DRAFT
PROGRAMMATIC
ENVIRONMENTAL ASSESSMENT

For the Implementation of the
Conservation Reserve Enhancement Program

WEST VIRGINIA

Prepared for:

U.S. Department of Agriculture
Farm Service Agency

West Virginia State Office
1550 Earl L. Core Road
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Cover Page

Proposed Action: The U.S. Department of Agriculture (USDA) and the State of West Virginia propose to implement the Conservation Reserve Enhancement Program (CREP), by enrolling up to 15,000 acres throughout West Virginias's 55 counties. CREP is a voluntary conservation program for agricultural producers.

Type of Document: Programmatic Environment Assessment (PEA)

Lead Agency: USDA, Farm Service Agency (FSA)

Sponsoring Agency: West Virginia Conservation Agency (WVCA)

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Comments: This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) (PL 91-190); implementing regulations adopted by the Council on Environmental Quality (CEQ) (40 CFR 1500-1508); and FSA's implementing regulations Environmental Quality and Related Environmental Concerns – Compliance with NEPA (7 CFR 799).

FSA will provide a public review and comment period prior to any final decision. Written comments regarding this assessment may be submitted to the State Environmental Coordinator:

Joshua S. Lewis
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ACRONYMS AND ABBREVIATIONS

APE	Area of Potential Effects
CCC	Commodity Credit Corporation
CEQ	Council on Environmental Quality
CP	Conservation Practices
CFR	Code of Federal Regulations
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CWA	Clean Water Act
EA	Environmental Assessment
EE	Environmental Evaluation
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FONSI	Finding on No Significant Impact
FOTG	Field Office Technical Guide
FSA	Farm Service Agency
HEL	Highly Erodible Land
IPaC	Information for Planning and Consultation
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NNL	National Natural Landmarks
NRCS	Natural Resources Conservation Service
PEA	Programmatic Environmental Assessment
SHPO	State Historic Preservation Officer
TDAT	Tribal Directory Assessment Tool
THPO	Tribal Historic Preservation Officer
TSP	Technical Service Provider
USFWS	U. S. Fish and Wildlife Service
USDA	United States Department of Agriculture
WC	Wetlands Conservation
WV	West Virginia
WVCA	West Virginia Conservation Agency
WVDOF	West Virginia Division of Forestry
WVDA	West Virginia Department of Agriculture
WVDNR	West Virginia Division of Natural Resources
WVDEP	West Virginia Department of Environmental Protection

1.0 INTRODUCTION

The United States Department of Agriculture (USDA) Farm Service Agency (FSA), on behalf of the Commodity Credit Corporation (CCC), in cooperation with the State of West Virginia propose to implement the Conservation Reserve Enhancement Program (CREP). This Programmatic Environmental Assessment (PEA) describes the potential environmental consequences resulting from the implementation of the proposed CREP Agreement. The environmental analysis process is designed to ensure the public is involved and informed about the potential environmental effects of the federal action and to help decision makers take environmental and socioeconomic factors into consideration when making decisions related to the Proposed Action.

1.1 Background

FSA administers the Conservation Reserve Program (CRP), the federal government's largest private-lands conservation program. CRP is a voluntary program that supports the implementation of long-term conservation measures designed to improve the quality of ground and surface waters, control soil erosion, and enhance wildlife habitat on environmentally sensitive agricultural land.

CREP was established in 1997 under the authority of CRP to address agriculture related environmental issues by establishing conservation practices (CPs) on agricultural lands using funding from federal, state, and tribal governments as well as non-government sources. CREP addresses state-designated high priority conservation issues in defined geographic areas such as watersheds. Producers who voluntarily enroll their eligible lands in CREP receive financial and technical assistance for establishing CPs on their land. In addition, property owners receive annual rental payments based upon the enrolled acreage. Once eligible lands are identified, site-specific environmental reviews and consultation with, and permitting from, other federal agencies are completed as appropriate in accordance with FSA's Handbook: Agricultural Resource Conservation Program for State and County Offices (FSA, 2021a).

The revised WV CREP agreement would encompass all 24,230 square miles in all 55 counties in West Virginia and prioritize the watersheds of the Cheat River, Kanawha River, Little Kanawha River, Monongahela River, Potomac River, Ohio River, and the James River. The revised agreement also expands acreage of cropland and marginal pastureland from previous agreement limitations. Lastly, new CPs are being added to the eligible CREP practices, CP 29 (Marginal Pastureland Wildlife Habitat Buffer) and CP 42 (Pollinator Habitat).

Figure 1.1. WV Counties and Main River Map

1.2 Regulatory Compliance

The PEA has been prepared to satisfy the requirements of the National Environmental Policy Act (NEPA) (Public Law 91-190, 42 United States Code 4321 et seq.); Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 Code of Federal Regulations [CFR] §§ 1500–1508); 7 CFR Part 799, FSA NEPA Implementing Regulations; the FSA 1-EQ Environmental Quality Programs Handbook, and FSA's handbook for the Conservation Reserve Program, 2-CRP, Agricultural Resource Conservation Program (FSA, 2021a).

NEPA is a law that requires federal agencies to consider the potential environmental consequences of proposed actions and alternatives under consideration by the lead federal agency. The law's intent is to protect, restore, or enhance the environment through well-informed federal decisions. The CEQ was established under NEPA for the purpose of implementing and overseeing federal policies as they relate to this process. In 1978, the CEQ issued Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR

Parts 1500 through 1508 [CEQ 1978]). On 14 September 2020, CEQ updated the NEPA regulations (85 Federal Register 43357 through 43376), which are being followed for this PEA. CEQ regulations specify that an EA be prepared to:

- briefly provide sufficient analysis and evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI);
- aid in an agency's compliance with NEPA when no EIS is necessary; and
- facilitate preparation of an EIS when one is necessary.

A variety of other laws, regulations, and Executive Orders (EO) apply to actions undertaken by federal agencies. These form the basis of the analyses and are summarized in the PEA where applicable. These include but are not limited to:

- Endangered Species Act (ESA)
- National Historic Preservation Act (NHPA)
- Clean Water Act (CWA)
- EO 11988, Floodplain Management
- EO 11990, Protection of Wetlands
- EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

1.3 Purpose and Need for the Proposed Action

The purpose of the Proposed Action is to implement the CREP Agreement throughout the State of West Virginia. The goals of the WV CREP Agreement are outlined below. The CREP agreement in West Virginia is proposed to reduce agriculture environmental impacts to the watersheds and specifically would:

- Reduce the occurrence of runoff, sediment, and nutrients from agricultural enterprises in to the watersheds;
- Promote improved water quality and;
- Enhance wildlife habitat.

1.4 Conservation Reserve Enhancement Program Elements

The West Virginia CREP would initially enroll up to 15,000 acres of cropland and marginal pastureland into resource conserving cover through CRP. The previous CREP agreement limited enrollment to 9,160 acres. The program elements of the proposed CREP agreement are to:

- This CREP will consist of a Federal continuous CRP signup component, cost-share payments, and annual rental payments, and a State incentive payment. The following lands may be enrolled or re-enrolled in CRP through this CREP, as applicable, provided the land is otherwise eligible for CRP in accordance with the CRP regulations at 7 CFR Part 1410, FSA National CRP Directives, and this Agreement: new land; and land currently enrolled in CRP through the earlier version of this Agreement. For purposes of the CREP, "new land" is land that is not enrolled in CRP at the time land is offered for enrollment through this CREP.

- All approved conservation plans for land enrolled or re-enrolled through this CREP shall be consistent with CRP regulations at 7 CFR Part 1410, FSA National CRP Directives, Natural Resources Conservation Service's (NRCS) Field Office Technical Guide (FOTG), and this Agreement. All conservation practices installed must meet the minimum specifications and criteria in FSA National CRP Directives, NRCS FOTG, and this Agreement.
- The CRP contracts for land enrolled or re-enrolled in CRP through this CREP must be for a contract period of not less than 14 years, but not to exceed a maximum of 15 years.
- The eligible CPs for the CREP are:

Table 1.1 Conservation Reserve Enhancement Program Practices

Practice	Title	Description/Purpose
CP1	Establishment of Permanent Introduced Grasses and Legumes	To establish new or maintain existing vegetative cover of introduced grasses and legumes on eligible cropland that will enhance environmental benefits
CP2	Establishment of Permanent Native Grasses	To establish new or maintain existing vegetative cover of native grasses on eligible cropland that will enhance environmental benefits
CP3A	Hardwood Tree Planting	To establish and maintain a new stand of or an existing stand of predominantly hardwood trees in a timber planting that will enhance environmental benefits.
CP21	Filter Strips	To remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body
CP22	Riparian Buffer	To remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body; to create shade to lower water temperature to improve habitat for aquatic organisms; and to provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife
CP23	Wetland Restoration	To restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP
CP29	Marginal Pastureland Wildlife Habitat Buffer	To remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. By restoring native plant communities, characteristics for the site will assist in stabilizing stream banks, reducing flood damage impacts, and restoring and enhancing wildlife habitat.
CP42	Pollinator Habitat	To establish habitat to support a diversity of pollinator species.

- To be enrolled as practice CP1, the cropland must be devoted to a cover comprised of a mixed stand consisting of a minimum of four species of vegetation, as follows: at least three introduced grass species, and at least one forb or legume species, all of which are beneficial to wildlife in the area. Trees, shrubs, and other woody vegetation are not authorized as part of the cover for practice CP1.
- To be enrolled as practice CP2, the cropland must be devoted to a cover comprised of a mixed stand of at least three perennial native grass species and at least one shrub, forb, or legume species best suited for wildlife in the area; further, trees, shrubs, and other woody vegetation are not authorized as part of the cover for practice CP2.
- To be enrolled as practice CP3A, the cropland must be devoted to a cover comprised of existing or planting mixed stand of 3 or more species of hardwood tree species best suited for wildlife in the area.
- To be eligible to be enrolled or re-enrolled in CRP through this CREP as CP1, CP2, and CP3A, the cropland must, as determined by CCC:
    1. Be immediately adjacent to an eligible waterbody, as determined by CCC, and not exceed a maximum average width of 1,000 feet from the edge of the eligible waterbody; and
    2. Have a weighted minimum average Erodibility Index for wind or water, but not both combined, of 15 or greater, per tract.
- To be eligible to be re-enrolled in CRP through this CREP, land must:
    1. Be currently enrolled in CRP through this CREP and be re-enrolled through this CREP before the existing CRP contract ends;
    2. Meet all the requirements and criteria for re-enrollment according to the same provisions for re-enrollment under CCC's continuous CRP signup, as provided in FSA National CRP Directives and 7 CFR Part 1410, including that the existing cover must be compliant with the conservation plan.
- Participants that re-enroll eligible land in CRP through this CREP:
    1. May, as determined by CCC, be eligible for an annual incentive payment provided the participant is eligible for such incentive payment according to 7 CFR Part 1410, FSA National CRP Directives, and the WV CREP agreement;
    2. Are not eligible for, and shall not receive, a signup incentive payment (SIP) on re-enrolled land, regardless of the practice enrolled;
    3. Are not eligible for, and shall not receive, a practice incentive payment (PIP) on re-enrolled land, regardless of the practice enrolled;
    4. Except as specified in other parts, are not eligible for, and shall not receive, any CCC non-PIP cost-share payment on the re-enrolled land.
- Land physically located outside West Virginia is not eligible to be enrolled or re-enrolled through this CREP.
- Cropland determined infeasible-to-farm by CCC in accordance with FSA National CRP Directives may be enrolled or re-enrolled, provided such cropland is otherwise eligible for enrollment under this Agreement.

- Marginal pastureland, as determined by FSA, is only eligible to be enrolled or re-enrolled in CRP through this CREP if it is devoted to CRP practice CP22 and CP29.

1.5 Public Involvement and Consultation

This document is available for public review and comment from June 15, 2023, to July 17, 2023, at the West Virginia State FSA Office, 1550 Earl L. Core Road, Suite 102, Morgantown, WV 26505. A notice of the availability of the document will be published in the Dominion Post on June 15 and June 22, 2023. Written comments may be submitted to Joshua S. Lewis (West Virginia CREP Agreement Comments), 1550 Earl L. Core Road, Suite 102, Morgantown, WV 26505 or by email to josh.lewis@usda.gov through July 17, 2023.

USDA undertook the following efforts and research to aid in determining the potential impacts of the proposed action:

- Researched the U.S. Fish and Wildlife Service (FWS) – Information, Planning, and Conservation System (IPaC) about the project's potential to affect federally listed species and has completed a field review relative to the potential species presence as required by the Endangered Species Act of 1973.
- Consulted with the WV State Historic Preservation Officer (SHPO) to ensure the requirements of 54 U.S.C. 306108 (Commonly known as Section 106 of the National Historic Preservation Act) were properly addressed. Also, 9 tribes (Catawba Indian Nation, Cherokee Nation, Delaware Nation, Oklahoma, Eastern Band of Cherokee Indians, Easter Shawnee Tribe of Oklahoma, Monacan Indian Nation, Osage Nation, Seneca-Cayuga Nation, and the Tuscarora Nation) were consulted to ensure the requirements of 54 U.S.C. 300101 were properly addressed.

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

The proposed action is to revise the original West Virginia Conservation Reserve Enhancement Program Agreement entered by the USDA CCC and the State of West Virginia under the CRP Program. The purpose of the revised Agreement is to allow, where deemed eligible by USDA CCC and West Virginia, certain acreage in the project area to be enrolled in the CRP and this CREP. This Agreement would allow enrollment of up to 15,000 acres of cropland and marginal pastureland and is designed to reduce the occurrence of runoff, sediment, and nutrients from agricultural enterprises into the boundaries of the designated watersheds, and which will promote improved water quality and enhanced wildlife habitats.

2.2 No Action Alternative

The No Action Alternative, would involve not implementing the West Virginia revised CREP

agreement. This would result in the goals for the West Virginia CREP agreement not being fully met. This alternative would result in a continuation of the current agricultural practices that contribute to the decline in wildlife habitat, a continued degradation of water quality and soil conditions, and limited long-term recreational opportunities for the public. The existing West Virginia CREP project would remain in effect and would be available for lands that are eligible. Due to the limited incentives that are currently available under this CREP, and the lack of local interest in the absence of additional incentives, it is unlikely that the remaining acres available will be enrolled.

3.0 AFFECTED AREA AND ENVIRONMENTAL IMPACTS

3.1 Wildlife and Habitat

These resources include vegetation, wildlife, and protected species including threatened and endangered species and their designated critical habitat. Critical habitats are specific areas designated by the U.S. Fish and Wildlife Service (USFWS) and the NAOO, National Marine Fisheries Service, as essential for conserving threatened, and endangered species that may require special management. Vegetation and wildlife refer to the plant and animal species, both native and introduced that characterize a region.

3.1.1 Affected Environment

The USFWS IPaC system was utilized to obtain an official species list for the Area of Potential Effect (APE) (Appendix A). Listed below is a complete list of species and critical habitat under the Endangered Species Act in West Virginia.

Species List

- Cheat Mountain Salamander (*Plethodon netting*): **Threatened**
- Clubshell (*Pleurobema clava*): **Endangered**
- Fanshell (*Cyprogenia stegaria*): **Endangered**
- James spinymussel (*Parvaspina collina*): **Endangered**
- northern rifffleshell (*Epioblasma torulosa rangiana*): **Endangered**
- pink mucket (*Lampsilis abrupta*): **Endangered**
- purple cat's paw (*Epioblasma obliquata*): **Endangered**
- rayed bean (*Villosa fabalis*): **Endangered**
- sheepnose (*Plethobasus cyphyus*): **Endangered**
- snuffbox (*Epioblasma triquetra*): **Endangered**
- spectaclecase (*Cumberlandia monodonta*): **Endangered**
- tubercled pearlyblossom (*Epioblasma torulosa torulos*): **Endangered**
- round hickorynut (*Obovaria subrotunda*): **Threatened**
- longsolid (*Fusconaia subrotunda*): **Threatened**
- Big Sandy crayfish (*Cambarus callainus*): **Threatened**
- Guyandotte River crayfish (*Cambarus veteranus*): **Endangered**

- Madison Cave isopod (*Antrolana lira*): **Endangered**
- candy darter (*Etheostoma osburni*): **Endangered**
- diamond darter (*Crystallari cincotta*): **Endangered**
- harperella (*Ptilimnium nodosum*): **Endangered**
- northeastern bulrush (*Scirpus ancistrochaetus*): **Endangered**
- shale barren rock cress (*Arabis serotina*): **Endangered**
- small whorled pogonia (*Isotria medeoloides*): **Threatened**
- Virginia spiraea (*Spiraea virginiana*): **Threatened**
- rusty patched bumblebee (*Bombus affinis*): **Endangered**
- gray bat (*Myotis griscesens*): **Endangered**
- Indiana bat (*Myotis sodalis*): **Endangered**
- northern long-eared bat (*Myotis septentrionalis*): **Endangered**
- tricolored bat (*Perimyotis subflavus*): **proposed endangered**
- Virginia big-eared bat (*Corynorhinus townsendii virginianus*): **Endangered**
- flat spired three toothed land snail (*Triodopsis platysayoides*): **Threatened**
- monarch butterfly (*Danaus plexippus*) ***candidate species**

Critical Habitat

- Big Sandy Crayfish
- Candy Darter
- Diamond darter
- Guyandotte River Crayfish
- Indiana Bat
- Virginia Big-eared Bat

Before offered lands are accepted into CREP, a site-specific Environmental Evaluation (EE) is completed, and a conservation plan is developed, by the Natural Resources Conservation Service (NRCS) or an approved Technical Service Provider (TSP). The EE includes a site-specific analysis of effects anticipated to result from enrollment of a site into CREP in accordance with its conservation plan.

3.1.2 Environmental Consequences

Based on the information located on the IPaC site and gathered during site visits by the document preparer, it does not appear that any Federal threatened or endangered species or critical habitat would be significantly impacted by the proposed project. Each tract considered for a CREP contract will receive an individual conservation plan designed by the Natural Resources Conservation Service that will closely consider all wildlife and habitat conditions as presented during individual site visits. Alongside each individual conservation plan, the proposed CPs to be implemented under a site-specific contract will be further evaluated for impacts to listed species and their habitat. If during the site-specific environmental review impacts to a listed species is expected, FSA would initiate consultation with the USFWS to determine appropriate conservation measures to avoid significant impacts.

It is unlikely that there would be any long-term adverse effects on threatened and endangered species by the proposed action and approved management practices (such as mechanical disturbance, interseeding, application of herbicides, and prescribed burning) would be evaluated in the site-specific EE and would be performed outside the Primary Nesting Season (PNS) to minimize impacts to migratory birds, including those that are threatened and endangered. No significant impacts to wildlife and their habitat are expected to result from the Proposed Action. The Proposed Action is expected to increase habitat for fish and wildlife impacted watersheds by improving water quality and provide wildlife habitat.

FSA made an effects determination of no effect for some conservation practices and determination of may affect but not likely to adversely affect for other conservation practices included in the proposed amendment to the CREP Agreement. FSA initiated consultation with the USFWS on the proposed action on August 14, 2023 and received concurrence with the agency's effect determinations.

No Action Alternative
If the Proposed Action is not implemented, then the existing conditions for wildlife and wildlife habitat in West Virginia would continue and no impacts would occur.

3.2 Cultural Resources

Cultural resources are generally remnants or evidence of human activity on the environment. This includes archaeological sites, artifacts, historic buildings, historic districts, and areas of the natural landscape that have significance to a particular culture or community. Cultural resources can be broken down into three different categories: historic and pre-contact archaeological resources, architectural resources, and traditional cultural properties. Historic and pre-contact archaeological resources are physical evidence of prior human activity in the form of artifacts or subsurface features. Architectural resources are buildings, structures, or districts that are typically over 50 years old and are either listed in or eligible for listing in the National Register of Historic Places (National Register). Traditional cultural resources are important properties, cultural practices, or beliefs that are rooted in a particular community's history and are essential in continuing the cultural identity of that community.

Section 106 of the National Historic Preservation Act, as implemented by 36 CFR 800, requires federal agencies to consider the effects of their undertakings on historic properties listed in or eligible for listing in the National Register. It requires that the Advisory Council on Historic Preservation (ACHP) be afforded the opportunity to comment on the undertakings prior to project approval (ACHP 2004).

West Virginia State Historic Preservation Office

The West Virginia State Historic Preservation Office (SHPO) runs an ongoing statewide survey program that has recorded more than 1,100 historic and archaeological sites and structures representing every county in West Virginia. This information, housed at the SHPO offices, is generated by the SHPO, other government agencies, county and local historical societies, educational institutions, research organizations, and private property owners.

These inventories contain West Virginia's known archaeological sites and historic standing structures. Most archaeological sites and many historic standing structures have not yet been inventoried; as that work is undertaken, additional properties will be added to SHPO files.

West Virginia USDA-FSA Processes

A step-by-step process is followed on all proposed projects that ensures that Section 106 and all other NEPA requirements are being met. This is done at the site-specific level by local staff supported by State level personnel.
There are 9 federally recognized Native American tribes within the WV-CREP area including the – Catawba Indian Nation (aka Catawba Indian Tribe of South Carolina), Cherokee Nation, Delaware Nation, Oklahoma, Eastern Band of Cherokee Indians, Easter Shawnee Tribe of Oklahoma, Monacan Indian Nation, Osage Nation, Seneca-Cayuga Nation, and the Tuscarora Nation. Generally, USDA utilizes the following process –

Local offices submit a Cultural Resources Review Request form to the Tribal Historic Preservation Officer (THPO) for tribes that have THPOs and directly to tribal governments for tribes that do not when working within reservation boundaries. If work is proposed within Tribal Ceded Territory boundaries, requests are sent to both the THPO (or tribal governments) and SHPO.

Resources Eliminated from Detailed Analysis (3.3 – 3.8)

3.3 Coastal Barrier

Effects to coastal barriers were eliminated from detailed analysis because West Virginia does not have designated coastal barrier areas.

3.4 Coastal Zone

Effects to coastal zone were eliminated from detailed analysis because West Virginia does not have designated coastal zone management area.

3.5 Wilderness Areas

Monongahela National Forest includes 115,000 acres of Wilderness designated under the National Wilderness Preservation System. Two Wilderness Areas were designated in 1975: Dolly Sods and Otter Creek. Three Wilderness Areas were added in 1983: Cranberry, Laurel Fork North and Laurel Fork South. Three additional Wilderness Areas were designated in 2009: Big Draft, Roaring Plains West and Spice Run while three existing areas were expanded: Cranberry, Dolly Sods and Otter Creek.

Effects to wilderness areas were eliminated from detailed analysis because all wilderness areas are located within the Monongahela National Forest and therefor ineligible for enrollment in the WV CREP agreement.

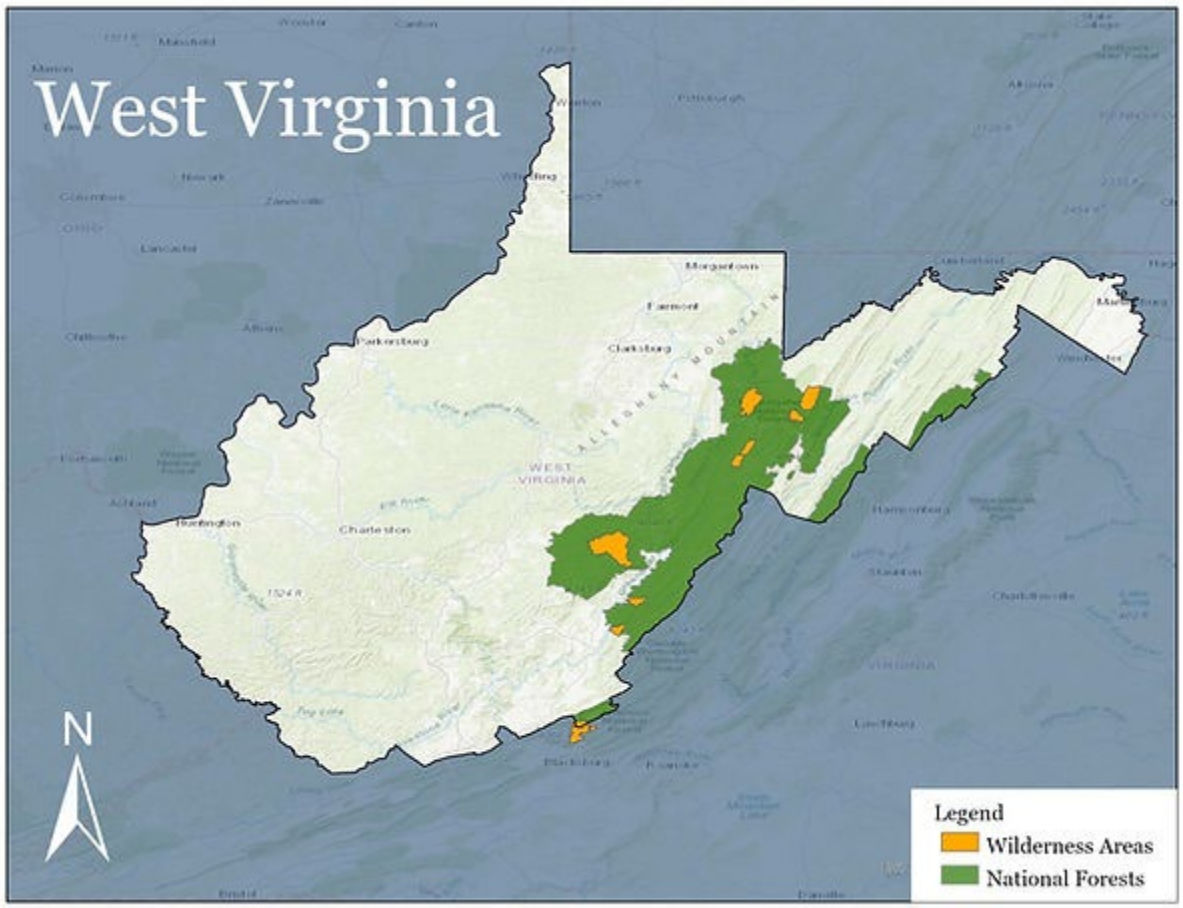

Figure 3.5 West Virginia Wilderness Areas (West Virginia | Mysite (wildernessstewards.org)

3.6 Wild and Scenic Rivers/Nationwide Rivers Inventory (NRI)

The Bluestone River is a tributary of the New River, draining parts of southwestern Virginia and southern West Virginia. A 10.5-mile section of Bluestone National Scenic River lies within the boundaries of Pipestem Resort State Park, and the remaining portion is also a West Virginia Wildlife Management Area. A major portion of the lands are managed by the state of West Virginia Wildlife Management Area. The river runs through a deep, scenic gorge cutting through the surrounding mountains. Therefore, effects to Wild and Scenic Rivers/National Rivers Inventory were eliminated from detailed analysis as this is the only river in West Virginia and the topography does not allow for successful agricultural production.

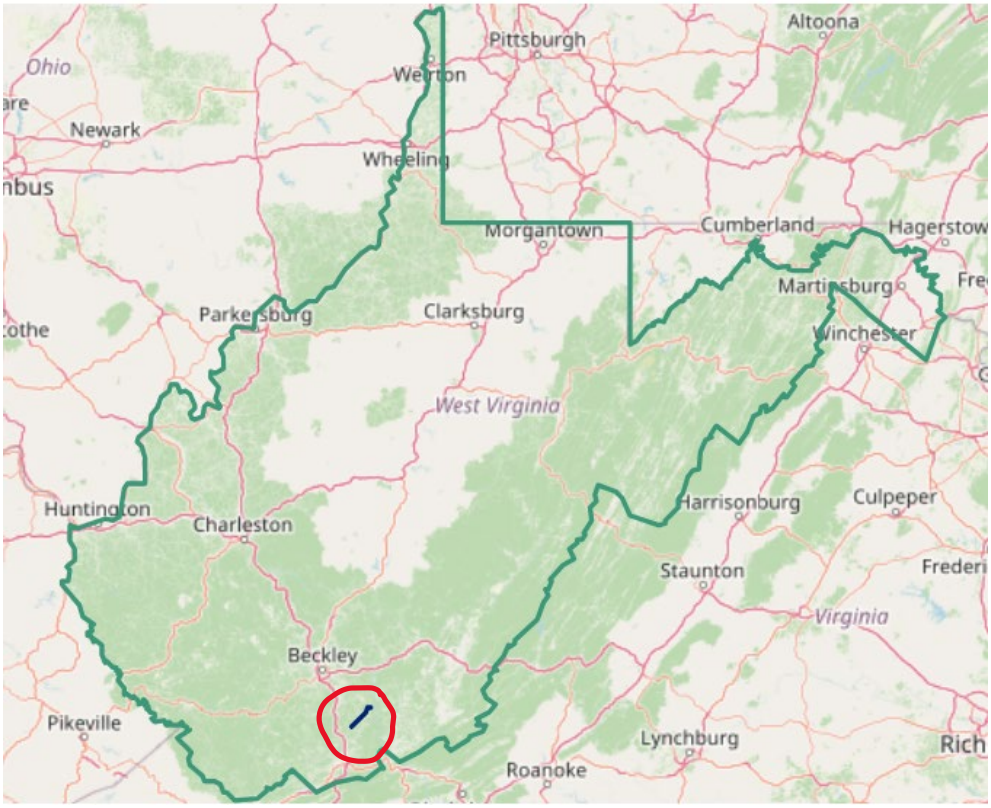

Figure 3.6 West Virginia Wild and Scenic Rivers

3.7 National Natural Landmarks

West Virginia has 16 National Natural Landmarks. Five are wetlands (such as bogs and swamps), three are forests, six are limestone caves/karst, and two are rock formations. Eleven of the sixteen NNLs are within the boundaries of the Monongahela Nation Forest. Effects to National Natural Landmarks were eliminated from detailed analysis as the topography does not allow for successful agricultural production.

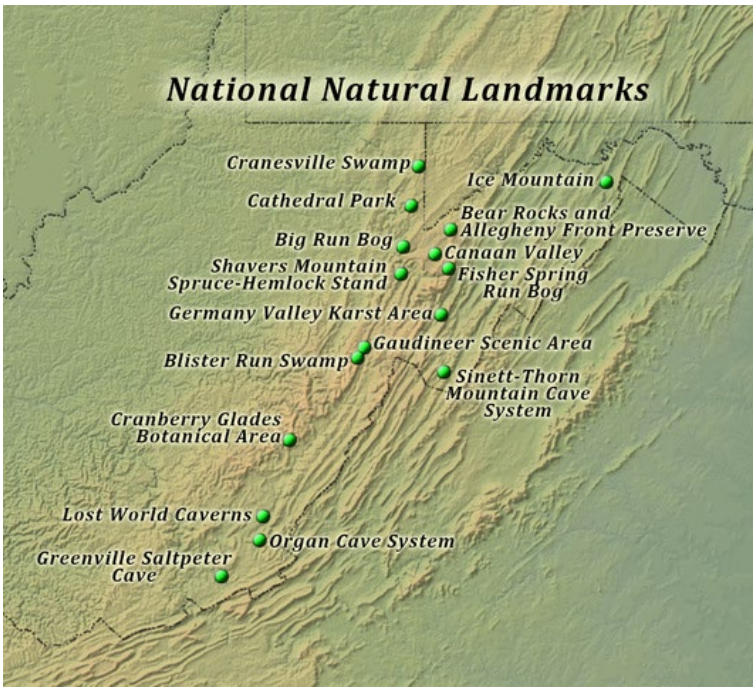

Figure 3.7 West Virginia National Natural Landmarks

3.8 Sole Source Aquifers

Effects to sole source aquifers were eliminated from detailed analysis because West Virginia does not have any sole source aquifer recharge areas located beneath the surface of the state.

3.9 Floodplains

All waterways from small creeks to major rivers have a riparian zone or floodplain. Floodplains are those riparian areas close to riverine channels that become inundated during flooding. Floodplains are essential for maintaining bank stability, water quality protection, and absorptive capacity of floodplain soils; reducing stream flow velocities; and providing flood storage. Disturbance of floodplain vegetation destabilizes the banks of surface water channels, which leads to increased erosion and sedimentation and exacerbates the intensity and frequency of flooding. The loss of vegetation adjacent to surface waters also reduces filtration of storm water runoff, thus degrading the quality of these waters. Floodplains also provide habitat for plant and animal species, recreational opportunities, and aesthetic benefits.

The 100-year flood plain consists of areas having a 1% chance of a flood occurring in any given year. Executive Order 11988 requires Federal agencies to evaluate the potential effects of actions in a floodplain, consider alternatives, and develop plans to reduce flood hazards related to the 100-year flood plain. FSA already has policy in place that the Agency will not approve actions or activities that could significantly affect floodplains. When practical, FSA will encourage development outside of flood prone areas and the use of flood resiliency design features.

3.9.1 Affected Environment

Proposed Action
Any floodplain modifications or minor improvements resulting from the proposed action would be designed for water quality enhancement and enhance the attenuation of floodwaters through the installation of conservation practices. The proposed conservation practices would result in the establishment of permanent vegetation or wetlands on enrolled acreage that would reduce erosion and improve the function and stabilization of floodplains. Additionally, conservation practices that include wetland restoration would be designed for floodwater and excessive overland flow to be captured in the wetlands. The restored wetlands would slowly release floodwaters over the floodplain which would decrease flood heights and downstream flood risks to communities within the designated watersheds and improve habitat and water quality.

Before offered lands are accepted into CREP, a site-specific Environmental Evaluation (EE) is completed, and a conservation plan is developed, by the Natural Resources Conservation Service (NRCS) or an approved Technical Service Provider (TSP). The EE includes a site-specific analysis of effects anticipated to result from enrollment of a site into CREP in accordance with its conservation plan. Floodplain impacts and any floodplain permits would be evaluated and obtained prior to any floodplain development occurring for wetland restoration. The proposed action would enhance floodplain benefits and functions and is not anticipated to result in significant floodplain impacts associated with its implementation.

No Action Alternative
If the Proposed Action is not implemented, then the existing conditions for flooding in West Virginia would continue and no impacts would occur.

3.10 Wetlands

Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands can improve water quality, reduce flood impacts, help streams flow, provide wildlife habitat, and contribute to a healthy environment. West Virginia's wetlands perform these functions in various ways, depending on the plants, soils, hydrology, and stressors in each wetland.

3.10.1 Affected Environment

More than 80% of the wetlands once found in West Virginia have been lost. They were filled in or drained to grow crops, build towns and roads, and extract minerals. With the loss of our wetlands went the many services they provide. The Clean Water Act of 1972 and the Food Security Act of 1985 aim to stop the net loss of wetlands nationwide. In West Virginia, USDA, DEP, and other agencies work together to protect wetlands through monitoring, assessment, restoration, and regulation.

All applicable state and federal requirements will be complied with by all agency and partner staff who are financially assisting producers with the WV-CREP. The Wetland Conservation (WC) provisions of the Federal Farm Bills, commonly referred to as Swampbuster, prohibit USDA program participants from converting remaining wetlands on their agricultural operations to cropland, pasture, or hay land unless the wetland acres, functions, and values are compensated for through wetland mitigation. USDA program participants must certify that they are compliant with WC provisions.

Currently, West Virginia does not have any CREP contracts involving wetland restoration.

3.10.2 Environmental Consequences

Proposed Action
Implementation of the proposed action to allow conservation practices on CREP lands would provide long-term, direct, and indirect beneficial effects to water quality and conservation. The primary objectives of all CREP agreements under consideration are to improve water quality and quantity and enhance wildlife habitat. Each basin has a common issue in managing the intense pressure placed on finite surface and groundwater resources, especially in uncertain and fluctuating climate conditions. Surface water and groundwater are hydrologically connected in many parts of the basins and the conservation of surface water and groundwater is of special concern.

Section 404 of the Clean Water Act and Swampbuster provisions of the Farm Bill are restrictive in allowing draining or conversion of existing wetlands for farming. EO 11990, Protection of Wetlands, applies to private lands and would also promote the stability of wetland acreage. Impacts to wetlands would likely remain unchanged from the current baseline due to the statutory and regulatory requirements related to wetland fill and conversion.

Selection of the proposed action would further the purpose and need of maximizing water quality and conservation in the CREP watersheds. The proposed action would result in enhancing water quality, quantity, and wetland functions and remain consistent with the statutory intent of CREP. While the proposed action would enhance watershed benefits and functions, it is not anticipated to result in significant adverse water resource impacts associated with its implementation.

No Action Alternative
If the Proposed Action is not implemented, then the existing conditions for wetlands and water quality in West Virginia would continue and no impacts would occur.

3.11 Soils

The Food Security Act of 1985 includes provisions that contribute to soil protection, which are commonly referred to as the Sodbuster provisions. All persons that produce agriculture commodities must protect cropland classified as being Highly Erodible Land (HEL) from excessive erosion. For applicants requesting federal assistance it must be determined if HEL soils are present on cropland within the proposed action area. If an applicant intends to produce an agricultural commodity on a field on which HEL is predominant, the applicant must have a

current AD-1026 on file, regardless of the type of operation or planned project, and develop a conservation plan system approved by NRCS.

Soils are eliminated from detailed analysis because the land would not be cropped while enrolled in CREP and is therefore not subject to the Highly Erodible Land provisions of the Food Security Act.

3.12 Water Quality

For this analysis, water resources include groundwater, surface water, water quality, and wetlands. Both water quality and quantity are discussed herein simultaneously due to their connection. The Clean Water Act, Safe Drinking Water Act, and the 1985 Food Security Act wetland protect on provisions are the primary Federal laws that protect the nation's waters, including lakes, rivers, aquifers, and wetlands.

3.12.1

The revised WV CREP agreement would encompass all 24,230 square miles in all 55 counties in West Virginia and prioritize the watersheds of the Cheat River, Kanawha River, Little Kanawha River, Monongahela River, Potomac River, Ohio River, and the James River (see map on the next page). These watersheds are the focus of the proposed CREP amendments to promote water quality improvements and conservation on lands enrolled in CREP.

3.12.2 Environmental Consequences

Proposed Action
Implementation of the proposed action to allow conservation practices on CREP lands would provide long-term, direct, and indirect beneficial effects to water quality and conservation. The primary objectives of all CREP agreements under consideration are to improve water quality and quantity and enhance wildlife habitat. Each basin has a common issue in managing the intense pressure placed on finite surface and groundwater resources, especially in uncertain and fluctuating climate conditions. Surface water and groundwater are hydrologically connected in many parts of the basins and the conservation of surface water and groundwater is of special concern.

Under the proposed action, additional acres enrolled in CREP would be enhanced by conservation practices aimed at water quality. These include the installation of filter and prairie strips (CP21 and CP43), riparian buffers (CP22), and the construction of wetlands (CP39). Furthermore, the CREP would target highly erodible land for enrollment using indexes and assessment models. Acres that do not have a cropping history would typically not meet eligibility requirements for the program. A change from cropland to conservation land use would have beneficial effects on local and regional hydrology and water quality. Benefits are likely to include decreased artificial runoff, filtering and sediment reduction, nutrient removal, and increases to overall streamflow and groundwater recharge and water quality. Increased streamflow will improve water quality in the basins and provide additional surface and groundwater flows to benefit wetland values and wildlife habitat.

Selection of the proposed action would further the purpose and need of maximizing water quality and conservation in the three CREP watersheds. The proposed action would result in enhancing water quality, quantity, and wetland functions and remain consistent with the statutory intent of CREP. While the proposed action would enhance watershed benefits and functions, it is not anticipated to result in significant adverse water resource impacts associated with its implementation.

No Action Alternative
If the Proposed Action is not implemented, then the existing conditions for water quality in West Virginia would continue and no impacts would occur.

3.13 Air Quality

USEPA sets National Ambient Air Quality Standards (NAAQS) to protect public health for five major air pollutants: ground-level ozone, particular pollution (also known as particulate matter), carbon monoxide, sulfur dioxide and nitrogen dioxide. USEPA uses Air Quality Index (AQI) to indicate overall air quality. AQI considers all the air pollutants measured in the NAAQS within a geographic area. Establishment and management of lands enrolled in CREP may result in minor, localized, and temporary impacts to air quality. These activities would not result in significant impacts to the AQI and other air quality parameters and is eliminated from detailed analysis.

3.14 Noise

Effects on noise were eliminated from detailed analysis. While there would be a short-term increase in noise level during construction for CP installation, the increase would be temporary and there would be no continual impacts on the local soundscape. Implementation of the CREP may result in a slight decrease in long-term noise levels, due to the long-term lifespan of the CPS and the decreased agricultural activities on CREP lands. As a result, FSA eliminated noise from further analysis as part of this PEA.

3.15 Important Land Resources

The Farmland Protection Policy Act (FPPA) was passed by Congress as part of the Agriculture and Food Act of 1981, to minimize the effect of Federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural use. Important land resources are eliminated from detailed analysis because the proposed action would not result in the irreversible conversion of farmland to nonagricultural use.

3.16 Socioeconomic Impacts and Environmental Justice

No impact to population, housing, income, or employment in the region are anticipated to result from the Proposed Action, nor are disproportionate adverse impacts to minority or low-income populations anticipated. Therefore, socioeconomics and environmental justice are not carried forward for detailed analysis.

4.0 CUMULATIVE IMPACTS

4.1 Past, Present and Reasonably Foreseeable Actions

Federal, State, local, and private activities that are currently taking place, have occurred in the past, or may reasonably be assumed to take place in the future in the cumulative effects area include conservation programs that provide financial or technical assistance to private landowners. This includes NRCS conservation programs, FWS and Forest Service programs, watershed programs, and conservation programs administered by the State of West Virginia.

4.2 Cumulative Analysis

The cumulative impacts analysis is important to understanding how multiple actions in a particular time and space (e.g., geographic area) impact the environment. The CEQ regulations define cumulative effects as "…the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions" (40 CFR § 1508.7). Whereas the individual impact of one project in a particular area or region may not be considered significant, numerous projects in the same area or region may cumulatively result in significant impacts.

Cumulative impacts are most likely to arise when a relationship exists between the proposed action and other actions expected to occur during a similar time in a similar location. For these cumulative impacts analysis, the geographic location considered will include the counties where lands are eligible for enrollment in CREP, and water resources located downstream. The period considered in these cumulative impacts analysis will be 15 years, the maximum contract length for CREP. To minimize any potential cumulative effects, West Virginia will rely upon site-specific environmental reviews to analyze data and potential effects to our environment based upon the measured categories in Chapter 3.

4.3 Irreversible and Irretrievable Commitments of Resources

NEPA requires that environmental analysis include identification of any irreversible and irretrievable commitments of resources which would be involved should an action be implemented. The term irreversible refers to the loss of future options and commitments of resources that cannot be renewed or recovered or can only be recovered over a long period. Irreversible commitments apply primarily to the use of nonrenewable resources, such as minerals or cultural resources, or to factors such as soil productivity, that are renewable only over a long period. Irretrievable refers to the loss of production or use of natural resources. For example, when a road is built through a forest, some, or all the timber production from an area is lost irretrievably while an area is serving as a road. The production lost is irretrievable, but the action is not irreversible. If the use changes, it is possible to resume timber production. No irreversible resource commitments would occur because of the Proposed Action.

5. LIST Of PREPARERS AND AGENCIES CONTACTED

List of Preparers	
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