

General Manual
Title 190—Ecological Sciences

Part 410—Compliance with NEPA
Subpart A—Procedures for NRCS-Assisted Programs

KS410.4 Definition of Terms

K. Responsible Federal Official (RFO)

The Kansas State Conservationist designates:

- (1) District conservationists as the RFO, in their respective geographical area served by the field office, for general conservation technical assistance and NRCS-administered conservation programs only.
- (2) Easement program coordinator as the RFO, for their respective easement program (i.e., Wetlands Reserve Program, Grassland Reserve Program, Farm and Ranch Lands Protection Program) only.
- (3) Natural Resources Conservation Service (NRCS) staff with a minimum of Conservation Planning Certification Level I or higher may sign as the responsible federal agency for the planning action (first signature block) for NRCS.

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KS410.5 Environmental Evaluation in Planning

A. General

Findings of the environmental evaluation (EE) process are to be documented on Form KS-CPA-52, Environmental Evaluation Worksheet.

B. Procedures

(1) The Natural Resources Conservation Service (NRCS) in Kansas will use fish and wildlife habitat evaluation procedures developed by the Kansas Department of Wildlife and Parks (KDWP) for NRCS-assisted activities for adverse impacts associated with terrestrial ecosystems.

(2) NRCS in Kansas will use the latest stream mitigation guidance adopted by the U.S. Army Corps of Engineers (USACE) to determine adverse impacts associated with streams for NRCS-assisted projects.

(3) All evaluations will be current within five years of project implementation and evaluations will be in compliance with the National Environmental Policy Act (NEPA) requirements. NRCS will coordinate participation of KDWP and U.S. Fish and Wildlife Service (USFWS) in NRCS project assessments.

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Subpart B – Related Environmental Concerns

KS410.26 Protection of Wetlands

F. NRCS Technical Assistance Procedures

(2) Pre-conversion assistance:

NRCS in Kansas will provide technical assistance under the National Environmental Policy Act (NEPA) for rangeland seeps and springs. Rangeland seeps and springs are not a Food Security Act jurisdictional issue unless they are being converted to production of an agricultural commodity.

(i) All spring developments on rangeland for livestock water purposes will be considered wetlands unless documentation is provided to prove the area does not meet wetland criteria.

(ii) For Conservation Practice Standard 574, Spring Development, the tank must be located away from the wetland seep to the maximum extent allowed by design criteria and landform. When the tank is installed a minimum distance of 100 feet from the edge of the wetland seep and 50 feet from the edge of wet contiguous areas downstream from the wetland seep no additional mitigation assessments or compensation activities will be required or implemented. Overflow discharge from the tank should be routed back to the original drainage flow-way. This will remove livestock from the original wetland seep area and will be considered an activity satisfying any and all mitigation requirements.

(iii) For wetland seeps where a tank will be installed less than 100 feet from the wetland seep and less than 50 feet from the edge of wet contiguous areas downstream from the wetland seep, a float valve or livestock exclusion from the seep area will be required. This will be considered an activity satisfying any and all mitigation requirements.

(iv) For wetland seeps with very marginal water flow and the field office determines the wetland seep has sufficient water flow for a spring development, a float valve will be required. This will be considered an activity satisfying any and all mitigation requirements. No additional mitigation assessments or compensation activities will be required or implemented. If the producer uses the spring development for over-winter water supply, the valve can be fixed open after first fall killing frost until frost-free date in spring.

(v) It is the landowner's responsibility to obtain applicable permits for Section 404 of the Clean Water Act.