

FINDING OF NO SIGNIFICANT IMPACT FROM IMPLEMENTATION OF THE REGIONAL CONSERVATION PARTNERSHIP PROGRAM (RCPP)

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 regulation implementing RCPP as authorized by the Agricultural Improvement Act of 2018 (2018 Farm Bill.) Previously, RCPP was implemented in accordance with the regulations of its covered programs, but the 2018 Farm Bill requires RCPP be administered under its own regulations. 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 RCPP would be implemented in a manner that achieves the purposes for which RCPP has been authorized. As stated in the legislation, the purposes of RCPP under the 2018 Farm Bill are as follows:

- (1) To carry out eligible activities to accomplish purposes and functions similar to those of the following programs, as in effect on the day before the date of enactment of the Agricultural Act of 2014:
 - (A) The agricultural water enhancement program
 - (B) The Chesapeake Bay watershed program
 - (C) The cooperative conservation partnership initiative
 - (D) The Great Lakes basin program for soil erosion and sediment control
- (2) To further the conservation, protection, restoration, and sustainable use of soil, water (including sources of drinking water and groundwater), wildlife, agricultural land, and related natural resources on eligible land on a regional or watershed scale.
- (3) To encourage eligible partners to cooperate with producers in—
 - (A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production on eligible land, including through alignment of partnership projects with other national, State, and local agencies and programs addressing similar natural resource or environmental concerns; and
 - (B) implementing projects that will result in the adoption, installation, and maintenance of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multistate basis.
- (4) To encourage the flexible and streamlined delivery of conservation assistance to producers through partnership agreements.
- (5) To engage producers and eligible partners in conservation projects to achieve greater conservation outcomes and benefits for producers than would otherwise be achieved.

In February 2020, NRCS made the RCPP Programmatic EA available to the public and requested comments in conjunction with its interim RCPP rule. One comment was received on the EA after the comment period closed and it did not provide new information that is relevant to environmental concerns or that bears on the proposed action or its impacts and therefore it does not warrant supplementing or revising the RCPP EA. This comment is discussed in the RCPP Programmatic EA, November 2020, (EA pages 6 and 7).

The Programmatic EA accompanying this statement has provided the analysis needed to assess the significance of the impacts of the proposed action. RCPP is a partnership program that promotes coordination between NRCS and its partners to deliver conservation assistance to producers and landowners. RCPP conservation activities are largely the same as those authorized under the covered programs: the Environmental Quality Incentives Program (EQIP), Conservation Reserve Program (CRP), Conservation Stewardship Program (CSP), Agricultural Conservation Easement Program (ACEP), Healthy Forests Reserve Program (HFRP), and the Watershed Protection and Flood Prevention Program and provide environmental benefits similar to those under the covered programs (EA pages 9 - 25).

The 2018 Farm Bill provides authority for partners to propose RCPP projects using innovative approaches and other activities that achieve conservation benefits without requiring use of NRCS' conservation planning process or conservation practice standards. Because NRCS cannot know all the conservation actions that may be carried out under such innovative programmatic agreements, the effects of such actions were not analyzed in the Programmatic EA. Therefore, project-specific EAs or EISs will be required for RCPP projects that will not use NRCS' conservation planning process or conservation practice standards, unless all of the proposed activities can be categorically excluded from the requirement under NRCS' regulations (7 CFR part 650.6.)

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 promulgating an interim final rule implementing RCPP, 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 RCPP as authorized by the 2018 Farm Bill. RCPP 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, occurring during the implementation period. NRCS regulations at 7 CFR part 650.3(b)(4) require 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 project-specific environmental evaluation and will consult with the appropriate agencies 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 Appendix B). 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 RCPP conservation activities 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 RCPP is to improve the condition of natural resources at the landscape scale 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 and partners to avoid significant adverse effects on a project-specific basis.
- 4) The effects of RCPP on the quality of the human environment are not controversial. RCPP affects the environment through implementation of conservation activities. Any controversies that may arise from a specific project will be identified during the environmental review 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 has been implementing RCPP in cooperation with partners since 2014, and similar projects under four former conservation programs—the Agricultural Water Enhancement Program, the Chesapeake Bay Watershed Program, the Cooperative Conservation Partnership Initiative and the Great Lakes Basin Program for decades. Moreover, conservation activities implemented under RCPP are supported by science and have been demonstrated to improve natural resource conditions. The effects of NRCS conservation practices 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. The effects of innovative approaches not using NRCS conservation practices will be analyzed in project-specific EAs or EISs.
- 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 implements RCPP as required by Congress in the 2018 Farm Bill. Future changes to the direction of RCPP would require legislative action.
- 7) The proposed action will result in implementation of conservation activities and easement acquisitions on agricultural and non-industrial forest 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 project-specific or area-wide RCPP 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 RCPP 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. RCPP partners will be required to follow NRCS' procedures for historic properties.
- 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, RCPP purposes under the 2018 Farm Bill include the conservation, protection, restoration, and sustainable use of wildlife on a regional or watershed scale and also encourages RCPP partners to cooperate with producers in meeting or avoiding the need for natural resource regulatory requirements, including the Endangered Species Act. 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. NRCS also enters into programmatic agreements to ensure conservation measures are implemented in conjunction with the proposed conservation activities in order to make "no effect" and "may affect, not likely to adversely affect" determinations. The proposed action is expected to include RCPP projects that restore, protect, improve, and develop habitat for endangered and threatened species. RCPP partners will be required to follow NRCS' procedures for endangered and threatened species and critical habitat.
- 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. RCPP projects implemented using innovative approaches rather than NRCS' conservation planning process with its concurrent environmental evaluation will be analyzed in project-specific EAs or EISs unless all of the proposed activities can be categorically

