

**Finding of No Significant Impact for the Programmatic Environmental Assessment (EA)
on the Interim Final Rule for the Wetland Reserve Program (WRP)**

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) 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 WRP 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 WRP.

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 conserve and restore private and privately controlled agricultural and nonindustrial forest lands through technical and financial assistance provided by NRCS in applying conservation planning and conservation practices.

NRCS' need for action is also tied to the passage of the amended WRP provisions in the 2008 Act which requires WRP to be implemented in a manner that achieves the stated purposes. The purposes or objectives of the underlying need for action are to promote agricultural production, forest management, and environmental quality as compatible national goals and to optimize wetland functions and services by:

- (1) Assisting producers in complying with local, State, and national regulatory requirements.
- (2) Addressing the following resource concerns on agricultural and forest lands:
 - (A) soil, water, and air quality;
 - (B) wildlife habitat; and
 - (C) surface and ground water conservation.

- (3) Consolidating and streamlining conservation planning and regulatory compliance processes to reduce administrative burdens on producers and the cost of achieving environmental goals.

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 WRP

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

WRP is implemented with the new 2008 Act requirements. The Programmatic EA evaluated the potential environmental effects of the proposed actions from a broad scale national perspective. Although the Agency Preferred Alternative (Alternative 2) would not have any direct environmental effects, the potential indirect and cumulative environmental effects from application of conservation practices under WRP were also evaluated in general terms and contexts. Additionally, NRCS prepares documentation of a site-specific environmental evaluation (EE) to ensure that no extenuating circumstances occur that were not contemplated in the programmatic analysis. When extenuating circumstances do occur, NRCS conducts additional environmental analysis to properly address any additional concerns and/or consults with appropriate agencies/organizations to avoid, minimize, reduce, or otherwise mitigate adverse impacts on relevant and protected resources.

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, incorporated herein 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 on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed 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, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, the Agency's 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. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources (i.e., soil, air, water, animals, plants, and human resources). As a result of the analysis (discussed in detail in Section 4 and incorporated by reference), Alternative 2 does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, or mitigate.
- 2) Alternative 2 does not significantly affect public health or safety. The indirect effects associated with the application of conservation practices are anticipated to provide long term beneficial impacts to improve natural ecosystem functions. Specifically, soil, water, air, fish and wildlife, plants, cultural, and environmental justice issues will be improved through selection of Alternative 2.
- 3) As analyzed in Section 4.0, 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 CFR Part 650) and policy (GM 420 Part 401), 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 WRP would have adverse effects on these resources.
- 4) The effects on the human environment are not considered controversial for Alternative 2. Public comments from 52 Farm Bill Forums were reviewed in preparing the Programmatic EA, and there were no issues raised by the public considered to be controversial.

- 5) Alternative 2 is not considered highly uncertain and does not involve unique or unknown risks. NRCS has implemented WRP for the previous 11 years as discussed in the Programmatic EA. The 2008 Act authorizes the continuation of WRP along the course of the existing program. The effects of the conservation practices to be applied 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. The conservation practices are also vetted through the NRCS practice standards development system. Practice standards are developed based on field application and periodic monitoring, review, and revision as new technologies emerge to ensure they perform as anticipated.
- 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) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, or mitigate, Alternative 2 does not result in significant adverse cumulative impacts to the human environment as discussed in Section 4.7. Alternative 2 is, however, anticipated to result in beneficial long-term impacts as a result of implementation of the conservation practices under WRP.
- 8) Alternative 2 will not cause the loss or destruction of significant scientific, cultural, or historical resources as addressed in Section 4.6 of the Programmatic EA. 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 4.5 of the Programmatic EA. National priorities for WRP include the protection, restoration, development, or enhancement of State and federally listed endangered and threatened species. 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, lead many WRP projects to protect, enhance, conserve, and restore endangered and threatened species and their critical habitat as noted in section 4.5.

10) The proposed action does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 4.0 of the Programmatic EA. 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, the 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 WRP 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.



Arlen L. Lancaster
Chief, Natural Resources Conservation Service
U.S. Department of Agriculture

January 9, 2009

Date