

Finding of No Significant Impact for the Programmatic Environmental Assessment (EA) on the Interim Final Rule for the Conservation Stewardship Program (CSP)

I. AGENCY ROLE AND RESPONSIBILITY - United States Department of Agriculture (USDA) – Natural Resources Conservation Service (NRCS)

In accordance with the NRCS regulations (7 Code of Federal Regulations (CFR) Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the following proposed action:

The proposed action is promulgation of the Interim Final Rule for CSP as required by the Food, Conservation, and Energy Act of 2008 (hereafter referred to as the 2008 Act).

II. NRCS DECISION TO BE MADE

As Chief of NRCS, I must make the following decision:

1. Develop rules to implement CSP.

I must also determine if the Agency's Preferred Alternative (Alternative 2) will or will not be a major Federal action significantly affecting the quality of the human environment. The Programmatic EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the selected alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under Part VII of this finding.

III. PURPOSE AND NEED FOR ACTION

The underlying need for action is to address resource concerns in a comprehensive manner on private and tribal agricultural and nonindustrial private forest lands.

NRCS' need for action is tied to the passage of the CSP provisions in the 2008 Act which require CSP to be implemented in a manner that achieves the stated purposes. The purpose of CSP is to encourage producers to address resource concerns in a comprehensive manner by undertaking additional conservation activities and by improving, maintaining, and managing existing conservation activities.

IV. ALTERNATIVES CONSIDERED IN THE PROGRAMMATIC EA

Two alternatives were analyzed in the Programmatic EA and are characterized as follows:

Alternative 1: No Action – No implementation of CSP.

Alternative 2: Agency Preferred Alternative - CSP is implemented according to the new 2008 requirements under the Interim Final Rule developed by NRCS.

V. NRCS' DECISION AND FACTORS CONSIDERED IN THE DECISIONS

Based on the evaluation in the Programmatic EA, I have chosen to select Alternative 2 as the Agency's Preferred Alternative. I have taken into consideration all of the potential impacts of the proposed action, which are incorporated by reference from the Programmatic EA, and balanced those impacts with considerations of the Agency's purpose and need for action.

In accordance with the Council of Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighted most heavily in the determination" when choosing the Agency Preferred Alternative (Alternative 2) to implement. Specifically, I acknowledge that based on the Programmatic EA, potential impacts to soil, water, air, fish and wildlife, and human resources were heavily considered in the decision. As a result, the Agency Preferred Alternative (Alternative 2) would result in an overall net beneficial impact to the human environment based on all factors considered.

VI. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in this Programmatic EA, the Agency is required by NEPA regulations at 40 CFR 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the Programmatic EA, review of the NEPA criteria for significant effects, and based on the analysis in the Programmatic EA, I have determined that the action to be selected, Alternative 2 (Agency Preferred Alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) on the final action is not required under Section 102(2)(c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Part 1508.27 and from NRCS regulations at 7 CFR Part 650:

- 1) The Programmatic EA evaluated both beneficial and adverse impacts of the proposed action. There are no significant adverse effects associated with Alternative 2 either directly from this rulemaking action, indirectly, or cumulatively from implementation of conservation activities applied under CSP. The NRCS conservation planning process and the results of an environmental evaluation conducted on a site-specific level will be used to identify appropriate actions necessary to minimize any potential adverse effects as required by NRCS regulations and policy (General Manual 190 Part 410) as discussed in section 4.3 of the Programmatic EA.
- 2) Alternative 2 does not significantly affect public health or safety. The indirect effects associated with the application of conservation activities under CSP are anticipated to provide long term beneficial impacts to improve natural ecosystem functions. Specifically, soil, water, air, fish and wildlife, plants, energy, cultural, and environmental justice issues will be improved through selection of Alternative 2.

- 3) There are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from selection of Alternative 2. NRCS regulations (7 Part 650) and policy (GM 420 Part 401 and GM 190 Part 410), require that NRCS identify, assess, and avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing CSP would have adverse effects on these resources.
- 4) The effects on the human environment are not considered controversial for Alternative 2. CSP activities eligible to receive annual payments will be a mixture of traditional conservation practices and “enhancements.” Both types of activities when taken by a producer will exceed quality criteria for a given priority resource concern. Some enhancements will be directly related to the established NRCS conservation practice standards and will exceed the minimum requirements for the standards described in the NRCS Field Office Technical Guide (<http://www.nrcs.usda.gov/technical/efotg/>). Payments may also be provided for on-farm research and demonstrations, and pilot testing of new technologies or innovative conservation activities. These activities must undergo further evaluation under NRCS’ environmental review processes to evaluate potential impacts prior to funding approval as discussed in sections 4.2 and 4.3 of the Programmatic EA. To achieve the program purpose of addressing resource concerns in a comprehensive manner, overall effects of implementing conservation activities will be beneficial to the environment.
- 5) Alternative 2 is not considered highly uncertain and does not involve unique or unknown risks. CSP will involve installation of conservation activities. The effects of traditional conservation activities are analyzed from a broad scale national perspective in the Programmatic EA and have been detailed in the practice effects network diagrams incorporated by reference in the Programmatic EA. To the extent that effects related to implementation of CSP at the State and local levels may result in significant effects to the quality of the human environment, a State, area-wide, or site-specific Programmatic EA or EIS may be prepared separately from this national analysis.
- 6) Alternative 2 will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations. The proposed action will be carried out through fiscal year 2012, at which time the Farm Bill will be revised to address the issues relevant at that time.
- 7) Alternative 2 will not result in individually or cumulatively significant adverse impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decision-makers avoid, minimize, or mitigate. NRCS will document direct, indirect, and cumulative actions during site-specific environmental evaluations and will identify and incorporate appropriate actions necessary to minimize potential adverse effects. Cumulative impacts resulting from Alternative 2 are anticipated to be beneficial overall.

- 8) Alternative 2 will not cause loss or destruction of significant scientific, cultural, or historical resources. NRCS follows the procedures developed in accordance with a nationwide programmatic agreement between NRCS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, which called for NRCS to develop consultation agreements with State Historic Preservation Officers and federally recognized tribes (or their designated Tribal Historic Preservation Officers). These consultation agreements focus historic preservation reviews on resources and locations that are of special regional concern to these parties.
- 9) Alternative 2 will not adversely affect endangered or threatened species, marine mammals, or critical habitat as discussed in Section 4.6 of the Programmatic EA. NRCS regularly consults with the Fish and Wildlife Service and/or National Marine Fisheries Service to ensure these species are not jeopardized and that there are no adverse modifications to designated critical habitat. Alternative 2 would indirectly, through the application of conservation practices, result in projects to protect, enhance, conserve, and restore endangered and threatened species and their critical habitats.
- 10) The proposed action does not violate Federal, State, or local law requirements imposed for protection of the environment. The major laws identified with the selection of Alternative 2 include the Clean Water Act, Clean Air Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, National Historic Preservation Act, Marine Mammal Protection Act, Executive Order on Environmental Justice, and Migratory Bird Treaty Act. Alternative 2 is consistent with the requirements of these laws.

Based on the information presented in the attached CSP Programmatic EA, I find in accordance with 40 CFR Part 1508.13 that the selection of the Agency Preferred Alternative (Alternative 2) is not a Major Federal Action significantly affecting the quality of the human environment requiring preparation of an EIS.

Dave White
Chief, Natural Resources Conservation Service
U.S. Department of Agriculture

Date