegated responsibility for ESA, Section 7. USFWS will designate the appropriate representative to work with FSA in developing MOA. The template provided in this exhibit would be used to draft MOA and could be refined to meet FSA's specific needs. Involving USFWS early in the process will eliminate conflicts later in the consultation process. Developing MOA's saves both agencies time and frustration during the consultation process.

Note: **All** State developed MOA's **must** be sent to the National Office for review and approval **before** signing.

Consultation Agreement between

USDA Farm Service Agency
and
U.S. Fish and Wildlife Service
on
[*Activity Or Program Name*]

[*date*]

A. Purpose and Need
This agreement is formulated to establish an effective and cooperative process upon which Endangered Species Act (ESA) Section 7 consultation may be conducted by the USDA Farm Service Agency (FSA) and the [*State or Regional*] Office of the U.S. Fish and Wildlife Service (USFWS). This agreement addresses consultations and conferencing on all species [*or a specific list of species*] determined to be threatened, endangered, or proposed for listing, and designated or proposed critical habitat occurring on [*activity location*].

This agreement will serve to define the process, products, actions, timeframe and expectations of the FSA and USFWS while working together to complete Section 7 consultations, and will serve as a guiding document for both agencies throughout the consultation process. Specifically, this consultation will focus on [*activity or program title*].

The Federal agencies will convene an interagency team composed of their employees to conduct this consultation.

B. Consultation Background
[*Brief overview of the history leading to this agreement*.]

C. Consultation Action
[*This section will provide the basis for the agreement. You should provide details of the proposed action, activity, or program components that will be covered under this agreement.*]

D. Operations

a. The USDA FSA Agrees to:
   - Provide a person or persons [*provide names*] for contacts
   - Provide the following information/documents
     - [*list information or documents specific to this agreement*]
   - Agree to hold meetings, conference calls, etc. to discuss and review [*activity or program*] issues
   - Identify time commitments

b. The USFWS Agrees to:
   - Provide a person or persons [*provide names*] for contacts
   - Agree to participate in meetings, conference calls, etc. related to [*activity or program*] issues
   - Agree on time commitment

c. The USDA FSA and USFWS mutually Agree to:
   - [*Any activity specific operational items in common.*]
   - Cooperate as partners in completing the commitments each agency has made to the process and timeframes as outlined.
   - Agree on required information or documentation and format in order to initiate or streamline consultation process.
   - Develop conflict resolution process
     1. "Elevation" contact person
     2. Method for resolving conflicts

E. General Provisions

a. This consultation agreement can be amended by mutual agreement of both parties.
b. Meeting the timelines outlined under this Agreement is contingent upon the availability of adequate funding for both agencies.
c. This agreement is intended only to improve the internal management of the USDA FSA and USFWS and is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.
d. That nothing in this agreement shall be construed as obligating either party to the expenditure of funds, or for the future payment of money, in excess of appropriations authorized by law.

F. Timeline

[*Develop activity/program specific consultation timeline.*]

_____ _____

USDA FSA Authorized Official Date

_____ _____

USFWS Authorized Official Date

SLA Template

The following is a template for SHPO and THPO SLA.

STATE LEVEL AGREEMENT

AMONG

UNITED STATES DEPARTMENT OF AGRICULTURE, FARM SERVICE AGENCY,

ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND

STATE OF <STATE>,
STATE HISTORIC PRESERVATION OFFICER

Purpose: The United States Department of Agriculture, Farm Service Agency (FSA), (State Historic Preservation Officer (<STATE> SHPO)) and the Advisory Council on Historic Preservation (ACHP) agree that execution of this agreement allows for the implementation of policies and procedures developed by FSA to more effectively ensure that effects of FSA Farm Programs and Farm Loan Programs, and their related activities, on historic properties are adequately considered, and provisions for protection of such properties and resources are provided for.

WHEREAS, the FSA, in consultation with the <STATE> SHPO and the ACHP, has determined that certain of their Farm Program and Farm Loan Program activities may affect properties listed in or eligible for listing in the National Register of Historic Places, and that these activities are therefore subject to review under Sections 106 and 1109(a)(2)(E), (f), (k), and (l) of the National Historic Preservation Act of 1966 (NHPA (16 U.S.C. 470f, as amended) and the ACHP's implementing regulations Protection of Historic Properties: (36 CFR Part 800) and FSA is to follow policies and procedures issued in 7 CFR 799, 7 CFR 1940-G, 7 CFR 1955, 7 CFR 3100 and 1-EQ Environmental Handbook; and

WHEREAS, the <STATE> SHPO is the responsible state entity for recognition and protection of historic properties and for overseeing cultural resources management and protection programs in the state; and

WHEREAS, the FSA Federal Preservation Officer encourages each state office and its counterpart SHPO to develop State Level Agreements (SLA) as alternate procedures as authorized under 36 CFR 800.14, in order to further expedite the Section 106 of the NHPA compliance process, speed delivery of Farm Programs and Farm Loan Programs, and protect historic properties; and

---

WHEREAS, the FSA State Environmental Coordinator (SEC) or delegated state staff person consulted with the <STATE> SHPO pursuant to this encouragement; and

WHEREAS, the FSA intends to work with individual Tribal Historic Preservation Officers (THPO's) and Tribes to develop consultation protocol agreements similar to this SLA; and

WHEREAS, all definitions in 36 CFR 800.16 are applicable throughout this agreement unless otherwise noted;

NOW, THEREFORE, in view of the above considerations, the <STATE> SHPO, ACHP, and FSA agree to the following stipulations and will ensure they are implemented:

STIPULATIONS

1. Communication

FSA county office personnel who have completed the training as outlined in Stipulation 5, shall complete the <STATE> FSA Cultural Resources Review Worksheet (Appendix: 1) for all activities designated as undertakings with the Potential to Affect historic properties as outlined in Stipulation 3. These completed worksheets will be sent to the State Environmental Coordinator (SEC) or FSA designee or a qualified Cultural Resources Specialist (CRS) meeting the Secretary of Interior's standards.

After the CRS reviews the activity, they send the activity with their findings to the FSA SEC or designee who will then send activities along with a determination, as appropriate, to the <STATE> SHPO for review and comment as per Stipulation 3.

2. Responsibilities

<u>FSA</u>

<u>Federal Preservation Officer (FPO)</u>

The FSA FPO will assist the SEC with any cultural resources protection issues that may arise and will also help in the procurement of any needed cultural resources identification surveys or any mitigation measures that may be needed.

The FPO will also function as the agency point of contact for any activities that may have ACHP involvement and will supply the ACHP with yearly progress reports for activities conducted in <State>.

State Environmental Coordinator (SEC)

The SEC or his designee will function as the <State> FSA point of contact for all cultural resources issues. The SEC or designee will complete Section 106 (of the NHPA) training within 12 months after the signing of this agreement and also complete USDA/Natural Resources Conservation Service (NRCS) six module online cultural resources training accessed through the AgLearn website.

The SEC or designee will review all activities after conducting a literature review and forward the activities along with a findings determination to the SHPO as appropriate as outlined in Stipulation 3.

Cultural Resources Specialist (CRS)

The CRS will be an individual who meets the Secretary of the Interior's Standards to perform cultural resources management surveys within the state of <State>. FSA can obtain the services of this individual through direct hire, agreements with other Federal agencies, or through contracting out these services with private individuals or companies. This person(s) will be responsible for conducting individual activity background research and identification surveys. This person(s) will also be responsible for supplying FSA with the results of their research including recommendations for further action.

SHPO

The SHPO agrees to respond to FSA determinations or findings within a 30 day time frame, as per 36 CFR 800.3(c)(4).

ACHP

The ACHP or designee will participate in the review process of an activity if either the SHPO or the FSA asks the ACHP to participate. The ACHP will have 30 days to comment when asked to be a participant in the review process.

3. Compliance Procedures

When administering activities under either the CCC Farm Programs or the Farm Loan Programs the FSA county field office staff will first determine whether the activity will be on Tribal lands. If it will be on Tribal lands, then FSA will follow the process outlined in a Tribal Consultation Protocol Agreement, if one exists. If there is no agreement, then FSA will follow the regulations outlined in 36 CFR 800.2(c)(2). If the activity is on land that a tribe claims as ceded/ancestral land then FSA will forward the same information it sends to the SHPO to the appropriate Tribe(s) for comment. Tribal protocol agreements may change this process.

If it is not on Tribal lands, then FSA will use Appendix 2 of this agreement to determine if the activity is an undertaking that has the potential to affect historic properties. If it is not, this should be documented in the producer's case file. FSA will continue with the planning of the activity and FSA's Section 106 requirements are fulfilled.

If the activity is one that has the potential to effect, then information needs to be gathered to determine if it will affect an historic property and if so, if it will have an adverse effect. This information is contained on the <State> FSA Cultural Resources Review Worksheet (Appendix 1). Once FSA gathers the required information then the following steps will be carried out:

1. FSA trained county personnel will send the FSA Cultural Resources Review Worksheet to the SEC. County office personnel will complete Section 1 of the review worksheet in as much detail as possible before sending it to the SEC.

2. The SEC will conduct a literature search of the activity area using the <STATE> SHPO site file data base. This literature search will result in one of two outcomes:

i. The SEC finds no cultural resources within the activities Area of Potential Effect (APE) and finds the potential for any unknown resources to be present to be low (no sites within 1/2 mile of the APE on the same type of landform and soil type). In this instance, the SEC will send the information back to FSA county office with Section 2 of the review worksheet checked and FSA will file the worksheet in the producers file and its Section 106 obligations are complete for that activity; or
ii. The SEC either finds sites within the APE or determines the potential is high (sites present within ½ mile on similar landform and soil type) for cultural resources to be present within the APE and will recommend an identification survey of the APE be conducted. In this instance, proceed to step 3.

3. FSA will make a findings determination after an identification survey is completed. There are two ways in which this survey will be conducted:

i. If it is Farm Loan Programs, then FSA will contact the producer and request the producer hire a qualified contractor (as determined by FSA) to conduct an identification survey to determine if there is a cultural resource within the APE and whether the resources will be impacted by the activity. FSA will forward the review worksheet to the contractor to complete the short report format section of the review worksheet if the survey is negative findings. If the survey is not a negative findings then the contractor will send a complete report as outlined in stipulation 4 with recommended actions to FSA. FSA will proceed to step 4.
ii. If it is a CCC Farm Program, then FSA will hire a qualified contractor (CRS) to conduct an identification survey to determine if there is a cultural resource within the APE and whether the resources will be impacted by the activity. FSA will forward the review sheet to the CRS to complete the short report format section of the review sheet if the survey is negative findings. If the survey is not a negative findings then the CRS will send a complete report with recommendations to FSA. FSA will proceed to step 4.

4. FSA SEC will make a finding and record it in Section 3 of the review sheet once they receive fully completed cultural resources review sheet and a cultural resources identification survey report, if appropriate. There are three possible findings FSA will make:

i. No Historic Properties Affected-proceed to step 5.
ii. No Adverse Effects-proceed to step 5.
iii. Historic Properties Affected-proceed to step 6.

5. FSA will send the No Historic Properties Affected or No Adverse Effects finding along with all appropriate information (completed review worksheet, identification reports) to the SHPO for a 30 day review and comment period. If the SHPO agrees with finding or if the SHPO does not respond within 30 days, then FSA will move forward with the planning and installation of the activity. Section 106 compliance is complete. If SHPO does not agree with finding then proceed to step 6.

6. If the SHPO does not concur with FSA finding or if the finding is Historic Properties Affected then FSA will consult with the SHPO to determine the next course of action. If SHPO and FSA can not reach an agreement on how to proceed, then FSA will forward all activity information and findings to the ACHP for comment. FSA will take into account the ACHP's comments before making a final decision on the activity.

4. Reports

Identification survey in which cultural resources are identified shall have reports written that contain enough information to permit FSA to make an informed decision and/or finding and be presented in such a manner that an outside party can understand the basis for that decision or finding. This report shall contain at minimum the following information which should include any appropriate pictures, maps and drawings:

1. Historic context (e.g. types of sites likely to be found), includes information gathered from any archival and other background research conducted
2. Area researched or surveyed (i.e., activity APE)
3. Research design (how and why the methods used were chosen)
4. Methods used (which methods were chosen and how were they carried out; e.g. reconnaissance survey)
5. Results
    a. Outcome of survey (Cultural resources identified)
    b. Analysis of any artifacts, features, structures
    c. Recommendations

Backup Data

All field notes, pictures, and drawings not contained in the above report are the property of FSA and shall be returned to FSA as soon as possible after appropriate analysis is completed and final report accepted.

Curation

All artifacts found during the identification survey are the property of the landowner and shall be returned to the landowner as soon as possible after appropriate analysis is completed and final report is accepted by FSA. FSA will encourage the landowner to donate any artifacts to a local or state curation facility.

5. Training

FSA will ensure that all county field personnel involved in the planning of undertakings or farm loans have training in the process specified in stipulation 3 of this agreement. These training sessions will be conducted on an as needed basis when FSA implements new policy, procedures or when new regulations or Executive Orders deem it appropriate.

The SHPO is encouraged to be an active participant in this training.

6. Emergencies

The following situations and procedures will ensure that the need to protect life and property in an emergency is accomplished while still considering cultural resources:

When there is an urgent need to save lives and/or property FSA will notify the SHPO of the threatening situation and the remediation work planned. The SHPO will have up to 7 days to respond with any concerns. In the absence of a response, concurrence will be assumed after the 7 days. FSA will document and avoid adverse impacts to cultural resources encountered during the planned work to the fullest extent practicable. In major natural disasters FSA may waive its historic property responsibilities as allowed under 36 CFR 78. For emergency work of a less threatening nature allowing for more time to plan remediation will report planned undertakings in the manner described under Stipulation 3.

7. Human Remains

If human remains are discovered during the planning or installation/construction of an undertaking all activities which could damage the remains shall immediately cease. The following actions will be taken:

A. The <State> State Police and the SEC will be contacted by the FSA field staff immediately to determine whether the remains are part of an ongoing investigation;
B. If the remains are not part of an ongoing police investigation the SEC will notify the SHPO and any appropriate Tribes;
C. The SHPO and/or Tribe will help FSA in the determination of ethnicity of the remains;
D. If the remains are of American Indian extraction and located on Federal or Tribal Lands, FSA will follow the procedures outlined in Section 3 of the Native American Graves Protection and Repatriation Act (NAGPRA); If the remains are other than above, FSA will follow <State> statute: <appropriate state law(s)> ;
E. FSA will follow the policy statement titled "Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" as adopted by the Council on February, 23, 2007; for all such burial sites, human remains and funerary objects that are found within the boundaries of an Historic Property during the Section 106 compliance process

Threatening construction activities shall not resume until the remains are properly treated.

8. Unanticipated Discoveries

FSA agrees to cease all technical assistance and implementation of any practices upon the discovery of a cultural resources or material. FSA county field staff shall notify the SEC within 24 hours of the discovery who in turn shall notify the SHPO office to make arrangements for an on site evaluation of the resource.

9. Consultation

Public

FSA will consult with the public as is appropriate for the size and nature of the undertaking. At a minimum, this will consist of the landowner, any FSA partner involved (such as the local conservation district) and any other individual or public entity showing interest.

Tribal

FSA will consult with any Indian Tribes on a government to government basis. This consultation may result in formal consultation protocol agreements which will include procedures FSA will follow on Tribal land and on land in which a Tribe holds as ancestral lands. The SHPO will be part of these consultation and subsequent agreements with all Tribes who do not have Tribal Historic Preservation Officer (THPO) responsibilities and; if invited by the Tribes, those tribes who do have THPO responsibilities.

10. Dispute Resolution

Should any party to this agreement object within 30 days to any actions proposed or plans or documents issued for review under the terms of this agreement, the two parties shall consult to resolve the objection. If any of the parties determine that the objection cannot be resolved in a timely manner, then the FSA shall provide all relevant information regarding the dispute, including FSA's proposed resolution to the ACHP for comment. Within 30 days of receipt of all relevant documentation, the Council will either:

A. Provide FSA with recommendations which FSA shall take into account in reaching a final decision regarding the matter; or

B. Notify FSA that it will comment pursuant to 36 CFR Section 800.7(c), and proceed to comment within 45 days of notification to FSA.

C. Any recommendations or comments provided by the Council shall be taken into account by the FSA in accordance with 36 CFR Section 800.7(b)(4) with reference to the subject of the dispute. Any recommendations or comments provided by the ACHP will be understood to pertain to the subject of the dispute only; the FSA's responsibilities to carry out all actions that are not the subjects of the dispute will remain unchanged.

11. Amendments

Any party to this agreement may propose that it be amended or modified, whereupon the parties will consult in accordance with 36 CFR Section 800.14 to consider such amendment. Any resulting amendment shall be executed in the same manner as the original agreement.

12. Termination

Any party to this agreement may terminate it by providing 60 calendar days written notice to the other party to this agreement with specific reasons for such termination, provided the parties consult during this period prior to termination to seek agreement on amendments or other actions that would avoid termination.

13. Funding

All financial commitments of the USDA/FSA and <STATE> SHPO are subject to the availability of funds. In the event either party is subject to a funding limitation or cannot otherwise secure the necessary funding for this Agreement, it will notify the other party within 30 days and any necessary modifications, including possible termination per Stipulation 12 will be made to this Agreement

14. Expiration

This agreement will remain in effect for five years from the date of execution, provided that the parties to this agreement may consult to determine whether to extend its terms, whereupon the parties may extend this agreement for a period of time mutually agreeable. Within 30 days of the receipt of the FSA yearly report by SHPO the parties agree to meet to discuss the year end report and to add any new practices or change undertaking categories as described in Appendix 2 and to discuss any other issues concerning any actions carried out under this agreement.

The parties agree that all matters not discussed in this agreement will be handled in accordance with Section 106 of the NHPA and Council regulations. Execution of this State Level Agreement and implementation of its terms evidences that the FSA has taken into account the effects of its Farm Program and Farm Loan Programs assistance provided on public and private lands on historic properties and this fulfills FSA's obligations under the National Historic Preservation Act and other legislation and regulations.

Signatories:

Appendix 1: <State> FSA Cultural Resources Review Worksheet

<State> FSA Cultural Resources Review Worksheet

Section 1: Activity Information

Cooperators Name_____ FSA contact_____

Check One: Farm Loan Program_____ Farm Program____

UTM Coordinates of practice: Zone:_____ N:_____ E:_____

Is the activity located on Tribal ceded/ancestral lands?
Yes _____ (If applicable, follow process of Tribal Agreement)
No _____

Proposed activity:

Describe, in detail; proposed activity and disturbance (Area of Potential Effect, APE).
Include length, width, depth of disturbance, and height of practice, if appropriate:

FSA contact will include topographic map with practice clearly marked and photos of the APE.
FSA office will forward this sheet and attachments to FSA state office SEC.

Appendix 1: <State> FSA Cultural Resources Review Worksheet (Continued)

Section 2: Literature Search-to be completed by SEC

Did Literature search indicate a site within APE or indicate a High probability for a site to be present?
Yes____ (SEC will return worksheet to FSA County Office, with recommendation for an Identification survey).
No ____ (Return worksheet to FSA County office, with a recommendation of no Identification survey).

Section 3: FSA Findings-to be completed by FSA State Office

_____ FSA agrees with the contractor's recommendation that no further surveys are needed and makes a finding of No Historic Properties Affected. Short report format is attached.

_____ FSA agrees with the contractor's recommendation that no further surveys are needed and makes a finding of No Historic Properties Affected. Cultural resources were discovered and a full cultural resources report is attached.

_____ FSA agrees with the contractor's recommendation that no further surveys are needed and makes a finding of No Adverse Effect. Cultural resources where discovered and a full cultural resources report is attached.

_____ FSA makes a finding of Historic Properties Affected and is initiating further consultation to resolve further course of action.

Signature of FSA State office_____

Section 4: SHPO, THPO or Tribal Concurrence-FSA will send this worksheet and any and all attachments to the SHPO, if not on Tribal lands or Tribal ceded/ancestral lands; appropriate THPO or Tribes if on Tribal lands; and to the SHPO and THPO or Tribes if on Tribal ceded/ancestral lands for all activities for which FSA makes a Finding.

SHPO concurs with FSA Finding: Yes____ No____
If No, Please supply reason and return to FSA state office for further consultation:

SHPO or staff signature_____

Appendix 1: <State> FSA Cultural Resources Review Worksheet (Continued)

THPO concurs with FSA Finding: Yes____ No____
If No, Please supply reason and return to FSA state office for further consultation:

THPO or staff signature_____

Tribe concurs with FSA Finding: Yes_____ No____
If No, Please supply reason and return to FSA state office for further consultation:

Tribal Representative's signature_____

Appendix 1: <State> FSA Cultural Resources Review Worksheet (Continued)

Cultural Resources Identification Survey Short Report Format

This format will be used when a field visit or Identification survey is conducted and no cultural resources were encountered. Included with this short report will be the FSA Cultural Resources Worksheet and all appropriate attachments. Also include any maps and photos to help illustrate how the survey was conducted.

Background: This section will include results of literature search and short environmental and historic context of APE

Appendix 1: <State> FSA Cultural Resources Review Worksheet (Continued)

<u>Methodology and Recommendation</u>: This section will include complete field methodology, results and recommendations

Appendix 2: Activities FSA Administers for the State of <State>

Activities FSA Administers for the State of <State>

This appendix lists all activities FSA administers in the state of <State>. They have been separated into ones that have the potential to effect historic properties, thus requiring compliance documentation, and ones that do not. If new activities or programs are developed they will be considered as undertakings that have the potential to effect until FSA consults with the SHPO and the ACHP and changes their status. The status of the programs and activities can be changed at any time if the consulting parties agree to the change.

Undertakings that do not have the potential to effect

The following undertakings or programs, FSA, in consultation with <STATE> SHPO and the ACHP, have determined do not have the potential to affect historic properties.

Animal control damage devices
Annual Food Plots
Annual Operating costs (seed, livestock, equipment, insurance, etc.) with no construction/demolition in plan including 7-year equipment loan
Annual operating costs, including construction
Breaking tiles
Closing Costs
Conservation easement/contract with no construction
Conservation Easements
Debris Removal, no new ground disturbance
Debt Set aside
Deferral
Eligible and Suitable plantings
Enlarge existing farm
Family Subsistence/living expense
Farmland Purchase, no new construction planned
Fence, repair
Fence, replace
Forb planting
Grafting or similar practice
Grass Planting
Herbicide purchase/application

Appendix 2: Activities FSA Administers for the State of <State> (Continued)

Income Producing Activities
Insecticide purchase/application
Interest assistance for guaranteed loans
Inventory property disposal with easement/covenants
Irrigation system/sprinkler
Irrigation system/trickle (drip)
Labor
Legume planting
Living snow fence
Loan Consolidation
Mineral purchase/application
Mulching
Netting for hardwoods
Non-Insured crop disaster Assistance program
Nutrient Management
Other vegetation for habitat, food or cover planting
Partial Release
Pasture and Hayland planting
Permanent water source for wildlife, if above ground
Pipeline, if temporary above ground
Plastic Mulch
Plastic tubes for hardwoods
Pond Sealing and lining
Production costs with no construction or demolition
Production costs, including construction or demolition
Reamortization
Refinance Debt
Reorganize farm operations
Rescheduling Debt
Restructuring
Seedbed preparation, if area previously cultivated
Seeding
Seeding firebreaks, fuelbreaks, firelanes
Seeding, approved shrubs and trees
Shrub planting seedlings
Storage Facility, added capacity, buildings less then 50 years old
Subordination, no new ground disturbance planned or no new construction planned
Supplemental drip irrigation
Surface Roughening, if previously cultivated

Appendix 2: Activities FSA Administers for the State of <State> (Continued)

Temporary cover
Temporary food plots
Trade adjustment Assistance Program
Transfer/assumption
Tree Planting bare roots
Tree tubes, shelters
Trough or tank, if above ground
Writing down debt

Undertakings that do not have the potential to effect, if installed in previously tilled soil and will not exceed 12" in depth

Clean tilling firebreaks
Contour Grass Strips
Critical Area Planting
Establish/maintain wildlife food plot
Filterstrips
Grassed or Sod waterway

Undertakings that do have the potential to effect

The following list of undertakings are undertakings that FSA, in consultation with the <State> SHPO and the ACHP, has determined have the potential to effect and as such will require compliance review as per Stipulation 3 of this agreement.

Animal trails
Bridges
Chutes
Conservation easement/contract with construction
Construction of structures
Construction, addition to existing structure, if older then 50 years
Crossing facilities and walkways
Debris removal, new ground disturbance
Developing farmland, new ground disturbance
Dikes
Ditches
Diversions
Drainage systems
Drop spillways
Earthmoving for dam, levee, dugout, dike
Excavation

Appendix 2: Activities FSA Administers for the State of <State> (Continued)

Farmland purchases, new ground disturbance planned
Fences, Install (if literature result is no known sites then proceed)
Grade stabilization structure
Grading, leveling, shaping, filling, not previously disturbed area
Grading, leveling, shaping, filling, previously disturbed area
Hillside ditches
Improve/repair, structures 50 years old or older
Inventory property disposal without protective easements/covenants
Irrigation water conveyance/ditch and canal lining
Irrigation water conveyance/pipeline
Land smoothing
Livestock crossing facility
Outlets
Obstruction removal
Permanent water source for wildlife, if below ground
Pipe drops
Pipelines, water facility
Plowing deep
Ponds
Pumped well drain
Replace buildings
Restore/replace property
Riparian buffers
Roads
Rock barrier
Rock filled infiltration trenches
Site preparation
Slope chiseling
Sod waterway
Spring development
Storage facility, undisturbed area
Structures, water control
Structures, pipe, flashboard risers, gates, chutes, outlets
Subordination, new ground disturbance planned, or new construction planned
Temporary supplemental irrigation
Terraces
Trees (large root balls), perennial planting
Troughs or tanks, if below ground
Water gaps
Water Storage facility
Wells
Wetland restoration

Example MOA for CZMA Consistency Determination

MOA's developed between FSA and State agencies responsible for ensuring Federal consistency with the enforceable policies of the State's CZMA plan streamline the consistency determination review process. The objectives of an agreement are to:

- define what actions are covered under MOA
- designate staff and responsibilities for both agencies
- establish timelines for completion of the review
- develop a dispute resolution process
- incorporate conservation or mitigation measures into activity design to avoid adverse effects to the coastal zone.

Situations where MOA would be beneficial include the following:

- repetitive actions with similar effects to the coastal zone and its natural resources
- variety of actions affecting a particular geographic area
- group of actions occurring over a particular period of time.

If a State Office feels MOA would be beneficial, contact with the State agency for coastal zone management should be made as soon as possible. Each State has a designated representative for Federal consistency that will work with FSA to develop MOA for conducting coastal consistency determinations. The template provided in this exhibit will be used to draft MOA and may be refined to meet FSA's specific needs.

Consultation Agreement between

USDA Farm Service Agency
and
[*Lead State Agency for Consistency Reviews*]
on
[*Activity or Program Name*]

[*date*]

Purpose and Need
This agreement is formulated to establish an effective and cooperative process upon which the State of [*insert State*] shall review coastal consistency determinations associated with [*activity title/geographic location/group of activities/group of regularly occurring activities*] pursuant to Section 307 of the Coastal Zone Management Act.

This agreement will serve to define the process, products, actions, timeframe and expectations of the FSA and [*insert State and lead agency for coastal zone management*] while working together to complete coastal consistency determination reviews, and will serve as a guiding document for both agencies throughout the process.

Background
[*Brief overview of the history leading to this agreement.*]

Coastal Zone Management Consistency Reviews
[*This section will provide the basis for the agreement. You should provide details of the proposed action, activity, or program components that will be covered under this agreement. A list of the State's enforceable policies developed under the Coastal Zone Management Act should be listed. This agreement should demonstrate how activities, etc. covered under this agreement are consistent with those policies and develop a process by which actions covered under this agreement will be reviewed.*]

Operations

a. The USDA FSA Agrees to:
   - Provide a person or persons [*provide names*] for contacts
   - Agree to hold meetings, conference calls, etc. to discuss and review [*activity or program*] issues
   - Identify time commitments

b. [*Insert State*] Agrees to:
   - Provide a person or persons [*provide names*] for contacts
   - Agree to participate in meetings, conference calls, etc. related to [*activity or program*] issues
   - Agree on time commitment

c. The USDA FSA and [*insert State*] mutually Agree to:
   - [*Any activity specific operational items in common*.]
   - Cooperate as partners in completing the commitments each agency has made to the process and timeframes as outlined.
   - Agree on required information or documentation and format in order to initiate or streamline consistency review process.
   - Develop conflict resolution process
     1. "Elevation" contact person
     2. Method for resolving conflicts

G. General Provisions

a. This agreement can be amended by mutual agreement of both parties.
b. Meeting the timelines outlined under this Agreement is contingent upon the availability of adequate funding for both agencies.
c. This agreement is intended only to improve the internal management of the USDA FSA and [*lead State agency*] and is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.
d. That nothing in this agreement shall be construed as obligating either party to the expenditure of funds, or for the future payment of money, in excess of appropriations authorized by law.

Timeline
[*Develop activity/program specific consistency review timeline*.]

_____ _____
USDA FSA Authorized Official Date

_____ _____
[*lead State agency*] Authorized Official Date

Example MOA With USACE

An agreement developed between FSA and USACE will establish policies and procedures to implement CWA, Section 404 to minimize delays in issuing permits for routine agricultural practices. MOA's promote consistency between CWA and FSA by providing predictability and simplification for USDA programs. The guidance provided by USACE will incorporate the goals of the wetlands program while minimizing duplication, needless paperwork, and delays in issuing permits. The objectives of MOA's are to establish, to the extent possible:

- communication and full consideration of the views of FSA and USACE about proposed activities
- consistent time frames within an informal process for the timely resolution of issues at the field level
- cooperation in acquiring and conveying site-specific information needed by either FSA and USACE to fulfill its responsibilities
- specific actions that are covered under MOA
- specific procedures for conducting actions
- the appropriate level of signature authority for both FSA and USACE
- designated staff and responsibilities for both FSA and USACE
- conservation or mitigation measures into activity design to avoid adverse effects to U.S. waters.

MOA's are beneficial when:

- actions are repetitive and have similar effects to wetlands and surface waters
- groups of actions occur over a particular period of time
- new farming practices are established.

If a State Office feels MOA would be beneficial, contact with the regional USACE should be made as soon as possible. The template provided in this exhibit will be used to draft MOA and could be refined to meet FSA's specific needs.

Example MOA With USACE (Continued)

Memorandum of Agreement
Between the
United States Department of Agriculture, Farm Service Agency
and
The United States Department of the Army,
The Army Corps of Engineers

[*date*]

I. INTRODUCTION

The purpose of this Memorandum of Agreement (MOA) among the US Army Corps of Engineers (USACE) and United States Department of Agriculture (USDA) under the Farm Service Agency (FSA) is to establish an effective and cooperative process for permitting [*activity title/geographic location/group of activities/group of regularly occurring activities*] pursuant to Section 404 of the Clean Water Act (CWA).

This agreement will serve to define the process, products, actions, timeframe and expectations of the FSA and the USACE while working together to facilitate the goals of the CWA while minimizing duplication and delays in the issuance of permits. The document will serve as guidance for both agencies throughout the process.

II. SCOPE AND APPLICABILITY

[*Brief overview of Section 404 and regulatory process***.]**

III. PROCEDURES AND ALLOCATION OF RESPONSIBILITIES

[*This section will provide the basis for the agreement. You should provide details of the proposed action, activity, or program components that will be covered under this agreement as well as the procedures for implementation. This document should demonstrate how activities are consistent with policies of the USACE and how actions are reviewed.***]**

IV. DISPUTE RESOLUTION

The agencies will make every reasonable effort to resolve any concerns or disputes related to these procedures at the local or regional level. Issues that cannot be resolved at the local or regional level, however, should be elevated to the FSA National Office or the USACE District office.

Example MOA With USACE (Continued)

V. GENERAL

A. The policy and procedures contained within this MOA do not create any rights, either substantive or procedural, enforceable by any party regarding an enforcement action brought by the United States. Deviation or variance from the administrative procedures included in this MOA will not constitute a defense for violators or others concerned with any Section 404 enforcement action.
B. Nothing in this MOA is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any of the signatory agencies. All formal guidance interpreting this MOA and background materials upon which this MOA is based will be issued jointly by the agencies.
C. Nothing in this MOA will be construed as indicating a financial commitment by FSA or USACE for the expenditure of funds except as authorized in specific appropriations.
D. This MOA will take effect on the date of the last signature below and will continue in effect until modified or revoked by agreement of all signatory agencies, or revoked by any of the signatory agencies alone upon a 60-calendar-day written notice. Modifications to this MOA may be made by mutual agreement and Headquarters level approval by all the signatory agencies. Such modifications will take effect upon signature of the modified document by all the signatory agencies.

_____ _____
USDA FSA Authorized Official Date

_____ _____
USACE Authorized Official Date

NOA Template

USDA-Farm Service Agency
Notice of Availability
[Insert Activity Name and State]
[*Insert Draft or Final*] Environmental Assessment

U.S. Department of Agriculture, Farm Service Agency (FSA) announces the availability of a [*Draft or Final*] Environmental Assessment for the [*proposed activity title*]. The primary objective of the activity is *[insert a 1 to 2 sentence description*].

FSA is accepting comments on the [*insert draft or final*] EA through [*15 to 30* calendar *days from when you get it first published*]. The [*insert draft or final*] EA can be reviewed either online at [*provide web address where document is available*] or in person at the [*FSA office or library*]. Comments should be submitted to [*insert RAO's name]* at [*provide mailing address*] or by email to *[insert e-mail address*].

Class II EA Template

The following is a template for Class II EA.

Environmental Assessment

[*Activity Title*]

Farm Service Agency
United States Department of Agriculture

[*date*]

Class II EA Template (Continued)

COVER SHEET

Proposed Action:	The United States Department of Agriculture (USDA), Farm Service Agency proposes to [*brief description of action*].
Type of Document:	Environmental Assessment
Lead Agency:	USDA, FSA
Sponsoring Agency:	[*list, if any*]
Cooperating Agency:	[*list, if any*]
Further Information:	[*Provide point of contact name and information.*]
Comments:	This Environmental Assessment (EA) was prepared according to USDA FSA National Environmental Policy Act (NEPA) implementation procedures found in 7 CFR 1940 subpart G, as well as the NEPA of 1969, Public Law 91-190, 42 U.S. Codes 4321-4347, 1 January 1970, as amended. A copy of this EA can be found at: *[provide web address or location where document is available*]. Written comments regarding this assessment shall be submitted to: *[Provide name and contact information.*]

CONTENTS

Executive Summary
1.0 Introduction
- **1.1 Background**
- **1.2 Purpose and Need**
- **1.3 Regulatory Compliance**
- **1.4 Organization of EA**

2.0 Description of Proposed Action and Alternatives
- **2.1 Proposed Action**
- **2.2 Alternatives**
  - **2.2.1 No Action Alternative**
  - **2.2.2 Alternative A**
  - **2.2.3 Alternative B**
  - 2.2.4 [*Add alternatives as needed.*]
- **2.3 Resources Eliminated from Analysis**

3.0 Affected Environment
[*Resource list should be refined depending on proposed action and potential effects. The subheadings beneath each resource area should be consistent.*]
- **3.1 Biological Resources**
  [*Includes vegetation, wildlife, and threatened and endangered species.*]
  - 3.1.1 Definition of Resource
  - 3.1.2 Affected Environment
- **3.2 Water Resources**
  [*Includes surface water quality, floodplains, wetlands, sole source aquifers, and wild and scenic rivers.*]
- **3.3 Cultural Resources**
- **3.4 Soil Resources**
- **3.5 Air Quality**
- **3.6 Socioeconomics**
- **3.7 Environmental Justice**
- **3.8 Important Land Resources**
- **3.9 Wilderness Areas**
- **3.10 Coastal Zone Management Areas**
- **3.11 Coastal**
- **3.12 Barriers**

CONTENTS (Continued)

4.0 Environmental Consequences
[*Must address each resource area covered in Section 3.0. The subheadings beneath each resource area should be consistent.*]
4.1 Biological Resources
4.1.1 No Action Alternative
4.1.2 Alternative A
4.1.3 [*Include an analysis for all alternatives.*]
4.2 Water Resources
4.3 Cultural Resources
4.4 Soil Resources
4.5 Air Quality
4.6 Socioeconomics
4.7 Environmental Justice
4.8 Important Land Resources
4.9 Wilderness Areas
4.10 Coastal Zone Management Areas
4.11 Coastal Barriers
5.0 Cumulative Impacts
5.1 Introduction
5.2 Past, Present, and Reasonably Foreseeable Actions
5.3 Cumulative Analysis
6.0 Mitigation Measures
[*Mitigation can also be built into the proposed action to eliminate or minimize potential impacts associated with the proposed action.*]
7.0 List of Preparers
8.0 List of Persons and Agencies Contacted
9.0 References
Appendix A – Agency Correspondence [*consultation letters from USFWS, SHPO, and other agencies, as necessary*]
Appendix B – Coastal Consistency Determination [*if required*]
Appendix C – [*Any additional or background information needed to enhance the EA.]*

Example Coordination Letter

TO: [*Agency Name*
Contact Person
Mailing Address]

FROM: [*Point of Contact Name*]

SUBJECT: [*Activity Title*]

The United States Department of Agriculture, Farm Services Agency is preparing an environmental assessment (EA) to assess the impacts of [*proposed action*]. [*Provide brief description of proposed action details. Be sure to address issues that would be of concern to the agency you are addressing.*]

You may review the draft EA at:
[*provide web site or library where the document can be found or provide a copy with correspondence*].

Please review the proposed activity and provide comments on any issues that would be of concern to your office.

We appreciate your review of this material and look forward to receiving your comments. Please provide your comments to [*name of person collecting comments and method comments should be delivered*] by [*date comments are due*].

Sincerely yours,

[*Name and Signature*]

Note: Use appropriate and approved letterhead.

FONSI Template

United States Department of Agriculture
Farm Service Agency

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
for
Implementation of [*Insert Activity Name and State*]

The United States Department of Agriculture, Farm Service Agency (FSA) has prepared a Final Environmental Assessment (EA) to evaluate the environmental consequences associated with implementing [*insert activity name and State*].

The purpose of the [*insert activity name*] is to *[insert a short description of primary needs and goals*].

Proposed Action

[*Identify the alternative title selected as the proposed action if different from "Proposed Action"].* The Proposed Action would implement [*insert activity name*] that would [*provide summary description of the action, including quantifiable information and estimated cost*]. Alternatives analyzed in this EA include [*add statement of different alternatives reviewed including the no action alternative*].

Environmental Impacts

[*Add a summary of all potential impacts associated with the proposed action and alternatives by resource area. List any mitigation measures that are included as part of the action that would be utilized to reduce or eliminate potential impacts.]*

Determination

According to the National Environmental Policy Act and FSA's environmental regulations at [*either 7 CFR Part 799 or 7 CFR 1940 subpart G*] implementing the regulations of the Council on Environmental Quality, 40 CFR Parts 1500-1508, I find that the Proposed Action is not a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental impact statement will be prepared.

Approved: _____ _____
Signature **Date**

_____
Name

_____
Title [*insert approving official's title*]

NOA for FONSI Template

United States Department of Agriculture
Farm Service Agency

Notice of Availability
[*Insert Activity Name***]**

Finding Of No Significant Impact (FONSI)

The United States Department of Agriculture, Farm Service Agency (FSA) issues FONSI for [*activity name and location*]. [*Brief description/summary of the activity – only enough to give the reader some idea of the general activity and what the proposed action was that triggered the environmental review process*]. FSA has completed an Environmental Assessment (EA) and has determined that [*activity name and location*] will not have a significant effect on the human environment; therefore, no environmental impact statement shall be prepared.

FSA is accepting comments on this FONSI and EA through [*insert date*]. The Final EA can be reviewed in person at the FSA office located at [*insert FSA office location where the FONSI can be viewed*], between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments should be submitted to [*insert name*], [*insert their title*], at the FSA address above or by email to [*insert their e-mail*]. For questions or directions to the FSA office, please contact [*insert name and phone number*].

Acceptable Forms of Documentation

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
LMD																								
Direct and Guaranteed Loans																								
Farm Ownership																								
Closing costs	X																							
Construction, addition to existing structure		X	X							X		X		X	X		X			X				
Construction, disturbed areas 1/				X	X	X	X	X	X	X		X		X	X			X						
Construction, nondisturbed areas				X	X	X	X	X	X	X	X	X	X	X	X	X		X					X	X
Conservation Easements	X																							
Develop farmland				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					X	X
Enlarge existing farm		X	X		X	X	X			X	X	X	X	X	X	X	X	X		X			X	X
Farmland purchase, new ground disturbance planned				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					X	X
Farmland purchase, no new ground disturbance planned		X	X													X	X	X		X				
Irrigation/wells		X	X			X	X			X	X	X	X							X				
Improve/repair, structures 50 years old or older		X	X									X		X		X				X				X
Improve/repair, structures under 50 years old		X	X											X		X				X				

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	**No NEPA**	**CATEX**	**EE**	**EA**	**Wetlands/Floodplains**	**Surface Water**	**Sole Source Aquifers**	**Coastal Zone Management**	**Coastal Barrier Resources**	**Wildlife** (Including Threatened & Endangered)	**Vegetation**	**Cultural Resources**	**Soils Not in 41-58**	**Air**	**Noise**	**Important Land Resources** (Including Wild and Scenic Rivers & National Natural Landmarks	**Social and Economic**	**Environmental Justice**	**FSA-850 (EE for FP)**	**RD 1940-22 (EE for FLP)**	**AD-1026**	**NRCS CPA-026**	**ESA, Section 7 Consultation**	**NHPA, Section 106 Consultation**
Refinance debt	X																							
Replacement buildings			X									X								X				
Soil/water conservation 2/				X	X	X	X	X	X	X	X		X	X		X		X					X	X
Operating Loans																								
Annual operating costs (seed, livestock, equipment, insurance, etc.) with no construction/ demolition in plan including 7 year equipment loans. 3/	X																							
Annual operating costs, including construction or demolition		X	X		X	X				X	X	X	X	X	X					X		X	X	X
Closing costs	X																							
Drain tile replacement		X	X		X	X	X			X	X	X								X		X		
Family subsistence/living expense			X														X	X		X				
Fencing			X		X	X				X	X		X							X		X	X	
Labor			X														X	X		X				
Refinancing debt		X	X														X	X		X				
Soil/water development 4/			X		X	X	X	X	X	X	X		X	X		X	X	X		X			X	

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Trees (bare roots), perennial planting			X		X	X	X	X	X	X	X	X	X			X		X		X		X	X	X
Trees (large root balls), perennial planting			X		X	X	X	X	X	X	X	X	X			X		X		X		X	X	X
Emergency Loan Assistance																								
Living expenses			X														X	X		X				
Production costs with no construction or demolition	X																							
Production costs, including construction or demolition				X	X	X	X	X	X	X	X	X	X	X	X	X		X					X	X
Refinance debt		X	X																	X				
Reorganize farm operations																X	X	X						
Restore/replace property		X	X									X	X				X	X		X				X
Youth Activity Loans																								
Income producing activities																	X	X						
LSPMD																								
Conservation easement with no construction	X																							
Conservation easement with construction			X		X	X	X	X	X	X	X	X	X	X	X			X		X		X	X	X

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Debt set aside	X																							
Deferral	X																							
Inventory property disposal with easements/covenants	X																							
Inventory property disposal without protective easements/covenants			X									X					X	X		X				X
Loan consolidation	X																							
Partial release	X																							
Reamortization	X																							
Rescheduling debt	X																							
Restructuring	X																							
Subordination, new ground disturbance planned, or new construction planned			X		X	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X	X	X
Subordination, no new ground disturbance planned, or no new construction planned 5/		X	X																	X				
Transfer/assumption		X	X									X					X	X		X				
Writing down debt	X																							

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
PSD																								
Farm Storage Facility Loan Program																								
Storage facility, added capacity 6/			X		X	X	X	X	X	X	X	X	X	X	X		X	X	X		X			
Storage facility, disturbed areas 7/					X	X	X	X	X	X	X			X	X		X							
Storage facility, undisturbed areas					X	X	X	X	X	X	X	X	X	X	X		X	X						X
Lamb Meat Adjustment Assistance Program																								
Lamb meat adjustment assistance, facility improvement			X		X	X	X			X	X	X	X	X	X		X	X	X		X		X	
Lamb meat adjustment assistance, no facility improvement	X																							
Marketing Assistance Loans and LDP's																								
Feed grain support	X																							
Minor oilseed support	X																							
Rice support	X																							
Soybean support	X																							
Wheat support	X																							

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Cotton Loans and LDP's	X																							
Dairy Indemnity Program	X																							
Dairy Market Loss Assistance Program	X																							
Small Hog Operations Program	X																							
Sugar Program	X																							
Wool/Mohair Program	X																							
CEPD 8/																								
Access road #			X		X	X				X	X	X	X	X	X				X		X		X	X
Animal trails and walkways * #			X		X					X	X	X	X						X		X			X
Annual food plots +			X		X					X	X		X						X		X			
Bareland planting or planting without site preparation #			X		X	X				X	X		X	X					X		X			
Bedding #			X							X	X	X	X						X					
Bridges +			X		X					X		X	X		X				X		X			
Brush management #			X		X	X				X	X	X	X						X		X			

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Chiseling and subsoiling if previously tilled #			X			X	X			X	X			X					X					
Chiseling and subsoiling if not previously tilled #			X		X	X	X			X	X	X	X	X					X		X		X	X
Chute +			X									X							X					X
Clean tilling firebreaks +			X		X	X				X	X		X						X					
Conservation crop rotation #			X		X	X				X	X		X						X		X			
Construction of structures +			X		X	X	X			X	X	X	X	X	X				X		X			X
Contour farming #			X		X	X	X			X	X		X						X		X			
Contour grass strips			X		X	X	X			X	X		X	X					X		X			X
Control of competitive and other undesirable species #			X		X	X				X	X	X							X		X		X	
Cover and green manure crop #			X		X	X	X			X	X			X					X		X			
Critical area planting * #			X		X	X				X	X	X	X						X		X			X
Dam/diversion *			X		X	X	X			X	X	X	X		X		X	X	X		X			X
Dam/floodwater retarding *			X		X	X	X			X	X	X	X		X				X		X			X
Dam/multiple purpose * #			X		X	X	X			X	X	X	X		X		X	X	X		X			X
DFN, no ground modification	X																							
DFN, ground modification			X		X	X	X			X	X	X	X	X			X	X	X		X			X

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Dike # +			X		X	X	X			X	X	X							X		X			X
Ditch +			X		X	X	X			X	X	X							X		X			X
Diversion * # +			X		X	X	X			X	X	X			X				X		X			X
Drop spillway +			X		X	X	X			X	X	X			X				X		X			X
Earthmoving for dam, levee, dugout, dike +			X		X	X	X			X	X	X	X	X	X				X		X			X
Eligible and suitable plantings +	X										X													
Eligible seed purchase +	X																							
Erosion control measures #			X		X	X	X			X	X	X	X						X		X			
Establish/maintain wildlife food plot +			X		X	X				X	X		X						X		X		X	X
Excavation +			X		X	X	X			X	X	X	X	X	X				X		X			X
Fence, install * # +			X		X	X				X	X		X						X		X		X	X
Fence, repair * # +			X										X						X					
Fence, replace * # +			X		X	X				X			X						X		X			
Field borders #			X		X	X				X	X		X						X		X			
Filter strips #			X		X	X	X			X	X		X						X		X			
Firebreak installation #			X		X	X				X	X	X	X						X		X			
Fish stream improvement #			X		X	X				X	X	X							X		X			
Forage harvest management #			X		X	X				X	X								X					
Forb planting +			X		X	X	X			X	X		X	X					X					

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Grade stabilization structure * #			X		X	X						X	X						X		X			X
Grading, leveling, shaping, filling, previously disturbed area +			X		X	X	X			X			X	X	X				X		X			
Grading, leveling, shaping, filling, not previously disturbed area +			X		X	X	X			X	X	X	X	X	X				X		X		X	X
Grafting or similar practices +			X		X	X					X								X					
Grapevine removal #			X		X	X				X	X								X		X			
Grassed waterway * #			X		X	X	X			X	X	X							X		X			X
Grass planting +			X		X	X	X			X	X		X	X					X		X			
Grazing land mechanical treatment #			X		X	X				X	X	X	X						X		X			
Heavy use area protection #			X		X	X	X			X	X	X	X						X		X			X
Heavy site preparation, planting, direct seeding #			X		X	X	X			X	X	X	X	X	X				X		X			
Herbicide purchase/application +			X		X	X	X			X	X			X			X	X	X		X		X	
Hillside ditches * #			X		X	X				X	X	X	X						X		X			
Insecticide purchase/application +			X		X	X	X			X	X			X			X	X	X		X		X	

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Integrated crop management #			X		X	X				X	X								X		X			
Irrigation canal or lateral *			X		X	X	X			X	X	X	X						X		X			X
Irrigation field ditch *			X		X	X	X			X	X	X	X						X		X			X
Irrigation land leveling *			X		X	X	X			X	X	X	X						X		X			X
Irrigation pit or regulating reservoir *			X		X	X	X			X	X	X	X						X		X			X
Irrigation storage reservoir *			X		X	X	X			X	X	X	X						X		X			X
Irrigation structure +			X		X	X	X			X	X	X	X						X		X			
Irrigation system/sprinkler * #			X		X	X	X			X	X	X	X		X				X		X			
Irrigation system/surface and subsurface * #			X		X	X	X			X	X	X	X						X		X			X
Irrigation system/tailwater recovery *			X		X	X	X			X	X	X	X		X				X		X			
Irrigation system/trickle (drip) * #			X		X	X	X			X	X	X	X						X		X			
Irrigation water conveyance/ditch and canal lining *			X		X	X	X			X	X	X	X						X		X			X
Irrigation water conveyance/pipeline *			X		X	X	X			X	X	X	X						X		X			X
Irrigation water management #			X		X	X	X			X	X								X		X			

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Land smoothing * #			X		X	X				X	X	X	X	X					X		X		X	X
Legume planting +			X		X	X	X			X	X		X	X					X		X			
Light site preparation, planting, direct seeding #			X		X	X				X	X	X	X						X		X			
Line waterway or outlet * #			X		X	X	X			X	X	X	X						X		X			X
Lining +			X		X	X	X					X							X					
Livestock crossing facilities +			X		X	X	X			X	X	X	X		X		X	X	X		X			X
Medium site preparation, planting, direct seeding #			X		X	X	X			X	X	X	X		X				X					
Mineral purchase/application +			X		X	X	X			X	X						X	X	X					
Mulching * #			X		X	X													X					
Netting for hardwoods +			X							X									X					
Nutrient management # +			X		X	X	X			X	X								X		X			
Obstruction removal * # +			X		X	X				X		X			X				X		X			
Other vegetation for habitat, food, or cover planting +			X		X	X				X	X			X					X					
Outlet +			X		X	X				X		X							X		X			X
Pasture and hayland planting * #			X		X	X	X			X	X			X					X					
Permanent native grasses +			X		X	X	X			X	X		X	X					X		X		X	
Permanent water source for wildlife +			X		X	X	X			X	X	X	X						X		X		X	
Pest management #			X		X	X	X			X	X								X					
Pesticide containment facility #			X		X	X	X			X	X	X	X	X	X		X	X	X		X		X	

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Pipe +			X		X	X				X	X	X	X						X		X			X
Pipe drop +			X		X	X				X		X	X						X		X			X
Pipeline * #			X		X	X				X	X	X	X						X		X			X
Pipelines, watering facilities +			X		X	X	X			X		X	X						X		X			X
Plastic tubes for hardwoods +			X							X									X					
Plastic mulch +			X		X					X									X					
Plugging artesian wells #			X		X	X	X			X		X							X					
Pond * #			X		X	X	X			X	X	X	X						X		X			X
Pond sealing and lining * #			X		X	X	X			X			X						X		X			
Precision land farming #			X		X	X					X	X							X					
Prescribed burning #			X		X	X	X			X	X	X		X	X				X		X		X	X
Pruning #			X		X					X	X								X					
Pumped well drain *			X		X	X	X			X		X			X				X		X			
Range planting #			X		X	X	X			X	X	X	X	X					X					
Release for forestry improvement #	X																							
Residue management #			X		X	X	X			X	X			X					X					
Residue management, seasonal #			X		X	X	X			X	X			X					X					
Riparian buffers			X		X	X	X			X	X		X						X		X		X	
Roads +			X		X	X	X			X	X	X	X	X			X	X	X		X		X	X

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Rock filled infiltration trenches +			X		X	X	X			X	X	X	X						X		X			X
Rock barrier *			X		X	X				X		X							X		X			X
Roof runoff management #			X		X	X				X	X								X					X
Sediment basin *			X		X	X	X			X	X	X	X						X		X			X
Sediment structure +			X		X	X	X			X		X	X						X		X			X
Seedbed preparation, seeding +			X		X	X				X	X		X	X					X					
Seeding +			X		X	X	X			X	X			X					X					
Seeding, approved shrubs and trees +			X		X	X	X			X	X			X					X					
Seeding firebreaks, fuelbreaks, firelanes +			X		X	X	X			X	X			X					X					
Shrub planting, seedlings +			X		X	X	X			X	X		X	X					X					
Site preparation +			X		X	X	X			X	X	X	X	X	X				X		X			
Spring development * #			X		X	X	X			X		X							X		X			X
Stand analysis for forest management planning #	X																							
Streambank and shoreline protection #				X	X	X	X			X	X	X	X										X	X
Stripcropping/contour #			X		X	X	X			X	X		X						X					
Stripcropping/field #			X		X	X	X			X	X		X						X					
Stripcropping/wind #			X		X	X	X			X	X		X	X					X					

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Structures, pipe, flashboard risers, gates, chutes, outlets +			X		X	X	X			X	X	X	X						X		X			X
Structure, water control * #				X	X	X	X			X	X	X	X											X
Subsurface drain * # +			X		X	X	X			X	X	X							X		X			X
Supplemental drip irrigation +			X		X	X	X			X	X								X		X			
Surface drainage/field ditch * #			X		X	X	X			X	X	X	X						X		X			
Surface drainage/main or lateral #			X		X	X	X			X	X	X	X						X		X			
Surface roughening * #			X		X	X	X			X	X		X						X					X
Temporary cover +			X		X	X				X	X		X	X					X					
Temporary food plots +			X		X	X				X			X						X					
Temporary supplemental irrigation systems +			X		X	X	X			X	X	X	X						X		X			
Terrace * #			X		X	X	X			X	X	X	X						X					X
Thinning and pruning #			X		X	X				X	X								X					
Toxic salt reduction #			X		X	X	X			X	X								X					
Tree tubes, shelters +			X							X									X					
Tree planting, bare root +			X		X	X	X			X	X			X					X					
Tree planting, root ball +			X		X	X	X			X	X	X	X	X					X					X
Tree/shrub establishment #			X		X	X	X			X	X		X	X					X					
Trough or tank * #			X		X	X	X			X	X	X							X					X
Underground outlet * #			X		X	X	X			X	X	X	X						X		X			X
Use exclusion #			X		X	X	X			X	X			X					X					

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
Vertical drain * #			X		X	X	X			X	X	X							X		X			X
Waste management system #				X	X	X	X			X	X	X	X											
Waste storage facility * #				X	X	X	X			X	X	X	X	X	X		X	X						X
Waste treatment lagoon *				X	X	X	X			X	X	X	X	X			X	X						X
Waste utilization #				X	X	X	X			X	X													
Water gaps +			X		X	X	X			X		X							X		X			
Water harvesting catchment * #			X		X	X	X			X	X	X							X		X			X
Water, sediment control basin * #				X	X	X	X			X	X	X	X											X
Water spreading #			X		X	X	X			X	X	X	X	X					X		X			
Well * #			X		X	X	X			X	X	X	X						X		X			X
Wetland restoration				X	X	X	X			X	X	X		X										X
Wildlife upland habitat management #			X		X	X				X	X								X				X	
Wildlife watering facility *			X		X	X	X			X	X	X	X						X					X
Windbreak/shelterbelt establishment #				X	X	X				X	X	X	X	X										X
Windbreak/shelterbelt renovation * #			X		X	X				X	X	X	X	X					X					X

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
PECD																								
NAP	X																							
Agricultural Marketing Transition Act	X																							
Crop Disaster Program	X																							
TPD																								
Planting in previously disturbed areas 9/			X		X	X	X						X	X					X					
Planting in previously undisturbed areas			X		X	X	X					X	X	X					X		X			X
PDEED	X																							
PDD	X																							
KCCO	X																							
WID	X																							

Acceptable Forms of Documentation (Continued)

Proposed Action/Activity	No NEPA	CATEX	EE	EA	Wetlands/Floodplains	Surface Water	Sole Source Aquifers	Coastal Zone Management	Coastal Barrier Resources	Wildlife (Including Threatened & Endangered)	Vegetation	Cultural Resources	Soils Not in 41-58	Air	Noise	Important Land Resources (Including Wild and Scenic Rivers & National Natural Landmarks	Social and Economic	Environmental Justice	FSA-850 (EE for FP)	RD 1940-22 (EE for FLP)	AD-1026	NRCS CPA-026	ESA, Section 7 Consultation	NHPA, Section 106 Consultation
1/ Disturbed ground is any area that has had previous agricultural use or construction including areas with farm buildings. The disturbance usually goes to the bottom of the plow zone or depth of previous construction.																								
2/ Soil and water conservation practices should be consistent with ACP types of practices.																								
3/ If the equipment loan is for irrigation equipment, then NHPA, Section 106 review is required.																								
4/ Soil and water practices should be consistent with ACP types of practices. Practices such as wells or pumps may be undertakings.																								
5/ Disturbed ground is any area that has had previous agricultural use or construction including areas with farm buildings. The disturbance usually goes to the bottom of the plow zone or depth of previous construction.																								
6/ Adding capacity to a single, existing structure, with no additional new ground disturbance or demolition to structures 50 years old or older.																								
7/ Disturbed ground is any area that has had previous agricultural use or construction including areas with farm buildings. The disturbance usually goes to the bottom of the plow zone or depth of previous construction.																								
8/ Includes all CEPD activities including CRP; # ACP, ECP, ACP practice; * ECP practice; + CRP practice.																								
9/ Disturbed ground is any area that has had previous agricultural use or construction including areas with farm buildings. The disturbance usually goes to the bottom of the plow zone or depth of previous construction.																								