

#### **United States Department of Agriculture**







### **Environmental Evaluation: CPA-52**

### **Acronyms Explained:**

- CatEx Categorical Exclusion (from NEPA)
- CAA Clean Air Act
- CART Conservation Assessment & Ranking Tool
- CEQ Council on Environmental Quality
- CIG Conservation Innovation Grant
- CRP Conservation Reserve Program
- CSP Conservation Stewardship Program
- CWA Clean Water Act
- EA Environmental Assessment
- EE Environmental Evaluation
- EIS Environmental Impact Statement
- EQIP Environmental Quality Incentives Program
- ESA Endangered Species Act
- EWP Emergency Watershed Protection (Program)
- FONSI Finding of No Significant Impact
- FSA Farm Service Agency
- NEPA National Environmental Policy Act
- NECH (NRCS) National Environmental Compliance Handbook
- NFSA National Food Security Act (sometimes shown just as "FSA")
- NHPA National Historic Preservation Act
- NOI Notice of Intent
- NPPH (NRCS) National Planning Procedures Handbook
- ROD Record of Decision

## Environmental Evaluation: CPA-52 Overview

- What is Environmental Evaluation
- History of the Environmental Evaluation
- When to Complete the Environmental Evaluation
- Environmental Evaluation and the Planning Process:
  - The CPA-52 form
  - Alaska Resource Concerns
  - Required Alaska Resource Concerns (Programs)
  - Requirements for Completing the CPA-52
  - Special Environmental Concerns

### What is Environmental Evaluation

### 7 CFR § 650

"...the part of planning that inventories and estimates the potential effects on the human environment of alternative solutions to resource problems."

Environmental Evaluation Series #1: Primer on NRCS Environmental Compliance on the Conservation Webinar Portal provides an introduction to the environmental compliance and evaluation.

### History of the Environmental Evaluation

### National Environmental Policy Act of 1969

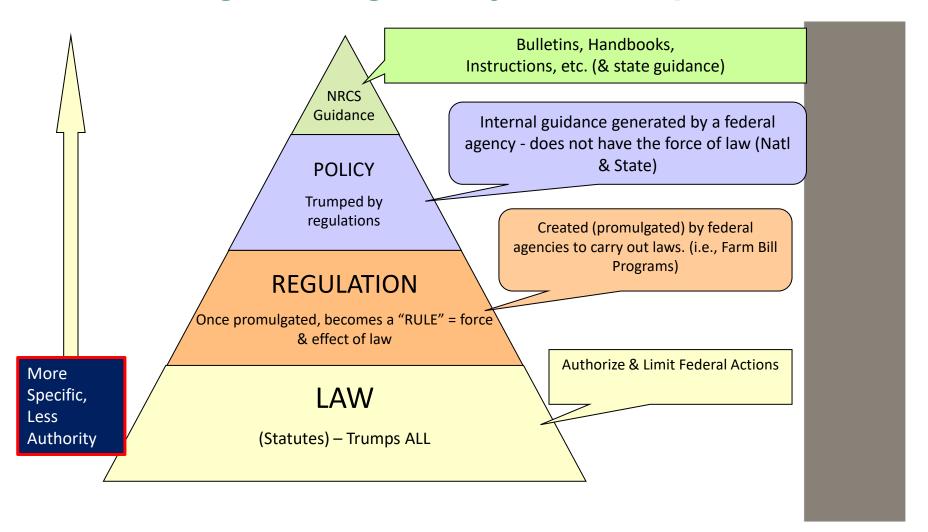
- Signed into law by President Nixon effective January 1, 1970.
- Ensured that environmental effects of government actions were taken into consideration and required the consideration of ways to avoid, minimize, or mitigate adverse effects before implementing those actions.
- Created the Council on Environmental Quality (CEQ), which was to oversee Federal agency compliance with the Act.
- Required Federal agencies to provide a detailed statement of environmental impacts for major federal actions.

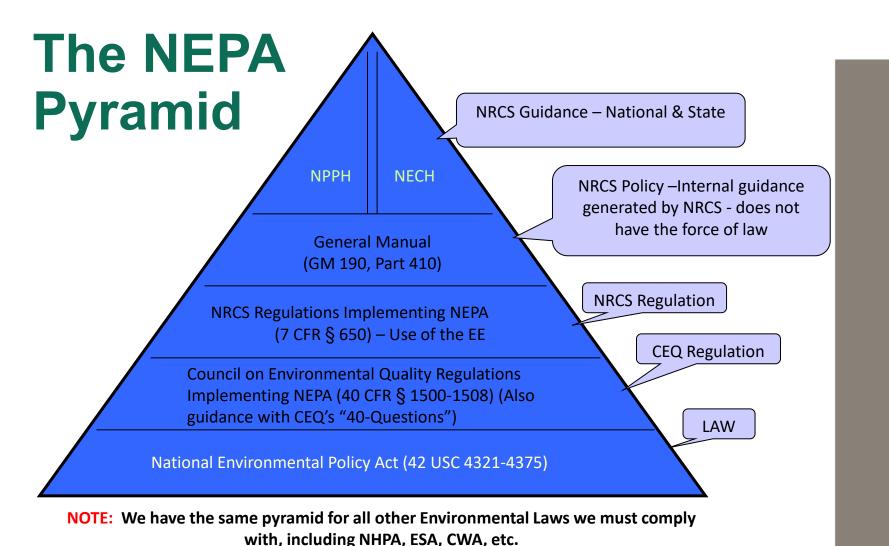
### History of the Environmental Evaluation

National Environmental Policy Act of 1969 (continued)

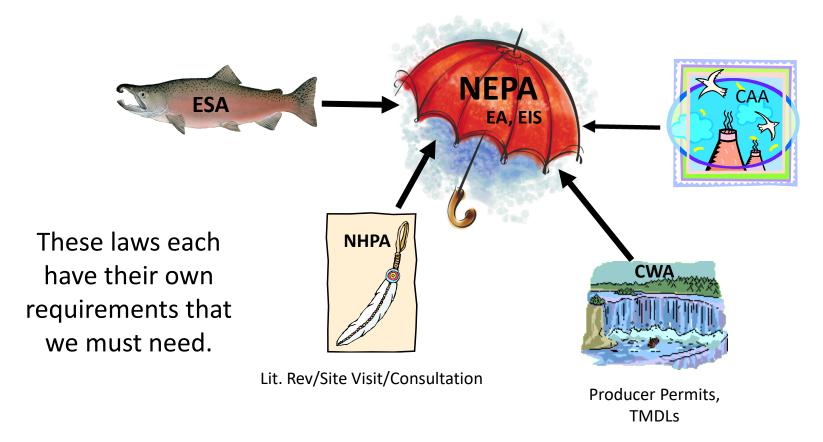
- August 29, 1979 NRCS published its final rules for implementation of NEPA (7 CFR 650)
  - NEPA will be considered in all steps of the planning process and should not as a separate process or requirement.
  - The only time it is not required is when making a technical determination, such as a wetland determination, or providing technical information.
  - Environmental Evaluations determine if an environmental assessment or environmental impact statement is needed.

### **Understanding the Regulatory Landscape**





## NEPA serves as an over-arching umbrella for complying with many laws, regulations, and executive orders.



### Important Elements of NEPA

Public Disclosure of Federal Actions

- Presentation of Appropriate Range of Alternatives (at least two – 1) "No Action" and 2) "Proposed Action". More is preferred.)
- Interagency Coordination (as appropriate)
- Public Participation (as appropriate, e.g., scoping under EIS)

## NRCS Environmental Compliance Documents

Time Needed and Generally Increasing Complexity

- When developing conservation plans, including component plans such as nutrient management plans
- When completing areawide and watershed planning
- For financial assistance in the form of grants (CIGs)
- For conservation planning activities contracted to entities outside of NRCS
- For all NRCS financial assistance conservation programs including easements

### **Enforcement**

- NRCS can be sued in federal court to stop activities if we do not follow procedures required by NEPA.
- NEPA require that the proper procedures are followed when considering the effects of NRCS actions on the environment.
- NEPA does NOT require NRCS to take the action that results in the least environmental impact.
- However, NRCS policies require us to take actions which avoid, minimize, or mitigate adverse effects on the environment.

### What a Federal Action Is

- NEPA applies whenever a federal agency proposes to take a "major federal action" that may affect the quality of the human environment.
- A "federal action" is any action where the federal agency controls of has responsibility over the actions, including:
  - Financed/Funded
  - Approved/Authorized
  - Assisted
  - Conducted
  - Regulated

### What a Federal Action Is NOT

 Situations where NRCS is ONLY providing technical assistance (CTA) because we have no control over what the client will do with it.

### However...

 NRCS Policy requires a complete CPA-52 as a part of EVERY planning activity, regardless of whether or not it is a federal action under NEPA.

### When to Complete the Environmental Evaluation

NRCS is required to complete an environmental evaluation for all planning and financial assistance including but not limited to (NPPH 600.41C):

- When developing conservation plans, including component plans such as nutrient management plans
- When completing areawide and watershed planning
- For financial assistance in the form of grants (CIGs)
- For conservation planning activities contracted to entities outside of NRCS
- For all NRCS financial assistance conservation programs including easements

### When to Complete the Environmental Evaluation

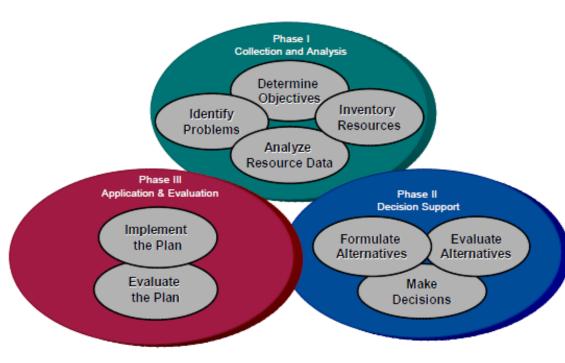
NRCS is required to complete an environmental evaluation for all planning and financial assistance including but not limited to (NPPH 600.41C): (continued)

- Other State, Tribal, Territorial, or local programs that require NRCS approval
- The establishment of new structures associated with Snowpack Telemetry (SNOWTEL)
- Propagation and release of plant materials
- Emergency Watershed Program (EWP) damage survey reports (DSRs)
- NRCS-assisted programs through other agencies (e.g., FSA programs like CRP)
- Compatible uses and infrastructure projects on NRCS easements

### The CPA-52 Form (EE document)

- The PRIMARY NRCS planning document
- NOT just a NEPA thing
- Integrates environmental concerns throughout the planning, installation, and operation of NRCS-assisted projects
- Used for ALL planning actions
- A decision tool for landowners, helping them evaluate a range of conservation alternatives

### **The Nine Step Planning Process**



### Phase I Collection and Analysis

- Step 1 Identify Problems
- Step 2 Determine Objectives
- Step 3 Inventory Resources
- Step 4 Analyze Resource Data

#### **Phase II Decision Support**

- Step 5 Formulate
   Alternatives
- Step 6 Evaluate
   Alternatives
- Step 7 Make Decisions

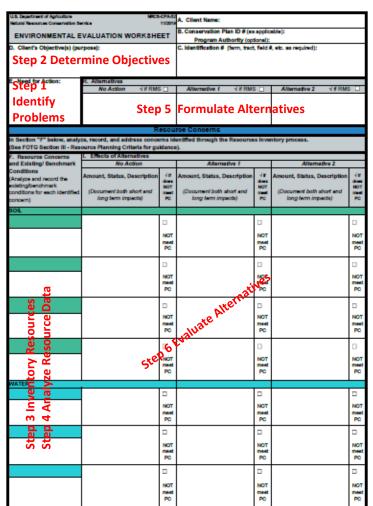
### Phase III Application & Evaluation

- Step 8 Implement the plan
- Step 9 Evaluate the plan

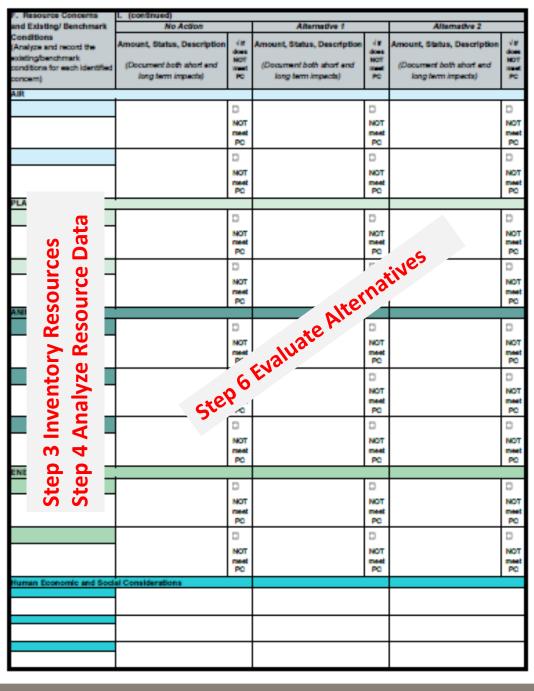
The planning process is documented on the form "CPA-52"

A complete overview of the CPA-52 and how the planning process is documented is provided in two courses:

- 1. The NRCS-CPA-52
  Environmental Evaluation
  Worksheet (NRCS-NHQ000048) on AgLearn
- 2. The Environmental Evaluation Series #2 on Conservation Webinar Portal.









Special Environmental	J. Impacts to Special Enviro	nment	al Concerns			
noems	No Action		Alternative 1	Alternative 2		
ocument existing/ nchmark conditions)	Document all impacts (Attach Guide Sheets as applicable)	needs further action	Document all impacts (Attach Guide Sheets as applicable)	needs further action	Document all impacts (Attach Guide Sheets as applicable)	reeds further action
lean Air Act Guide Sheat		D		D		D
		_		_		
lean Water Act / Waters of the i.				п		п
Guide Sheet						
osstal Zone Management Guide Sheet		D		D		D
nal Ro		_				Ĺ
Guida		D		D	6	D
ten to		п		п	rives _	п
es Da				CX	hat.	
🚾 🖺 g 📑				te		п
Sou			ater			
Res So		D	- Cyalus —	D		D
~ ~ ~ ~			6 E	$\vdash \vdash$		$\vdash$
ito /ze	c,	ref	6 Evaluate A	D		D
ren		0		D		D
<u> </u>						Ĺ
3 4		D		D		D
		п		п		
St St		- I		- I		[
tural Areas Guide Sheet		D		D		Б
ne and Unique Farmlands						Ĺ
Guide Sheet		D		D		D
erian Area Guide Sheet		D		D		D
ok Sant-						Ĺ
mic Searty Suide Sheet		D		D		О
				L I		Ľ



Wedenda					_					_
Wetands Guide She	•				D			D		D
Wild and So Guide She		•			_					
					D			D		D
C. Other A Broad Pub	olic Cono	erns	No	Action		Alternat	tve 1		Alternative 2	
Annual Development Builds				<b>Evaluate Alternatives</b>						
numulative Effects Nametive Describe the cumulative impacts one/dered, including past, reset and known future actions agardiess of who performed the ctions)		e impacts ast, re actions								
Mitigati Record actio ninimize, an	ona to avoi		Step 7 Make Decisions							
t. Preferre		refrec retive		)						
		porting on								
		context of sites								
The signific nterests, at		n action must b ality.	e analyzed	lin several co	rrieoda s	uch as society as a w	hole (hum	en, net	onal), the affected region, the af	fected
						s accurate and com		and to	block and then NRCS is to sign	64
econd bloc	ck to verif	y the informatio	n's scourse	y.	an pas	g say are straigh			and and sent rendo is a sign	
	-									
Signature (TSP If applicable) Title					Date					
		Signature (1	NRC5)		-	TIS			Date	
			ieral action				ility and t	his NR	CS-CPA-52 is shared with son	neone
	The	following s	otions a	are to be o	omple	eted by the Res	ponelble	Fede	eral Official (RFO)	
RCS is th	• RFO if	the action is sub	ject to NR	CS control an	d respo	nability (e.g., actions	financed, f	funded,	assisted, conducted, regulated, sistance because NRCS cannot	or
netral who	of the other		a with that	essistance en	of pitrost	fone where NRCS is:			determination (such as Farm I	
. Determ	ination o	f Significance	or Extraor	dinary Circui	matano	45				
									Impacts may be both beneficial beneficial. Significance cannot	
voided by	terming a	in action tempor	many or by b	reaking it dow	m into s	mail component part	R.			
f you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary irroumatances and significance issues to consider and a site specific NEPA analysis may be required.  Yes: No.										
		<ul> <li>Is the preferred alternative expected to cause significant effects on public health or safety?</li> <li>Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?</li> </ul>								
		Does the prefe	he effects of the preferred alternative on the quality of the human environment likely to be highly controversial? It be preferred alternative have highly uncertain effects or involve unique or unknown risks on the human							
			the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in					iln		
		is the preferre	le about a future consideration? preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality human environment either individually or cumulatively over time?					unlity		
								fthe sp	ecial environmental concerns?	Use
		the Evaluation as cultural or i coastal zones,	the preferred attenuative likely have a significant adverse effect on ANY of the special environmental concerns? Use twelvaluation Procedure Guide Sheets to assist in this determination. This includes, but is not find to, concerns such utural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, dat zones, coral neefs, essential fish habitat, wild and scenio rivers, clean air, ripartan areas, natural areas, and							
		Invasive speci Will the prefer		tive threaten s	violatio	on of Federal, State, o	or local law	vor requ	irements for the protection of the	
										_



<ol> <li>NEPA Con The preferred</li> </ol>		ng (check one)	Action required
			Document in "R.1" below.
-	1) is not a fe	deral action where the agency has control or responsibility.	No additional analysis is required
-		election ALL of which is categorically excluded from further environmental of there are no extraordinary circumstances as identified in Section "O".	Document in 19,2' below. No additional analysis is required
	regional, or n	i action that has been sufficiently analyzed in an existing Agency state, ational NEPA document and there are no predicted <u>significant advene</u> , i effects or extraordinary circumstances.	Document in "R. 1" below. No additional analysis is required.
•	NEPA docum and has been own Finding of	action that has been sufficiently analyzed in another Federal agency's ent (EA or EIS) that addresses the proposed NRCS action and its' effects in formally adopted by NRCS. NRCS is required to prepare and publish its of No Significant impact for an EA or Record of Decision for an EIS when the agency's EA or EIS document. (Notic This box is not applicable to	Contact the State Environmental Lisison for list of NEPA documents formally adopted and available for tering. Document in "R.1" below. No additional analysis is required.
-		il action that has NOT been sufficiently analyzed or may involve predicted verte environmental effects or extraordinary circumstances and may require	Contact the State Environmental Lisison. Further NEPA analysis required.
R. Rationale t	Supporting the	Finding	
RL1			
Findings Doour	mentation	Step 7 Make Decision	
0.2			5
n Applicable Cate	and ad	;ci0'	
Exclusion(s)	- Control	Cla	
more than one	may apply)	ve De	
7 CFR Part 650 (		-Nako	
With MEPA, subp Distagorical Excit		1 /4.	
prior to determini	ng that a	. 00 '	
proposed action is excluded under p		<b><t< b="">er</t<></b>	
his section, the p			
must meet six sid See NECH 610.1			
Emironmenta finding indicat	l Concerns, as ted above.	a of the alternatives on the Resource Concerns, Economic and Social C and Extraordinary Circumstances as defined by Agency regulation and p a Federal Official:	
	5	gnature Title	Date
		Additional notes	

	11160	LANGE OF THE PARTY
hhA	Itional notes	

#### Alaska Resource Concerns

- Use the Resource Concern List and Planning Criteria found in Section III of the Field Office Technical Guide (FOTG) to identify and assess resource concerns.
- The Resource Concern List and Planning Criteria identifies tools for assessing resource concerns and the minimal acceptable conditions that must be met to address the resource concern.



#### National Resource Concern List and Planning Criteria

Natural Resources Conservation Service (NRCS)



### **Alaska Resource Concerns**

 Alaska requires certain resource concerns be evaluated based on land use and/or land management, such as irrigation or applied nutrients. The planner is not limited to evaluation of only the required resource concerns; however, it is the minimum evaluation required.



#### National Resource Concern List and Planning Criteria

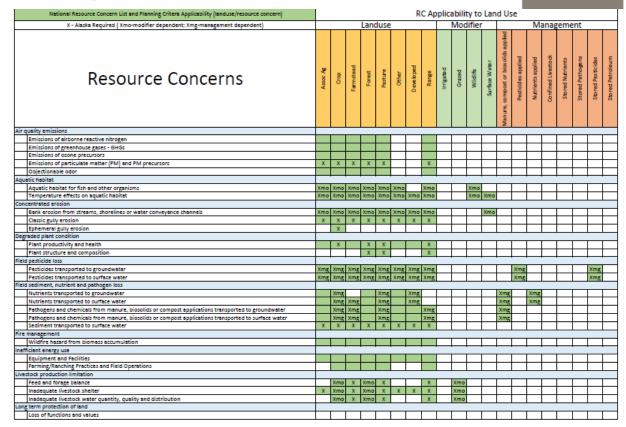
Natural Resources Conservation Service (NRCS)



October 2019

**Programs like EQIP** and CSP may have a minimum set of resource concerns that are required to be evaluated during the planning process, assessed in CART and documented on the CPA-52.

### **Required Alaska Resource Concerns**



### **Requirements for Completing the CPA-52**

#### **Need for Action**

- Reason for NRCS to take action
- Ties to resource concerns

#### **Inventory and Benchmarks**

- Short and concise
- List field (if applicable)
- Should be site-specific, tailor narrative to the operation
  - Do not use a template
- Quantify when possible
- Identify tools used in analysis
- If a required resource concern is not applicable, document the evaluation of it
- Include special environmental concerns

## Clean Water Act / Waters of the U.S. Guide Sheet Fact Sheet D.2 mi. Rock Ck. WOUS adjacent to field 4 (USGS Quad) / 303d listed for bacteria and 02

#### E. Need for Action:

Current contour flood system in pasture is ineffecient, plant productivity is less than desired as a result. Existing pump is 50 years old and ineffecient. Current irrigation scheduling is based on visual estimates and records are not kept.

#### SOIL: EROSION Sheet & Rill Erosion

Sheet & Rill erosion- fields 1-3 @

9 t/ac/yr- (RUSLE2)

Sheet & Rill Erosion -Farmstead

Not a Resource Concern.

Permanent ground cover is > 90% and slope is < 10%.

Clean Air Act

Guide Sheet FS1 FS-2

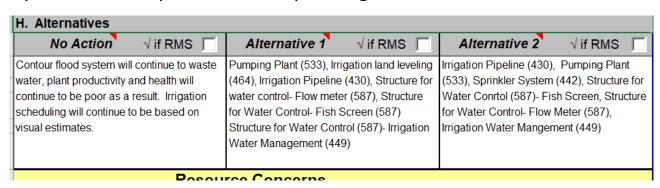
No nonattainment areas present in the planning area (FOTG 2)

Clean Water Act / Waters of the

### **Requirements for Completing the CPA-52**

#### **Alternatives**

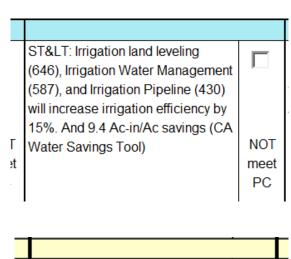
- A "No Action" alternative must <u>always</u> be included as required by NEPA.
- Must evaluate "No Action" and "Alternative 1". More alternatives are optional.
- Be concise and objective.
- List practice codes.
- Use the CPPE, tech notes, and specialists (experts from NRCS and other agencies) to guide practice selection.
- You may list non-NRCS practices when planning.

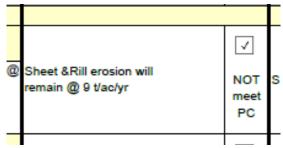


**Requirements for Completing the CPA-52** 

#### **Effects of Alternatives**

- Short and concise
- Should be site-specific narrative tailored to the operation
  - Do not use a generic template
- Identify tools used in analysis of alternatives and document the results
- List the practice and practice code treating the resource concern
- If the treatment of resource concern does not meet planning criteria, check "NOT meet PC"
- Include any special environmental concerns





### **Requirements for Completing the CPA-52**

#### Section Q NEPA Compliance Finding and Section R Rational Supporting the Finding

- The Environmental Evaluation Series #11 on <u>Conservation Webinar Portal</u> provides an overview of the categorical exclusion
- There are 21 NRCS Categorical Exclusions and 7 USDA Categorical Exclusions
- One or more categorical exclusions can be used
- For typical planning activities in Alaska:
  - If all practices and activities to be implemented can be described with one or more categorical exclusions, select all applicable categorical exclusions in R.2 and check item 2 in section Ω.
  - If all practices and activities to be implemented cannot be described using the categorical exclusions, select the appropriate program environmental assessment in R.1, if applicable and check item 3 in section Q.
- This section is typically completed by the planner; however, it is reviewed by the responsible federal official for accuracy.

#### Responsible Federal Official Signature

• The Alaska State Conservationist is the responsible federal official, but he/she may designate another individual to sign.

### **Requirements for Completing the CPA-52**

#### NRCS Categorical Exclusions (CatEx)

- A Cat Ex is defined as "a category of actions which do not individually or cumulatively have a significant effect on the human environment ... and ... for which, therefore, neither an environmental assessment nor an environmental impact statement is required." (40 CFR 1508.4)
- Preferred by NHQ as they carry more 'legal weight' than Programmatic EAs and EISs (i.e., check box #2 over #3 when possible).
- Caveat: Must meet "Sideboard Criteria" and test for "Extraordinary Circumstances (Section 'O')"

Special Environmental Concerns: The Environmental Evaluation (EE) Series found on the <u>Conservation Webinar Portal</u> provides an overview of the Special Environmental Concerns and how to document them on the CPA-52

- EE Series #3 Planning for Floodplain and Riparian Area Special Environmental Concerns
- EE Series #4 Planning for Wetlands and Clean Water Act Special Environmental Concerns
- EE Series #5 Planning for Prime and Unique Farmland and Invasive Species Special Environmental Concerns
- EE Series #6 Planning for Endangered Species/Migratory Birds/Bald and Golden Eagles Special Environmental Concerns
- EE Series #7 Planning for Natural Areas, Scenic Beauty, and Wild and Scenic Rivers Special Environmental Concerns
- EE Series #8 Planning for Clean Air Act and Environmental Justice Special Environmental Concerns
- EE Series #9 Planning for Essential Fish Habitat, Coastal Zones, and Coral Reef Special Environmental Concerns
- EE Series #10 Planning for Cultural Resources Special Environmental Concerns

### **Special Environmental Concerns**

- Clean Air Act List of Alaska nonattainment/maintenance status for each borough by year for all criteria pollutants can be found at <u>EPA</u> <u>Green Book</u>. Additional information can be found at <u>Alaska Division of</u> <u>Air Quality</u>
- Clean Water Act a brief explanation of Section 404 can be found at <u>EPA Clean Water Act Section 404 and Swampbuster</u>. Alaska NRCS maintains an impaired waters GIS layer for determining if your planning units contain or are adjacent to 303d listed water bodies. They can also be looked up at <u>Alaska Division of Water Quality</u> or <u>EPA Impaired</u> <u>Waters and TMDLs</u>
- Coastal Zone Management Alaska withdrew from the National Coastal Zone Management program on July 1, 2011.

### **Special Environmental Concerns**

- Endangered Species Act a list of Federal threatened and endangered species as well as State species of special concern can be found at <u>Alaska Department of Fish and Game</u>. Use of <u>USFW Information for</u> <u>Planning and Consultation (IPaC)</u> will allow you to see if any listed species, critical habitat, or migratory birds will be impacted by the proposed project.
- Environmental Justice Find area statistics and demographics using
   <u>EPA's Environmental Justice Screening and Mapping Tool</u> or <u>US Census</u>
   <u>Data</u>
- Essential Fish Habitat use <u>NOAA Essential Fish Habitat Mapper</u> to locate water bodies considered to be essential fish habitat.

### **Special Environmental Concerns**

- Floodplain Management For many areas in Alaska you can find floodplain maps using <u>FEMA Flood Map Service Center</u>
- Invasive Species a list, with pictures, of prohibited and restricted noxious plant species can be found at <u>Alaska Department of Agriculture</u>
- Migratory Birds/Bald and Golden Eagle Protection Act use of <u>USFW</u>
   <u>Information for Planning and Consultation (IPaC)</u> will allow you to see if migratory birds, bald or golden eagles or their habitat will be impacted by the project. The <u>Alaska Wildlife Action Plan</u> also contains information related to these birds and their habitat.
- Prime and Unique Farmlands Soils of local importance for various areas in Alaska can be found at <u>Alaska Prime and Important Farmlands</u>

### **Special Environmental Concerns**

- Wetlands AK NRCS maintains several wetland GIS layers. National Wetlands Inventory can be found by using <u>USFW NWI Wetlands</u> <u>Mapper</u>
- Wild and Scenic Rivers less than 1% of Alaska's river miles are
  designated as Wild and Scenic. A list of Alaska Rivers can be found at
  <a href="Matienal Wild and Scenic River System">National Wild and Scenic River System</a>. Clicking on the river will provide
  a river map and description of the reach designated Wild and Scenic.
- For addition information on Special Environmental Concerns, refer to Section II of the Field Office Technical Guide.

**Revisiting or Reinitiating a completed CPA-52** 

The CPA-52 must be updated, or a new CPA-52 completed, when:

- Outstanding environmental effects determinations are not being resolved as intended
- When NRCS makes "substantial changes" to the proposed action (e.g., the customer changes their mind, or NRCS adds or subtracts practices from the conservation plan, or NRCS makes significant changes to the practice scope or design.)
- When there is "significant new circumstances or information" (such as when previously unknown natural resource conditions are discovered during the implementation process.)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint\_filing\_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender