FINDING OF NO SIGNIFICANT IMPACT FROM IMPLEMENTATION OF THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP)

The National Environmental Policy Act (NEPA) requires Federal agencies to prepare an Environmental Impact Statement (EIS) for major Federal actions significantly affecting the quality of the human environment. The Natural Resources Conservation Service (NRCS) has completed a Programmatic Environmental Assessment (EA) of its proposal to promulgate a revised regulation implementing the changes made to EQIP by the Agricultural Act of 2014 (2014 Farm Bill) and making other minor administrative changes. The NRCS Chief, the responsible Federal official, must determine if the proposed action, Alternative 2 of the EA, constitutes a major Federal action significantly affecting the quality of the human environment such that an EIS should be prepared.

In developing its proposed action, NRCS had to ensure EQIP would be implemented in a manner that achieves the purposes for which EQIP has been authorized. As stated in the legislation, the purpose of EQIP under the 2014 Farm Bill is to promote agricultural production, forest management, and environmental quality as compatible goals, and to optimize environmental benefits by:

- Assisting producers in complying with local, State, and national regulatory requirements concerning—
    - soil, water, and air quality,
    - wildlife habitat, and
    - surface and ground water conservation;
- Avoiding, to the maximum extent practicable, the need for resource and regulatory programs by assisting producers in protecting soil, water, air, and related natural resources and meeting environmental quality criteria established by Federal, State, Tribal, and local agencies;
- Providing flexible assistance to producers to install and maintain conservation practices that sustain food and fiber production while—
    - enhancing soil, water, and related natural resources, including grazing land, forest land, wetland, and wildlife,
    - developing and improving wildlife habitat, and
    - conserving energy; and
- Assisting producers to make beneficial, cost effective changes to production systems (including conservation practices related to organic production); grazing management; fuels management; forest management; nutrient management associated with livestock, pest, or irrigation management; or other practices on agricultural and forested land.

The provisions of the Wildlife Habitat Incentive Program that have been incorporated into EQIP by the 2014 Farm Bill state that the Secretary of Agriculture will provide payments for conservation practices that support the restoration, development, protection, and improvement of wildlife habitat on eligible land, including—

- Upland wildlife habitat;
- Wetland wildlife habitat;
- Habitat for threatened and endangered species;
- Fish habitat;
- Habitat on pivot corners and other irregular areas of a field; and
- Other types of wildlife habitat, as determined by the Secretary.

The Programmatic EA accompanying this statement has provided the analysis needed to assess the significance of the impacts of the proposed action. EQIP authorizes activities that improve our Nation's natural resources, and the impacts from implementing NRCS EQIP conservation practices provide many environmental benefits (EA pages 13 - 40). I have determined, for the reasons outlined below, that there will be no significant individual or cumulative impacts on the quality of the human environment as a result of implementing EQIP or the modifications to EQIP made by the interim final rule, particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid and mitigate. Therefore, an EIS will not be prepared.

1) The Programmatic EA evaluated both the beneficial and adverse impacts of the proposed action, which is to implement EQIP as authorized by the 2014 Farm Bill. EQIP provides many benefits to the environment; however, because there is potential to adversely affect one type of resource while improving the condition of another resource, there may at times be minor site-specific adverse environmental effects that primarily will be short term and occurring during the implementation period. NRCS policy at 7 CFR part 650.3(b)(4) requires that NRCS plans minimize adverse effects before NRCS provides technical or financial assistance. In addition, NRCS has in the past and will continue to prepare documentation of a site-specific environmental evaluation and will consult with the appropriate organizations to avoid, reduce, or otherwise mitigate adverse impacts on natural resources. As part of this process, NRCS also complies with requirements for protecting unique geographic features and other resources, as well as NRCS policies protecting natural resources (EA pages 10, 17, and 50 - 53). Thus, any adverse effects that may result from this program will occur at a much lower threshold than the EIS threshold.

2) The proposed action will not result in significant adverse effects on public health or safety. The application of conservation practices is anticipated to provide long-term beneficial impacts to improve natural ecosystem functions, and appropriate measures will be taken on a site-specific basis to mitigate the potential for adverse effects to occur to public health and safety during implementation.

3) There is no evidence indicating there will be any significant adverse effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from selection of the proposed action, particularly on a national basis. The purpose of EQIP is to improve the condition of natural resources on agricultural operations which should benefit such resources or result in only minor short-term adverse impacts. In addition, consulting as required with agencies having

jurisdiction over these resources also helps NRCS to avoid significant adverse effects on a site-specific basis.

4) The effects of EQIP on the quality of the human environment are not controversial. All NRCS conservation practice standards are published for public comment in the Federal Register before being adopted to ensure integration of appropriate science and to identify and resolve any related controversy. It is only through the implementation of these conservation practices that EQIP affects the environment. Any controversies that may arise from a site-specific application will be identified during the environmental evaluation process and appropriate mitigation measures applied. If necessary, an EA or EIS may be prepared in addition to this Programmatic EA to ensure compliance with NEPA.

5) The proposed action is not considered highly uncertain and does not involve unique or unknown risks. NRCS was first authorized to implement EQIP in 1996. Moreover, conservation practices implemented under EQIP are supported by science and have been demonstrated to improve natural resource conditions. The effects of the conservation practices to be applied are analyzed at a broad scale in the Programmatic EA and have been detailed in Conservation Practice Network Effects Diagrams that are incorporated in the Programmatic EA.

6) The proposed action will not establish a precedent for future actions with significant adverse effects, nor does it represent a decision in principle about future considerations. The proposed action involves publishing a rule that adopts legislative changes made by Congress in the 2014 Farm Bill and making minor administrative changes. Future changes to the direction of EQIP would require legislative action.

7) The proposed action will result in implementation of conservation practices on agricultural land across the United States. As discussed in the EA, the impact of these practices is intended to be beneficial to natural resources. Though some minor, primarily short-term adverse effects may occur in some locations, the cumulative effect of these individual actions on the quality of the human environment are not expected to be nationally significant, particularly when focusing on the significant adverse impacts that NEPA is intended to help decisionmakers avoid, minimize, or mitigate. As the EA also indicates, to the extent there are indications that site-specific or area-wide EQIP activities may have potential to result in significant adverse effects to the quality of the human environment, an EA or EIS may be prepared separately from the EQIP Programmatic EA.

8) The proposed action will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources. As stated in the EA, NRCS follows the Advisory Council on Historic Preservation's regulations for implementation of Section 106 of the National Historic Preservation Act of 1966 and related policy guidance to ensure historic properties are taken into account during project and program planning. NRCS also enters into programmatic agreements to ensure it

takes appropriate steps to identify and avoid adversely affecting these resources as it implements conservation practices.

9) The proposed action will not adversely affect endangered or threatened species, marine mammals, or critical habitat to any significant degree. As discussed in the Programmatic EA, one of the EQIP priorities under the 2014 Farm Bill includes the restoration, development, protection, and improvement of wildlife habitat on eligible land, including habitat for endangered and threatened species. NRCS regularly consults with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as applicable, to ensure these species are not jeopardized, adverse effects are minimized, and that there are no adverse modifications to designated critical habitat. The proposed action would indirectly, through the application of conservation practices, lead to many EQIP projects that restore, protect, improve, and develop endangered and threatened species habitats.

10) The proposed action does not threaten the violation of Federal, State, or local requirements imposed for protection of the environment. The NRCS Environmental Evaluation (EE) Worksheet identifies requirements for protection of the environment to ensure they are considered and that adverse effects are addressed during the EE process, normally by consultation with the agency having jurisdiction. As a result, the proposed action is consistent with the requirements of these laws and related policies.

Jason A. Weller
Chief, Natural Resources Conservation Service
U.S. Department of Agriculture

12/4/14
Date