

NRCS Technical Assistance for FSA's Conservation Loan Program, Conservation Reserve Program and Emergency Conservation Program in Maine Policy

The Farm Service Agency (FSA) is the lead agency for environmental compliance for the Conservation Loan Program, Conservation Reserve Program (CRP) and the Emergency Conservation Program (ECP). When NRCS is asked to provide assistance for undertakings in these programs, FSA must comply with all relevant environmental laws including Section 106 of the National Historic Preservation Act. FSA must comply with the National Environmental Policy Act, National Historic Preservation Act, and other relevant Federal, State, Tribal or local laws and regulations. Only FSA is to consult with regulatory agencies, State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO), and other parties for these programs. FSA is responsible for informing landowners and project sponsors of needed cultural resource or environmental studies, consultations, permissions and/or permits and the potential costs and times involved. Additionally, FSA is responsible for arranging needed surveys or investigations.

NRCS will conduct appropriate literature reviews and field visits, determine compliance with highly erodible land and wetland provisions of the Food Security Act, and prepare conservation plans with proposed conservation practices. NRCS and FSA will complete an environmental evaluation using the ME-CPA-52 according to the procedures described below.

Environmental Evaluation Worksheet (ME-CPA-52)

Sections A to H

NRCS shall complete these sections in accordance with the **Instructions for Completing form ME-CPA-52, "Environmental Evaluation Worksheet"**. NRCS will be responsible for evaluating most effects of planned NRCS conservation systems or practices on Soil, Water, Air, Plants, Animals and Human, Economic and Social Considerations concerns as listed using field inspection, spatial datasets developed by the NRCS Geographer for use in ArcGIS, map studies, field searches, and other available and appropriate data sources.

For the **special environmental concerns** listed under Section I, Field Offices should use the evaluation procedure guide sheets located in the **National Environmental Compliance Handbook** to assist in filling out Section J. Contact the appropriate NRCS State Office Resource Specialist for additional assistance, as needed. Listed immediately below are procedures to follow when addressing cultural resources, threatened and endangered species, and protected habitats".

For **cultural resources**, Field Offices shall write "see attached recommendations" across the row for Cultural Resources and under "J. Impacts to Special Environmental Concerns". At this time, Field Offices also complete the NRCS Cultural Resources Review Worksheet (ME-CR-1). For **all** proposed conservation practices, NRCS field personnel should fill in the ME-CR-1 according to existing instructions, but submit **each** completed worksheet to the NRCS Cultural Resources Specialist. This includes worksheets for practices that NRCS otherwise considers to be exempted from further cultural resource review. (FSA is not a party to the NRCS agreements which designate certain practices exempt from such review). Upon receipt of the ME-CR-1, the NRCS Cultural Resources Specialist will provide written comments to the Field Office on what FSA should advise the SHPO/THPO in subsequent consultation. The Field Office completes its cultural resource review by appending the ME-CR-1 with the NRCS Cultural Resources Specialist's recommendations to the ME-CPA-52 for submission to FSA.

For State and Federal **threatened and endangered species, and protected habitats**, NRCS staffs will complete a ME-ECS-1 to step 2(a), if needed. If a protected species and/or habitat is located within ¼ mile of where practices are to be installed, NRCS shall inform FSA of the possible need to consult with the appropriate Federal and/or State agency. As stated above, FSA is required to inform landowners of needed consultations, permissions, etc.

Sections J through L

NRCS shall indicate on the ME-CPA-52 or by attached instruction, information regarding necessary permissions, consultations, permits, easements or other requirements needed prior to FSA action. NRCS shall provide FSA maps depicting the presence of known Federal or State designated threatened or endangered species, species of special concern, and impaired or protected habitats within a ¼ mile of the project area and other needed information as described in the attached worksheet instructions. The designated NRCS Field Office Conservationist shall sign and date their work.

Sections M through N

NRCS shall indicate the preferred alternative, supporting reason and context of the analysis.

Section O

NRCS will leave this section blank. The responsible agency official for FSA is required to fill out these sections in accord with the attached worksheet instructions and FSA policy.

Section P

NRCS Certified Conservation Planner will electronically sign, enter their title and date.

Sections O through S

The responsible agency official for FSA is required to fill out these sections in accord with the attached worksheet instructions and FSA policy.

FSA must provide NRCS with a filled out ME-CPA-52 and needed correspondence demonstrating compliance with Federal, State and local laws (including Section 106 of the National Historic Preservation Act), before NRCS provides technical assistance which directs or controls the outcome of a conservation plan/contract.