Gulf Coast Ecosystem Restoration Council
Categorical Exclusion Determination Form

This form is to be completed before the Gulf Coast Ecosystem Restoration Council (Council) uses one or more Categorical Exclusions (CEs) to comply with the National Environmental Policy Act (NEPA) for a specific action or group of actions, as appropriate. More information on the Council's NEPA compliance and use of CEs can be found in the Council's NEPA Procedures.

Proposed Action Title:

Tate's Hell Strategy 1 (USDA_RESTORE_002_001_Cat1)

Proposed Action Location: *(State, County/Parish)*

Florida, Franklin County

Proposed Action Description:

Implementation -- Work identified as high priority in the Tate's Hell State Forest Hydrologic Restoration Plan developed by Northwest Florida Water Management District and Florida Forest Service will be implemented. Specifically, this will consist of installing 2 box culverts, installing or replacing 65 culverts, removing 13 culverts, constructing 54 low water crossings, constructing 3 bridges, installing 116 ditch blocks, stabilizing 65 miles of roads and planting site-appropriate native tree species on 2,182 acres of cut over former pine plantations. Implementation of the activities outlined above would directly impact, and support restoration of 202,436 acres of forest (includes Tate's Hell State Forest property/ownership).

Categorical Exclusion(s) Applied:

Pursuant to Section 4(d)(4) of the Council's NEPA Procedures, the Council is using the following USDA CEs: 7 CFR 650.6(d)(1); 36 CFR 220.6(e)(18) and 220.6(d)(4).

Council Use of Member Categorical Exclusion(s)

If the Categorical Exclusion(s) was established by a Federal agency Council member, complete the following. If not, leave this section blank and proceed to the segmentation section.

Member with Categorical Exclusion(s) USDA

Has the member with CE(s) advised the Council in writing that use of the CE(s) would be appropriate for the specific action under consideration by the Council, including consideration of segmentation and extraordinary circumstances (as described below)?

☑ Yes ☐ No

Segmentation

Has the proposed action been segmented to meet the definition of a Categorical Exclusion? (In making this determination, the Council should consider whether the action has independent utility.)

☐ Yes ☑ No

Extraordinary Circumstances

In considering whether to use a Categorical Exclusion for a given action, agencies must review whether there may be extraordinary circumstances in which a normally excluded action may have a significant environmental effect and, therefore, warrant further review pursuant to NEPA. Guidance on the review of potential extraordinary circumstances can be found in Section 4(e) of the Council's NEPA Procedures. The potential extraordinary circumstances listed below are set forth in the Council's NEPA Procedures.

The Council, in cooperation with the sponsor of the activity, has considered the following potential extraordinary circumstances, where applicable, and has made the following determinations. (By checking the "No" box, the Council is indicating that the activity under review would not result in the corresponding potential extraordinary circumstance.)

☐ Yes ☑ No 1. Is there a reasonable likelihood of substantial scientific controversy regarding the potential environmental impacts of the proposed action?

☐ Yes ☑ No 2. Are there Tribal concerns with actions that impact Tribal lands or resources that are sufficient to constitute an extraordinary circumstance?

☐ Yes ☑ No 3. Is there a reasonable likelihood of adversely affecting environmentally sensitive resources? Environmentally sensitive resources include but are not limited to:

a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and

b. Properties listed or eligible for listing on the National Register of Historic Places.

☐ Yes ☑ No 4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?

☐ Yes ☑ No 5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?

☐ Yes ☑ No 6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?

☐ Yes ☑ No 7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?

☐ Yes ☑ No 8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

Supplemental Information

Where appropriate, the following table should be used to provide additional information regarding the review of potential extraordinary circumstances and compliance with other applicable laws. The purpose of this table is to ensure that there is adequate information for specific findings regarding potential extraordinary circumstances.

Supplemental information and documentation is not needed for each individual finding regarding the potential extraordinary circumstances listed above. Specifically, the nature of an activity under review may be such that a reasonable person could conclude that there is a very low potential for a particular type of extraordinary circumstance to exist. For example, it would be reasonable to conclude that the simple act of acquiring land for conservation purposes (where

there are no other associated actions) does not present a reasonable likelihood of a release of petroleum, oils, lubricants, or hazardous or toxic substances.

For some types of activities, no supplemental information may be needed to support a finding that there are no extraordinary circumstances. For example, where the activity under review is solely planning (with no associated implementation activity), it may be reasonable to conclude that none of the extraordinary circumstances listed above would apply. In such cases, the table below would be left blank.

In other cases, it may be appropriate to include supplemental information to ensure that there is an adequate basis for a finding regarding a particular extraordinary circumstance. For example, it might be appropriate in some cases to document coordination and/or consultation with the appropriate agency regarding compliance with a potentially applicable law (such as the Endangered Species Act). In those cases, the table below should be used to provide the supplemental information.

Agency or Authority Consulted	**Agency or Authority Representative: Name, Office & Phone**	**Date of Consultation**	**Notes: Topic discussed, relevant details, and conclusions.** (This can include reference to other information on file and/or attached for the given action.)
U.S. FWS	Panama City Field Office	9-8-15	ESA compliance.
Seminole Tribe of Florida	Tribal Historic Preservation Office	10-7-15	Historic and cultural resources.

Additional supplemental information may be attached, as appropriate. Indicate below whether additional supplemental information is attached.

Additional Information Attached: ☑ Yes ☐ No

If "Yes", indicate the subject:

USDA CE documentation (9-25-15) and U.S.FWS ESA letter (9-8-15)

Determination by Responsible Official

Based on my review of the proposed action, I have determined that the proposed action fits within the specified Categorical Exclusion(s), the other regulatory requirements set forth above are met, and the proposed action is hereby Categorically Excluded from further NEPA review.

Responsible Official *(Name)*	Justin R. Ehrenwerth
Responsible Official *(Signature)*	
Date	Dec 10, 2015

Documentation supporting the use of USDA Categorical Exclusions for activities proposed in the "Tate's Hell Strategy 1" project

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Responsible Council Member: U.S. Department of Agriculture
Partnering Council Member: State of Florida

Contents

Regulatory framework

Federal agencies are required to develop procedures for implementing the National Environmental Policy Act (NEPA) to supplement those established by the CEQ at 40 CFR 1500-1508. The Gulf Coast Ecosystem Restoration Council (Council) finalized NEPA procedures on May 5, 2015 (80 FR 86, p, 25680-25691). These procedures are applicable to all Council Actions, including approving and funding projects that were proposed by and otherwise will be implemented by non-federal parties (40 CFR 1508.18).

The Council determined that certain categories of activities that have not undergone NEPA review may be categorically excluded from detailed documentation in and Environemental Assessment or Environmental Impact Statement (Sec. 4(c,d)), subject to a review of extraordinary circumstances that could indicate potentially significant effects on the environment (Sec. 4(e)). The documentation below for the "Tate's Hell Strategy 1" project follows requirements described in Sec. 4(f) for categorical exclusions (CEs), primarily by incorporating supporting information from the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) and Forest Service (USFS).

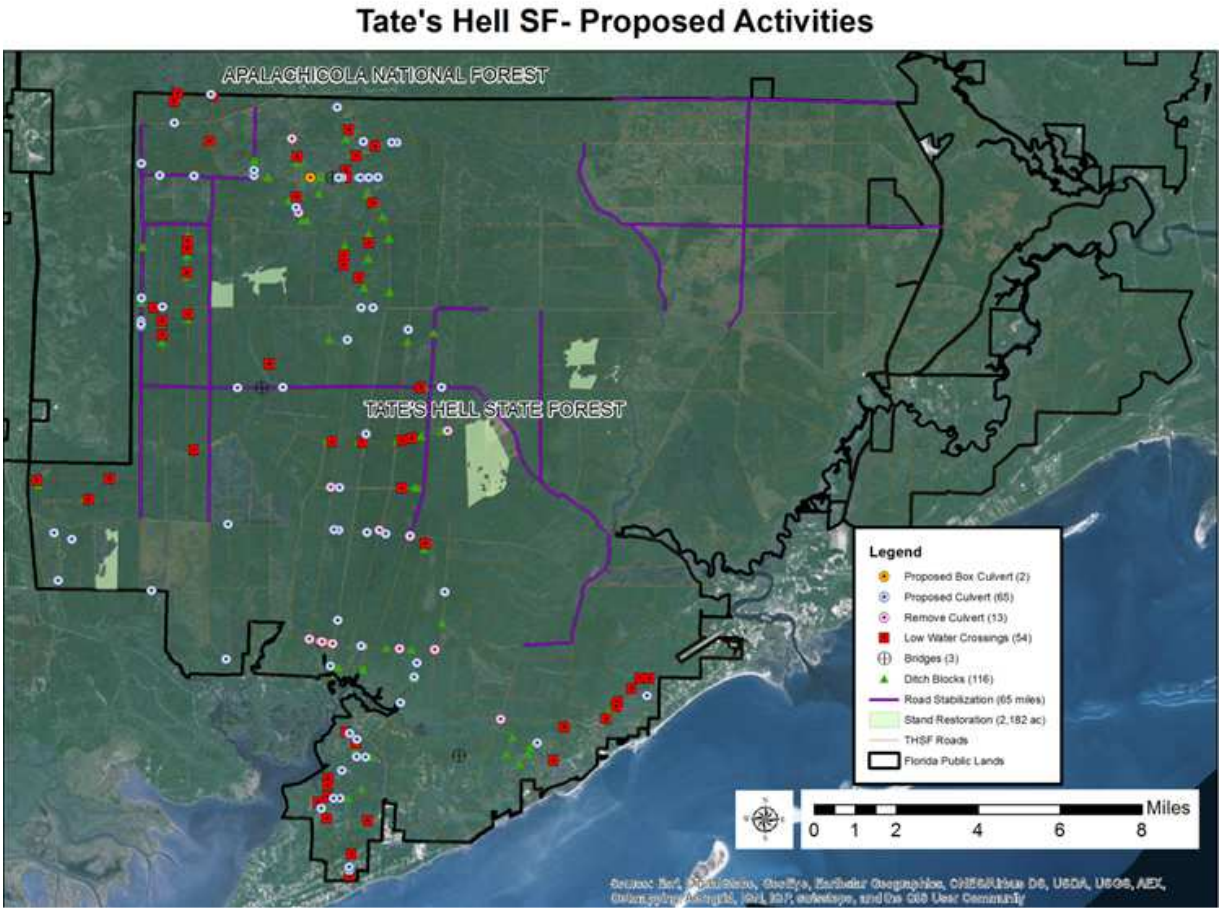
Description of the proposed activities

The activities in "Tate's Hell Strategy 1" are part of a larger proposal submitted by the USDA titled "The Apalachicola Project Phase 1: Restoring Apalachicola Bay and Region." However, this review considers only the proposal elements that were identified on the Council's Aug. 13, 2015 Draft Funding Priority List as likely "to provide near-term, on-the-ground ecosystem benefits, while also conducting planning activities designed to build a foundation for future success as additional funds become available from other parties." The activities on the Draft Funding Priority List fall into the two general categories of assessment and implementation.

The assessment activities have three main components: a landscape-level hydrological assessment for the lower Apalachicola River Basin, a Regional Restoration Decision Support System to prioritize restoration needs and a Comprehensive Hydrological Assessment and Restoration Plan that combines the landscape scale hydrological assessment and decision support tool to identify future restoration opportunities in hydrological and connected upland systems. These assessment, decision support and planning tools will be based primarily on existing documents and plans from partners, scientific literature, GIS and LiDAR data and field visits to ground-truth conditions. Additional information on these activities may be found in "The Apalachicola Project Phase 1: Restoring Apalachicola Bay and Region" proposal.

The implementation activities on the Draft Funding Priority List are elements of the Tate's Hell State Forest Hydrological Restoration Plan released in 2010. This review considers the following activities: installing 2 box culverts, installing or replacing 65 culverts, removing 13 culverts, constructing 54 low water crossings, constructing 3 bridges, installing 116 ditch blocks, stabilizing 65 miles of roads and planting site-appropriate native tree species on 2,182 acres of cut over former pine plantations. The map below shows the hydrological restoration activities planned on Tate's Hell State Forest as part of this project.

Information and context for these activities may be found in the Tate's Hell State Forest Hydrological Restoration Plan available on the Northwest Florida Water Management District's website (http://www.nwfwmdwetlands.com/index.php?Page=30).



Public involvement and consultation - CEQ NEPA regulations state that "There shall be an early and open process for determining the scope of the issues to be addressed and for identifying the significant issues related to a proposed action" (40 CFR 1501.7). Scoping should include interested or affected parties, potentially including "Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons."

The "Tate's Hell Strategy 1" project has been subject to extensive review by other agencies and the public. The Tate's Hell State Forest Management Plan (p. 20) includes the following description of public involvement:

> *2. Public and Local Government Involvement*
> *This plan has been prepared by DOF and will be carried out primarily by that agency. The DOF responds to public involvement through direct communication with individuals, user groups and government officials.*
>
> *The plan was developed with input from the THSF Management Plan Advisory Group through a process of review and comment. The advisory group also conducted a public hearing on December 12, 2006 to receive input from the general public. A summary of the advisory group's meetings and discussions, as well as written comments received on the plan, are included in Exhibit E. The Acquisition and Restoration Council (ARC) review of the plan also serves as an additional forum for public review of the plan.*
>
> *3. Compliance with Comprehensive Plan*

> *This plan was submitted to the Board of County Commissioners in Franklin and Liberty Counties and to the Carrabelle Municipality for review of compliance with their local comprehensive plan (Exhibit F).*

Implementation of the THSF management plan and the hydrological restoration plan is discussed in biennial meetings with a liaison group that includes state and public members. Additionally, the Draft Priority Funding List for Council-selected restoration projects was made available for public review on August 13, 2015 and comments were accepted until September 28, 2015.

In compliance with federal laws and agency policies, the USDA consulted with the U.S. Fish and Wildlife Service (USFWS) regarding potential effects to federally listed species of implementing the activities. The biological assessment and response from USFWS are in Appendix 1. Consultation with the Florida State Historic Preservation Office and Tribal Historic Preservation Offices regarding protection of cultural resources was initiated, though further consultation will be required when additional cultural resource surveys and reports are completed.

Applicable categorical exclusions and review of extraordinary circumstances

The two categories of activities in the proposal (i.e., assessment and implementation) are discussed separately below because they are substantively different and are subject to different guidelines for analysis and documentation.

Assessment activities - The assessment and planning components of the "Tate's Hell Strategy 1" project may be excluded from detailed documentation in an EA or EIS under the category of activities described in Sec. 4(d)(3) of the Council NEPA procedures:

> *Sec. 4(d)(3) Council Activities for Planning, Research or Design Activities (Documentation Required) (i) Funding or procurements for activities which do not involve or lead directly to ground-disturbing activities which may have significant effects individually or cumulatively, and do not commit the Council or its applicants to a particular course of action affecting the environment, such as grants to prepare environmental documents, planning, technical assistance, engineering and design activities, or certain research. Use of this CE will be documented following the procedures described in subsection 4(f).*

This CE is subject to evaluation for extraordinary circumstances that may result in significant environmental effects (Sec. 4(e)). However, since these assessment and planning activities will not alter any resource conditions and would not compel any activities that would affect resource conditions, evaluating extraordinary circumstances is straightforward. The Council lists eight extraordinary circumstances in Sec. 4(e) and none of them disqualify the assessment and planning activities from being categorically excluded. No further evaluation is required.

Implementation activities - The implementation components of the "Tate's Hell Strategy 1" project may be excluded from detailed documentation in an EA or EIS under the category of activities described in Sec. 4(d)(4) of the Council NEPA procedures:

> *Council Activities that Fall Under a CE of a Federal Council Member (Documentation Required) i. Any environmental restoration, conservation, or protection activity that falls within a CE established by a Federal agency Council member, provided no extraordinary circumstances preclude the use of the CE and the Federal agency that established the*

CE is involved in the Council action. A Federal agency Council member is involved in the Council action when that Federal agency advises the Council that use of the CE would be appropriate for the specific action under consideration by the Council. Use of this CE will be documented following the procedures described in subsection 4(f).

Specifically, CEs authorized by the USDA's Natural Resources Conservation Service (NRCS) and Forest Service (USFS) are applicable for the activities in this project:

Activity	**Categorical Exclusion**
Reforestation of 2,182 ac. of previously clearcut land with site-appropriate tree species. This includes site preparation and planting.	NRCS 7 CFR 650.6(d)(1) Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the site's ecological functions and services.
Installing, removing or replacing culverts Constructing low water crossings Constructing bridges	USFS 36 CFR 220.6(e)(18) Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fending, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled. Examples include but are not limited to: (i) Repairing an existing water control structure that is no longer functioning properly with minimal dredging, excavation, or placement of fill, and does not involve releasing hazardous substances; (ii) Installing a newly-designed structure that replaces an existing culvert to improve aquatic organism passage and prevent resource and property damage where the road or trail maintenance level does not change; (iii) Removing a culvert and installing a bridge to improve aquatic and/or terrestrial organism passage or prevent resource or property damage where the road or trail maintenance level does not change; and (iv) Removing a small earthen and rock fill dam with a low hazard potential classification that is no longer needed.
Road stabilization	USFS 36 CFR 220.6(d)(4) Repair and maintenance of roads, trails and landline boundaries. Examples include but are not limited to: (i) Authorizing a user to grade, resurface, and clean the culverts of an established NFS road; (ii) Grading a road and clearing the roadside of brush without the use of herbicides; (iii) Resurfacing a road to its original condition; (iv) Pruning vegetation and cleaning culverts along a trail and grooming the surface of the trail; and (v) Surveying, painting, and posting landline boundaries.

Documentation required by the NRCS and Forest Service for these CEs, including review of extraordinary circumstances and agency policies for categorical exclusions, is in Appendix 2 and Appendix 3, respectively.

Determination by the responsible officials that the CE applies

Under CEQ and Council NEPA procedures (40 CFR 1501.5 and 80 FR 86 Sec. 6 and 7, respectively), the U.S. Department of Agriculture and the Gulf Coast Ecosystem Restoration Council are considered to be joint lead agencies for the "Tate's Hell Strategy 1" project. Responsible officials from lead agencies

After considering the proposed restoration activities, considering the context and intensity of potential environmental effects and reviewing applicable federal regulations and agency policies, the USDA has found that the activities may be categorically excluded from analysis in and EA or EIS. Appendices 1 and 2 document these analyses, including detailed review of extraordinary circumstances and identification of mitigation measures (also summarized below). Those documents include decisions signed by agency officials that constitute a recommendation from the USDA that the proposed activities should be considered for funding authorized by the Council.

Mitigation measures

Although the proposed activities were determined to be suitable for categorical exclusion from analysis in an EA or EIS, this decision is conditional on implementation methods that minimize, reduce or avoid impacts to protected resources. The mitigation measures listed below were developed from the Tate's Hell State Forest Management Plan, USDA agency policies, and the outcomes of consulting with other agencies and Tribes. This list of measures is inclusive of those in Appendixes 2 and 3.

Protection of water and soil resources

- Follow implementation methods described throughout the Tate's Hell Management Plan and in the Tate's Hell Hydrological Restoration Plan (p. 138-139)
- Follow State of Florida Silviculture Best Management Practices

Protection of federally or state listed threatened or endangered species

- Areas with suitable rare plant habitat will be surveyed during the flowering season before ground-disturbing activities are conducted. If individuals or populations are found, THSF would avoid impacts to those plants and consult with USFWS regarding appropriate site-specific mitigation measures.
- Avoid red-cockaded woodpecker clusters during the breeding season, particularly use of heavy equipment near cavity trees or disturbance outside daylight hours (USFWS 2003, p. 178-181). Road surface stabilization and reforestation (if heavy equipment is used) activities that would occur within 200 feet of an active tree would not be conducted during red-cockaded woodpecker breeding season, consistent with management guidelines in the Red-cockaded Woodpecker Recovery Plan.
- Contractors will be advised of the possible presence of indigo snakes and will be instructed to avoid harming any snake they encounter, consistent with the USFWS eastern indigo snake standard protection measures.
- To minimize potential for adversely affecting protected aquatic species, the USFWS General Conditions for Repair, Replacement, and Clean-up Projects in Streams with Federally Listed Species in Northwest Florida will be followed: 1. Keep in-stream work to

a minimum, and conduct in-stream work in a manner that minimizes disturbance to the stream bottom. 2. Conduct work activities from atop a stable streambank or reinforced platform, when feasible, and in a manner that does not degrade or destabilize the streambank. 3. Install erosion and sediment control devices before any work is performed, and closely monitor and maintain for the life of the construction project. Implement the appropriate best management practices for preventing and minimizing erosion and sediment outlined in the following manuals: Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (July 2008), and State of Florida Erosion and Sediment Control Designer and Reviewer Manual (July 2007). 4.Keep land clearing to the minimum level necessary for project completion. Stream bank vegetation should be left intact to the extent practicable. Cutting vegetation is preferred to root grubbing near streams. 5. Cover disturbed areas with erosion controls mats and revegetate promptly with native grasses. 6. Locate debris collection sites, borrow sites, fill dirt stockpiles, and equipment staging areas at least 200 feet from stream channels to minimize the potential of sediments and contaminants entering the waterway.

- Florida NRCS adheres to the terms of a Biological and Conference Opinion (BO) for NRCS Prescribed Fired and Related Activities developed by the USFWS that directs the use of prescribed fire-supported herbicide application. Where covered species as described in the BO are known to occur, herbicide application methods will be limited to spot treatments using backpack sprayers, cut-stump application, and targeted boom spraying, and do not include aerial spraying.

Protection of cultural resources

- Surveys will be required prior to implementing ground disturbing activities in areas with high probability for cultural resources such as higher ridges or natural water crossings. Pursuant to National Historic Preservation Act requirements, the results of required future surveys will be subject to further consultation with the State Historic Preservation Officer and Tribal Historic Preservation Officers prior to implementing activities. If any concerns are identified in the consultation process or if any potentially significant cultural resources are identified during surveys, the proposed hydrological restoration activities would be modified to avoid effects or adverse effects would be mitigated.

General

- For reforestation activities, follow NRCS Conservation Practice Standards Code 490 - Tree/Shrub Site Preparation, Code 315 - Herbaceous Weed Control, Code 314 - Brush Management, Code 595 - Integrated Pest Management, Code 338 - Prescribed Burning, and Code 612 Tree/Shrub Establishment

Links to references and supporting documents

Documents on the Gulf Coast Ecosystem Restoration Council website.

Draft Initial Funded Priorities List: https://www.restorethegulf.gov/our-work/draft-initial-funded-priorities-list-draft-fpl

The Apalachicola Project Phase 1: Restoring Apalachicola Bay and Region: https://www.restorethegulf.gov/sites/default/files/Apalachicola%20Bay%20Watershed%20Restoration.pdf

Gulf Restoration Ecosystem Restoration Council NEPA implementing procedures: https://www.restorethegulf.gov/sites/default/files/documents/images/Gulf%20Coast%20Ecosystem%20Restoration%20Council%20NEPA%20Procedures.pdf

CEQ, NRCS and USFS NEPA procedures are in the Code of Federal Regulations.

CEQ (40 CFR 1500-1508) http://www.ecfr.gov/cgi-bin/text-idx?SID=f51677b2dd6ddf68c2a267a766ffcc03&mc=true&tpl=/ecfrbrowse/Title40/40cfrv33_02.tpl#1500

NRCS (7 CFR 650) http://www.ecfr.gov/cgi-bin/text-idx?SID=f51677b2dd6ddf68c2a267a766ffcc03&mc=true&node=pt7.6.650&rgn=div5

USFS (36 CFR 220) http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr220_main_02.tpl

Management and restoration of Tate's Hell State Forest.

Ten-year Resource Management Plan for the Tate's Hell State Forest http://www.freshfromflorida.com/content/download/4904/31197/THSF%20FINAL%202007%20PLAN.pdf

Tate's Hell State Forest Hydrological Restoration Plan http://www.nwfwmdwetlands.com/index.php?Page=30

Appendix 1. Consultation documents for compliance with Sect. 7 of the Endangered Species Act of 1973.

BIOLOGICAL ASSESSMENT

for

Tate's Hell Strategy 1 Project

Franklin & Liberty Counties, Florida

Prepared by

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September 2015

Contents Page

1. Introduction

Area description and management direction

Tate's Hell State Forest (THSF) was purchased under the Conservation and Recreation Lands (CARL) and Florida Forever Programs, and is comprised of approximately 202,436 acres, located in Franklin County and the southern portion of Liberty County. Some tracts were also purchased with DOF Preservation 2000 funds or acquired through exchange with the U.S. Forest Service. The major ecosystems represented on the property include flatwoods, remnant savannahs and a variety of swamp and marsh habitats.

This forest is one of the most challenging tracts under management jurisdiction of the Florida Forest Service (FFS). It is a large expanse of land that has been altered by development of access roads and establishment of pine plantations. The roads, culverts and ditches have impacted historical hydrological functions to various degrees and the pine plantations have replaced historical vegetation in many areas. One of the major goals of the CARL purchase was to restore these altered areas and eliminate any adverse impacts these alterations might have upon the Apalachicola Bay system.

Overall management direction for THSF is provided by a 2007 management plan (FDOF, 2007), and a 2010 hydrological restoration plan developed by the Northwest Florida Water Management District (NWFWMD, 2010) provides a comprehensive assessment and basin-level recommendations for restoration activities.

Consultation history and regulatory framework

The activities described below are among the high-priority restoration projects described in the THSF hydrological restoration plan. That plan considered a wide range of resource issues, including protection of species listed under the Endangered Species Act. However, Section 7 interagency consultation has not been conducted for these activities because there was no federal nexus (i.e., the activities were not funded, approved or conducted by a federal agency).

In 2012, the RESTORE Act established the Gulf Coast Ecosystem Restoration Council (Council) to develop and implement a comprehensive plan for recovery following the 2010 Deepwater Horizon oil spill. The RESTORE Act created a trust fund managed by the Council to support projects contributing to restoration of the ecosystems and economy of the Gulf Coast Region. In July 2014, the Council finalized a proposal submission and evaluation process for projects, and on August 13, 2015, the Council released a Draft Funded Priorities List.

The Draft Funded Priorities List includes a proposal developed by the USDA Forest Service, National Forests in Florida, along with state and private partners to assess conditions and implement hydrological restoration in the lower Apalachicola River Basin in the Florida panhandle. The initial funding from the Council would contribute toward a range of hydrological restoration projects on Tate's Hell State Forest (THSF) in Franklin County FL, as proposed in their 2010 hydrological restoration plan (NWFWMD, 2010).

Because the potential funding would come from a federal agency (i.e., the Council), the USDA Forest Service (USFS) and Natural Resource Conservation Service (NRCS), are working to assure project compliance with federal laws regulating resource impacts and consultation with other agencies. The U.S. Forest Service, National Forests in Florida, has been designated as the agency responsible for consultation on behalf of the USDA regarding potential effects to species listed, proposed or in candidate status under the Endangered Species Act.

Analysis objectives

The purpose of this biological assessment is to analyze and disclose potential effects of the proposed actions on endangered, threatened and candidate species or their habitat, and to ensure that land management decisions are made with the benefit of such knowledge. Specifically, this document contributes to the following directives from Forest Service Manual 2672.41:

1. To comply with the requirements of the Endangered Species Act - that actions of or funded by Federal agencies not jeopardize or adversely modify critical habitat of federally listed species.
2. To provide a process and standard which will ensure that endangered, threatened, and candidate species receive full consideration in the decision making process.

2. Proposed management actions

The activities on the Draft Funding Priority List are elements of the THSF Hydrological Restoration Plan released in 2010. This review considers the following hydrological restoration activities: installation of 2 box culverts, installing or replacing 65 culverts, removing 13 culverts, constructing 54 low water crossings, constructing 3 bridges, installing 116 ditch blocks, and stabilizing 65 miles of roads.

The proposed action also included site preparation and planting to reforest ~2,200 acres within high-priority watersheds in THSF. These stands were historically converted to slash pine plantations and then clearcut. Based on historical natural communities and current soil and water conditions, THSF will plant 994 ac. of slash pine, 839 acres of longleaf pine and acres of 283 pond cypress. For all sites, preparation may include herbicide and/or mechanical removal of shrubs as necessary, burning the sites to clear vegetation and then hand planting containerized or bare-root seedlings. The stands will be managed with prescribed fire under the THSF management plan.

Implementation of all activities would follow direction and mitigation measures described in the THSF management plan (DOF, 2007) and other relevant Florida Forest Service guidelines.

Figure 1 below shows the hydrological restoration activities and reforestation proposed on THSF.

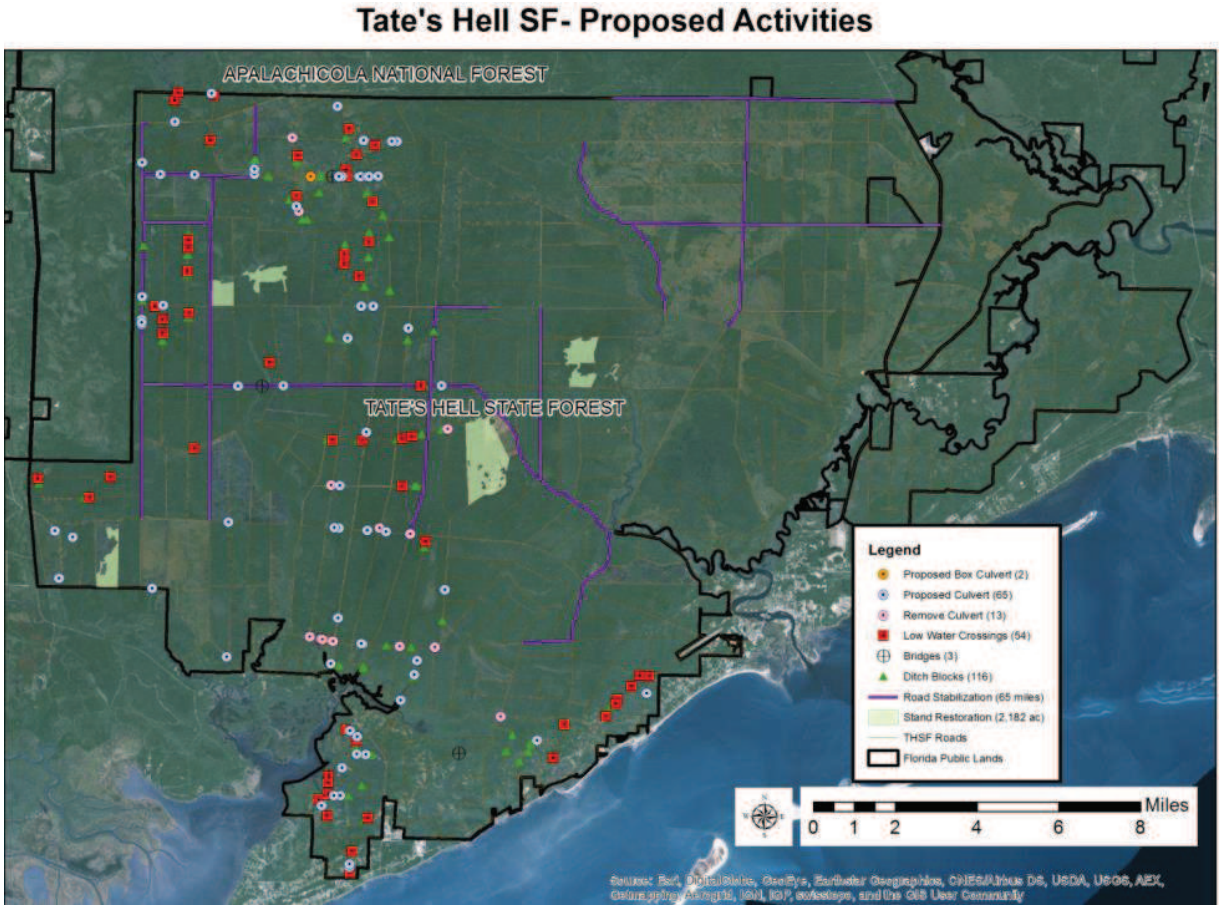

Figure 1. Proposed activities

The following excerpts from the THSF Hydrological Restoration Plan Vol. 2 (NSFWMD, 2010, p. 3-6) describe the proposed actions and provide information on how each is used and what implementation entails:

Figure 2.

<u>*Low Water Crossings (Figure 2.)*</u>
Low water crossings have been proposed in areas where it is desirable to maintain road access while also restoring surface water flows in streams or wetlands. The construction of a low water crossing involves lowering a segment of the road to match the natural wetland or stream grade. A geotextile topped with coarse aggregate material is placed in the center of the crossing to enable vehicle access while also allowing water to flow perpendicular to the travel lane. Rock aprons are installed on either side of the

travel lane to prevent erosion of the crossing. Locations for low water crossings were identified by reviewing locations were streams and wetlands are bisected by roads.

Ditch Blocks and Flashboard Risers (Figure 3.)

Figure 3.

Ditch blocks and flashboard risers are proposed where it is desirable to reduce, redirect, or prevent surface water flow in roadside ditches. Ditch blocks also may be used to restore local topographic features or to prevent ditch flow across hydrologic basins. The construction of a ditch block involves placing fill material in a ditch, compacting the material, and seeding and mulching the ditch block top surface and side slopes with native grasses to prevent erosion. Ditch blocks are generally constructed using onsite soil materials such as road fill excavated during the construction of low water crossings.

Flashboard risers can be thought of as a culvert with an adjustable weir structure. Flashboard risers offer more flexibility than ditch blocks because boards can be added or removed to regulate surface water flow in response to hydrologic conditions and land management needs. Flashboard risers may be preferable to ditch blocks in areas where it is desirable to maintain the ability to convey flows through ditches under certain conditions.

Culvert Modifications (Figure 4.)

Figure 4.

Culverts modifications include the installation of new culverts and the replacement or removal of existing culverts. The evaluation of recommended culvert modifications focused on adding culverts to re-connect contributing drainage areas and removing culverts that transfer water across historical basin boundaries. Some but not all of the more than 800 existing culverts were examined in the field. There are likely numerous culverts in need of replacement that are not included in the hydrologic restoration plans.

Bridges and Box Culverts
Several locations for box culverts and small bridges also have been proposed. Bridges may be proposed in areas where the existing culverts have insufficient capacity to convey streamflows or where it is desirable to restore a more natural stream channel. Box culverts may be proposed in lieu of bridges for smaller stream crossings or for wetland sloughs.

Additional information and context for these activities may be found in the THSF Hydrological Restoration Plan (NWFWMD, 2010).

3. Species considered

The following sources of information were used to determine which species to include in this analysis and the potential effects of the project:

- Florida Natural Areas Inventory (FNAI) records within the project area
- Recent surveys (FNAI)
- USFWS recovery plans for species known from THSF
- Communications with USFWS biologists

Based on these sources of information we determined that the following species and their habitat merited analysis in this biological assessment:

Species	USFWS status
Wood stork	Threatened
Red-cockaded woodpecker	Endangered
White birds-in-a-nest	Threatened
Godfrey's butterwort	Threatened
Florida skullcap	Threatened
Harper's beauty	Endangered
Frosted flatwoods salamander	Threatened
Eastern indigo snake	Threatened
Gopher tortoise	Candidate
Purple bankclimber	Threatened
Gulf sturgeon	Threatened
Bald Eagle	Bald and Golden Eagle Protection Act

4. Effects of proposed action

The direct and indirect effects of the proposed activities on federally listed threatened or endangered species would occur only within the project areas. Direct effects would be limited spatially to the area of ground disturbing activities associated with the hydrological restoration activities. Site preparation and planting would have a larger affected area. All activities would require the use of heavy machinery, but use would largely be restricted to existing roads or road corridors that are regularly used for THSF management. Potential indirect effects could occur on slightly larger spatial and temporal scales (e.g., post-project erosion down the slope of the roadside or around culverts), but are unlikely to result in long-term or high-intensity impacts

given the small areas in which the actions are proposed and the degraded context of the immediate surroundings.

The proposed work would occur in the context of ongoing management activities to maintain the forest (e.g., thinning plantations, prescribed fire) and implement actions already approved by the state in the management and restoration plans for THSF. There are no other state, county or private activities that are currently known or are reasonably certain to occur that would have cumulative effects on the project area in conjunction with the proposed action. The species-level analysis below summarizes the status of each species in the project area and the potential effects of the proposed management activities on individuals and suitable habitat.

Wood stork

Wood stork ecology and habitat use is described in the USFWS habitat management guidelines (USFWS 1996). Wood storks nest in colonies and forage in shallow water. In general, the decline of this species is due to water control projects, which altered the hydroperiod and reduced available food. There are currently no known wood stork rookeries in THSF, although birds may forage in shallow wetlands in the project area when water conditions are suitable.

The proposed activities would have no direct effects on wood storks because there are no known rookeries in the project area and the proposed activities would not be implemented in potential roosting, breeding or foraging habitats. Long-term indirect effects would be positive; hydrological restoration should result in improved foraging opportunities. **In conclusion, the proposed action may affect, but is not likely to adversely affect wood storks.**

Red-cockaded woodpecker

There are approximately 40 active red-cockaded woodpecker clusters on THSF (Figures 5,6,7, 8.). Nineteen active cavity trees are within 200 feet of roads proposed for surface stabilization. Several other cavity trees are adjacent to stands proposed for reforestation. Red-cockaded woodpeckers are sensitive to changes to habitat structure and human disturbance, including heavy equipment use. The Recovery Plan management guidelines include avoiding heavy equipment use in clusters (i.e., the minimum convex polygon of cavity trees and a 200ft buffer) during the April to July breeding season (USFWS 2003, p. 181).

Guidelines to protect clusters and cavity trees include avoiding clusters during the breeding season, avoiding use of heavy equipment near cavity trees and limiting disturbance to daylight hours (USFWS 2003, p. 178-181). Road surface stabilization and reforestation (if heavy equipment is used) activities that would occur within 200 feet of an active tree would not be conducted during red-cockaded woodpecker breeding season, consistent with management guidelines in the Red-cockaded Woodpecker Recovery Plan. Adherence to these guidelines will avoid impacts to RCW. **Therefore, the proposed action may affect, but is not likely to adversely affect red-cockaded woodpeckers**.

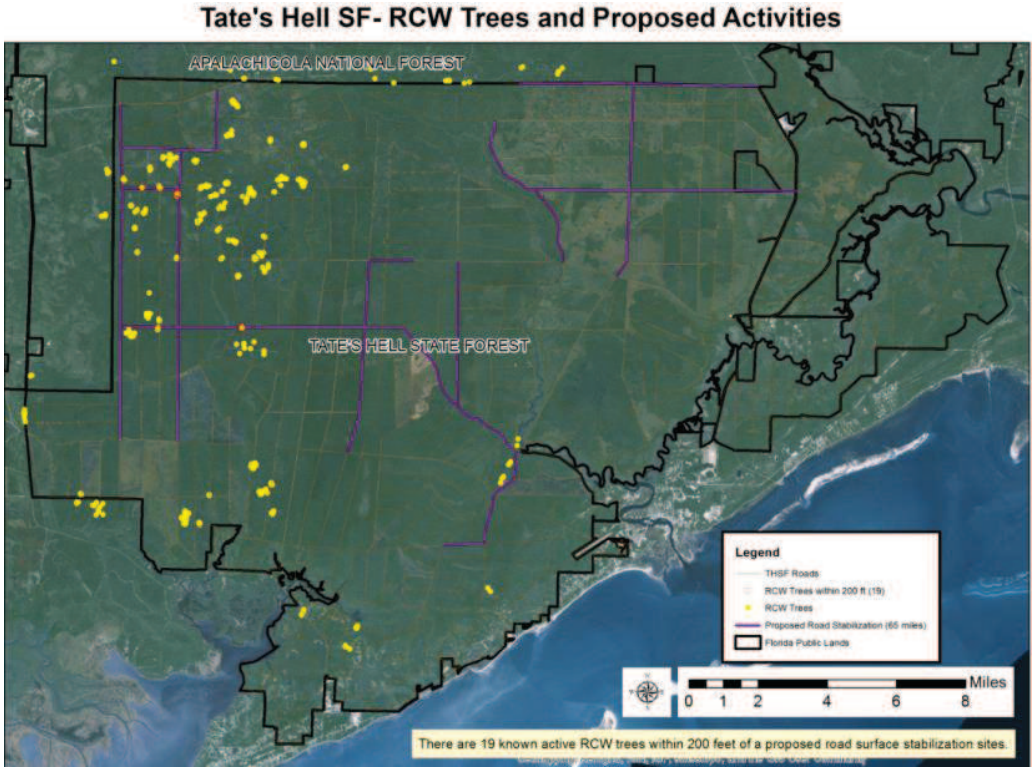

Figure 5. RCW trees and proposed road stabilization

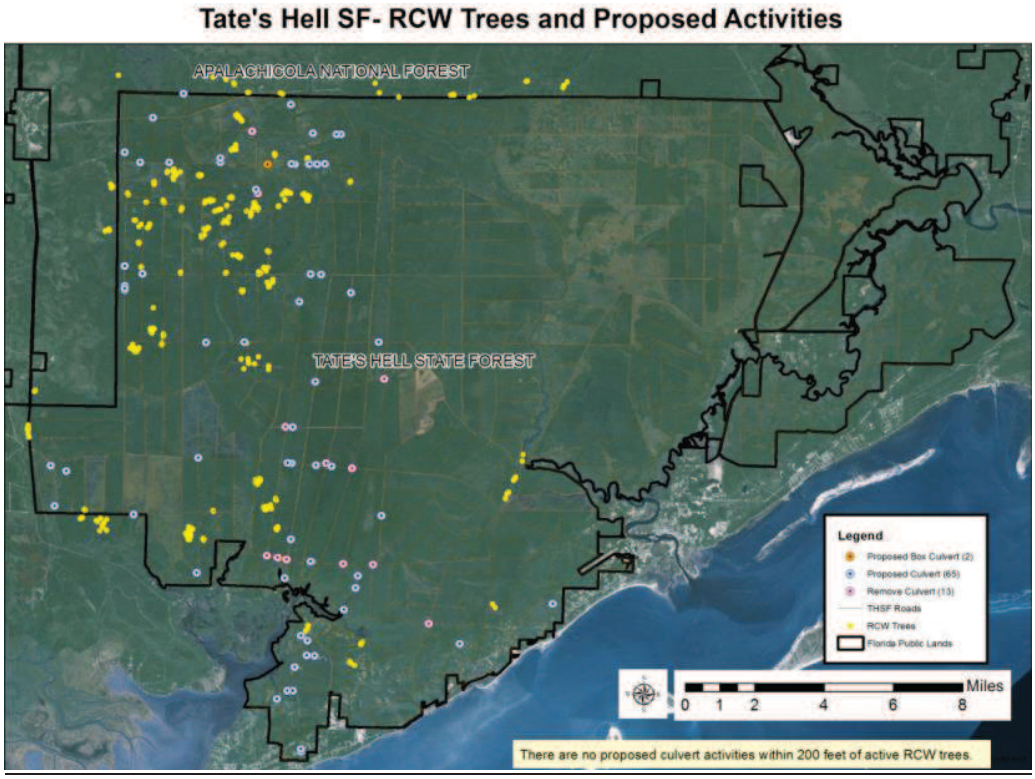

Figure 6. RCW trees and proposed culvert work

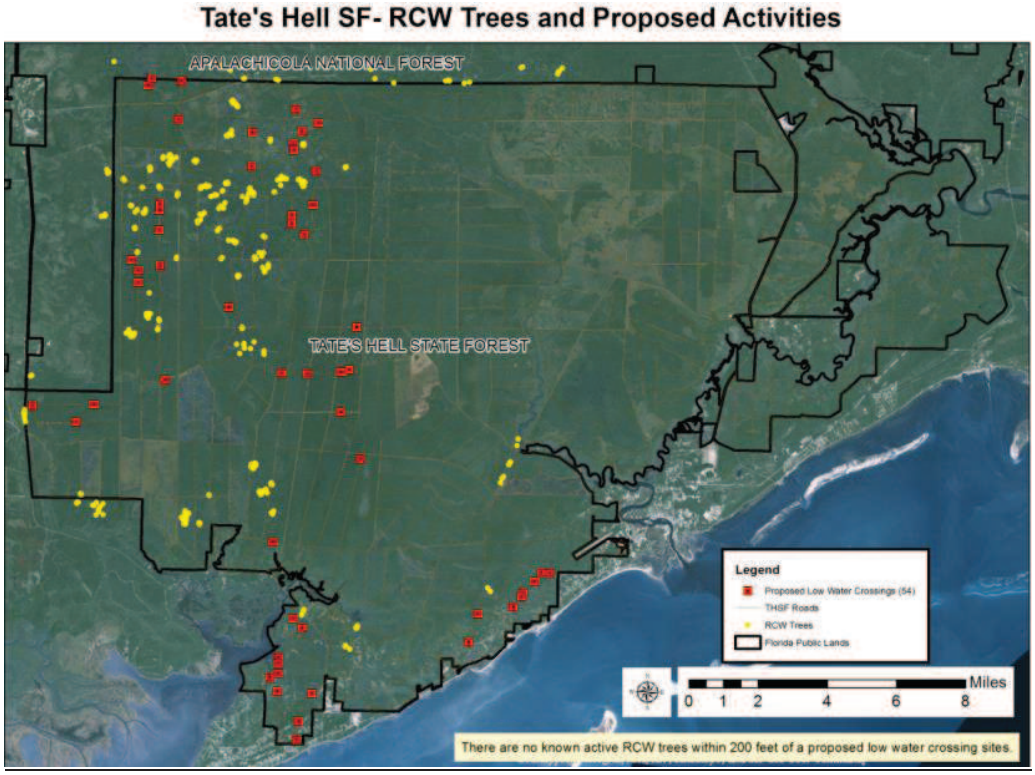

Figure 7. RCW trees and proposed low water crossings

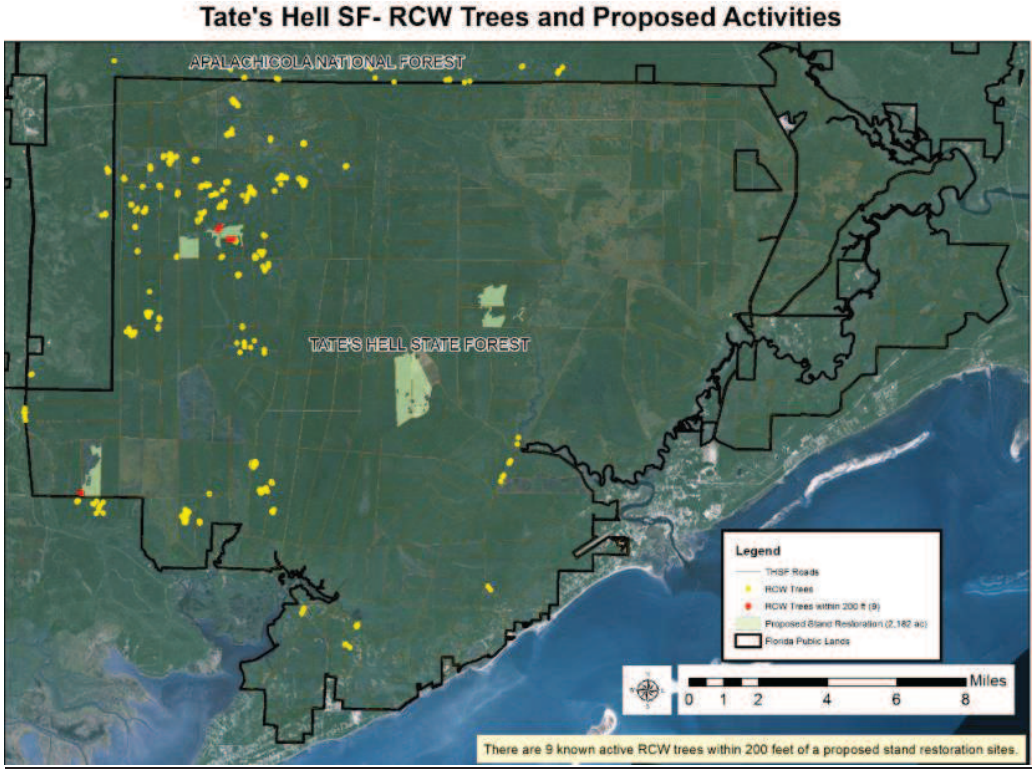

Figure 8. RCW trees and proposed reforestation areas

White birds-in-a-nest, Godfrey's butterwort and Florida skullcap

Because these three species occur in similar habitats, respond similarly to disturbances, and share a Recovery Plan (USFWS 1994), the effects of the alternatives will be discussed together. Historical records indicate that all three of these federally threatened plant species occur on THSF. Element occurrence records from FNAI, which represent the best available information on the distribution of these species, showed that these species have been found in the general areas in which restoration work would occur (Figure 9). However, our review found that only one small population of Godfrey's butterwort (8 plants) occurs within 200 feet of a proposed culvert where mechanical earth moving will occur.

However, all three species may occur in open areas along roads, particularly adjacent to wetlands. These conditions are present in many locations where work is proposed, so it is likely that the known occurrences of these three species underestimate their actual distribution and abundance.

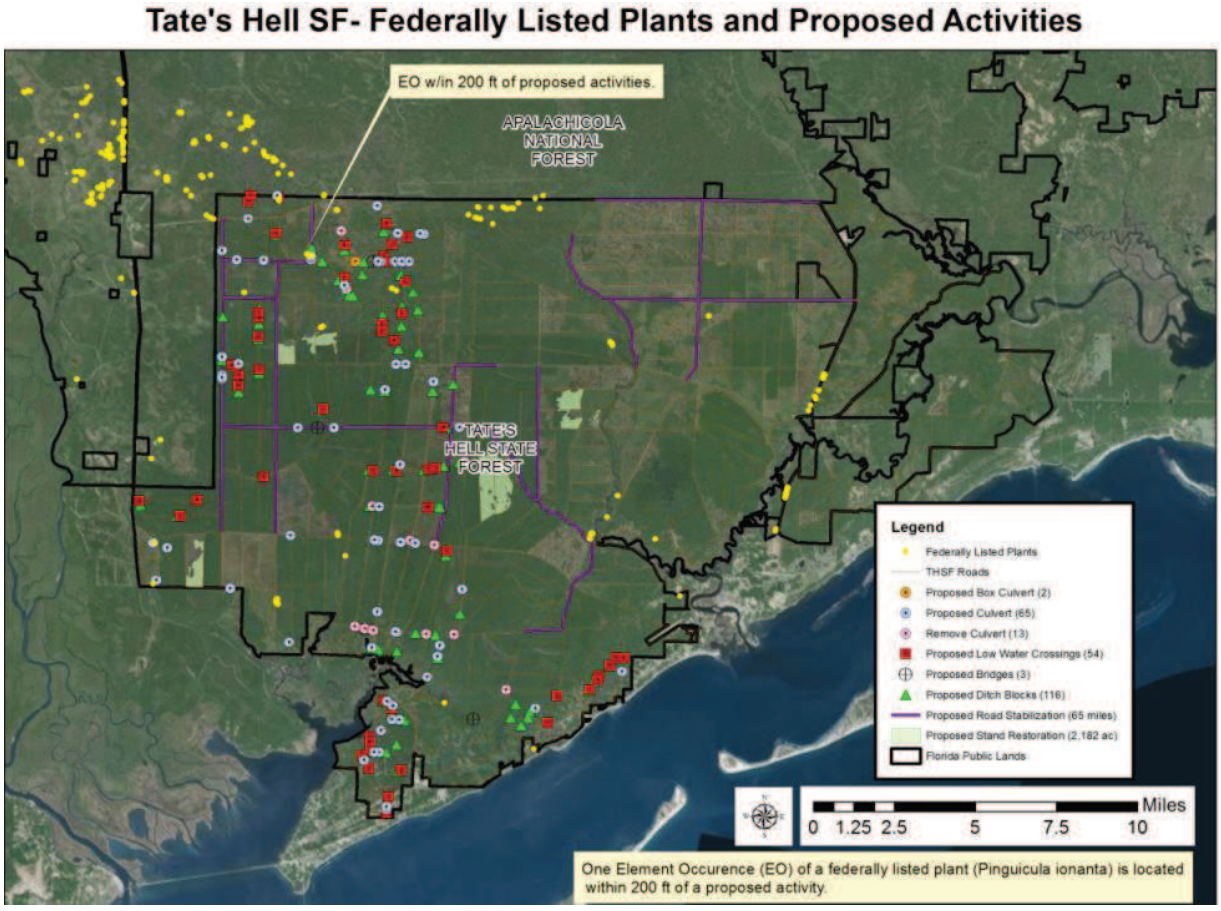

Figure 9. Locations of federally listed plants in and near THSF

As stated in the recovery plan for these species, "Many native plants appear able to fend for themselves, if given even a modest opportunity" (USFWS 1994). The USFWS expressed

concern about the effects of culvert work on nearby populations of Godfrey's butterwort (see FWS # 2008-I-0408), and ground disturbing activities and heavy equipment use where plants occur would result in damage or death of individuals. However, the proposed hydrological restoration work should improve habitat for these species because they are facultative (White birds-in-a-nest) and obligate (Florida Skullcap and Godfrey's butterwort) wetland plants (USACE, 2015).

To avoid potential adverse effects to these three species, surveys would be conducted during the flowering periods where there is suitable habitat in the areas proposed for actions, including both the roadsides and stands proposed for reforestation. If individuals or populations are found, THSF would avoid impacts to those plants and consult with USFWS regarding appropriate site-specific mitigation measures. **Implementation of the proposed activities given this condition may affect, but is not likely to adversely affect, white birds-in-a-nest, Godfrey's butterwort or Florida skullcap.**

Harper's beauty

All three populations known at the time of federal listing were along the SR 65 right-of-way in the Apalachicola National Forest (USFWS 1983, p. 3). However, intensive searches in the past 30 years have resulted in discovery of several populations in natural habitats (i.e., grassy bogs, ecotones between flatwoods and wet areas) within the Apalachicola National Forest and a small number of populations outside the forest. In 2012-2015, biologists from the USFS and FNAI revisited all known or reported Harper's beauty occurrences in the Apalachicola NF and found at least one plant present at 60 of the 144 known historical occurrences. Several of these occupied sites are very close to the boundary with THSF but Harper's beauty has not been found in THSF.

Harper's beauty shares many habitat requirements with Godfrey's butterwort, and surveys for sensitive plants would be conducted by botanists also familiar with Harper's beauty. If individuals or populations are found, THSF would avoid impacts to those plants and consult with USFWS regarding appropriate site-specific mitigation measures. **Implementation of the proposed activities may affect, but is not likely to adversely affect, Harper's beauty.**

Frosted flatwoods salamander

Known or potential frosted flatwoods salamander habitat was assessed for THSF using GIS databases of historical records and suitable habitat, including the USFWS designated critical habitat (USFWS, 2009; 50 CFR 17.95). THSF contains 42.4 ac. of critical habitat (designated as FFS-1 H) but no recently documented breeding ponds. A map of the critical habitat and documented ponds in relation to the proposed activities is below (Figure 10). Potentially suitable habitat is present elsewhere in THSF, but most of it has been degraded by hydrological disturbance, pine plantations and fire suppression.

Direct effects from mechanical work are not expected because isolated wetlands in the project area do not provide suitable habitat. If isolated wetlands and adjacent uplands are improved through restoring natural water flow (or reducing flow, in some cases), the project area could provide suitable habitat in the future. Site preparation, including herbicide and mechanical

treatments, and replanting would indirectly improve salamander habitat by reducing canopy cover and encouraging the growth of herbaceous groundcover. No herbicide cocktails (mixtures of more than 1 herbicide in single treatment) would be applied to reduce the potential for adverse effects to these listed plants.

Herbicide is expected to have no effect on the frosted flatwoods salamander because this species is not likely to occur within the cut over former pine plantations where foliar herbicide treatment is proposed. However, even if the species is present, toxicity studies suggest the risk of adverse effects is low. Acute toxicity studies that include amphibians have shown triclopyr to be "practically non-toxic" to aquatic organisms using the EPA's toxicity categories, with the exception of one formulation which is not labeled for use in the project area (SERA 2003, Trumbo and Waligora, 2009). Triclopyr also falls below the risk quotient value designated by the EPA for federally listed species (Trumbo and Waligora, 2009). Acute toxicity studies on fish and aquatic invertebrates have shown hexazinone to be in the EPA's "practically non-toxic" category. However, very little information is available on the toxicity of hexazinone to amphibians. A hexazinone concentration of 100 mg/L over an 8-day exposure period was associated with transient reduced avoidance behavior in newly hatched tadpoles (SERA, 2005). These exposure levels, however, had no effect on hatching success (Berrill et al., 1994). Hexazinone would only be applied on sites away from any isolated wetlands, thereby reducing the risk of direct exposure to hexazinone.

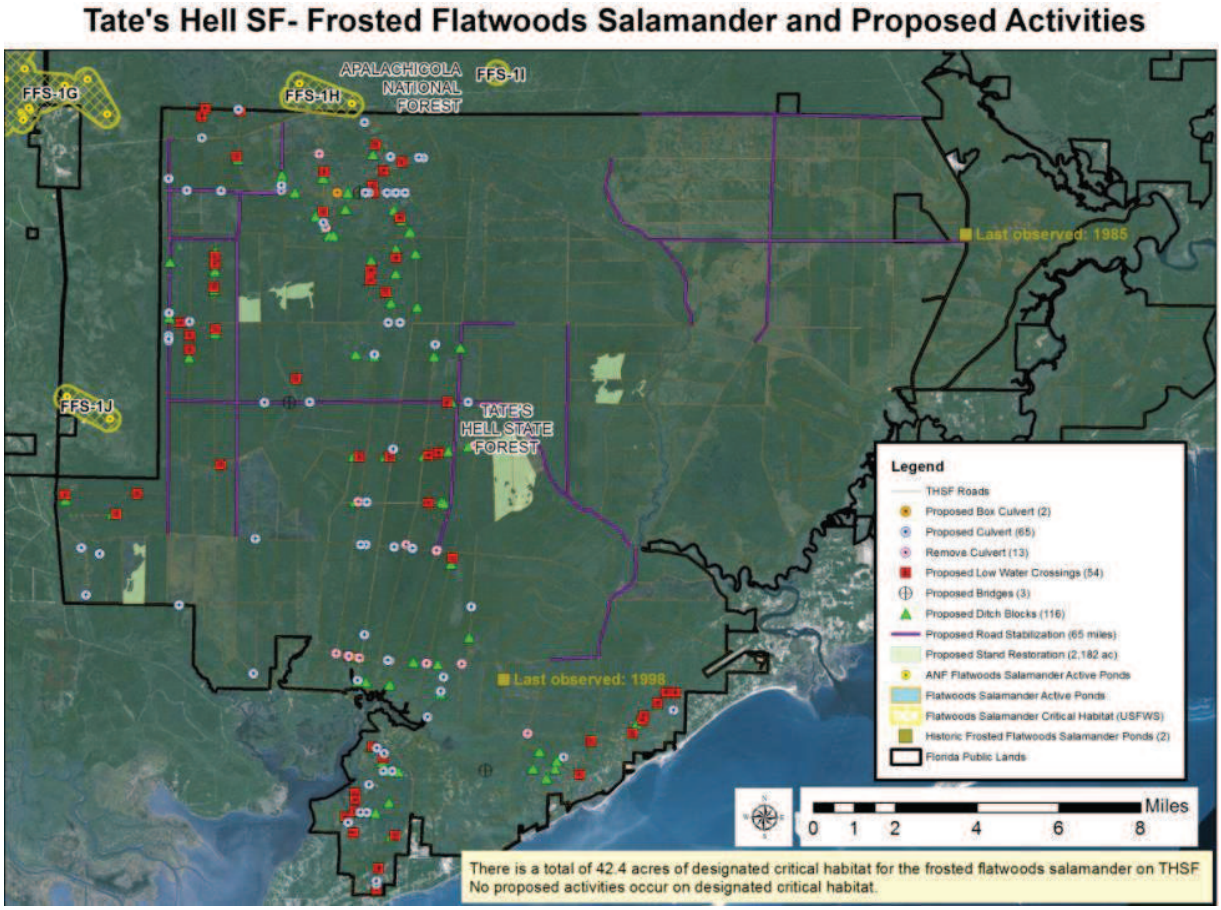

Figure 10. Frosted flatwoods salamander habitat and proposed activities

Based on the critical habitat analysis, evaluation of known and potential breeding ponds and knowledge of isolated wetlands in the project area, it is unlikely that this species is present in the areas directly affected by implementation of the project activities. Implementation of the proposed activities when combined with past, present, and future projects would be beneficial to the flatwoods salamander. The restoration activities proposed in the "Tate's Hell Strategy 1" project, when combined with ongoing prescribed fire, will improve both breeding and associated upland habitat in the project area.

Based on the analysis above, including relevant information from USFWS critical habitat designation, assessment of potential habitat and published studies, **implementation of the proposed activities may affect, but is not likely to adversely affect, the frosted flatwoods salamander.**

Eastern indigo snake

The historical range of this species extended throughout the lower Coastal Plain of the southeastern United States, from southern South Carolina through Georgia to the Florida Keys, and west to southern Alabama and perhaps southeastern Mississippi. However, the current range includes only southern Georgia and Florida; the species is very rare or extirpated in Alabama, Mississippi, and South Carolina. In the northern part of its range, including the Florida

panhandle where this project is located, the indigo snake is highly dependent on gopher tortoise burrows as a refuge from cold winter temperatures (Moler 1992).

Although suitable habitat exists in Tate's Hell State Forest, particularly on drier ridges, the eastern indigo snake is extremely rare or absent from the site. The last confirmed sightings from the area were in the 1970s (Enge et al. 2013); historical observations of the eastern indigo snake on THSF are shown in Figure 11. Species specific surveys have not been conducted for this proposed project, but this species is unlikely to occur in the area impacted by the proposed activities because they will not be conducted in high-quality habitat. However, due to potential occurrence and presence of suitable habitat, it is possible that indigo snakes either currently occur or could occur in the analysis area in the future.

Heavy equipment used for site preparation could directly affect this species if present. Therefore, contractors will be advised of the possible presence of indigo snakes and will be instructed to avoid harming any snake they encounter, consistent with the USFWS eastern indigo snake standard protection measures. Based on the information provided above, **the proposed action may affect, but is not likely to adversely affect the eastern indigo snake**.

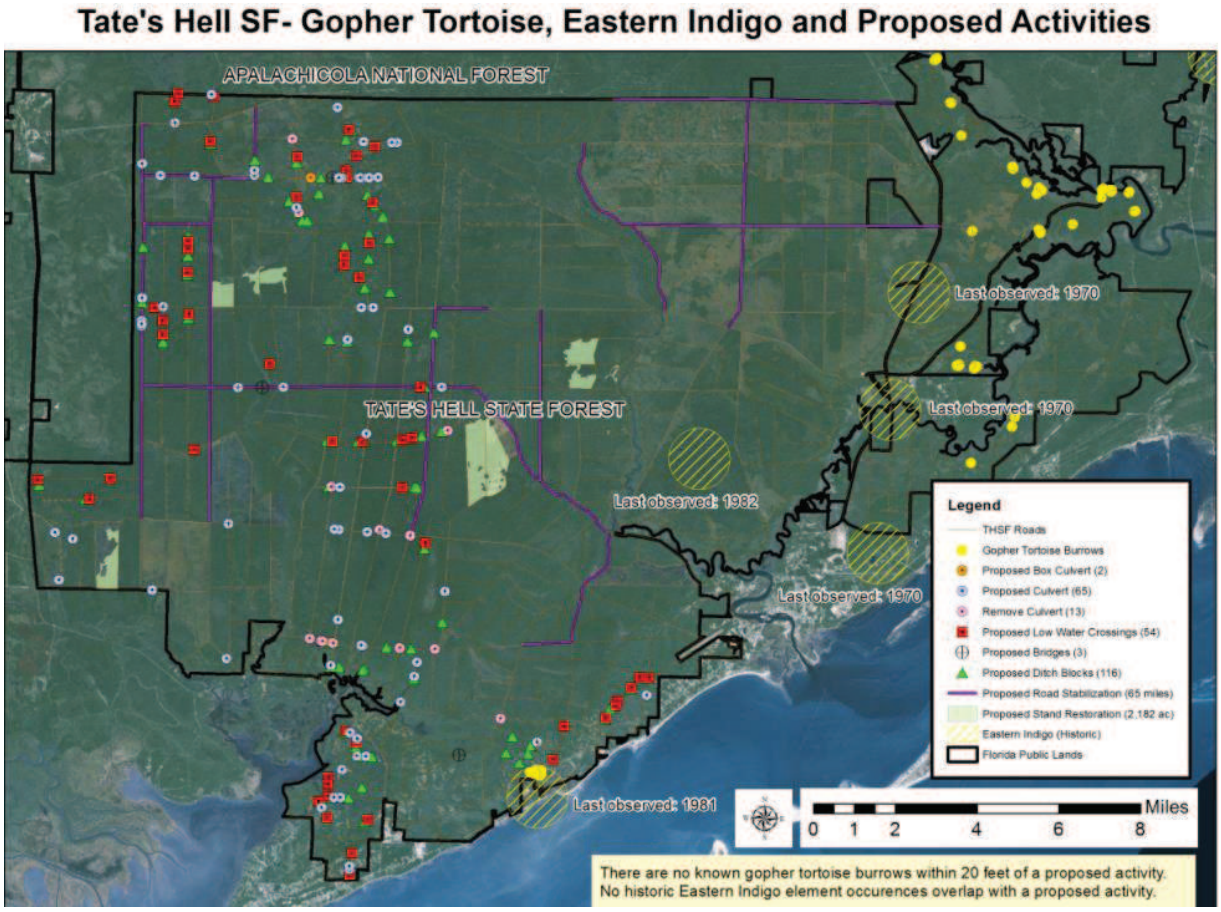

Figure 11. Historical indigo snake occurrences

Gopher tortoise

Gopher tortises can be found in sandhill (pine-turkey oak), sand pine scrub, xeric hammock, pine flatwoods, dry prairie, coastal grasslands and dunes, and mixed hardwood-pine communities. They are present in several areas of THSF (Figure 12). This species prefers open habitats that support a wide variety of herbaceous ground cover vegetation for forage; gopher tortoises frequently can be found in disturbed habitats such as roadsides, fence-rows, old fields, and the edges of overgrown uplands. This species is unlikely to occur in densely canopied areas or areas with a very shallow water table that would not allow them to shelter in burrows.

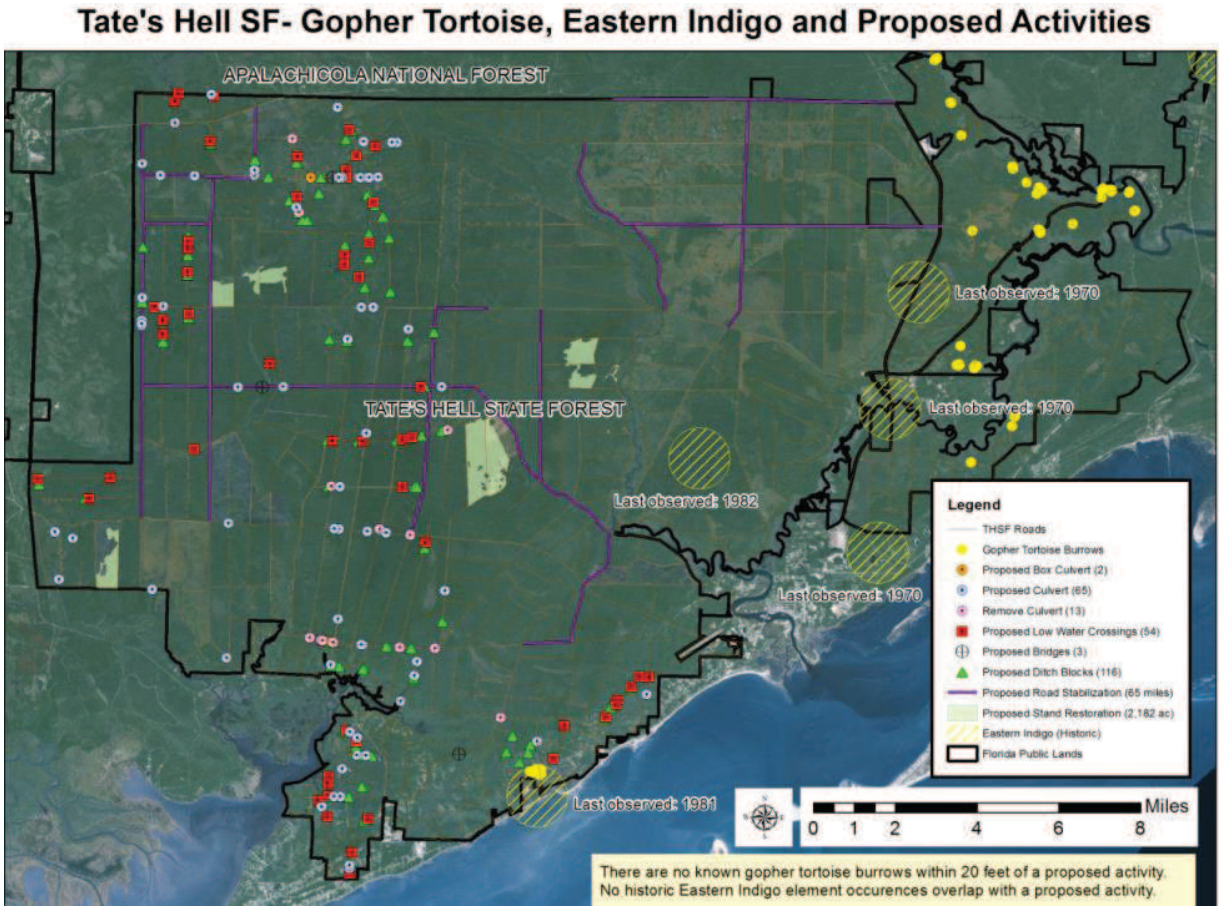

Figure 12. Gopher tortoise burrows on THSF in relation to proposed activities.

The activities proposed for this project are restricted to wetter areas where gopher tortoises are unlikely to occur. Because, there are no activities proposed where gopher totoises are known to occur or in suitable habitat, **implementing the proposed actions will have no effect on gopher tortoises**.

Purple bankclimber mussel and gulf sturgeon

These two aquatic species are known to occur in nearby rivers and the Gulf of Mexico, respectively. Several other species listed as threatened or endangered are also present in the

region (Figure 13), specifically several mussels in the Ockolocknee and Apalachicola Rivers. There are no known occurrences of these species in THSF, nor is there suitable habitat.

The overall purpose of the hydrological restoration activities on THSF is to restore more natural hydrological systems and connected uplands. Minor erosion and short-term sedimentation may result from implementation of the proposed activities. However, restoration should result in improved water quality in the watersheds that drain the forest.

The Service's General Conditions for Repair, Replacement, and Clean-up Projects in Streams with Federally Listed Species in Northwest Florida will be followed and include the following.

1. Keep in-stream work to a minimum, and conduct in-stream work in a manner that minimizes disturbance to the stream bottom.

2. Conduct work activities from atop a stable streambank or reinforced platform, when feasible, and in a manner that does not degrade or destabilize the streambank.

3. Install erosion and sediment control devices before any work is performed, and closely monitor and maintain for the life of the construction project. Implement the appropriate best management practices for preventing and minimizing erosion and sediment outlined in the following manuals: Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (July 2008), and State of Florida Erosion and Sediment Control Designer and Reviewer Manual (July 2007).

4. Keep land clearing to the minimum level necessary for project completion. Stream bank vegetation should be left intact to the extent practicable. Cutting vegetation is preferred to root grubbing near streams.

5. Cover disturbed areas with erosion controls mats and revegetate promptly with native grasses.

6. Locate debris collection sites, borrow sites, fill dirt stockpiles, and equipment staging areas at least 200 feet from stream channels to minimize the potential of sediments and contaminants entering the waterway.

Based on adherence to state best management practices, the Service's General Conditions, and lack of hydrological connection to suitable habitat, **the proposed activities will have no effect on listed aquatic species**.

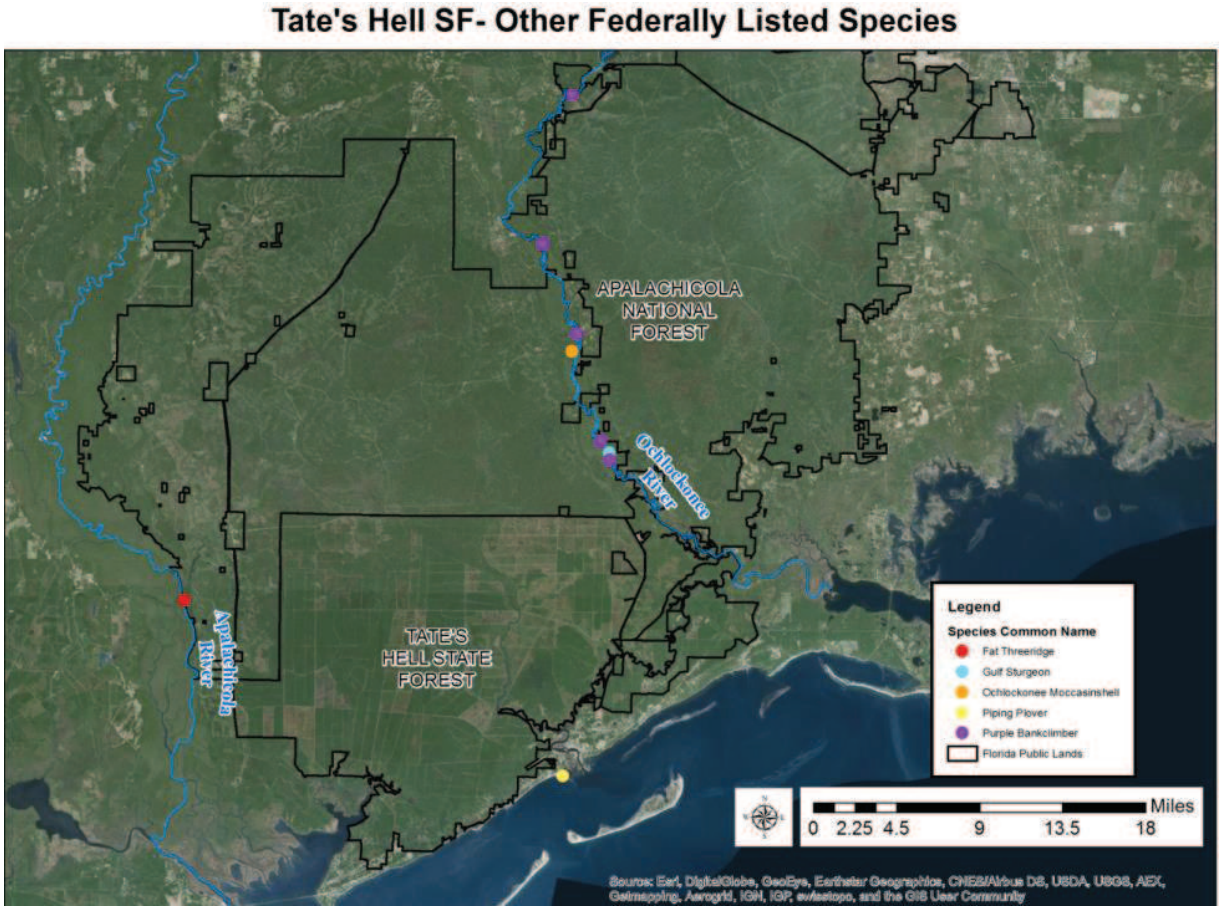

Figure 13. Aquatic species in relation to THSF.

Bald eagle

Throughout their range, bald eagles use forested habitats for nesting and roosting, and expanses of shallow fresh or salt water for foraging. Nesting habitat generally consists of densely forested areas of mature trees that are isolated from human disturbance. The quality of foraging habitat is characterized by the diversity, abundance, and vulnerability of eagle prey, the structure of the aquatic habitat (such as the presence of shallow water), and the extent of human disturbance. The greatest numbers of bald eagle nesting territories in Florida are found along the Gulf coast and around some of the larger inland lakes and river systems in the Florida peninsula (FFWCC 2008).

Based on surveys conducted in 2014**, two bald eagle nests were found within a few miles of the project areas but** no**ne were found** in THSF **itself**. **If nests were found during project implementation the protection measures from the State of Florida's management plan (FFWCC 2008) would be followed to avoid impacts.** Therefore, implementing the proposed actions will have no effect on bald eagles.

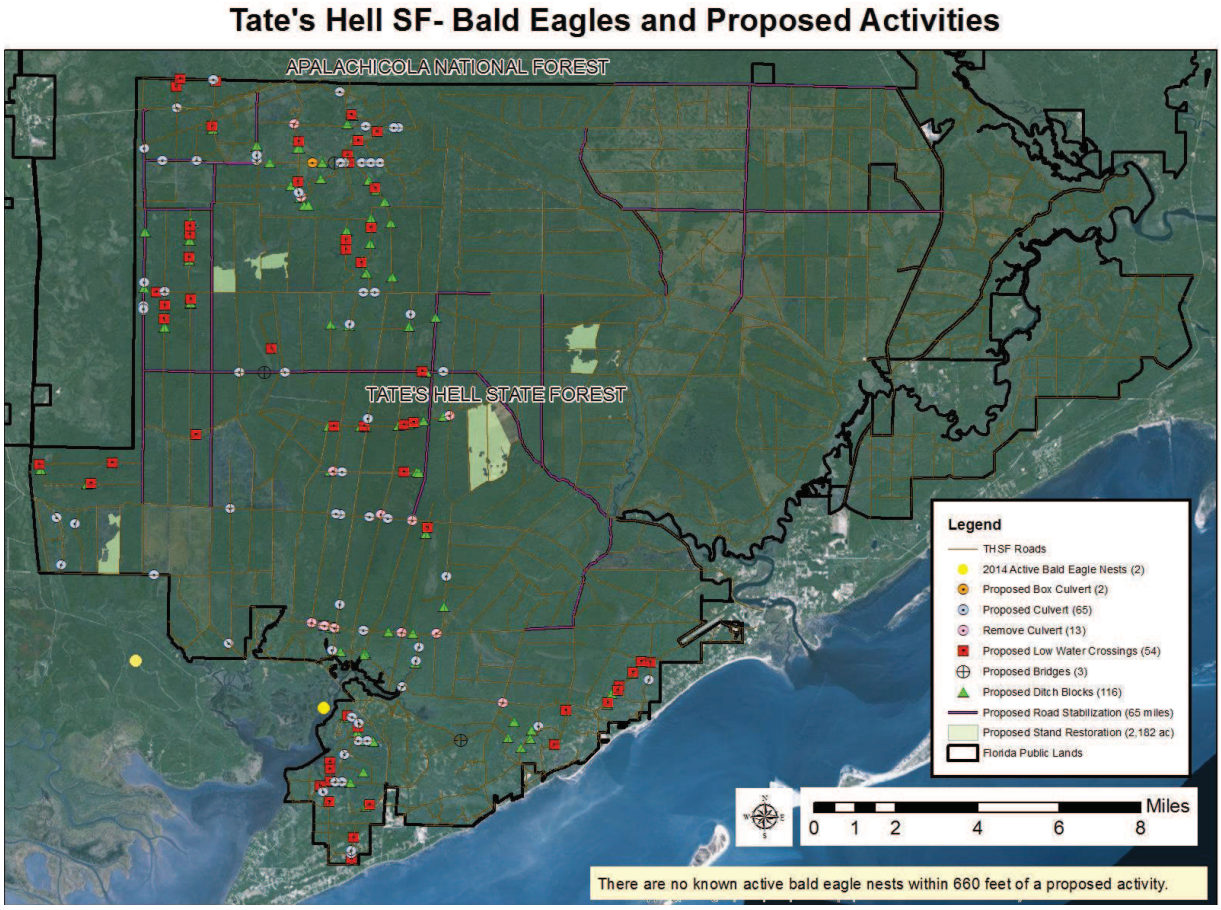

Figure 14. Bald eagle nest locations on THSF and adjacent properties.

5. Literature cited

Berrill, M., S. Bertram, L. McGillivray, M. Kolohon and B. Pauli. 1994. Effects of low concentrations of forest-use pesticides on frog embryos and tadpoles. Environ. Toxicol. Chem. 13: 657-664.

Enge, K. M., D. J. Stevenson, M. J. Elliott and J. M. Bauder. 2013. The Historical and Current Distribution of the Eastern Indigo Snake (*Drymarchon couperi*). Herpetological Conservation and Biology 8(2):288−307.

Florida Division of Forestry [FDOF]. 2007. Ten-year resource management plan for the Tate's Hell State Forest. Available at: https://www.freshfromflorida.com/content/download/4904/31197/THSF%20FINAL%202007%20PLAN.pdf Last accessed: 9/2/15

Florida Fish and Wildlife Conservation Commission [FFWCC]. 2008. Bald eagle management plan. Available at: http://myfwc.com/media/427567/Eagle_Plan_April_2008.pdf Last accessed: 9/3/2015

Moler, P. E. 1992. Eastern indigo snake, *Drymarchon corais couperi*. pp. 181-186 in Rare and Endangered Biota of Florida, Vol. III, Amphibians and Reptiles. P. E. Moler, ed. Univ. Press of Florida. Gainesville, Florida. 291 pp.

Northwest Florida Water Management District [NWFWMD] 2010. Tate's Hell State Forest Hydrologic Restoration Plan. Available at: http://nwfwmdwetlands.com/index.php?Page=30 Last accessed: 9/2/15

SERA (Syracuse Environmental Research Associates Inc.) 2003. Triclopyr - Revised Human Health and Ecological Risk Assessment Final Report SERA TR 02-43-13-03b dated March 15, 2003. www.fs.fed.us/foresthealth/pesticide/risk_assessments

SERA, Syracuse Environmental Research Associates, Inc. 2005. Human Health and Ecological Risk Assessment for Hexazinone: Final Report. PO # 43-1387-3-0717, Task #20, Submitted to: Forest Service on October 25, 2005. http://www.fs.fed.us/foresthealth/pesticide/risk.shtml

Trumbo J. and D. Waligora. 2009. The Impact of the Herbicides Imazapyr and Triclopyr Triethylamine on Bullfrog Tadpoles. California Department of Fish and Game. Rancho Cordova, CA.

U.S. Army Corps of Engineers [USACE]. 2015. National Wetlant Plant List (2015 NWPL v32). Available at: http://rsgisias.crrel.usace.army.mil/NWPL/ Last accessed: 9/2/2015.

U.S. Fish and Wildlife Service [USFWS]. 1983. Harper's Beauty Recovery Plan. Atlanta, Georgia. 32 pp.

U.S. Fish and Wildlife Service [USFWS]. 1996. Revised recovery plan for the U.S. breeding population of the wood stork. U.S. Fish and Wildlife Service. Atlanta, Georgia. 41pp.

U.S. Fish and Wildlife Service [USFWS]. 1994. Recovery Plan for Four Plants of the Lower Apalachicola Region, Florida: *Euphorbia telephioides* (Telephus spurge), *Macbridea alba* (white birds-in-a-nest), *Pinguicula jonantha* (Godfrey's butterwort), and *Scutellaria floridana* (Florida skullcap). U.S. Fish and Wildlife Service. Atlanta, Georgia. 32 pp.

U.S. Fish and Wildlife Service [USFWS]. 2003. Recovery plan for the red-cockaded woodpecker (*Picoides borealis*): second revision. Atlanta, GA. 296 pp.

U.S. Fish and Wildlife Service [USFWS]. 2009. Endangered and threatened wildlife and plants; Determination of Endangered Status for Reticulated Flatwoods Salamander; Designation of Critical Habitat for Frosted Flatwoods Salamander and Reticulated Flatwoods Salamander; Final Rule. Federal Register. 74(26):6700-6773.

6. Summary of determinations

Based on the information and analysis above the following determinations of effects were made for the activities proposed in this project:

Species	Determination
Wood stork	May affect, not likely to adversely affect
Red-cockaded woodpecker	May affect, not likely to adversely affect
White birds-in-a-nest	May affect, not likely to adversely affect
Godfrey's butterwort	May affect, not likely to adversely affect
Florida skullcap	May affect, not likely to adversely affect
Harper's beauty	May affect, not likely to adversely affect
Frosted flatwoods salamander	May affect, not likely to adversely affect
Eastern indigo snake	May affect, not likely to adversely affect
Gopher tortoise	No effect
Purple bankclimber	No effect
Gulf sturgeon	No effect
Bald Eagle	No effect

These determinations were made by qualified staff of the National Forests in Florida based on the best available science and other relevant information. An original signature page is in the project record and is available upon request.

Jeff W. Gainey Date: September 3, 2015

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Appendix 2. USDA Forest Service Decision Memo for hydrological restoration activities in the "Tate's Hell Strategy 1" project

DECISION MEMO

PREPARED BY THE USDA FOREST SERVICE, SOUTHERN REGION, ON BEHALF OF THE GULF ECOSYSTEM RESTORATION COUNCIL

FOR

TATE'S HELL STRATEGY 1 PROJECT

TATE'S HELL STATE FOREST

LIBERTY AND FRANKLIN COUNTIES, FLORIDA

BACKGROUND

The 2012 RESTORE Act established the Gulf Coast Ecosystem Restoration Council (Council) to develop and implement a comprehensive plan for recovery following the 2010 Deepwater Horizon oil spill. One part of the RESTORE Act is a trust fund managed by the Council to support projects that contribute to restoring the ecosystems and economy of the Gulf Coast Region. In July 2014, the Council finalized a proposal submission and evaluation process for projects, and on August 13, 2015, the Council released a Draft Funded Priorities List.

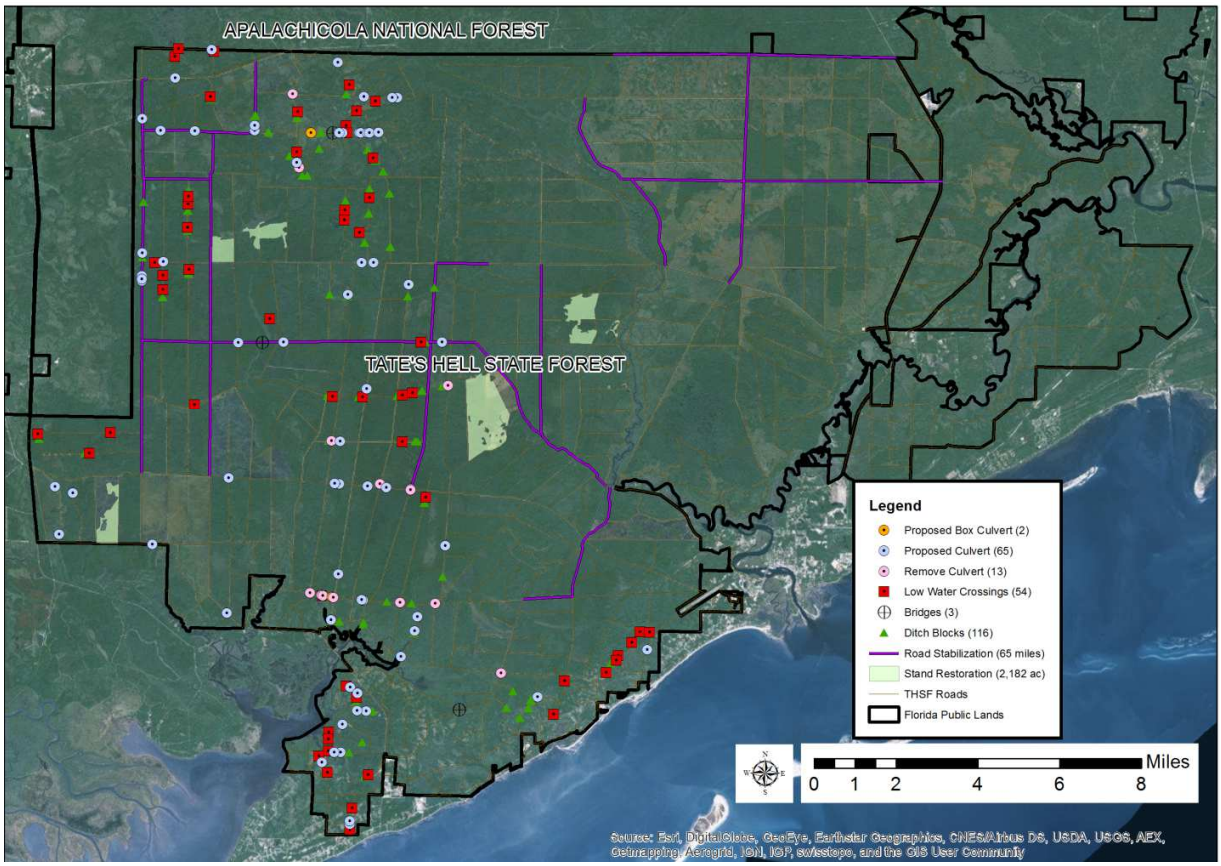
The Draft Funded Priorities List includes a proposal developed by the USDA Forest Service along with state and private partners to assess conditions and implement hydrological restoration in the lower Apalachicola River Basin in the Florida panhandle. The initial funding from the Council would contribute toward a range of hydrological restoration projects on Tate's Hell State Forest in Franklin Co. FL, as proposed in their 2010 hydrological restoration plan. Because the potential funding would come from a federal agency (i.e., the Council), the USDA Forest Service, National Forests in Florida, is working to assure project compliance with federal laws regulating resource impacts and consultation with other agencies and tribal governments.

The Council finalized NEPA procedures on May 5, 2015 (80 FR 86, p, 25680-25691). These procedures are applicable to all Council actions, including approving and funding projects that were proposed by and otherwise will be implemented by non-federal parties (40 CFR 1508.18). The Council determined that certain categories of activities that have not undergone NEPA review may be categorically excluded from detailed documentation in and EA or EIS (Sec. 4(c,d)), subject to federal agency review of extraordinary circumstances that could indicate potentially significant effects on the environment (Sec. 4(e)). The documentation below for the "Tate's Hell Strategy 1" project follows requirements described in Sec. 4(f) for categorical exclusions (CEs) and United States Department of Agriculture Forest Service NEPA procedures (36 CFR 220).

PROPOSED ACTIVITIES

The activities that I have considered are all elements of the Tate's Hell State Forest Hydrological Restoration Plan released in 2010. The subset of activities proposed for authorization through USFS categorical exclusions are the following: installing 2 box culverts, installing or replacing 65 culverts, removing 13 culverts, constructing 54 low water crossings, constructing 3 bridges, installing 116 ditch blocks and stabilizing 65 miles of roads. The map below shows the hydrological restoration activities planned on Tate's Hell State Forest as part of this project, including stand restoration activities that are being evaluated by USDA NRCS through a separate NEPA process.

Tate's Hell SF- Proposed Activities



The following excerpts from the Tate's Hell Hydrological Restoration Plan (Vol. 2, p. 3-6) describe the process of developing the proposed actions and provide information on how each is used and what implementation entails:

> *The development of hydrologic restoration plans involved several steps. First, a GIS-based review and analysis of each basin was performed by NWFWMD staff. Based on the GIS-based review, strategies were developed to restore historical surface water drainage patterns to the greatest extent possible in light of current site conditions. The locations of potential hydrologic improvements such as low water crossings, ditch blocks, flashboard*

risers, and culvert modifications were identified. Field reviews were conducted to check most road removal and low water crossing locations. The locations of some ditch blocks, flashboard risers, and culverts were also verified in the field. Based on the findings of the field reviews, appropriate revisions were made to the basin restoration plans.

Preliminary hydrologic restoration plans for each basin were then reviewed with the Division of Forestry. Forestry staff has extensive knowledge of past and current site conditions, existing and planned recreational sites, road access needs, firebreak locations, and timber management activities. Forestry staff made certain that hydrologic restoration activities would not adversely impact other uses of the property. Following discussions with Forestry staff, the preliminary hydrologic restoration plans were revised and final plans were created for each basin (Vol 2, p. 3).

Low Water Crossings

Low water crossings have been proposed in areas where it is desirable to maintain road access while also restoring surface water flows in streams or wetlands. The construction of a low water crossing involves lowering a segment of the road to match the natural wetland or stream grade. A geotextile topped with coarse aggregate material is placed in the center of the crossing to enable vehicle access while also allowing water to flow perpendicular to the travel lane. Rock aprons are installed on either side of the travel lane to prevent erosion of the crossing. Locations for low water crossings were identified by reviewing locations were streams and wetlands are bisected by roads.

Road attributes and LiDAR land surface elevations were also reviewed. In some instances, existing culverts are proposed to be replaced with low water crossings to increase conveyance capacity and restore channel morphometry. Due to the need to maintain year-round vehicle access, low water crossings have generally not been proposed on primary roads or roads leading directly to campsites.

Ditch Blocks and Flashboard Risers

Ditch blocks and flashboard risers are proposed where it is desirable to reduce, redirect, or prevent surface water flow in roadside ditches. Ditch blocks also may be used to restore local topographic features or to prevent ditch flow across hydrologic basins. The construction of a ditch block involves placing fill material in a ditch, compacting the material, and seeding and mulching the ditch block top surface and side slopes with native grasses to prevent erosion. Ditch blocks are generally constructed using onsite soil materials such as road fill excavated during the construction of low water crossings.

Flashboard risers can be thought of as a culvert with an adjustable weir structure. Flashboard risers offer more flexibility than ditch blocks because boards can be added or removed to regulate surface water flow in response to hydrologic conditions and land management needs. Flashboard risers may be preferable to ditch blocks in areas where it is desirable to maintain the ability to convey flows through ditches under certain conditions.

Culvert Modifications

Culverts modifications include the installation of new culverts and the replacement or removal of existing culverts. The evaluation of recommended culvert modifications focused on adding culverts to re-connect contributing drainage areas and removing culverts that transfer water across historical basin boundaries. Some but not all of the more than 800 existing culverts were examined in the field. There are likely numerous culverts in need of replacement that are not included in the hydrologic restoration plans.

Bridges and Box Culverts
Several locations for box culverts and small bridges also have been proposed. Bridges may be proposed in areas where the existing culverts have insufficient capacity to convey streamflows or where it is desirable to restore a more natural stream channel. Box culverts may be proposed in lieu of bridges for smaller stream crossings or for wetland sloughs.

DECISION

I have determined that these activities may be categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The two applicable categories of actions were established in USDA Forest Service NEPA regulations (36 CFR 220):

36 CFR 220.6(d)(4) Repair and maintenance of roads, trails and landline boundaries. Examples include but are not limited to:
(i) Authorizing a user to grade, resurface, and clean the culverts of an established NFS road;
(ii) Grading a road and clearing the roadside of brush without the use of herbicides;
(iii) Resurfacing a road to its original condition;
(iv) Pruning vegetation and cleaning culverts along a trail and grooming the surface of the trail; and
(v) Surveying, painting, and posting landline boundaries.

36 CFR 220.6(e)(18) Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fending, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled. Examples include but are not limited to:
(i) Repairing an existing water control structure that is no longer functioning properly with minimal dredging, excavation, or placement of fill, and does not involve releasing hazardous substances;
(ii) Installing a newly-designed structure that replaces an existing culvert to improve aquatic organism passage and prevent resource and property damage where the road or trail maintenance level does not change;
(iii) Removing a culvert and installing a bridge to improve aquatic and/or terrestrial organism passage or prevent resource or property damage where the road or trail maintenance level does not change; and
(iv) Removing a small earthen and rock fill dam with a low hazard potential classification that is no longer needed.

These categories of actions are applicable for all of the hydrological restoration activities proposed in the Tate's Hell Strategy 1 project. Tate's Hell State Forest was under private ownership until the 1990s and the natural communities and hydrology were affected by decades

of alteration for plantation silviculture. The activities in this project are high-priority components of a comprehensive plan to restore more natural hydrological connectivity and prevent further degradation.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I considered the following resource conditions in evaluating whether extraordinary circumstances might exist:

- ***Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species*** – USDA Forest Service biologists prepared a biological assessment to evaluate the effects on federally listed threatened or endangered species as well as to consider potential effects on two sensitive species. The analysis considered effects of the proposed activities in relation to known occurrences of these species and presence of suitable habitat. Implementation of the activities was determined to have either no effect or was not likely to adversely affect threatened and endangered species under the conditions described in the biological assessment, including surveys for rare plants, limiting activities near active red-cockaded woodpecker cavity trees, indigo snake protection measures and guidelines for in-stream work. The USFWS, Panama City FL Ecological Services Office, reviewed the biological assessment and concurred with these determinations in a letter dated September 8, 2015; the biological assessment and USFWS concurrence are available in the project record. As a state agency, THSF is required to protect federally- as well as state-listed endangered species and has worked closely with the Florida Fish and Wildlife Conservation Commission to avoid or reduce potential negative impacts to sensitive species.
- ***Flood plains, wetlands, or municipal watersheds*** – The majority of Tate's Hell State Forest is classified as wetland by the National Wetlands Inventory. By definition, the hydrological restoration activities will occur in areas subject to standing or flowing water and were designed to improve wetland quality. The Tate's Hell State Forest hydrological restoration plan, of which the proposed actions are a component, was developed by the Northwest Florida Water Management District in compliance with state and federal laws protecting water quality, wetlands and floodplains. Implementation of the activities would not adversely affect floodplains or result in a net loss of wetlands, consistent with Executive Orders 11988 and 11990.
- ***Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas*** – None of these federally designated resources are present because all activities would be implemented on land owned and managed by the State of Florida. The Mud Swamp/New River Wilderness and segments of the New River proposed for designation as wild and scenic are upstream from and north of THSF on the Apalachicola National Forest. Implementation of the proposed activities would have negligible effects on these resources, primarily through improved watershed conditions in the region.
- ***Inventoried roadless areas or potential wilderness areas*** – None of these federally designated resources are present because all activities would be implemented on land owned and managed by the State of Florida.

- ***Research natural areas*** – None of these federally designated resources are present because all activities would be implemented on land owned and managed by the State of Florida.
- ***American Indians and Alaska Native religious or cultural sites*** – USDA Forest Service archaeologists thoroughly reviewed previous cultural resource surveys that include or are adjacent to Tate's Hell State Forest. These surveys reported 38 cultural resource sites in Tate's Hell State Forest, including both historic and prehistoric sites. Project activities occur within 50m of six identified sites that will require additional survey and evaluation. Additionally, surveys will be required prior to implementing ground disturbing activities in areas with high probability for cultural resources such as higher ridges or natural water crossings. A report reviewing this information and describing a strategy for future survey work was submitted to the Florida State Historic Preservation Officer and to Tribal Historic Preservation Officers on Sept. 2, 2015. Pursuant to National Historic Preservation Act requirements, the results of required future surveys will be subject to further consultation with the State Historic Preservation Officer and Tribal Historic Preservation Officers prior to implementing activities. If any concerns are identified in the consultation process or if any potentially significant cultural resources are identified during surveys, the proposed hydrological restoration activities would be modified to avoid effects or adverse effects would be mitigated.
- ***Archaeological sites, or historic properties or areas*** – See above.

These activities would be implemented using standard engineering practices and following state guidelines as well as the additional measures to avoid resource damage that are described below.

- "*The DOF recognizes the importance of managing and protecting sensitive resources and will take all necessary steps to insure that ground disturbing activities will not adversely impact sensitive resources. This includes areas such as archaeological and historical sites, ecotones, wetlands, and sensitive species*" (Tate's Hell State Forest Management Plan, p. 45). Authorization of federal funding for the proposed activities is contingent upon surveying for protected resources (both species listed under the ESA as well as cultural resources) and avoiding adverse effects.

- "*The following management practices are recommended to protect and preserve threatened or endangered species that are present on the forest:*
1. Locate cover, habitat/foraging ranges and breeding areas used by rare and endangered species and include locations on a GIS vegetation map.
2. Protect and properly manage habitat important to rare and endangered species.
3. Implement other specialized management practices for rare and endangered species as deemed necessary" (Tate's Hell State Forest Management Plan, p. 42-43). Several species listed under the Endangered Species Act are known to occur on Tate's Hell State Forest, including some documented occurrences near proposed activities. As described in the Biological Assessment, prior to implementation surveys would be conducted for listed plant species where suitable habitat overlaps the locations of project activities. If

listed species are present, the activities would be modified or not implemented in coordination with USFWS to avoid adverse effects. Heavy equipment shall not be used within 200ft of active red-cockaded woodpecker cavity trees during the April-July breeding season. Indigo snake protection measures will be used, including providing information to contractors. In-stream work will follow USFWS guidelines (see biological assessment, p. 17)

- "*Representatives from DHR* [Division of Historical Resources] *and FNAI* [Florida Natural Areas Inventory] *will be consulted prior to the initiation of any ground disturbing activity by DOF or any other public agency. The DOF will make every effort to protect known archaeological and historical resources*" (Tate's Hell State Forest Management Plan, p. 71). Consultation with the SHPO constitutes review by the Division of Historical Resources for these activities. To avoid adverse effects to cultural resources, activities near known cultural resources or proposed for areas that a professional archaeologist determines has a high probability of cultural resources being present will be surveyed prior to implementation. If resources are found during surveys or at any point during implementation then work shall stop until the resource can be evaluated and, if necessary, the activity will be modified to avoid effects or the adverse effects will be mitigated after consultation on appropriate procedures.

- "*All management activities and proposals will be scrutinized for their contribution to the spread of non-native invasive species. Those activities and proposals found to promote these species will be eliminated or rejected*" (Tate's Hell State Forest Management Plan, p. 43). The ground-disturbing activities proposed here have potential to promote non-native invasive plant species. As stated by Executive Order 13112, and consistent with the THSF Management Plan, implementation methods should prevent the introduction of invasive species and monitoring and treatment should be conducted to detect and respond to populations present in project areas.

PUBLIC INVOLVEMENT

CEQ NEPA regulations state that "There shall be an early and open process for determining the scope of the issues to be addressed and for identifying the significant issues related to a proposed action" (40 CFR 1501.7). The activities proposed in the "Tate's Hell Strategy 1" project have been subject to extensive review by other agencies and the public, as described in the Tate's Hell State Forest Management Plan (p. 20). Additionally, implementation of the THSF management plan and the hydrological restoration plan is discussed in biennial meetings with a liaison group whose membership includes state employees and the public.

The Draft Priority Funding List for Council-selected restoration projects was made available for public review on August 13, 2015 and comments were accepted until September 28, 2015. In compliance with federal laws and agency policies, the USDA consulted with the U.S. Fish and Wildlife Service regarding potential effects to federally listed species and consulted with the State Historic Preservation Office and Tribal Historic Preservation Offices regarding protection of cultural resources.

USDA Forest Service NEPA regulations allow flexibility in the scoping effort and methods (36 CFR 220.4(e)(2)). I have determined that interested parties have had ample opportunity to review and comment on the hydrological restoration activities described above.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision-making process is consistent with CEQ, USDA Forest Service and Gulf Ecosystem Restoration Council NEPA procedures. The activities in this project were proposed in conformance with Florida Forest Service policies. I considered the following laws in assessing the regulatory compliance of the proposed activities:

- ***Clean Water Act and Coastal Zone Management Act*** - Some of the proposed activities have already received state environmental resource permits and have been permitted under US Army Corps of Engineers Nationwide Permit numbers 3 and 27 under Sect. 404 of the Clean Water Act. These USACE permits and the related permits from the Florida Department of Environmental Protection also constitute compliance with State of Florida laws related to the Coastal Zone Management Act. Furthermore, the activities considered here are elements of the Tate's Hell State Forest Management Plan, so they have been reviewed for compliance with state regulations related to the CZMA.
- ***Magnuson-Stevens Fishery Conservation and Management Act*** – The coastal areas downstream from Tate's Hell include the East Bay and St. George Sound areas of Apalachicola Bay. These areas have been designated as Essential Fish Habitat for coastal migratory pelagics, reef fish, red drum and shrimp (maps accessed with the EFH mapper at http://www.habitat.noaa.gov/protection/efh/efhmapper/). However, implementation of the proposed activities will have no direct effects on fisheries resources and will indirectly result in improved water quality in the watersheds flowing into Apalachicola Bay. Therefore, there will be no adverse effects to essential fish habitat.
- ***Migratory Bird Treaty Act*** - A Memorandum of Understanding between the USDA Forest Service and the US Fish and Wildlife Service to Promote the Conservation of Migratory Birds was signed in 2008 to comply with Executive Order 13186. The intent of the MOU is to strengthen migratory bird conservation through enhanced collaboration and cooperation between the Forest Service and the Fish and Wildlife Service as well as other federal, state, tribal and local governments. Funding wetland restoration projects on Tate's Hell State Forest would be consistent with agency commitments to "protect, restore, and conserve habitat of migratory birds."
- ***Bald and Golden Eagle Protection Act*** – Bald eagles were considered in the biological assessment provided to USFWS. Based on recent records, no bald eagle nests occur within the project area and no adverse effects are expected. USFWS concurred with this determination.
- ***Environmental Justice (Executive Order 12898)*** –The counties (Franklin and Liberty) in which the work would be conducted are largely rural with demographic characteristics that include groups protected by this order (data from EPA's environmental justice map tool at http://epamap14.epa.gov/ejmap/entry.html). Minorities comprise a small

proportion of the population (0-10%) but the poverty rate is relatively high, particularly in Franklin Co. (26% below poverty). However, the contracting work associated with hydrological restoration will provide opportunities for the local economy and no negative economic or environmental consequences are expected to affect protected populations. Therefore, no potential for disproportionately high and adverse impacts to minority or low-income population was identified for the proposed action.

Administrative Review Opportunities

This decision is not subject to administrative review.

Implementation Date

Approval of USDA Forest Service categorical exclusions for these activities is effective immediately. The authority to fund the hydrological restoration is reserved for the Council, and timing of implementation would be contingent upon funding and satisfaction of the measures to minimize or avoid harm to sensitive resources.

Contact

For additional information concerning this decision, contact Kay Reed, Director of Cooperative Forestry, State and Private Forestry, USDA Forest Service, Southern Regional Office by mail (1720 Peachtree Rd. NW Ste. 700, Atlanta GA 30309), email (kayreed@fs.fed.us) or phone (404-347-7200).

for Jerome Thomas 09/30/2015

Tony Tooke — Date

Regional Forester

USDA Forest Service, Southern Region

Appendix 3. USDA Natural Resource Conservation Service Environmental Evaluation Worksheet (CPA-52) and supporting documentation for reforestation activities in "Tate's Hell Strategy 1" project

U.S. Department of Agriculture Natural Resources Conservation Service **ENVIRONMENTAL EVALUATION WORKSHEET**	NRCS-CPA-52 4/2013	**A. Client Name:** State of Florida (Florida Forest Service) **B. Conservation Plan ID #** (as applicable): Tate's Hell State Forest **Program Authority** (optional): RESTORE Act
D. Client's Objective(s) (purpose): Restoration of native ecosystems is a goal of the FFS on all the properties it manages. On the THSF, 2,182 acres within high-priority watersheds have been targeted for restoration under this proposal. These are stands historically converted to slash pine plantations and then clearcut. FFS proposes to plant 994 ac. of slash pine, 839 acres of longleaf pine and acres of 283 pond cypress to restore native tree communities on six tracts/stands.		**C. Identification #** (farm, tract, field #, etc. as required): Six tracts of silvicultural land within the THSF identified as Stand Restoration areas and located in Liberty County, FL. These areas are shown on maps in the "Justification" document attached below.

E. Need for Action:	**H. Alternatives**		
	No Action √ if RMS ☐	***Alternative 1*** √ if RMS ☐	***Alternative 2*** √ if RMS ☐
Restore native ecosystems, their accompanying habitat, and other ecosystem functions these forested areas may perform (see FFS and NFWMD management and restoration plans cited in the attached Justification).	N/A - Analysis conducted to determine whether agency criteria for categorically excluding the action are met.	Conduct site preparation and tree planting on six stands totalling 2,182 acres to restore native forest ecosystem types, primarily mesic flatwoods. Practices are: Code 490 -Tree/Shrub Site Preparation, Code 315 - Herbaceous Weed Control, Code 314 - Brush Management, Code 595 - Integrated Pest Management, Code 338 - Prescribed Burning, and Code 612 Tree/Shrub Establishment	N/A

Special Environmental Concerns: Environmental Laws, Executive Orders, policies, etc.

In Section "G" complete and attach Environmental Procedures Guide Sheets for documentation as applicable. Items with a "●" may require a federal permit or consultation/coordination between the lead agency and another government agency. In these cases, effects may need to be determined in consultation with another agency. Planning and practice implementation may proceed for practices not involved in consultation.

G. Special Environmental Concerns (Document existing/ benchmark conditions)	**J. Impacts to Special Environmental Concerns**					
	~~No Action~~		***Alternative 1***		***~~Alternative 2~~***	
	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further
●Clean Air Act *Guide Sheet* *FS1* *FS-2* No non-attainment areas present. St. Marks National Wildlife Refuge is a Class I Regional Visibility Degradation area and is within 50 miles of potential project sites.		☐	No Effect State approved smoke management policies will be followed as needed during prescribed burning.	☐		☐
●Clean Water Act / Waters of the U.S. *Guide Sheet* *Fact Sheet* Sections 404 and 402 not applicable to proposed activities.		☐	No Effect FFS Silvicultural BMPs will be applied in Streamside Mgt Zones (SMZs) and other ecologically sensitive areas to minimize impacts to water qualtiy. Three of the six stands are within ~300 ft of flowing streams.	☐		☐
●Coastal Zone Management *Guide Sheet* *Fact Sheet* within Coastal Zone		☐	No Effect The FFS ten-Year Mgt Plan for the THSF has been approved by state agencies including the Florida Coastal Management Program. The proposed activities are part of this Mgt Plan. FFS will meet all current and future requirements of state law and regulation.	☐		☐
Coral Reefs *Guide Sheet* *Fact Sheet* none present in affected area		☐	No Effect	☐		☐

●Cultural Resources / Historic Properties *Guide Sheet* *Fact Sheet* Cultural resources have been identified on or near project sites.		☐	No Effect Activities near known cultural resources or proposed for areas that a professional archaeologist determines has a high probability of cultural resources being present will be surveyed prior to implementation. If resources are found during surveys or at any point during implementation work will stop until the resource can be evaluated and, if necessary, the activity will be modified to avoid effects.	☑		☐
●Endangered and Threatened Species *Guide Sheet* *Fact Sheet* Red cockaded woodpecker colonies are present in close proximity to some reforestation stands. Several listed plants may be present. Gulf sturgeon has critical habitat downstream. See Guide Sheet for full list of species that may be present.		☐	No Effect Adherance by FFS to the mitigation measures stated in the Biological Analysis developed by the USFS and concurred upon by the USFWS, Panama City, and the BO for NRCS Prescribed Fired and Related Activities will result in a no effect or not likely to adversely affect determination for all listed species that may be present on the THSF including in the reforestation stands. See the Guidesheet for further information.	☐		☐
Environmental Justice *Guide Sheet* *Fact Sheet* Liberty County is largely rural with demographic characteristics that include protected groups. Minorities comprise a small proportion of the population (0-10%) but the poverty rate is relatively high.		☐	No Effect No negative economic or environmental consequences are expected to affect protected populations. Possible benefits to covered populations from contracted site prep or planting work.	☐		☐
●Essential Fish Habitat *Guide Sheet* *Fact Sheet* coastal migratory pelagics, reef fish, red drum and shrimp		☐	No Effect activities will be conducted using FFS silvicultural BMPs to protect hydrologically connected waters adjacent to the reforestation stands. Three of the six stands are within 300 ft of streams.	☐		☐
Floodplain Management *Guide Sheet* *Fact Sheet* 100 yr floodplains present		☐	No Effect activities will be conducted using FFS silvicultural BMPs within floodplains.	☐		☐
Invasive Species *Guide Sheet* *Fact Sheet* likely to be present on sites		☐	No Effect FFS Ten-Year Mgt Plan contains measures that meet NRCS requirements for control of invasives.	☐		☐
●Migratory Birds/Bald and Golden Eagle Protection Act *Guide Sheet* *Fact Sheet* Migratory birds may be present on project sites. No bald eagle nests have been identified within 660 feet of project sites.		☐	No Effect Minimal or negligible incidental take of non-listed birds may occur during application of site prep practices.	☐		☐
Natural Areas *Guide Sheet* *Fact Sheet* THSF is a designated Natural Area, as is the adjacent Apalachicola Natl Forest. Downstream, Apalachicola River and Bay have several state and federal designations.		☐	No Effect beneficial effects to THSF via restoratrion of historic ecological communities/species	☐		☐

Prime and Unique Farmlands *Guide Sheet* *Fact Sheet* not present		☐	No Effect	☐		☐
Riparian Area *Guide Sheet* *Fact Sheet* adjacent or proximal to three of the six stands.		☐	No Effect activities will be conducted using FFS silvicultural BMPs within SMZs.	☐		☐
Scenic Beauty *Guide Sheet* *Fact Sheet*		☐	No Effect Site prep activities will likely cause temporary adverse effects but these are considered minor and transient (less than 1 year duration).	☐		☐
•Wetlands *Guide Sheet* *Fact Sheet* may be present on or adjacent to reforestation stands.		☐	No Effect activities will be conducted using FFS silvicultural BMPs where wetlands are present.	☐		☐
•Wild and Scenic Rivers *Guide Sheet* *Fact Sheet* The Mud Swamp/New River Wilderness and segments of the New River proposed for designation as wild and scenic are upstream from and north of THSF on the Apalachicola National Forest.		☐	No Effect Potential for hydrologic or prescribed burning impacts from forest stand activities are negligible or non-existent due to the limited scale and timeframe of the work and the distance of the stands from these rivers.	☐		☐

K. Other Agencies and Broad Public Concerns	***~~No Action~~***	***Alternative 1***	***~~Alternative 2~~***
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.	As part of the "Tate's Hell Strategy 1" project, the proposed action has been subject to extensive review by other agencies and the public, including a public review period provided for the current proposal in Aug-Sept 2015 . In addition, implementation of the FFS management plan and the NWFWMD hydrological restoration plan is discussed in biennial meetings with a liaison group whose membership includes state employees and the public. NRCS has determined that interested parties have had ample opportunity to review and comment on the proposed action. Implementation of all activities will follow direction and mitigation measures described in the FFS Ten Year Management Plan and other relevant FFS guidelines in addition to NRCS conservation practice standards and mitigation measures. Any potential conflicts between the FFS Plan or guidelines and NRCS standards and mitigation measures will be brought to the attention of NRCS before implementation to resolve any issues.		
	The activities involved do not require any known permits. Agencies consulted were: USFWS, Panama City FL Ecological Services Office, Florida State Historic Preservation Officer andTribal Historic Preservation Officers (awaiting response). Joint project NEPA coordination was conducted with USFS (Florida and Regional Ofc).		
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)	Restoration of forest stands will contribute to the health of the THSF and the watershed and downstream areas of Apalachicola River and Bay. No substantial offsite or cumulative effects are expected from the site prep and planting activities that will initiate the restoration. The restored acreage may eventually contribute to the recovery of the red cockaded woodpecker, and the longleaf pine ecosystem type as a whole, which is imperilled throughout the southeastern US coastal plain.		
L. Mitigation (Record actions to avoid, minimize, and compensate)	1. Areas with suitable rare plant habitat will be surveyed before ground-disturbing work is conducted. 2. Heavy equipment shall not be used within 200ft of active red-cockaded woodpecker cavity trees during the April-July breeding season. 3. Florida NRCS adheres to the terms of a Biological and Conference Opinion (BO) for NRCS Prescribed Fired and Related Activities developed by the USFWS that directs the use of prescribed fire-supported herbicide application. Where covered species as described in the BO are known to occur, herbicide application methods will be limited to spot treatments using backpack sprayers, cut-stump application, and targeted boom spraying, and do not include aerial spraying. 4. If the Historic Preservation Officer(s) identify concerns in their responses to project information provided by USDA or if any potentially significant cultural resources are identified during surveys, relevant activities will be modified to avoid impacts. Additionally, the results of required future surveys will be subject to further consultation with the SHPO and THPOs pursuant to National Historic Preservation Act requirements. 5. All other mitigation measures stated in the Biological Analysis developed by the USFS National Forests in Florida and concurred upon by the USFWS will be followed for protection of listed species.		

M. Preferred Alternative	√ preferred alternative	☐	☑	☐
	Supporting reason		No adverse effects of this action based on review of project information provided by USFS and FFS, analysis of practice effects, and application of the mitgation measures above.	

N. Context (Record context of alternatives analysis) | local

The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.

O. Determination of Significance or Extraordinary Circumstances

Intensity: Refers to the severity of impact. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.

Yes	No	
☐	☑	• Is the preferred alternative expected to cause significant effects on public health or safety?
☐	☑	• 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?
☐	☑	• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?
☐	☑	• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?
☐	☑	• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?
☐	☑	• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?
☐	☑	• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.
☐	☑	• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?

P. To the best of my knowledge, the data shown on this form is accurate and complete:

In the case where a non-NRCS person (e.g. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block to verify the information's accuracy.

Signature (TSP if applicable)	Title	Date
ROSALIND MOORE 2015.09.25 14:51:06 -04'00'	State Environmental Compliance Liaison	9/25/2015
Signature (NRCS)	**Title**	**Date**

If preferred alternative is not a federal action where NRCS has control or responsibility and this NRCS-CPA-52 is shared with someone other than the client then indicate to whom this is being provided.

The following sections are to be completed by the Responsible Federal Official (RFO)

NRCS is the RFO if the action is subject to NRCS control and responsibility (e.g., actions financed, funded, assisted, conducted, regulated, or approved by NRCS). These actions do not include situations in which NRCS is only providing technical assistance because NRCS cannot control what the client ultimately does with that assistance and situations where NRCS is making a technical determination (such as Farm Bill HEL or wetland determinations) not associated with the planning process.

Q. NEPA Compliance Finding (check one)

The preferred alternative:		Action required
☐	1) is **not a federal action** where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
☑	2) is a federal action **ALL** of which is **categorically excluded** from further environmental analysis **AND** there are **no extraordinary circumstances as identified in Section "O".**	Document in "R.2" below. No additional analysis is required
☐	3) is a federal action that has been **sufficiently analyzed** in an existing Agency state, regional, or national NEPA document **and** there are no predicted significant adverse environmental effects or extraordinary circumstances.	Document in "R.1" below. No additional analysis is required.
☐	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects **and has been formally adopted by NRCS**. NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. (**Note: This box is not applicable to FSA)**	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below. No additional analysis is required

☐	5) is a federal action that has **NOT** been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

R. Rationale Supporting the Finding

R.1 Findings Documentation	
R.2 Applicable Categorical Exclusion(s) **(more than one may apply)** 7 CFR Part 650 *Compliance With NEPA* , subpart 650.6 *Categorical Exclusions* states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 610.116.	(1) Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the sites ecological functions and services; Requires that the established vegetative community maintain the sites ecological functions and services, which could not be accomplished by converting native forests or grasslands.

I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances as defined by Agency regulation and policy and based on that made the finding indicated above.

S. Signature of Responsible Federal Official:

JEFFREY WOODS	Acting **State Conservationist**	**9/25/2015**
Signature	**Title**	**Date**

Digitally signed by JEFFREY WOODS
DN: c=US, o=U.S. Government, ou=Department of Agriculture, cn=JEFFREY WOODS, 0.9.2342.19200300.100.1.1=12001000291889
Date: 2015.09.25 15:12:00 -04'00'

Additional notes

United States Department of Agriculture
Natural Resources Conservation Service

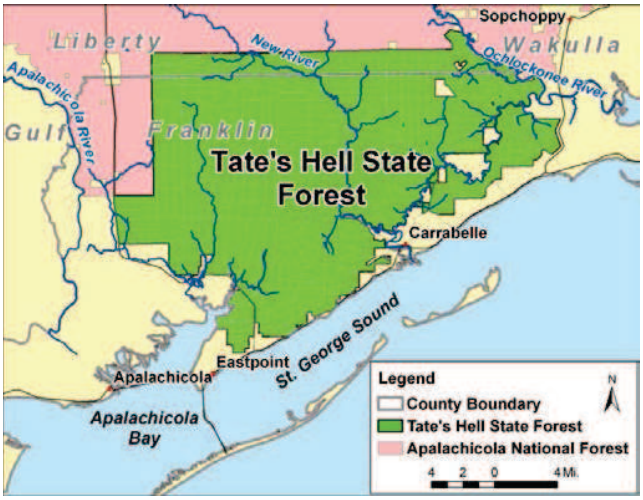
Justification for Application of a NRCS Categorical Exclusion for Site Preparation and Tree Planting for Stand Restoration Proposed in the Tate's Hell State Forest Strategy 1 RESTORE Project

Tate's Hell State Forest, Liberty and Franklin Counties, Florida

Tate's Hell State Forest Strategy I Project Description:

Tate's Hell State Forest (THSF) encompasses 202,436 acres of low-lying, poorly drained land located between the Apalachicola and Ochlockonee rivers in the Florida Panhandle. The forest occupies approximately half of Franklin County and a small portion of southern Liberty County. The present day forest was once a wetland-dominated landscape encompassing at least 12 ecological community types including pine flatwoods, wet savannas, dwarf cypress swamps, and sand pine scrub.

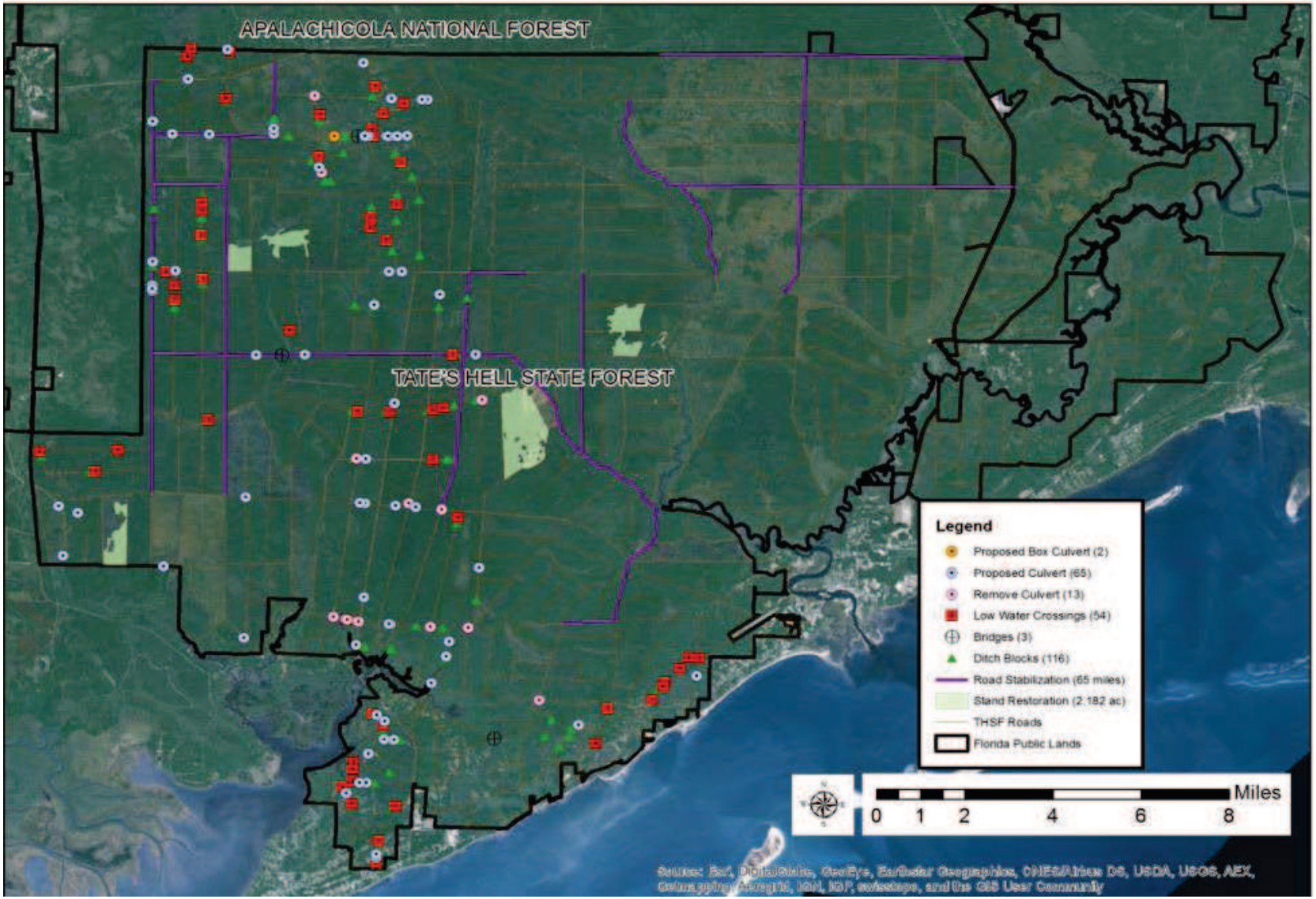
The THSF has been highly impacted by past silvicultural activities while the land was in private ownership. During the 1950s through 1970s, thousands of acres of pine flatwoods and the drier portions of many wetland ecosystems were converted to slash pine plantation. More than 800 miles of roads were constructed and drainage ditches were constructed along most roads to provide road fill and drain nearby wetlands. Many pine stands were bedded and planted at high tree densities, and some were fertilized with nitrogen and phosphorus. Fire was typically suppressed. These large-scale habitat alterations significantly impacted historical ecological communities and altered the magnitude, timing, and quality of surface water runoff discharged from Tate's Hell Swamp to Apalachicola Bay, East Bay, and surrounding waters.



The land comprising Tate's Hell State Forest was acquired by the state of Florida beginning in 1994 and is managed by the Florida Forest Service (FFS). One of the major goals of the state's purchase was to restore these altered areas, including native ecological communities, and eliminate adverse impacts these alterations might have upon the Apalachicola Bay ecosystem downstream of the forest. This proposed project, known as Tate's Hell Strategy 1, was developed by the USDA Forest Service, National Forests in Florida, along with state and private partners, to implement various restoration activities in the THSF. Many restoration activities for this proposal are concurrently undergoing NEPA review by the USFS, and NRCS has coordinated with USFS on aspects of its environmental review of site preparation and tree planting activities that are part of the restoration of specific tracts in the THSF known as Stands (see figure on next page).

The land is being managed under a FFS Ten-Year Management Plan (https://www.fresh fromflorida.com/content/download/4904/31197/THSF%20FINAL%202007%20PLAN.pdf) and a Hydrologic Restoration Plan developed by the Northwest Florida Water Management District (http://www.nwfwmdwetlands.com/index.php?Page=30). These Plans explain in detail the overall restoration and management planned for the site.

Tate's Hell SF- Proposed Activities



Categorical Exclusion Proposed for the Action:

The proposed activities will allow the FFS to implement site preparation and planting to reforest 2,182 acres within high-priority watersheds in THSF. These stands were historically converted to slash pine plantations and then clear-cut. Based on the goal of restoring historical natural communities and the current soil and water conditions, FFS proposes to plant 994 ac. of slash pine, 839 acres of longleaf pine and acres of 283 pond cypress across six restoration stands, shown in the figure below. Site preparation may include herbicide and/or mechanical removal of shrubs as necessary, burning to clear vegetation, and then hand or machine planting containerized or bare-root seedlings.

The USDA NRCS categorical exclusion proposed for application is:

7 CFR 650.6(d)(1) Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the sites ecological functions and services; Requires that the established vegetative community maintain the sites ecological functions and services, which could not be accomplished by converting native forests or grasslands.

A total of six Florida NRCS conservation practices have been found appropriate for application to the proposed site preparation and tree planting on the designated reforestation stands. These practices and associated implementation requirements and guidance may be viewed in Section IV of the NRCS Field Office Technical Guide at: http://efotg.sc.egov.usda.gov/. The practices are Code 490 -Tree/Shrub Site Preparation, Code 315 - Herbaceous Weed Control, Code 314 - Brush Management, Code 595 - Integrated Pest Management, Code 338 - Prescribed Burning, and Code 612 Tree/Shrub Establishment.

The following sideboards are required for use of the six practices associated with this Categorical Exclusion. All activities subject to this Categorical Exclusion must:

(i) Be designed to mitigate soil erosion, sedimentation, and downstream flooding;
(ii) Require disturbed areas to be vegetated with adapted species that are neither invasive nor noxious;
(iii) Incorporate the applicable NRCS conservation practice standards as found in the Field Office Technical Guide;

The remaining sideboards for use of NRCS Categorical Exclusions do not apply to the proposed activities:

(iv) Must be based on current Federal principals of natural stream dynamics and processes, such as those presented in the Federal Interagency Stream Corridor Restoration Working Group document, "Stream Corridor Restoration, Principles, Processes, and Practices;"
(v) Must not require substantial dredging, excavation, or placement of fill; and
(vi) Must not involve a significant risk of exposure to toxic or hazardous substances

Implementation Methods for Reforestation Site Preparation and Planting

The exact site preparation and planting plans have not yet been developed by FFS for the reforestation tracts. However, NRCS was provided examples of the FFS implementation methods for site preparation and tree planting on similar state forest lands in Florida to use in analysis of the effects of these activities as shown below:

- 2010-2011 ROUGH WOODS MACHINE PLANTING OF BAREROOT PINE SEEDLINGS at BELMORE STATE FOREST
- 2014-15 WINTER V-BLADE PLANTING OF BARE ROOT LONGLEAF AND SLASH PINE SEEDLINGS at LAKE GEORGE STATE FOREST
- 2012 AERIAL IMAZAPYR PROJECT 2 at LAKE TALQUIN STATE FOREST
- SUMMER 2014 SINGLE DRUM CHOPPING PROJECT on 170 ACRES at TATE'S HELL STATE FOREST
- 2014-2015 HAND PLANTING OF CONTAINERIZED LONGLEAF PINE SEEDLINGS at TATE'S HELL STATE FOREST
- 2014 SITE PREPARATION HERBICIDE APPLICATION at TATE'S HELL STATE FOREST

These documents included items such as equipment to be used, species and planting densities, seedling storage, handling, and establishment criteria, herbicide application specifications and resource protection criteria. All specifications found in these documents, with the possible exception of aerial spraying of herbicides, are compatible with conservation practice criteria for the six identified Florida NRCS practice standards. Following are examples of the proposed FFS site preparation and planting specifications and key ways they comply with the NRCS Categorical Exclusion at 7 CFR 650.6(d)(1). This list is not all inclusive.

A. SITE PREP (NRCS Code 490 -Tree/Shrub Site Preparation)

Spring/Summer: Broadcast Herbicide Application (NRCS Code 315 - Herbaceous Weed Control, Code 595 - Integrated Pest Management)

- Will be applied following recommended guidelines for soil type, vegetation, and desired species in accordance with the FFS Management Plan for the THSF.
- Will not exceed label rates recommended for target species.
- Will use only non-restricted, EPA approved herbicides labeled for forestry use in Florida.

- May be applied with tank mounted skidder with boomless spray rig. Will not be applied by helicopter unless approved in advance by NRCS.

Spring/Fall: Roller-drum Chopping (NRCS Code 314 - Brush Management)

- Will utilize Silvicultural Best Management Practices (BMPs) to protect sensitive ecological areas and take specific precautions to prevent the unintentional spread of invasive exotic species when working on and leaving a site.
- May occur on some sites before the herbicide application due to an extreme density of invasive woody vegetation. If this happens, chopping may occur again after the herbicide application.

Fall/Early Winter: Prescribed Burning (NRCS Code 338 - Prescribed Burning)

- Following vegetation dry down, prescribed burning will be applied to prepare seed beds
- Will utilize relevant state laws and other requirements or management tools (e.g., FFS Smoke Screening Tool) to prevent or contain undesirable effects of fire or smoke.

B. TREE PLANTING (NRCS Code 612 Tree/Shrub Establishment)

Winter: Plant by hand or machine, containerized or bareroot species following silvicultural guidelines established for lower coastal plain flatwoods.

- Will follow FFS Silvicultural BMP's and USFS Southern Region Management Bulletin R8-MB39 for proper management and protection of sensitive resources
- Will be planted at a density of 605-726 trees per acre. Survival inventory will be performed in the fall, after the first growing season. Acceptable survival density exceeds 400 trees per acre. Survival rates below 400 trees per acre will require supplemental planting.

Implementation of all activities will follow direction and mitigation measures described in the FFS Management Plan and other relevant FFS guidelines in addition to NRCS conservation practice standards and mitigation measures. Any potential conflicts between the FFS plan or guidelines and NRCS standards and mitigation measures will be brought to the attention of NRCS before implementation to resolve any issues.

Analysis of Extraordinary Circumstances

1 Expected to cause significant effects on public health or safety

Reforestation stands total 2200 acres, but all stands except one are less than half this size and all are surrounded by other THSF lands. Activities are all limited to a short time window of approximately a year or less unless replanting is necessary, which would then only involve "spot" areas and would not involve site prep activities. Burning and pesticide application will be brief and typically non-recurring events and occur in largely unpopulated areas. Pesticides to be used are of low toxicity to non-target organisms and do not persist in the environment.

2 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

Unique characteristics of the THSF are primarily related to ecological communities and rare plant or animal species. Application of pesticides can impact non target species, particularly plants, if not carefully applied. Florida NRCS adheres to the terms of a Biological and Conference Opinion (BO) by the USFWS that directs the use of prescribed fire-supported herbicide application. Where covered species as described in the BO are known to occur, herbicide application methods will be limited to spot treatments using backpack sprayers, cut-stump application, and targeted boom spraying, and do not include aerial spraying.

Use of heavy machinery, especially in brush management and other site prep activities, has the potential to damage or destroy historic/cultural resources, wetlands or ecologically critical areas. For this reason, site specific surveys for potential listed plants and cultural resources will be conducted prior to site prep activities, and conditions stated in the FFS Silvicultural BMPs and Ten-Year Management Plan for the THSF will be followed to control the spread of invasive plants.

3 Effects on the quality of the human environment likely to be highly controversial

Activities proposed utilize standard methods, provide for resource protection, and are routine for public and private forest lands. Pesticides to be applied are commonly used in forestry operations and are of low toxicity to non-targeted organisms.

4 Has highly uncertain effects or involve unique or unknown risks on the human environment

Activities utilize standard methods, provide for resource protection, and are routine for public and private forest lands. Pesticides to be applied are commonly used in forestry operations and are of low toxicity to non-targeted organisms.

5 Establishes a precedent for future actions with significant impacts or represent a decision in principle about a future consideration

Activities utilize standard methods, provide for resource protection, and are routine for public and private forest lands.

6 Known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time

Activities are limited in geographic scope (2200 acres scattered over multiple parcels) and time, i.e., will be conducted over the span of less than one year.

7 Will likely have a significant adverse effect on ANY of the special environmental concerns. Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.

Use of heavy machinery, especially in brush management and other site prep activities, has the potential to damage or destroy historic/cultural resources, wetlands or ecologically sensitive areas. For this reason, site specific surveys for potential listed plants and cultural resources will be conducted prior to site prep activities, and conditions stated in the FFS Silvicultural BMPs and Ten-Year Management Plan for the THSF will be followed to control the spread of invasive plants.

Application of pesticides can impact non target wildlife and plant species if not carefully applied. Florida NRCS adheres to the terms of a Biological and Conference Opinion (BO) by the USFWS that directs the use of prescribed fire-supported herbicide application. Where covered species as described in the BO are known to occur, herbicide application methods will be limited to spot treatments using backpack sprayers, cut-stump application, and targeted boom spraying, and do not include aerial spraying.

USDA Forest Service biologists prepared a Biological Assessment to evaluate the effects on federally listed threatened or endangered species as well as to consider potential effects on two sensitive plant species. The analysis considered effects of the proposed activities in relation to known occurrences of these species and presence of suitable habitat. Implementation of the activities was determined to have either no effect or was not likely to adversely affect threatened and endangered species under the condition that areas with suitable rare plant habitat will be surveyed before ground-disturbing work is conducted. If listed species are present, the activities would be modified or not implemented in coordination with USFWS to avoid adverse effects. In addition, heavy equipment shall not be used within 200ft of active red-cockaded woodpecker cavity trees during the April-July breeding season. The USFWS, Panama City FL Ecological Services Office, reviewed the biological assessment and concurred with these determinations in a letter dated September 8, 2015; the biological assessment and USFWS concurrence are available in the project record. In addition, as a state agency, THSF is required to protect federally- as well as state-listed endangered species and has worked closely with the Florida Fish and Wildlife Conservation Commission (FWC) to avoid or reduce potential negative impacts to sensitive species.

8 Will threaten a violation of Federal, State, or local law or requirements for the protection of the environment

Although none are anticipated FFS will obtain any required permits prior to implementation of practices.

CLEAN AIR ACT **NECH 610.21** **Evaluation Procedure Guide Sheet**	Client/Plan Information:
	State of Florida (Florida Forest Service)
	Tate's Hell State Forest
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	RESTORE Act
	Six tracts of silvicultural land within the THSF identified as

NOTE: STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 helps determine whether the opportunity for emissions reduction credits exist. STEP 4 helps determine whether any other permitting, record keeping, reporting, monitoring, or testing requirements are applicable. Each of these steps should be updated with more specific language as needed, since air quality permitting and regulatory requirements are different for each state. In each step, if more information is needed or there is a question as to whether there are air quality requirements that need to be met, the planner or client should contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what air quality regulatory requirement must be met prior to implementing the planned action or activity.

STEP 1.

Is the action(s) expected to increase the emission rate of any regulated air pollutant?
NOTE: The definition of a "regulated air pollutant" differs depending on the air quality regulations in effect for a given site. For a federal definition of "regulated air pollutant," please refer to the 40 CFR 70.2. Other definitions for "regulated air pollutant" found in state or local air quality regulations may be different. *States should tailor this question to the State air quality regulations and definitions since those will include any Federal requirements.*

☑ No — **If "No,"** it is likely that no permitting or authorization is necessary to implement the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the planned action or activity. **Go to step 3.**

☐ Yes — **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to eliminate or reduce the increase in emission rate of the regulated air pollutants?
NOTE: This Step is to prompt the planner to review the planned action or activity to see if there is an opportunity to either eliminate the emission rate increase (possibly remove a permitting requirement) or reduce the emission rate increase (possibly move to less stringent permitting).

☐ No — **If "No,"** it is likely that permitting or authorization from the appropriate air quality regulatory agency will be required prior to implementing the planned action or activity. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the proposed action or alternative. **Go to Step 3.**

☐ Yes — **If "Yes,"** modify the proposed action or alternative and **repeat Step 1.**

CLEAN AIR ACT (continued)

STEP 3.

Is the action(s) expected to result in a decrease in the emission rate of any criteria air pollutant for which the area in which the site is located in an EPA designated nonattainment area for that criteria air pollutant?
NOTE: For an explanation of criteria air pollutants and nonattainment areas, refer to Section 610.21 of the NECH. Further information regarding nonattainment areas can also be found on the U.S. EPA nonattainment area Web page.

☑ No — **If "No," go to Step 4.**

☐ Yes — **If "Yes,"** the opportunity for obtaining nonattainment pollutant emission credits may exist. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client of that potential opportunity. If the client is interested in registering nonattainment pollutant emission credits, advise him/her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented and/or registered for potential sale. **Go to Step 4.**

STEP 4.

Is the action(s) subject to any other federal (e.g.., New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, etc.), State, or local air quality regulation (including odor, fugitive dust, or outdoor burning)?
NOTE: Refer to Section 610.21 of the NECH for a further discussion of air quality regulations.

☑ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes,"** additional permits, authorizations, or controls may be needed before implementing the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what requirements must be met prior to implementing the proposed action or alternative.

Notes:

CLEAN WATER ACT/WATERS of the U.S. NECH 610.22 Evaluation Procedure Guide Sheet	Client/Plan Information:
	State of Florida (Florida Forest Service)
	Tate's Hell State Forest
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	RESTORE Act
	Six tracts of silvicultural land within the THSF identified as

NOTE: This guide sheet should be tailored to meet the specific needs of individual State and local regulatory and permitting requirements. It is important for each State to coordinate with their individual State and Federal regulatory agencies to tailor State-specific protocols in order to prevent significant delays in processing permit applications.

Complete both sections of this guide sheet to address Federal as well as State-administered regulatory requirements of the Clean Water Act (CWA).

SECTION I

Federally Administered Regulatory Program - Section 404 of the CWA

STEP 1.

Will the action(s) involve or likely result in the discharge or placement of dredged or fill material or other pollutants into areas that could be considered to be waters of the United States (Including, but not limited to wetlands, lakes, streams, channels, and other water conveyances, including some small ditches)? *More detailed information regarding waters of the United States and Federal permitting programs under CWA is found in the NECH 610.22.*

☑ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**

☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) an activity exempt from section 404 regulations (40 CFR Part 232)?
Note: the exemption should be verified with the local U.S. Army Corps of Engineers (Corps) district.

☐ No **If "No," go to Step 3.**

☐ Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used to verify the exemption applies and proceed with Section II below.**

STEP 3.

Can the action(s) be modified to avoid the discharge of dredged or fill material or other pollutants into waters of the United States?

☐ No **If "No," go to Step 4.**

☐ Yes **If "Yes," modify the action to avoid discharge. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 4.

Has the client obtained a section 404 permit (individual, regional, or nationwide) or a determination of an exemption from the appropriate Corps office?

☐ No — **If "No,"** determine if the client has applied for a permit. If a permit has not been applied for, the client will need to do so. If a permit has been applied for, document this, and continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation. Complete Section II below.**

☐ Yes — **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and complete Section II below.** The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the Corps. **Complete Section II below.**

Notes:

SECTION II

State Administered Regulatory Programs, Sections 303(d) and 402 of CWA

STEP 1

Is the proposed action or alternative located in proximity to waters listed by the State as "impaired" under Section 303(d) of the CWA?

☐ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.**

☑ Yes — **If "Yes,"** insure consistency with any existing water quality or associated watershed action plans that have been established by the State for that stream segment. Even if TMDLs have not been established by the State for that stream segment, ensure that the action will not contribute to further degradation of that stream segment. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.**

STEP 2

Will the proposed action or alternative likely result in point-source discharges from developments, construction sites, or other areas of soil disturbance, or sewer discharges [e.g. projects involving stormwater ponds or point-source pollution, including concentrated animal feeding operations (CAFOs) for which comprehensive nutrient management plans (CNMPs) are being developed]? *Section 402 of the CWA requires a permit for these activities through the National Pollutant Discharge Elimination System (NPDES) program which the States administer.*

☑ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes," go to Step 3.**

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 3

Has the client obtained a NPDES permit or a determination of an exemption from the appropriate EPA or State-regulatory office?

☐ No — **If "No,"** determine if the client has applied for any necessary permits. If a permit has not been applied for, the client will need to do so. If they have applied, document this and continue the planning process in consultation with the client and the regulatory agency. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation.**

☐ Yes — **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** The final NRCS conservation plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit should be coordinated with the appropriate State regulatory agency.

Notes:

COASTAL ZONE MANAGEMENT AREAS
NECH 610.23
Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other

Client/Plan Information:
State of Florida (Florida Forest Service)
Tate's Hell State Forest
RESTORE Act
Six tracts of silvicultural land within the THSF identified as

STEP 1.

Is the action(s) in an officially designated "Coastal Zone Management Area"?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) "consistent" with the goals and objectives of the State's Coastal Zone Management Program (as required by Section 307 of the Coastal Zone Management Act)?

☐ No **If "No," go to Step 3.**

☑ Yes **If "Yes," document the finding, including the reasons, on the NRCS-CPA-52 and proceed with planning.**

STEP 3.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No **If "No,"** NRCS should provide the landowner with relevant information regarding any local and State compliance requirements and protocols (permitting, etc.) in special management areas as appropriate to comply with local Coastal Zone Management Programs. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** the NRCS District Conservationist or an NRCS State Office employee must contact the State's Coastal Zone Program Office before the action is implemented to discuss possible modifications to the proposed action. NRCS may not provide assistance if the proposed action or alternative would result in a violation of a State's Coastal Zone Management Plan. NRCS shall provide a consistency determination to the State agency no later than 90 days before final approval of the activity. **When concurrence is received from the State, document the agreed to items and reference or attach them to the NRCS-CPA-52.**

Notes:

CORAL REEFS
NECH 610.24
Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other

Client/Plan Information:
State of Florida (Florida Forest Service)
Tate's Hell State Forest
RESTORE Act
Six tracts of silvicultural land within the THSF identified as

STEP 1.

Are coral reefs or associated water bodies (e.g. embayment areas) present in or near the planning area?

☑ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Is there a potential for the action(s) to degrade the conditions of the coral reef ecosystem? (Refer to U.S. coral Reef Task Force Web site for local action strategies in your area.)

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to reduce or avoid degradation to the coral reef ecosystem?

☐ No **If "No,"** identify the component(s) of the system which will cause the potential impacts. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. **Go to Step 4.**

☐ Yes **If "Yes,"** modify the action or alternative and **repeat Step 2.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

☐ No **If "No,"** and degradation of the reefs is unavoidable, provide the client with information regarding the current status of U.S. coral reefs and the documented causes of degradation (including sedimentation and nutrient runoff), and the beneficial aspects of maintaining coral reefs.

☐ Yes **If "Yes," the significance of the impacts must be determined.** An Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.

Notes:

CULTURAL RESOURCES / HISTORIC PROPERTIES NECH 610.25 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	State of Florida (Florida Forest Service) Tate's Hell State Forest RESTORE Act Six tracts of silvicultural land within the THSF identified as

NOTE: This guidesheet provides general guidance to field planners and managers. States may need to tailor this Evaluation Procedure Guide Sheet to reflect State Level Agreements (SLAs) with SHPOs or Tribal consultation protocols or operating procedures pertinent to your State or other State-specific protocols that reflect the terms of the current National Programmatic Agreement among NRCS, the Advisory Council on Historic Preservation, and the National Conference of SHPOs. For additional information regarding compliance with Section 106 of the NHPA and NRCS cultural resource policy refer to Title 420, General Manual (GM), Part 401, Cultural Resources; for current operating procedures see Title 190, National Cultural Resource Procedures Handbook (NCRPH), Part 601.

NOTE regarding consultations: When dealing with undertakings with the potential to affect cultural resources or historic properties, it is important to follow NRCS policy and the regulations that implement Section 106 and complete consultation with mandatory (SHPOs, THPOs, federally recognized Tribes, and native Hawaiians) and identified consulting parties during the course of planning. This consultation is not documented on this guide sheet but would occur with Steps 2, 3, 4, and 6 and these must be conducted in accordance with NRCS State Office operating procedures to ensure appropriate oversight by Cultural Resources Specialists who meet the Secretary of Interior's Qualification Standards.

STEP 1.

Is the action(s) funded in whole or part or under the control of NRCS? **To make this determination, answer the following:**

Is technical assistance carried out by or on behalf of NRCS?	☑ No	☐ Yes	☐ Unknown
Is it carried out with NRCS financial assistance?	☑ No	☐ Yes	☐ Unknown
Does it require Federal approval with NRCS as the lead federal agency (permit, license, approval, etc.)?	☑ No	☐ Yes	☐ Unknown
Is it a joint project with another Federal, State, or local entity with NRCS functioning as lead federal agency?	☐ No	☑ Yes	☐ Unknown

- **If all of your responses are "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- **If any responses are "Yes," go to Step 2.**
- **If "Unknown,"** consult with your State Cultural Resources Coordinator or Specialist (CRC or CRS) to determine if this is an action/undertaking that requires review and then **complete Step 1.**

STEP 2.

Is the action(s) identified as an "undertaking" (as defined in the 190-NCRPH and 420-GM) with the potential to cause effects to cultural resources/historic properties?

☐ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes — **If "Yes," go to Step 3.**

STEP 3.

Has the undertaking's Area of Potential Effect (APE) been determined? **NOTE:** Include all areas to be altered or affected, directly or indirectly: access and haul roads, equipment lots, borrow areas, surface grading areas, locations for disposition of sediment, streambank stabilization areas, building removal and relocation sites, disposition of removed concrete, as well as the area of the actual conservation practice. Consultation is essential during determination of the APE so that all historic properties (buildings, structures, sites, landscapes, objects, and properties of cultural or religious importance to American Indian tribal governments and native Hawaiians) are included.

☐ No
☐ Unknown — **If "No," or "Unknown,"** consult with your state specific protocols or the CRC or CRS to **determine the APE.**

☑ Yes — **If "Yes," go to Step 4.**

CULTURAL RESOURCES (continued)

STEP 4.

Have the appropriate records (National, State and local registers and lists) been checked or interviews conducted to determine whether any known cultural or historic resources are within or in close proximity to the proposed APE or project area? **Note:** This record checking does not substitute for mandatory consultation with SHPO, THPO, Tribes, and other identified consulting parties.

National Register of Historic Places?	☐ No	☑ Yes	☐ Unknown
State Register of Historic Places?	☐ No	☑ Yes	☐ Unknown
The SHPO's statewide inventory or data base?	☐ No	☑ Yes	☐ Unknown
Local/county historical society or commission lists?	☐ No	☑ Yes	☐ Unknown
Client knowledge of existing artifacts, historic structures, or cultural features?	☐ No	☑ Yes	☐ Unknown

- **If any responses are "No" or "Unknown," work with your CRC or CRS** to be sure these files are checked (sometimes the SHPO will let only the CRS or CRC review the files). Follow all other operating procedures as required by NRCS policy and procedures, SLA, and Tribal consultation protocols or operating procedures, as appropriate.
- **If all responses are "Yes," and NRCS providing technical assistance only,** then use any known information, notify the landowner of any potential affects, and provide recommendations for consideration. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** If NRCS is providing more than technical assistance **go to Step 5.**

STEP 5.

Did Step 4 reveal the existence of any known or potential cultural resources in the APE, or were any cultural resource indicators observed during the field inspection of the APE? **NOTE:** Field inspections or cultural resource survey will need to be conducted by qualified personnel in your state. Check with your State Cultural Resources Specialist to determine qualification criteria.

☐ No	**If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
☑ Yes	**If "Yes,"** contact the CRC or CRS. Do **NOT** proceed with finalizing project design or project implementation until the final CRS response is received. **Go to Step 6.**

STEP 6.

Can the proposed actions or alternatives be modified to avoid effects on the known cultural resources?

☑ No	**If "No," go to Step 7.**
☐ Yes	**If "Yes,"** modify the planned actions or activities and proceed according to CRS guidance and **document this on the NRCS-CPA-52, or notes section below and continue with planning.**

STEP 7.

Has consultation with appropriate and interested parties been completed and documented? **NOTE:** The field planner completing the NRCS-CPA-52 generally does not do the consultation unless it is the CRS or CRC. Refer to the appropriate specialist for the documentation information.

☑ No	**If "No" refer to State CRC or CRS** for further consultation and recommendations to the State Conservationist.
☐ Yes	**If "Yes,"** and all necessary historic preservation activities of identification, evaluation, and treatment have been completed, **document any consultation and proceed with planning.**

Notes:

Currently waiting on consultation response from SHPO/THPO/Tribe. Activities near known cultural resources or proposed for areas that a professional archaeologist determines has a high probability of cultural resources being present will be surveyed prior to implementation. If resources are found during surveys or at any point during implementation work will stop until the resource can be evaluated and, if necessary, the activity will be modified to avoid effects.

ENDANGERED AND THREATENED SPECIES NECH 610.26 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	State of Florida (Florida Forest Service) Tate's Hell State Forest RESTORE Act Six tracts of silvicultural land within the THSF identified as

STEP 1.

Are protected species or their habitat present in the area of potential effect?
Note: protected species include federally listed, proposed, and candidate specie, as well as State and Tribal species protected by law or regulation. In addition, if a species' listing or status changes before implementation, you must complete this review again.

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes **If "Yes,"** document the species and relevant benchmark data on NRCS-CPA-52, then proceed to the applicable section(s) listed below:

- Section 1- Federally listed endangered or threatened species/habitats
- Section 2- Federally proposed species/habitats
- Section 3- Federal candidate species/habitats
- Section 4- State/Tribal species/habitats

SECTION 1: Federally listed endangered or threatened species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on endangered or threatened species or their habitat?

☐ No effect **If "No effect, "document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ May affect **If "May affect,"** meaning that the action might affect endangered and threatened species or their habitat in some way, **go to Step 2.**

Federally listed endangered or threatened species/habitats (continued)

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

☐ No — **If "No," and the effects are purely benign or beneficial,** continue with planning but ensure the client is aware endangered and threatened species or their habitat exists and conservation practices must be applied in a manner that avoids adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ No — **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects or the client obtains a "take" permit from the FWS/NMFS. Refer the client to FWS/NMFS to address the client's responsibilities under Sections 9 & 10 of the ESA, for Federally listed species. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. If assistance is continued, document how the alternative conservation treatments avoid adverse effects and proceed with planning.**

☑ Yes — **If "Yes," and the action will be implemented according to an existing informal consultation, biological opinion, or 4(d) special rule, document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes," and the action cannot be modified to avoid the effect,** inform client that in order to proceed with the action NRCS must consult with FWS/NMFS. Contact your area or State biologist for consultation procedures. The action can only be implemented according to the terms of the consultation. **When consultation is complete, attach the consultation documents to NRCS-CPA-52 or reference them in the notes section below and proceed with planning.**

Notes for Federally listed endangered or threatened species/habitats:

The U.S. Forest Service, National Forests in Florida, was designated as the agency responsible for leading consultation on behalf of the USDA regarding potential effects to species listed, proposed or in candidate status under the Endangered Species Act. As described in the Biological Assessment submitted by USFS, prior to implementation, field surveys would be conducted for listed plant species where suitable habitat overlaps the locations of project activities. If listed species are present, the activities would be modified or not implemented in coordination with USFWS to avoid adverse effects. Heavy equipment shall not be used within 200ft of active red-cockaded woodpecker cavity trees during the April-July breeding season.Adherance by FFS to the mitigation measures stated in the Biological Analysis developed by the USFS and concurred upon by the USFWS, Panama City, will result in a no effect or not likely to adversely affect determination for all listed species that may be present on the THSF including in the reforestation stands.

Species	USFWS status
Wood stork	Threatened
Red-cockaded woodpecker	Endangered
White birds-in-a-nest	Threatened
Godfrey's butterwort	Threatened
Florida skullcap	Threatened
Harper's beauty	Endangered
Frosted flatwoods salamander	Threatened
Eastern indigo snake	Threatened
Gopher tortoise	Candidate
Purple bankclimber	Threatened
Gulf sturgeon	Threatened

SECTION 2: Federally proposed species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on proposed species or their habitat?

☑ No effect — **If "No effect,"** additional evaluation is not needed concerning proposed species or proposed critical habitat. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

☐ May effect — **If "May affect,"** meaning that the action might affect endangered and threatened species or proposed critical habitat in any way, **go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No — **If "No," and the effects are purely benign or beneficial,** continue with planning but ensure the client is aware proposed species or their habitat exists and conservation practices must be applied in a manner as to avoid adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ No — **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning proposed species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects, and to the extent practicable, provide long-term benefits to species and habitat. Should the client or landowner refuse to apply the recommended alternative conservation treatment, NRCS will inform the client and landowner of the NRCS policy and shall not provide assistance for the action or portion of the action affecting the proposed species.

☐ Yes — **If "Yes," and the action will be implemented according to an existing conference report or conference opinion. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes," and the action cannot be modified to avoid the effect,** inform client that the NRCS must conference with FWS/NMFS. Contact your area or State biologist for conference procedures. Further NRCS assistance can only be provided only if the client agrees to implement the conference recommendations to the extent practicable. **When the conference is complete, attach the conference documents to NRCS-CPA-52, or reference them in the notes section below, and proceed with planning.**

Notes for Federally proposed species/habitats:

SECTION 3: Federal candidate species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on candidate species or their habitat?

☑ No adverse effect — **If "No adverse effect,"** additional evaluation is not needed concerning proposed species or proposed critical habitat. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ May adversely effect — **If "May adversely affect,"** recommend alternative treatments that avoid or minimize the adverse effects and, to the extent practicable, provide long-term benefit to the species. **Document the effects of the selected alternative on the NRCS-CPA-52 and proceed with planning.**

Notes for Federally proposed species/habitats:

Gopher tortoise. See USFS BA. No activities within suitable habitat.

SECTION 4: State/Tribal species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the proposed action or alternative on State/Tribal species or their habitat?

☑ No adverse effect — **If "No adverse effect,"** additional evaluation is not needed concerning State or Tribal species of concern. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ May adversely affect — **If "May adversely affect," go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No — **If "No," and there is a possibility of short-term or long-term adverse effects** then inform the client of NRCS's policy concerning State and Tribal species and the need to use alternative conservation treatments to avoid or minimize adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids or minimizes adverse effects to the extent practicable. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** If assistance is continued, document how the alternative conservation treatments avoid or minimize those adverse effects and proceed with planning.

☐ Yes — **If "Yes," and the action cannot be modified to avoid the adverse effect,** inform client that the NRCS must coordinate with State/Tribal government and receive concurrence on recommended alternatives. Contact your area or State biologist for coordination procedures. Further NRCS assistance will be provided only if the client agrees to implement a concurred upon alternative and obtains any required permits. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes for State/Tribal species/habitats:

ENVIRONMENTAL JUSTICE NECH 610.27 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	State of Florida (Florida Forest Service) Tate's Hell State Forest RESTORE Act Six tracts of silvicultural land within the THSF identified as

STEP 1.

In the area affected by the NRCS action, are there low-income populations, minority populations, Indian Tribes, or other specified populations that would experience disproportionately high and adverse human health impacts resulting from the proposed action or alternative?

☑ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes," go to Step 2.**

☐ Unknown — **If "Unknown,"** consult your State Environmental Specialist, or equivalent and Tribal Liaison for additional guidance, **and repeat Step 1. NOTE:** The USDA Departmental Regulation on Environmental Justice (DR 5600-002) provides detailed "determination procedures" for NEPA as well as non-NEPA activities and suggests social and economic effects for considerations.

STEP 2.

Is the action(s) the type that might have a disproportionately high and adverse environmental or human health effect on a low-income population, minority population, or Indian Tribe?

☐ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes,"** initiate Tribal consultation or community outreach to affected and interested parties that are categorized as low-income, minority, or as Indian Tribes. The purpose is to encourage participation and input on the proposed program or activity and any alternatives or mitigating options. Participation of these populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historic, or other potential barriers to effective participation. If assistance is needed with this process, contact your State Public Affairs Specialist or Tribal Liaison. **Go to Step 3.**

STEP 3.

Considering the results of the outreach initiative together with other information gathered for the decision-making process, will the action(s) have a disproportionately high and adverse effect on the human health or the environment of the minority, low-income, or Indian populations?

☐ No — **If "No," notify interested and affected parties of agency decision. Document on the NRCS-CPA-52, or notes section below, the finding and rationale.**

☐ Yes — **If "Yes,"** consider the feasibility and appropriateness of the proposed alternatives and their effects and the possibility of developing additional alternatives or a mitigation alternative and **repeat Step 3**. **Document results of these early scoping sessions on the NRCS-CPA-52.** If it is determined that there remains a disproportionately high and adverse effect on human health or the environment, or the project or action carries a high degree of controversy then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.

Notes:

ESSENTIAL FISH HABITAT NECH 610.28 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	State of Florida (Florida Forest Service) Tate's Hell State Forest RESTORE Act Six tracts of silvicultural land within the THSF identified

STEP 1.

Is the action(s) in an area designated as Essential Fish Habitat (EFH) or in an area where effects could indirectly or cumulatively affect EFH?

NOTE: Additional information regarding EFH Descriptions and Identification can be found on NMFS's website.

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) result in short-term or long-term disruptions or alterations that may result in an "adverse effect" to EFH? [16 U.S.C. 1855(b)(2); Magnuson Stevens Act (MSA) Section 305(b)(2)]

☑ No If "No," consultation with NMFS and further evaluation is not needed concerning EFH unless otherwise specified by the State Biologist. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid the potential adverse effect?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**

☐ Yes **If "Yes," modify the action or activity and repeat Step 2.**

STEP 4.

Is NRCS providing assistance that would result in the funding, authorization, or undertaking of the action(s)? [MSA Section 305(b)]

☐ No **If "No," an alternative conservation system that avoids the adverse effect must be identified as the proposed action or NRCS must discontinue assistance.** If assistance is terminated, indicate the circumstances in the Remarks section of the NRCS-CPA-52 or contact the NRCS State Office for assistance. (Title 190, General Manual, Part 410, Subpart A, Section 410.3)

☐ Yes **If "Yes," inform the client that the NRCS District Conservationist or NRCS State Biologist must consult with NMFS before further action or activity can proceed** [MSA, Section 305(b)(2)].

Note: For specific information regarding consultation for EFH, see NMFS "Essential Fish Habitat Consultation Guidance," April 2004, available online.

Notes:

FLOODPLAIN MANAGEMENT **NECH 610.29** **Evaluation Procedure Guide Sheet**	Client/Plan Information:
	State of Florida (Florida Forest Service)
	Tate's Hell State Forest
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	RESTORE Act
	Six tracts of silvicultural land within the THSF identified as

NOTE: This Guide Sheet is intended for evaluation of "non-project" technical and financial assistance only (individual projects). For "project" assistance criteria (those assisting local sponsoring organizations), consult Title 190, General Manual, Part 410, Subpart B, Section 410.25.

STEP 1.

Is the project area in or near a 100-year floodplain?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**

☑ Yes **If "Yes," go to Step 2.**

☐ Unknown **If "Unknown,"** review the HUD/FEMA flood insurance maps and other available data such as soils information relating to flood frequency. If still "Unknown", contact the appropriate field or hydraulic engineer. **Repeat Step 1.**

STEP 2.

Is the planning area in the floodplain an agricultural area that has been used to produce food, fiber, feed, forage or oilseed for at least 3 of the last 5 years before the request for assistance?

☑ No **If "No," go to Step 4.**

☐ Yes **If "Yes," document the agricultural use history and go to Step 3.**

STEP 3.

Is the floodplain's agricultural production in accordance with official state or designated area water quality plans?

☐ No **If "No,"** advise the client of conservation practices or other measures that will bring the land into accordance with water quality plans and incorporate these into the conservation plan. **Go to Step 4.**

☐ Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**

STEP 4.

Over the short or long term, will the proposed action or alternative likely result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the floodplain or lands adjacent or downstream?

☑ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** modify the action if possible to avoid adverse effects. Inform landuser of the hazards of locating actions in the floodplain and discuss alternative methods of achieving the objective and/or alternative locations outside the 100-year floodplain. **If the action can be modified, describe the modification on the NRCS-CPA-52 and repeat 4. If the action cannot be modified to eliminate adverse effects, go to Step 5.**

FLOODPLAIN MANAGEMENT (continued)

STEP 5.

Is one or more of the alternative methods or locations practical?

☐ No — **If "No,"** the District Conservationist will carefully evaluate and document the potential extent of the adverse effects and any increased flood risk before making a determination of whether to continue providing assistance. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**

☐ Yes — **If "Yes," and the client agrees** to implement the alternative methods or locations outside the floodplain, **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes," and the client DOES NOT AGREE** to implement the alternative methods or locations, advise the client that NRCS may not continue to provide technical and/or financial assistance where there are practicable alternatives. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**

STEP 6.

Will assistance continue to be provided?

☐ No — **If "No,"** provide written notification of the decision to terminate assistance to the client and the local conservation district, if one exists. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes,"** the district conservationist should **design or modify the proposed action or alternative to minimize the adverse effects to the extent possible. Circulate a written public notice** locally explaining why the action is proposed to be located in the 100-year floodplain. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

INVASIVE SPECIES NECH 610.30 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	State of Florida (Florida Forest Service) Tate's Hell State Forest RESTORE Act Six tracts of silvicultural land within the THSF identified as

NOTE: Executive Order 13112 states that "a Federal agency shall not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction and spread of invasive species in the U.S. or elsewhere." Remember that invasive species can include plants, fish, animals, insects, etc.

STEP 1.

Is the action(s) in an area where invasive species are known to occur or where risk of an invasion exists?
NOTE: Executive Order 13112 (1999) directs Federal agencies to "prevent the introduction of invasive species, provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause."

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes **If "Yes," go to Step 2.**

STEP 2.

Conduct an inventory of the invasive species and identify areas at risk for future invasions (Title 190, General Manual, Part 414, Subpart D, Section 414.30). Delineate these areas on the conservation plan map and document management considerations in the plan or assistance notes. Have all appropriate tools, techniques, management strategies, and risks for invasive species prevention, control, and management been considered in the planning process?

☐ No **If "No,"** you must consider and include all appropriate factors relating to the existing and potential invasive species for the planning area and **repeat Step 2.**

☑ Yes **If "Yes,"** describe strategies, techniques, and reasons on NRCS-CPA-52 and **go to Step 3.**

STEP 3.

Is the action(s) consistent with the Executive Order 13112, the national invasive species management plan, and any applicable State or local invasive species management plan?

☐ No **If "No," modify the action and repeat Step 3.** If the client is unwilling to modify the proposed action, NRCS must discontinue assistance. **Document the circumstances on the NRCS-CPA-52. or notes section below. and in the case file.**

☐ Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

MIGRATORY BIRDS, BALD AND GOLDEN EAGLE PROTECTION ACT, NECH 610.31 Evaluation Procedure Guide Sheet			Client/Plan Information:
			State of Florida (Florida Forest Service)
			Tate's Hell State Forest
Check all that apply to this Guide Sheet review:	☑ Alternative 1		RESTORE Act
	☐ Alternative 2	☐ Other	Six tracts of silvicultural land within the THSF identified as

NOTE: This guide sheet includes evaluation guidance for compliance with both the Migratory Birds Treaty Act, Executive Order 13186 (2001), and the Bald and Golden Eagle Protection Act. Both sections must be completed if eagles are identified within the area of potential effect.

SECTION I: MIGRATORY BIRDS TREATY ACT

In the lower 48 states, all species except the house sparrow, rock pigeon, common starling, and non-migratory game birds like pheasants, quail, grouse, and turkeys, are protected.

STEP 1.

Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, nest or egg? The term **"take"** means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR Section 10.12).
NOTE: The MBTA does not prohibit the destruction of a migratory bird nest alone (without birds or eggs) provided that no possession occurs during the destruction (USFWS, Migratory Bird Memorandum, MBPM-2, April, 2003).

☐ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes — **If "Yes," go to Step 2.**

STEP 2.

Is it the purpose of the action(s) to intentionally "take" a migratory bird or any part, nest or egg (such as, but not limited to: controlling depredation by a migratory bird, or removal of occupied nests of nuisance migratory birds)?
NOTE: Migratory game birds taken under state and Federal hunting regulations are exempt.

☑ No — **If "No," go to Step 3.**

☐ Yes — **If "Yes," document the effects, including the reasons, on the NRCS-CPA-52, or notes section below. Inform the client that they must obtain a permit** from USFWS and any required state permit before the action is implemented.

STEP 3.

Have adverse effects on migratory birds been mitigated (avoided, reduced, or minimized) to the maximum practicable extent?

☐ No — **If "No,"** modify the action and **repeat Step 1.** If client is unwilling to modify the action then NRCS must discontinue assistance until issue has been resolved with USFWS.

☑ Yes — **If "Yes," document mitigation measures on the NRCS-CPA-52, or notes section below, and in the plan. Go to Step 4.**

MIGRATORY BIRDS TREATY ACT / BALD AND GOLDEN EAGLE PROTECTION ACT (continued)

STEP 4.

Will unintentional take of migratory birds, either individually or cumulatively, result in a measurable negative effect on a migratory birds population?

☑ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take (E.O. 13186(3)(e)(9)). **Repeat Step 1 or indicate which of the following options is pursued by the client (pick one). Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

- The client will obtain a permit from USFWS before the action is implemented; OR
- NRCS may need to terminate assistance. Contact the NRCS State Environmental Specialist or Wildlife Biologist.

Notes:

SECTION II: BALD & GOLDEN EAGLE PROTECTION ACT

STEP 1.

Will the action(s) result in the take, possession, sale, purchase, barter, or offer to sell, purchase, or barter, export or import "of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit"? (The term **"take"** is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden eagle. The term "disturb" under this act means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle; a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.)

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effect? Refer to the National Bald Eagle Management Guidelines for measures that can be taken to avoid disturbing nesting bald eagles and their young.

☐ No **If "No," document the finding, including the reasons, on the NRCS-CPA-52, or notes section below. Contact the NRCS State Biologist or appropriate NRCS official** about working with the client and USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action or alternative. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22.

☐ Yes **If "Yes,"** modify the alternative and **repeat Step 1.** If the client is unwilling to modify the action then NRCS may need to discontinue assistance. Contact the NRCS State environmental specialist or wildlife biologist for assistance. **Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

Notes:

NATURAL AREAS GM 190, Part 410.23 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: Alternative 1 ☑ Alternative 2 ☐ Other ☐	State of Florida (Florida Forest Service) Tate's Hell State Forest RESTORE Act Six tracts of silvicultural land within the THSF identified as

Natural Areas are defined as land and water units where natural conditions are maintained. They may be areas designated on Federal government, non-federal government, or on private land. Designation may be provided under Federal regulations, by foundations or conservation organizations, or by private landowners that specify it as such (GM 190. Part 410.23).

STEP 1.

Are there any designated natural areas present in or near the planning area?

☐ No **If "No, "document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) affect the natural area?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes **If "Yes," go to Step 3.**

STEP 3.

Are the effects consistent with maintaining, protecting, and preserving the integrity of the natural characteristics?

☐ No **If "No,"** Inform the client about the effects of the proposed action or alternatives on the identified natural areas. You must also encourage the client to consult with concerned parties to arrive at a mutually satisfactory alternative [GM 190, Part 410.23(c)4]. **Document the effects of the action and any communications with the client on the NRCS-CPA-52, or notes section below, and proceed with planning.**

☑ Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

PRIME AND UNIQUE FARMLANDS NECH 610.32 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	State of Florida (Florida Forest Service) Tate's Hell State Forest RESTORE Act Six tracts of silvicultural land within the THSF identified as

STEP 1.

Using the criteria found in the FPPA Rule (7 CFR Part 658.5), does the action(s) convert farmland to a nonagricultural use? **NOTE:** Conversion does not include construction of on-farm structures necessary for farm operations. Also, form AD-1006 entitled "Farmland Conversion Impact Rating" and form NRCS-CPA-106 entitled "Farmland Conversion Impact Rating for Corridor Type Projects" are used to document effects of proposed projects that may convert farmland. If you are uncertain about the effects on prime and unique farmlands in your planning area, consult the State Soil Scientist.

☑ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Are prime or unique farmlands or farmlands of statewide or local importance present in or near the area that will be affected by the action(s)?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid adverse effects or conversion?

☐ No **If "No," document the adverse effects on the NRCS-CPA-52, or notes section below, and proceed with planning.**

☐ Yes **If "Yes,"** modify and **repeat Step 1 or contact the State Soil Scientist** for further assistance. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

RIPARIAN AREA NECH 610.33 Evaluation Procedure Guide Sheet	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	State of Florida (Florida Forest Service) Tate's Hell State Forest RESTORE Act Six tracts of silvicultural land within the THSF identified as

STEP 1.

Is a riparian area present in or near the planning area? (Definition can be found in Title 190, General Manual, Part 411.)

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☑ Yes **If "Yes," go to Step 2.**

STEP 2.

Do the action(s) address maintenance or improvement of water quality, water quantity, and fish and wildlife benefits provided by the riparian area?

☐ No **If "No,"** revise the plan to maintain or improve water quality, water quantity, and fish and wildlife benefits**.** Document the benchmark conditions and effects on the NRCS-CPA-52, or notes section below, **go to Step 3.**

☑ Yes **If "Yes,", go to Step 3.**

STEP 3.

Do the action(s) conflict with the conservation values/functions of the riparian area?

☑ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** inform the client of the values and functions of riparian areas, including their contribution to floodplain function, stream bank stability and integrity, nutrient cycling, pollutant filtering, sediment retention, and biological diversity, and present alternatives that will resolve the conflict. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

SCENIC BEAUTY GM Title 190, Part 410.24 Evaluation Procedure Guide Sheet	Client/Plan Information:
	State of Florida (Florida Forest Service)
	Tate's Hell State Forest
Check all that apply to this Guide Sheet review: Alternative 1 ☑ Alternative 2 ☐ Other ☐	RESTORE Act
	Six tracts of silvicultural land within the THSF identified as

STEP 1.

Will the action(s) adversely affect the scenic quality of the general landscape or any specifically designated unique or valuable scenic landscape? (Consult Section II of the FOTG for a listing of any identified areas of scenic beauty.)

☑ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effects on the scenic quality of the landscape? NOTE: NRCS must provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty or improve the landscape (GM 190, Part 410.24).

☐ No **If "No," consider any state or local requirements. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** modify the planned action or activity and **repeat Step 1.**

Notes:

WETLANDS **NECH 610.34** **Evaluation Procedure Guide Sheet**	Client/Plan Information:
	State of Florida (Florida Forest Service)
	Tate's Hell State Forest
Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other	RESTORE Act
	Six tracts of silvicultural land within the THSF identified as

This guide sheet addresses policy found in Title 190, General Manual, Part 410, Subpart B, Section 410.26. Use the Clean Water Act Guide Sheet for addressing wetland concerns relating to the Clean Water Act.

STEP 1.

Are wetlands present in or near the planning area?

NOTE: This includes **all** wetlands except those artificial wetlands created by irrigation water. Thus, areas determined as prior converted (PC) in accordance with the 1985 Food Security Act and nonirrigation induced artificial wetlands (AW), which retain wetland characteristics, are wetlands as they relate to the wetland protection policy.

☐ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** (If the area could qualify as an "other water of the United States" such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide sheet.)

☑ Yes — **If "Yes," document the extent and location of wetlands and go to Step 2.**

STEP 2.

Will the action(s) impact any wetland areas (this includes changing wetland types when considering wetland restoration projects)?

☑ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes," assess the wetland functions and describe (on the NRCS-CPA-52) the effects** of the proposed activity on the wetland area. If effects are solely beneficial, continue with planning. If adverse effects exist, **go to Step 3.**

STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

☐ No — **If "No," go to step 4.**

☐ Yes — **If "Yes,"** advise the client of the available alternatives. If the client chooses to implement the alternative that avoids adverse impact (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

WETLANDS (continued)

STEP 4.

Do other measures exist that will minimize adverse effects to wetlands?

☐ No **If "No," go to step 5.**

☐ Yes **If "Yes,"** advise the client of the minimization measures. If the client chooses to implement the minimization measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

STEP 5.

Does the client wish to pursue an action that will result in adverse impacts to wetlands (where no practicable alternatives or minimization measures exist)?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

Notes:

WILD AND SCENIC RIVERS
NECH 610.35
Evaluation Procedure Guide Sheet

Check all that apply to this Guide Sheet review: ☑ Alternative 1 ☐ Alternative 2 ☐ Other

Client/Plan Information:
State of Florida (Florida Forest Service)
Tate's Hell State Forest
RESTORE Act
Six tracts of silvicultural land within the THSF identified as

STEP 1.

Could the action(s) have an effect on the natural, cultural or recreational values of any nearby rivers?

☑ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** analyze the potential effects and develop alternatives, as necessary, that would mitigate potential adverse effects, then **go to Step 2.**

STEP 2.

Is there a Federal or State designated Wild, Scenic, or Recreational River segment or a river listed in the Nationwide Rivers Inventory (NRI) in or near the planning area?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** and there is still potential for effect consult your State environmental liaison to assist with determining the nature and significance of the effect. **Go to Step 3.**
NOTE: The State Office may request the administering federal or state agency (National Park Service in the case of NRI) to assist you in developing appropriate avoidance and mitigation measures.

STEP 3.

Could the proposed action or alternative have an adverse effect on the natural, cultural or recreational values of the wild, scenic, or recreational river segment that cannot be avoided or minimized?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes," go to Step 4.**

STEP 4.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

☐ No **If "No," inform the client that a permit may be required** for their activities and they should consult with the administering federal or state agency. The permit authorization should be reflected in the final plan and documentation. Continue planning, but a permit is required prior to implementation.

☐ Yes **If "Yes," consult with the administering federal or state agency** to determine whether the proposed action could foreclose options to classify any portion of the river segment as wild, scenic or recreational and to develop avoidance or mitigation measures. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

The Mud Swamp/New River Wilderness and segments of the New River proposed for designation as wild and scenic are upstream from and north of THSF on the Apalachicola National Forest.

IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Field Office
1601 Balboa Avenue
Panama City, FL 32405-3721
Tel: (850) 769-0552
Fax: (850) 763-2177

September 8, 2015

Mrs. Kelly Russell
Forest Supervisor, National Forests in Florida
325 John Knox Road, Suite F-100
Tallahassee, FL 32303

Service Consultation Code:
04EF3000-2015-I-0179
Date Received: September 3, 2015
Applicant: USDA
Project: Tate's Hell Strategy 1 Project

Dear Mrs. Russell:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled "Tate's Hell Strategy 1 Project". We submit this letter under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The major features of this proposal will restore wetlands in Tate's Hell State Forest by removing culverts, creating low water crossings, constructing several bridges, adding ditch blocks and flashboard risers, and planting long leaf pine trees in upland areas.

Action Agency Determination

In the Final Biological Assessment for Tate's Hell Strategy 1 Project (September 2015), the USDA concluded that implementations of category 2 projects were, either No Effect (NE) or Not Likely to Adversely Affect (NLAA), terrestrial and or aquatic/aquatic dependent species or their designated critical habitats as listed below:

Species Determination	
Wood stork	May affect, not likely to adversely affect
Red-cockaded woodpecker	May affect, not likely to adversely affect
White birds-in-a-nest	May affect, not likely to adversely affect
Godfrey's butterwort	May affect, not likely to adversely affect
Florida skullcap	May affect, not likely to adversely affect
Harper's beauty	May affect, not likely to adversely affect
Frosted flatwoods salamander	May affect, not likely to adversely affect

Eastern indigo snake	May affect, not likely to adversely affect
Gopher tortoise	No effect
Purple bankclimber	No effect
Gulf sturgeon	No effect
Bald Eagle	No effect

Summary

The surveys for listed plants will need to be conducted during the **Survey Calendar for Listed Plant Species** (http://www.fws.gov/panamacity/plantsurvey.html).

Based on the conservation measures provided within the Final Biological Assessment for Tate's Hell Strategy 1 Project (September 2015) for Red-cockaded woodpecker (pg 8), the commitment to conduct pre-project plant surveys to avoid impacts (pg 11-12), Frosted flatwoods salamander (pg 13), Eastern indigo snake (pg 15), and best management practices to avoid stream disturbance (pg 17), the Service acknowledges the No Effect determination and concurs with the USDA proposed actions that will NLAA any federally listed species.

The above comments are provided in accordance with the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*). This fulfills the requirements of section 7 of the Act and no further action is required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, if a new species is listed, or if designated critical habitat may be adversely affected by the project, re-initiation of consultation may be necessary.

Thank you for the opportunity to review this Biological Assessment. If you have any questions please contact Channing St. Aubin at (ext. 248).

Sincerely,

Dr. Sean Blomquist
Ecological Services Chief