

**U.S. DEPARTMENT OF AGRICULTURE  
Farm Service Agency**

**DRAFT PROGRAMMATIC ENVIRONMENTAL ASSESSMENT**

***Increasing Land, Capital, and Market Access  
Program***

**Prepared by USDA Business Center Environmental Activities Division and  
USDA Farm Service Agency**

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**June 14, 2023**

## COVER SHEET

<b>Proposed Action:</b>	<p>The United States Department of Agriculture (USDA) Farm Service Agency (FSA) has proposed to fund grants and cooperative agreements for projects that help move underserved producers from surviving to thriving through the Increasing Land, Capital, and Market Access (Increasing Land Access) Program. The Increasing Land Access Program would increase access to farm ownership opportunities, increase access and improve results for those with heirs' property or highly fractionated land, increase access to markets and capital that affect the ability to access land, and increase land ownership, land succession, and agricultural business planning. Section 1006 of the American Rescue Plan Act, as amended by Section 22007 of the Inflation Reduction Act, included the provisions for USDA to ensure underserved producers have resources, tools, programs, and technical support they need to succeed. Applications for funding were accepted from various government entities from local to Tribal, not-for-profit education institutions, and non-profit organizations (including Community Development Financial Institutions, foundations, and Tribal financial institutions with a 501c3 status).</p>
<b>Type of Document:</b>	Programmatic Environmental Assessment (PEA)
<b>Lead Agency:</b>	United States Department of Agriculture (USDA) Farm Service Agency (FSA)
<b>Cooperating Agencies:</b>	None
<b>Further Information:</b>	<p>Michael Mannigan, Grants Management Specialist 541-699-3215 <a href="mailto:Land.Access@usda.gov">Land.Access@usda.gov</a></p>
<b>Comments:</b>	<p>This PEA was prepared in accordance with USDA FSA National Environmental Policy Act (NEPA) implementing procedures found in 7 CFR Part 799, as well as the NEPA of 1969, Public Law 91-140, 42 US Code 4321-4347, as amended.</p> <p>A copy of the Draft PEA can be found at <a href="https://www.fsa.usda.gov/programs-and-services/increasing-land-access/index">https://www.fsa.usda.gov/programs-and-services/increasing-land-access/index</a> or <a href="https://www.fsa.usda.gov/programs-and-services/environmental-cultural-resource/nepa/current-nepa-documents/index">https://www.fsa.usda.gov/programs-and-services/environmental-cultural-resource/nepa/current-nepa-documents/index</a>.</p> <p>Written comments regarding this PEA can be emailed to <a href="mailto:Land.Access@usda.gov">Land.Access@usda.gov</a> or submitted to the address below until Friday, July 14, 2023:</p> <p style="text-align: center;">Increasing Land Access (ILA) Programmatic Environmental Assessment (PEA) Comments Attn: Michael Mannigan, Grants Management Specialist U.S. Department of Agriculture Farm Service Agency</p>

	Outreach Office 1400 Independence Ave., S.W. Washington, DC, 20250-0506
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## ACRONYMS AND ABBREVIATIONS

BMPs	Best Management Practices
CAFO	Concentrated Animal Feeding Operation
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
ESW	Environmental Screening Worksheet
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
FSA	Farm Service Agency
FWS	United States Fish and Wildlife Service
GHG	Green House Gases
HUFR	Historically Underserved Farmers and Ranchers
ILA	Increasing Land, Capital, and Market Access Program
IPaC	Information Planning and Conservation
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NMP	Nutrient Management Plan
NPDES	National Pollutant Discharge Elimination System
OO	Office of Outreach
PEA	Programmatic Environmental Assessment

SHPO	State Historic Preservation Officer
THPO	Tribal Historical Preservation Officer
USDA	United States Department of Agriculture
USACE	United States Army Corps of Engineers

## **APPENDICES**

- A. Preliminary Environmental Considerations Review
- B. Environmental Screening Worksheet (FSA-850)



# 1. PURPOSE OF AND NEED FOR ACTION

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## 1.1 Introduction

This document is a Programmatic Environmental Assessment (PEA) for the Increasing Land, Capital, and Market Access Program (ILA), a program administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Office of Outreach (OO). It describes the planned actions of the ILA and potential environmental impacts resulting from those actions. The ILA is proposing to undertake and fund activities to support a diverse set of farmers, ranchers, forest landowners, and operators (producers) on the edge of viability, moving them from surviving to thriving as they address core barriers to attain land, capital, and market access.

This PEA has been prepared to streamline the overall ILA NEPA review process. FSA anticipates using this PEA to guide decision-making for site-specific actions over the next five years. Each proposed grant or cooperative agreement, and any associated site-specific actions, would be evaluated to determine if its potential environmental impacts have been addressed in this PEA. The review would be conducted by FSA OO staff as outlined in Chapter 6 under the description of the proposed action.

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### 1.1.1 Background

The ILA is authorized through Section 1006 of the American Rescue Plan Act of 2021 (ARPA) (Pub. L 117-2), as amended by Section 22007 of the Inflation Reduction Act of 2022 (Pub. L 117-169)). Section 1006(a), as amended, authorizes the establishment of assistance and support to farmers, ranchers, and forest landowners and focuses on addressing the needs of underserved producers through outreach, education, engagement, and technical assistance to increase land, credit, and market access. Section 1006(b), as amended, also provides resources for grants to improve land access, including providing resources related to heirs' property, highly fractionated land, and related land ownership and land access issues that impact access to USDA programs.

Through the funds provided by Section 1006 as amended, USDA will provide resources to entities by entering into cooperative agreements and/or grants to address land access issues that underserved producers face. Selected cooperative agreements and/or grants will ultimately focus on designing and/or deploying new programs or expanding successful existing models to address the three major barriers (land access, capital access, or market access), or a combination of those barriers, to producer and landowner success, resiliency, and viability. Selected cooperative agreements and/or grants will achieve, but are not limited to, the following outcomes:

- Increased access to farm ownership opportunities;
- Increased access and improved results for heirs' property and highly fractionated land access;
- Increased land ownership, land succession, and agricultural business planning; and
- Increased access to markets and capital that affect the ability to access land.

Selected entities will work collaboratively with USDA and with other Section 1006 cooperators to deliver targeted outreach and technical assistance programs designed to address and meet the needs of underserved agricultural producers.

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### 1.1.2 Program Administration

ILA will be administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Office of Outreach (OO). The FSA OO published a Notice of Funding Opportunity (NFO) requesting project proposals beginning August 24, 2022, through November 18, 2022. Project proposals submitted in response to the NFO were categorized into the following 4 funding tiers:

- **Large, national land access tier:** Proposals from \$20,000,000 to \$40,000,000 to include large-scale national projects/models that are designed to increase land access for targeted producers across a national landscape. These projects must be for a five-year funding period. We anticipate funding up to two projects at this level.
- **Mid-sized national land access tier:** Proposals from \$10,000,000 to \$15,000,000 to include large-scale national projects/models that are designed to increase land access for targeted producers across a national landscape. These projects must be for a five-year funding period.
- **Regional land access tier:** Proposal from \$5,000,000 to \$8,500,000 to include regional scaled projects/models designed to increase land access for targeted producers across a regional landscape. These projects may be for up to a five-year funding period.
- **Local/State/Territorial land access tier:** Proposals from \$250,000 to \$2,500,000 to include local/state targeted producers focused on increasing land access within one local area (sub-state/territory), one state, one territory or one Tribal landscape. These projects may be for up to a five-year funding period.

Ultimately, FSA OO received 164 project proposals with the following breakdown of applications:

Tier	# of Proposals Received
Tier I: Large, national land access	10
Tier II: Mid-sized national land access	4
Tier III: Regional land access	36
Tier IV: Local/State/Territorial land access	114

**Table 1.** Distribution of proposals received through ILA NFO.

Following the initial internal review of proposals, FSA OO convened an external panel of reviewers who evaluated each proposal individually and later conferred on applications reviewed at a virtual summit in spring of 2023. At the conclusion of the virtual summit, the panel provided funding recommendations to FSA leadership. ILA staff then completed a preliminary environmental considerations review (Appendix A). These preliminary environmental consideration reviews were used to inform the description of program activities and the analysis of environmental consequences. While this PEA is informed by proposals received in response to the FY22 NFO, the analysis considers program-wide impacts to the human environment and considers a wide variety of activities that may be funded through ILA.

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### 1.1.3 Program Activities

#### Outreach & Education

Activities occurring under the outreach and education category are key to the success of projects performed under ILA. In many cases, the financial assistance being offered through ILA cooperative agreements and/or grants will be communicated to the public through outreach and education activities

performed by the lead partner. The objective of these activities is to foster understanding and awareness of the various assistance opportunities available to underserved producers. Based on project proposals received, FSA anticipates that outreach and education activities occurring under ILA projects will include, but are not limited to, hosting educational workshops, website development, and content creation (flyers, handouts, etc.). These activities are anticipated to help the target audience identify the programs and services at USDA that are appropriate for their farming, ranching, or forest land operations. It is expected that partners will utilize these activities to inform needs assessments for future technical or financial assistance to be offered through the ILA project.

Minor indirect long-term benefits to the human environment are produced by promoting accurate information, fostering understanding of available programs (especially USDA conservation programs), and encouraging new agricultural producers. The overall expected benefits of outreach and education activities include improving the knowledge base for underserved producers, lowering barriers to access available resources, and facilitating the success of more underserved producers across the landscape. The activities as described here are not known to adversely impact the environment. They are primarily office-based in existing sites, involving no direct or indirect interactions with the biological or physical environment or alterations to the built environment. When activities do take place outdoors, such as field demonstrations or outreach events at agricultural fairs, they will be informative in nature and will not involve ground disturbance, vegetation removal, and/or change in land use.

As such, these actions have no potential for adverse impacts on the human environment, individually or cumulatively, and meet the definition of a categorical exclusion in the CEQ regulations (40 C.F.R. 1508.4). These categories of ILA program activities are consistent with categorical exclusions identified in USDA Departmental Regulations (7 CFR § 1b.3).

## **Technical Assistance**

Activities occurring under the technical assistance category will primarily be through developmental and educational opportunities in a variety of formats. The NFO for the ILA program requires that all project proposals include a technical assistance component, defined as “targeted services and support collectively designed to improve understanding of and equitable participation in the full range of USDA programs and services among underserved farmers, ranchers, and forest landowners and operators through a range of activities.” These activities are anticipated to include but are not limited to: developing strategies to identify unique needs and gaps in access, knowledge, and services; performing specialized consultation; developing viable business plans; training; coaching; capacity building; and mentoring focused on relevant topics that will improve effectively accessing land, capital, and markets. Technical assistance may be delivered at the individual or organizational levels through one-on-one consultation, small group facilitation, or large group meetings in person or by phone, email, or other online methods.

Minor indirect long-term benefits to the physical and human environment are produced by educating producers on innovative and sustainable agricultural techniques, increasing the utilization of USDA conservation programs by underserved producers, and providing technical support to existing producers to allow for agricultural lands to remain productive rather than being sold for the purpose of development. The overall expected benefits of technical assistance activities include improving the success rate of historically underserved producers in accessing critically needed USDA programs,

facilitating peer learning within communities, and supporting new and existing agriculture throughout the U.S. The activities as described here are not known to adversely impact the environment. They are primarily office-based in existing sites, involving no direct or indirect interactions with the biological or physical environment or alterations to the built environment. When activities do take place outdoors, such as field demonstrations or site-specific farm planning, they will be informative in nature and will not involve ground disturbance, vegetation removal, and/or change in land use.

As such, these actions have no potential for adverse impacts on the human environment, individually or cumulatively, and meet the definition of a categorical exclusion in the CEQ regulations (40 C.F.R. 1508.4). These categories of ILA program activities are consistent with categorical exclusions identified in USDA Departmental Regulations (7 CFR § 1b.3).

### **Land, Capital, and Market Access**

Activities occurring under the land, capital, and market access category (hereinafter referred to as access activities) will primarily be in the form of providing financial assistance opportunities to underserved producers for the purpose of accessing land, capital, and markets. The primary focus of the ILA program is to strengthen land access with additional opportunities to focus on capital access and market access for use in agriculture. The ability to access capital and markets allows landowners and operators to retain access to their lands or seek new lands/expansion of existing operations. Access activities covered under this category are anticipated to include but are not limited to: land acquisition through purchases and/or long-term leases; establishment of demonstration farms; establishment of loan, revolving loan, grant and/or other programs to provide funding to target audience for a variety of purposes including down payments for land purchase, term financing for land purchase, incubator farms, equipment purchase, operating/startup expenses and other farming expenses; and creating markets or market access for target audience.

Due to the nature of activities, it is expected that there may be localized minor impacts to the physical, biological, and human environment from financial resources being made available for the purpose of establishing new agricultural operations. With the establishment of new agricultural operations, or returning an existing operation to production, there is the potential for vegetation clearing, change of land use, and ground disturbance. These activities may impact protected resources at the site-specific level, and as such will be evaluated at the local level consistent with procedures described in Chapter 6. Further analysis in this PEA will be focused on the national and regional implications of making funding available for access activities under the ILA program.

### **Land, Capital, and Market Improvements**

Activities occurring under the land, capital, and market improvement category (hereinafter referred to as improvement activities) will primarily be in the form of providing financial assistance opportunities to underserved producers for the purpose of improving existing operation or lands made available through access activities described above. Improvement activities will provide the opportunity for landowners and operators to improve business stability, operational efficiency, and market access. Improvement activities covered under this category are anticipated to include but are not limited to: construction and/or installation of buildings, irrigation systems, wash and pack facilities, marketing facilities; equipment purchase; expansion of existing incubator farms, demonstration farms, buildings, facilities;

expansion of existing markets; and expansion of existing loan, revolving loan, grant and/or other programs to provide funding to target audience for a variety of purposes related to farming expenses.

Due to the nature of activities, it is expected that there may be localized minor impacts to the physical, biological, and human environment from financial resources being made available for the purpose of improving existing agricultural operations. Improvement activities will often involve construction, which is expected to result in associated vegetation clearing and ground disturbance. These activities may impact protected resources at the site-specific level, and as such will be evaluated at the local level consistent with procedures described in Chapter 6. Further analysis in this PEA will be focused on the national and regional implications of making funding available for access activities under the ILA program.

## **1.2 NEPA Compliance**

The National Environmental Policy Act (NEPA), as amended (42 U.S.C. §§ 4321, et seq.), was enacted in 1969 to establish a national policy for the protection of the environment. It applies to Federal agency actions that have the potential to affect the quality of the human environment. It requires Federal agency decision-makers to conduct a review to ensure consideration of potential environmental impacts through a systematic and interdisciplinary approach, including consideration of the natural and social sciences in planning, evaluation, and decision-making. Federal agencies are obligated to comply with NEPA regulations adopted by the White House Council on Environmental Quality (CEQ) (40 C.F.R. Parts 1500-1508). These regulations outline the responsibilities of Federal agencies under NEPA and provide specific procedures for preparing environmental documentation to comply with NEPA. FSA's NEPA Implementing Regulations (7 C.F.R. Part 799) describes FSA's policies, requirements, and procedures for complying with NEPA and the implementing regulations (FSA, 2016).

If the action is subject to NEPA review, then the environmental impacts must be documented at one of three levels of NEPA analysis:

- 1) By preparing an environmental screening worksheet (EWS) to document that the activity qualifies for a categorical exclusion (CE);
- 2) By preparing an environmental assessment (EA), and, if appropriate, a Finding of No Significant Impact (FONSI); or
- 3) By preparing an environmental impact statement (EIS) and Record of Decision (ROD).

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### ***1.2.1 Purpose of Using a Programmatic Environmental Assessment***

Generally, Federal agencies prepare an Environmental Assessment (EA) to determine whether an action would have a significant effect on the quality of the human environment (40 C.F.R. 1508.27). One of the overall goals is to provide decision makers and the public with information about the potential for impacts due to FSA's proposed action before a final decision is made. Once this process is final, FSA has performed the necessary analysis to determine if the effects may be significant. If there is potential for significant impacts, then an Environmental Impact Statement (EIS) is prepared. If the impacts are not expected to be significant, a Finding of No Significant Impact (FONSI) is prepared.

A Programmatic Environmental Assessment (PEA) would allow the ILA program more effectively address NEPA compliance at a higher, national programmatic level. PEAs are broad in scope and may address a

number of related actions or projects, an entire program, a broad action, or Federal Financial Assistance activities. A PEA is intended to accomplish NEPA compliance by:

1. summarizing the current environmental situation;
2. describing the purpose and need for the activities;
3. identifying alternative actions; and
4. assessing the potential environmental impacts of all alternatives.

Before a Federal agency implements policies, programs, plans, and projects, NEPA requires documented, formal consideration of major Federal actions and analyses of potential impacts associated with alternatives to the action. Most NEPA documents focus on site-specific projects. However, by changing the scope of analysis, Federal agencies can assess potential impacts stemming from policies, programs, and plans. Such programmatic documents are inherently broader in scope, due to a wider geographic area of potential effect, and therefore, the potential to affect a larger portion of the U.S. population (Plater *et al.*, 1992).

A PEA also allows FSA to reduce paperwork and to streamline site-specific or project level NEPA reviews to the extent assessment of potential impact have already been addressed in the PEA. Programmatic environmental impact statements and environmental assessments and tiering from other analyses can reduce or eliminate redundant and duplicative efforts and effectively address cumulative effects. In this case, a PEA may be used to address the impacts of actions, or project types that are similar in nature or broad in scope, including cases where cumulative impacts are of concern. For consideration of potential impacts from specific actions and/or individual projects, tiering allows an agency to rely largely on the analysis of the programmatic NEPA document to address the impacts (Canter, 1996).

If the project type or impacts are not adequately covered in this PEA, the proposed project would require additional NEPA review. Depending upon the degree of the project's potential impacts, this review could involve the preparation of an ESW documenting the applicability of a CE, a supplemental EA tiered from this PEA, a new EA, or an EIS. This PEA addresses NEPA compliance at the program level. Evaluation of project-specific impacts would be addressed during the planning and selection process for each project to ensure that any significant environmental issues are identified; that consultation among agencies, other area programs, and the public occurs; and that a decision may be made on whether an EA, EIS, or a CE determination is the appropriate level of analysis. This process is further documented in the implementation chapter below (see Chapter 6).

## **1.3 Purpose and Need for the Proposed Action**

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### ***1.3.1 Purpose of the Action***

The purpose of ILA and the proposed action are to meet the congressional mandate of Section 1006 of the ARPA to “provide grants and loans to eligible entities . . . to improve land access (including heirs’ property and fractionated land issues) for underserved farmers, ranchers, and forest landowners.” The ILA supports local, state, and national partnerships with agencies, educational institutions, NGOs, and community groups focused on addressing core barriers to attain land, including capital and market access.

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### **1.3.2 The Need**

Land access is critical to the success of agriculture. Land access assistance is particularly important for underserved producers, either based on access to resources, geographic location, choice of crop or livestock production systems or because the producers are underserved in their access to programs and services. Across the agricultural sector, not all agricultural producers have been provided equal access to specialized technical support that would benefit the launch, growth, resilience, and success of their agricultural enterprises. These underserved producers—the target audiences of 1006 as amended — are more likely to operate lower-revenue farms and have weaker credit histories and may lack clear title to their agricultural land, which increases difficulty in securing loans to own or operate their businesses and to ensure the success and resiliency of their operations.

Stakeholder groups have reported, and data has shown, that many underserved producers and would-be producers have lower awareness of capital access options and lending requirements, which in turn limits land access. These producers are also less likely to have access to technical assistance to develop business plans or be in communities with specialized agricultural tax expertise, particularly beginning farmers and ranchers. Limited resource producers also often bear the greatest financial burden for accessing land for their operations and disproportionately suffer from heirs' property and fractionated land title issues, which also negatively impact agriculture operations.

In addition, USDA has few programs directed at supporting specialty crop production, which is a predominant production system for many of these underserved producers, and existing livestock programs may not always be designed to focus on the needs of small, diversified farms and ranches. Common barriers experienced by these underserved producers include challenges with accessing Federal agricultural programs including communication about programs, problems with the application process, lack of standardization and transparency, limited knowledge on qualification requirements for all programs, lack of mentorship programs, reduced technical assistance, and complicated reporting requirements.

Through the Increasing Land, Capital, and Market Access Program (ILA), USDA seeks to address the limited support provided to these producers through cooperative agreements and grants, as complementary activities to existing loan programs. Priority will be awarded to proposals that focus on increasing land access, mitigating and preventing land loss, providing specialized project design and focus to address the challenges with land access, innovative ways to connect available land to underserved producers who have challenges in accessing land, or restore lands into the hands of those who have been underserved.

## **1.4 Decision To Be Made**

FSA must decide if the proposed action affects the quality of the human environment. If FSA determines it would not significantly affect the quality of the human environment, then a Finding of No Significant Impact (FONSI) will be prepared and signed. Cooperative agreements and/or grants entered under ILA would be analyzed individually to determine the need for subsequent environmental reviews.

## 1.5 Regulatory Compliance

The PEA has been prepared to satisfy the requirements of the National Environmental Policy Act (NEPA) (Public Law 91-190, 42 United States Code 4321 et seq.); Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 Code of Federal Regulations [CFR] §§ 1500–1508); 7 CFR Part 799, FSA NEPA Implementing Regulations; the FSA 1-EQ *Environmental Quality Programs Handbook*, and FSA’s National Funding Opportunity for the Increasing Land, Capital, and Market Access Program (FSA, 2022).

The intent of NEPA is to protect, restore, and enhance the human environment through well-informed Federal decisions. The following non-exclusive list of higher-tier executive orders (EOs), acts, and relevant decision and guidance documents apply to actions undertaken by Federal agencies and form the basis of the analysis presented in this PEA:

- Clean Air Act (42 USC 85 parts 7401 et seq., 1999)
- Clean Water Act (33 USC 26 parts 1251 et seq., 2000)
- Endangered Species Act [ESA] of 1973, as amended (16 USC 35 parts 1531 et seq., 1988)
- EO 11514, Protection and Enhancement of Environmental Quality (35 Federal Register [FR] 4247, 1977)
- EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations (59 FR 32, 1995)
- National Historic Preservation Act (54 USC 300101 et seq., 2014) and associated Section 106 process (54 USC 306108, 2014)

## 1.6 Public Involvement and Consultation

Scoping is an early and open process to involve agencies, organizations, and the public to determine the issues to be addressed in the environmental document. Among other tasks, scoping determines important issues and eliminates issues determined not to be important; identifies other permits, surveys and consultations required with other agencies; and creates a schedule that allows adequate time to prepare and distribute the environmental document for public review and comment before a final decision is made. Scoping is a process that seeks opinions and consultation from the interested public, affected parties, and any agency with interests or legal jurisdiction.

This document is available for public review and comment from Wednesday, June 14, 2023 to Friday, July 14, 2023 through the [FSA Environmental and Cultural Resources](#) webpage and the [FSA Increasing Land, Capital, and Market Access Program](#) webpage. A notice of the availability of the document was published in a stakeholder notification from the Secretary’s office on Wednesday, June 14. Written comments may be submitted to FSA via email or sent to [Land.Access@usda.gov](mailto:Land.Access@usda.gov), through Friday, July 14, 2023. All comments received will be carefully considered and analyzed before FSA’s final decision is made.

## 1.7 Organization of PEA

This PEA assesses the potential impacts of the Proposed Action and the No Action Alternative on potentially affected environmental and economic resources.



- **Chapter 1** provides background information, defines the Purpose and Need for the Proposed Action, and identifies the scoping process for this PEA.
- **Chapter 2** defines the two alternatives, the No Action and the Proposed Action, as well as those alternatives considered but not fully evaluated.
- **Chapter 3** includes the Affected Environment (i.e., existing conditions) and defines the Environmental Consequences (i.e., direct, indirect, and cumulative impacts) anticipated to result from the implementation of each alternative.
- **Chapter 4** describes the cumulative impacts of the action.
- **Chapter 5** describes federal environmental laws and regulations that are likely to apply to proposed projects, as well as a description of compliance by the ILA.
- **Chapter 6** outlines how the ILA would use this PEA for site-specific actions.
- **Chapter 7** provides the list of individuals and agencies who collaborated to complete the PEA.
- **Chapter 8** includes the references utilized in this PEA's preparation.

## **2. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES**

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Two alternatives are evaluated in this PEA: The No Action Alternative (not preferred), and the Proposed Action Alternative (preferred). No potentially significant impacts to important resources were identified during scoping. Decisions about whether individual projects are technically and economically feasible, meet the ILA objectives, and resolve need are being considered as a part of the panel review. Further site-specific NEPA documentation will be developed as site-specific projects are ready for consideration.

### **2.1 Alternative A - No Action Alternative**

Under the No Action Alternative, FSA would not undertake or fund cooperative agreements and/or grants for the purpose of expanding land access for historically underserved producers. Barriers to land and market access for underserved producers would continue to be unaddressed by USDA, resulting in the continued disproportionate lack of available resources for underserved producers. This alternative would further exacerbate difficulties the inequities experienced by underserved producers and does not satisfy the purpose and need but will be carried forward in the analysis to serve as a baseline against which the impacts of the Preferred Alternative can be assessed.

### **2.2 Alternative B – Proposed Action Alternative (Preferred)**

The FSA OO's Preferred Alternative is to undertake activities by awarding funds on a competitive basis (e.g., cooperative agreements, grants, etc.) to external entities to address one or more of the following categories of activities (described in more detail in Chapter 1):

1. Outreach and Education
2. Technical Assistance
3. Land, Capital, and Market Access
4. Land, Capital, and Market Improvements

Under this alternative, several activity types could be implemented under one project proposal or cooperative agreement or grant. For example, a project to address land access issues in a particular area could include deploying a year-long business development course for interested producers, assisting producers with land purchases, providing micro-grants for land improvements, developing educational materials, conducting community outreach, and organizing stakeholder meetings and workshops. The four categories are complementary in nature, and the Preferred Alternative would allow different entities to carry out work under each category. By supporting multiple partners from multidisciplinary fields of work, the Preferred Alternative promotes coordination of expertise that may not be readily available within FSA.

### **3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS**

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This chapter describes the existing environmental conditions for resources potentially affected by the implementation of ILA, as well as the environmental consequences.

This document is a programmatic EA; it evaluates the effects of implementing changes to a nationwide voluntary program. As such, the geographic scope of the program is both extensive and largely unknown at this stage of program implementation. Therefore, the utility and availability of modeling and quantitative analysis is limited. The potential impacts of implementing the program changes will be discussed on a national or regional level, as appropriate. Site-specific environmental reviews would occur prior to the implementation of on-the-ground activities, such as access and improvement activities. This PEA and the following site-specific environmental review will provide the full NEPA coverage for activities under ILA.

In compliance with NEPA, CEQ regulations, and FSA procedures for implementing NEPA, the description of the affected environment focuses on only those resources potentially subject to impacts and the level of analysis is commensurate with the anticipated level of impact. Applying the CEQ guidelines, the discussion of the affected environment and associated environmental impact analysis presented here focuses on Soils and Other Important Land Resources, Socioeconomics and Environmental Justice, and Climate.

#### **3.1 Resources Eliminated from Detailed Analysis**

CEQ regulations (40 CFR 1501.7(a)(3)) indicate that the lead agency should identify and eliminate from detailed study the issues that are not important or that have been covered by prior environmental review, narrowing the discussion of these issues in the document to a brief presentation of why they would not have a significant effect on the human or natural environment.

Part of the evaluation process for ILA will involve the completion of a site-specific Environmental Screening Worksheet (ESW) for access and improvement activities, as further discussed in Chapter 6. This evaluation process includes collecting and documenting the data, consultation and permitting needed for FSA to ensure compliance with NEPA, the NHPA, the ESA, and other related laws, regulations, and EOs. The site-specific ESW process follows guidance in FSA's Handbook on Environmental Quality Programs for State and County Offices (1-EQ). Several resources can only be evaluated on a site-by-site basis. For example, the ESW requires that FSA activities are evaluated for the potential for the presence of or proximity to wetlands, floodplains, coastal zones, wilderness areas, etc. which can only be evaluated once project locations are known. Given that the proposals received in response to the ILA NFO did not include specific project locations, it is expected that the exact location for access and improvement activities will be available for further site-specific analysis following partner-led outreach activities. Once the partners identify a specific location for desired access and improvement activities, additional tiered analysis will be performed. As such, the following resource areas have been eliminated from detailed analysis in this PEA: Water Quality, Vegetation and Wildlife, Cultural Resources, Coastal Barriers, Coastal Zone Management Areas, Wild and Scenic Rivers and Nationwide Rivers Inventory, Wilderness Areas, National Natural Landmarks, Floodplains and Wetlands.

**Water Quality.** This PEA does not address specific locations where access and improvement activities under ILA will occur; therefore, impacts to water quality are not analyzed here. As with all access and improvement activities undertaken by ILA, a site-specific ESW would be conducted prior to approval of any site-specific access or improvement activities once selected partners have identified those specific locations that have been determined to be feasible locations that align with the purpose of the ILA. Outreach and education or technical assistance activities under ILA are not expected to result in any impacts to water quality, as all activities under these categories would not involve discharge to surface or ground waters and therefore would not have the potential to adversely impact water quality. The site-specific review process for ILA activities that may impact water quality (access and improvement) protected under the Clean Water Act is discussed in further detail in Section 5.1.

**Vegetation and Wildlife.** This PEA does not address specific locations where access and improvement activities under ILA will occur; therefore, impacts to vegetation and wildlife are not analyzed here. As with all access and improvement activities undertaken by ILA, a site-specific ESW would be conducted prior to approval of any site-specific access or improvement activities once selected partners have identified those specific locations that have been determined to be feasible locations that align with the purpose of the ILA. Outreach and education or technical assistance activities under ILA are not expected to result in any impacts to vegetation and wildlife, as all activities under these categories will be performed without permanent alterations to the environment or potential habitat for at-risk species. The site-specific review process for ILA activities that may impact species or their critical habitat (access and improvement) listed under the Endangered Species Act or the Migratory Bird Treaty Act is discussed in further detail in Section 5.4 and 5.6, respectively.

**Cultural Resources.** This PEA does not address specific locations where access and improvement activities under ILA will occur; therefore, impacts to cultural resources are not analyzed here. As with all access and improvement activities undertaken by ILA, a site-specific ESW would be conducted prior to approval of any site-specific access or improvement activities once selected partners have identified those specific locations that have been determined to be feasible locations that align with the purpose of the ILA. The likely impact of ILA access and improvement activities on cultural resources would not be greater than expected for normal agricultural production, as the program simply increases access to normal agricultural production for historically underserved producers. In some cases, land that was previously in pasture or forest may be broken out into row crops. In these situations, consultation with the appropriate SHPO, THPOs, and Tribes would be performed before any action is undertaken. Outreach and education or technical assistance activities under ILA are not expected to result in any impacts to cultural resources, as all activities under these categories would not result in ground disturbance or permanent alterations to historic structure. The site-specific review process for ILA activities that may impact cultural or historic resources (access and improvement) listed under National Historic Preservation Act is discussed in further detail in Section 5.7.

**Coastal Barriers and Coastal Zones.** This PEA does not address specific locations where access and improvement activities under ILA will occur; therefore, impacts to coastal barrier and coastal zones are not analyzed here. As with all access and improvement activities undertaken by ILA, a site-specific ESW would be conducted prior to approval of any site-specific access or improvement activities once selected partners have identified those specific locations that have been determined to be feasible locations that align with the purpose of the ILA. Access or improvement projects that are anticipated to occur in a coastal barrier system unit will not be funded and alternative locations will be identified. Outreach and

education or technical assistance activities under ILA are not expected to result in any impacts to coastal zones or coastal barriers, as all activities under these categories would not result in permanent structures or other development that impedes the ecological services provided by coastal ecosystems. Additionally, technical assistance provided in coastal areas will emphasize the importance of environmental stewardship to reduce non-point source runoff into coastal ecosystems. The site-specific review process for ILA activities that may impact protected coastal areas (access and improvement) listed under the Coastal Zone Management Act and the Coastal Barrier System Act is discussed in further detail in Section 5.2 and 5.3, respectively.

***Wild and Scenic Rivers and Nationwide Rivers Inventory.*** This PEA does not address specific locations where access and improvement activities under ILA will occur; therefore, impacts to designated Wild and Scenic Rivers or rivers listed in the Nationwide Rivers Inventory are not analyzed here. As with all access and improvement activities undertaken by ILA, a site-specific ESW would be conducted prior to approval of any site-specific access or improvement activities once selected partners have identified those specific locations that have been determined to be feasible locations that align with the purpose of the ILA. Outreach and education or technical assistance activities under ILA are not expected to result in any impacts to Wild and Scenic Rivers or rivers listed in the Nationwide Rivers Inventory, as all activities under these categories would not result in permanent structures or other development that would impact the scenic nature of these rivers. The site-specific review process for ILA activities that may impact designated Wild and Scenic Rivers or rivers listed in the Nationwide Rivers Inventory (access and improvement) listed under the Wild and Scenic Rivers Act is discussed in further detail in Section 5.8.

***Wilderness Areas and National Natural Landmarks.*** This PEA does not address specific locations where access and improvement activities under ILA will occur; therefore, impacts to designated wilderness areas and national natural landmarks are not analyzed here. As with all access and improvement activities undertaken by ILA, a site-specific ESW would be conducted prior to approval of any site-specific access or improvement activities once selected partners have identified those specific locations that have been determined to be feasible locations that align with the purpose of the ILA. Most lands expected to be selected for ILA funding are privately owned; therefore, there is limited potential for impacts to National Natural Landmarks, Federal Wilderness, Wilderness Study Areas, National or State Parks, or Federal or State Wildlife Refuges. The site-specific review process for ILA activities that may impact designated wilderness areas or national natural landmarks (access and improvement) listed under the Wilderness Act is discussed in further detail in Section 5.9.

***Floodplains and Wetlands.*** This PEA does not address specific locations where access and improvement activities under ILA will occur; therefore, impacts to floodplains and wetlands are not analyzed here. As with all access and improvement activities undertaken by ILA, a site-specific ESW would be conducted prior to approval of any site-specific access or improvement activities once selected partners have identified those specific locations that have been determined to be feasible locations that align with the purpose of the ILA. Outreach and education or technical assistance activities under ILA are not expected to result in any impacts to floodplains or wetlands, as all activities under these categories would not involve permanent construction activities and therefore would not have the potential to adversely impact or otherwise degrade the floodplain or wetlands. The site-specific review process for ILA activities that may impact floodplains (access and improvement) protected under Executive Order 11998 or wetlands protected under Executive Order 11990 is discussed in further detail in Section 5.11 and Section 5.10, respectively.

## 3.2 Resources Considered with Detailed Analysis

This section describes the environment that would be affected by implementing the alternatives described in Chapter 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Under the No Action Alternative, the Proposed Action would not be implemented. The No Action Alternative would result in the continuation of the current land and resource uses in the project area.

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### 3.2.1 Soils and Other Important Land Resources

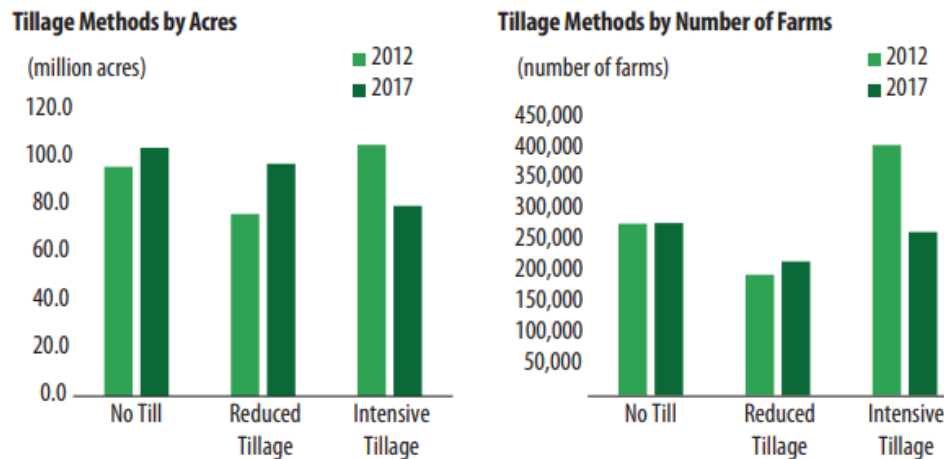
#### Definition of Resource

Soil is composed of minerals and organic matter formed from the weathering of bedrock and other parent materials, as well as decaying plant matter. Soils are described and classified in terms of their properties including color, texture, particle size, moisture, and chemistry. The national system of soil classification identifies sets of soil properties and groups them into 12 taxonomic orders, which are further divided into groups, families, and series (NRCS, 2019). Further, the Farmland Protection Policy Act (FPPA) identifies prime farmland, unique farmland, and land of statewide or local importance to be protected from conversion to non-agricultural uses. The FPPA defines prime farmland as land that has the best combination of physical and chemical characteristics and unique farmland as land other than prime farmland that is used for production of specific high-value food and fiber crops.

#### Affected Environment

Soil functions include regulating water, sustaining plant and animal life, filtering pollutants, cycling nutrients, and supporting buildings and structures. Conventional agricultural practices can pose a threat to the ability for soil to provide these ecosystem services. Practices such as mechanical tilling, intensive pesticide application, and the use of inorganic fertilizers have been known to contribute to erosion, loss of biodiversity within the topsoil, and decline in organic matter. Conventional agricultural practices can often result in soil degradation over time due to inadequate and imbalanced nutrient management (Yang *et al.*, 2020). Alternatively, conservation-minded agricultural practices such as cover crop, crop rotation, and no-till management can result in improved soil health conditions that retain the natural ecosystem services provided by healthy soils (Alori *et al.*, 2020).

The 2017 Agricultural Census found that between 2012 and 2017, the number of farms utilizing intensive tillage techniques has declined by 35% (Figure 1). Further, at the same time there was an increase in the number of farms planting cover crops by 15%. The positive trend towards more conservation practices being applied across the landscape is also supported by the recent findings of NRCS' 2022 CEAP report "Conservation Practices on Cultivated Cropland." NRCS found that since the initial CEAP survey conducted between 2003 and 2006, farmers were increasingly integrating conservation management techniques and structural treatments in a systems approach to improve results on their operations. By CEAP II, the combined practices had increased by 66 percent and were in place on over 107 million acres, or 34 percent of all cultivated cropland.



**Figure 1.** Changes in tillage methods between 2012 and 2017 (NASS, 2017).

In the U.S., the amount of land that has been used as cropland has remained relatively consistent with only 4,778 km<sup>2</sup> of growth between 2001 and 2016 based on the National Land Cover Database (Homer *et al.*, 2020). Based on further spatial analysis, a study found in that time, nearly 11 million acres of farmland and rangeland were converted to either urban and highly developed land use or low-density residential land use. Of the 11 million acres converted, 4.4 million acres of land that is best suited for long-term cultivation and food production were converted and removed from agriculture (Freedgood, 2020). As agricultural acres are taken out of production in favor of more developed land uses, protected land resources, such as prime and unique farmland, are expected to decline over time.

## Environmental Consequences

### **No Action Alternative**

Under the No Action Alternative, USDA would not make funds available under the ILA program for land, market, and capital access assistance to underserved producers. Without targeted assistance to increase land access, it is expected that land will continue to transition from agriculture to more developed land uses as land ownership changes. Nearly 34% of producers are over the age of 65, which will likely result in nearly 370 million acres of farmland transferred to new ownership in the near future (NAAS, 2017). Based on the current trajectory of land use patterns and transfer of ownership trends, it is expected that 18.4 million acres of farmland and rangeland would be lost or compromised by conversion to more developed land uses with smaller operations being disproportionately impacted (Hunter *et al.*, 2022).

Without the introduction of comprehensive programs that are designed to address land access and affordability for new producers, such as the ILA program, minor long-term adverse impacts to the conservation of prime and unique farmland are expected. Further, as agricultural producers continue to implement more sustainable farming techniques it is anticipated that soil health across the landscape will experience long-term negligible beneficial impacts.

### **Proposed Action Alternative**

Under the Proposed Action Alternative, USDA would make funds available through the Increasing Land, Capital, and Market Access Program. It is expected that the successful implementation of ILA projects will result in both short-term and long-term minor beneficial impacts for other protected land resources,

such as prime and unique farmland. Short-term benefits are expected to be realized at the local level as farmland or rangeland that is transferring owners will have the opportunity to remain in agriculture with assistance provided through ILA. As some ILA projects will result in long-term funding mechanisms for land and market access, it is expected that there will be long-term minor beneficial impacts to these resources as well.

While ILA will provide beneficial impacts for the short- and long-term preservation of important agricultural land resources, it is expected that the land that is targeted for ILA funding may currently be abandoned, out of active production, or a change in land use from undeveloped land to agricultural land. In these cases, the implementation of ILA will likely result in short-term adverse impacts to soil quality as more intensive agricultural practices will be required to ensure long-term viable and productive land. Over time, it is expected that these short-term adverse impacts will be minimized as producers begin to adopt sustainable conservation practices. These land improvements in some cases may be eligible for financial assistance under the ILA program. Further, the ILA program will include technical assistance for producers to seek additional funding opportunities from USDA agencies, such as NRCS and FSA conservation programs. As such, FSA anticipates that the long-term benefits of the ILA program for soil quality and other protected land resources will outweigh the short-term negative impacts associated with new farming operations.

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### **3.2.2 Socioeconomics and Environmental Justice**

#### **Definition of Resource**

This socioeconomic and environmental justice analysis evaluates how the conditions of a community or Region of Influence would be affected by the implementation of ILA in the rate of population growth, changes in the demographic characteristics, and changes in employment in the agricultural sector. Additionally, the analysis considers how the ILA program will impact communities effected by environmental justice concerns. Environmental justice is defined by the EPA as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.”

#### **Affected Environment**

A 1997 USDA report stated, “minority farmers have lost significant amounts of land and potential farm income as a result of discrimination by FSA programs and the programs of its predecessor agencies” (USDA, 1997). Between 1990 and 2010, USDA settled multiple lawsuits alleging that USDA discriminated against farmers based on race or national origin. These include lawsuits brought by Black farmers (*Pigford v. Glickman* and *In re Black Farmers*); Native American farmers (*Keepseagle v. Vilsack*), and Latino farmers (*Garcia v. Vilsack*) (CRS, 2021). Table 2 illustrates the long-term disproportionate availability of government assistance for limited resource producers.

	<b>Not limited resource</b>	<b>Limited resource farms</b>	<b>All farms</b>
Farms receiving government payments (number)	577,114	35,987	613,101
Average government payment (all farms)	4,720	1,190	4,469



Average government payment (dollars per payment farms)	15,403	4,754	14,778
Percent of all payments	98.1%	1.9%	100%

**Table 2.** Producers receiving government payments in 2016 (ERS, 2019).

The ERS defines limited resource farmers as “farm households ... having low farm sales and low household income for 2 years in a row.” About 7 percent of principal operator farm households were classified as being in the limited-resource classification in 2016. Limited resource farms on average are smaller than other farms (having an average of 209 acres versus 411 acres). Principal operators of limited resource farms are also older (average principal operator age was 65 versus 59 for other farms) and more often indicated they were not in the paid workforce, suggesting they may be retired. On average, limited resource farms lost money farming on a cash basis (losing \$11,890) compared to positive farm income for non-limited resource farms (\$27,527).

While FSA has made significant progress towards more equitable services and lowering barriers to access existing programs, the long-term impacts of past policies have resulted in lower participation in FSA programs by underserved producers and therefore has contributed to overall the disproportionately small representation of minority producers when compared to the overall U.S. population, as shown in Table 3.

Race	# of Producers	% of Total Producers	% of U.S. Population
American Indian or Alaska Native	58,199	1.71%	1.12%
Asian	22,016	0.65%	6%
Black or African American	45,508	1.34%	12.4%
Native Hawaiian or Other Pacific Islander	3,018	0.09%	0.21%
More than One Race Reported	26,749	0.78%	10.21%
White	3,244,344	95.43%	61.63%

**Table 3.** Producer demographics data from the 2017 Ag Census (NASS, 2017) compared to 2020 Decennial Census (U.S. Census Bureau, 2020). Note: 112,451 producers (3.3%) were of Hispanic, Latino, or Spanish origin in the 2017 Ag Census. Additionally, 8.42% of the population was identified as “some other race alone” in the 2020 Decennial Census.

Additionally, between 2014 and 2019 the USDA Economic Research Service estimated only 2.3% (21 million acres) of farmland was expected to be available for purchase through the competitive market. Given underserved producers’ limited farming experience or financial resources, the small amount of viable farmland that becomes available for purchase has created a long-term disproportionate barrier for minority and low-income producers to enter the agricultural industry.

## Environmental Consequences

### *No Action Alternative*

Under the No Action Alternative, USDA would not make funds available under the ILA program for land, market, and capital access assistance to underserved producers. Without targeted assistance to underserved producers through ILA, underserved producers will continue to rely on existing programs

such as direct ownership loans through FSA. While existing FSA programs are working towards more equitable delivery, these programs cannot address issues such as lack of awareness of available programs. A recent study done in Ohio found that 62% of survey respondents had never applied for a farm loan through FSA and that of those respondents, a majority were entirely unaware of USDA farm loan programs (Bashir *et al.*, 2020).

Without the introduction of comprehensive programs that are targeted to underserved producers, such as the ILA program, long-term adverse impacts to historically underserved producers are expected. These impacts include the continued lack of diverse representation throughout the agricultural sector and the disproportionately small amount of government assistance to limited resource producers due to lack of awareness.

### ***Proposed Action Alternative***

Under the Proposed Action Alternative, USDA would make funds available through the Increasing Land, Capital, and Market Access Program. Individuals that are the ultimate beneficiaries of the program investments and accompanying technical assistance must be underserved farmers, ranchers, and forest landowners, including women, minorities, Tribes, low-income, veterans, limited resources producers, beginning farmers and ranchers, and/or farmers, ranchers and forest landowners living in high poverty areas. Further, priority points will be awarded to projects that focus on increasing land access, mitigating and preventing land loss, providing specialized project design and focus to address the challenges with land access, innovative ways to connect available land to underserved producers who have challenges in accessing land, or restore lands into the hands of those who have been underserved.

It is expected that the successful implementation of ILA projects will result in both short-term and long-term beneficial impacts for low-income and minority individuals and populations. Short-term benefits are expected to be at the individual-level, where underserved producers will receive targeted outreach, direct technical assistance that helps meet their operational goals, and financial assistance. Additional benefits to underserved producers are expected at the regional and national level for ILA projects funded under Tier I and Tier II, as those projects have national and regional scope. Through these projects underserved producers, at large, will have resources more readily available for the purpose of beginning or operating an agricultural operation. The long-term benefit of these additional resources will be improved access to land, capital, and markets for historically underserved producers.

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### ***3.2.3 Climate Change***

#### **Definition of Resource**

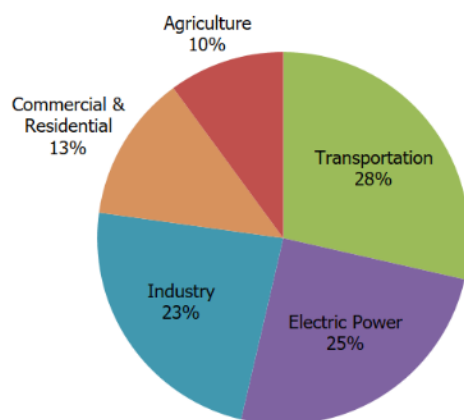
According to the EPA, “climate change refers to significant changes in average climatic conditions—such as temperature, precipitation, wind patterns—that occur over years, decades, centuries, or longer. Climate change involves longer-term trends, such as shifts toward warmer, wetter, or drier conditions. These trends can be caused by natural variability in climate over time, as well as human activities that add greenhouse gases to the atmosphere like burning fossil fuels for energy” (EPA, 2022).

#### **Affected Environment**

Climate change presents real threats to U.S. agricultural production, forest resources, and rural economies. These challenges are complex as agriculture generates 10% of GHG emissions in the U.S.

(Figure 2) through sources such the operation of internal combustion engines, enteric fermentation by livestock, agricultural soil management, manure management, field burning, and other practices. Agricultural activities contribute directly to emissions of GHGs including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). However, land use, land-use change, and forestry in the U.S. are together a net sink and remove approximately 12% of GHG emissions through carbon sequestration (EPA, 2023). Carbon sequestration can mitigate GHG emissions by removing CO<sub>2</sub> from the atmosphere and storing it in plant matter and soils. Carbon sequestration is the process by which atmospheric CO<sub>2</sub> is taken up by trees, grasses, and other plants through photosynthesis and stored as carbon in biomass and soils. There are substantial implications for farmers, ranchers, and forest landowners.

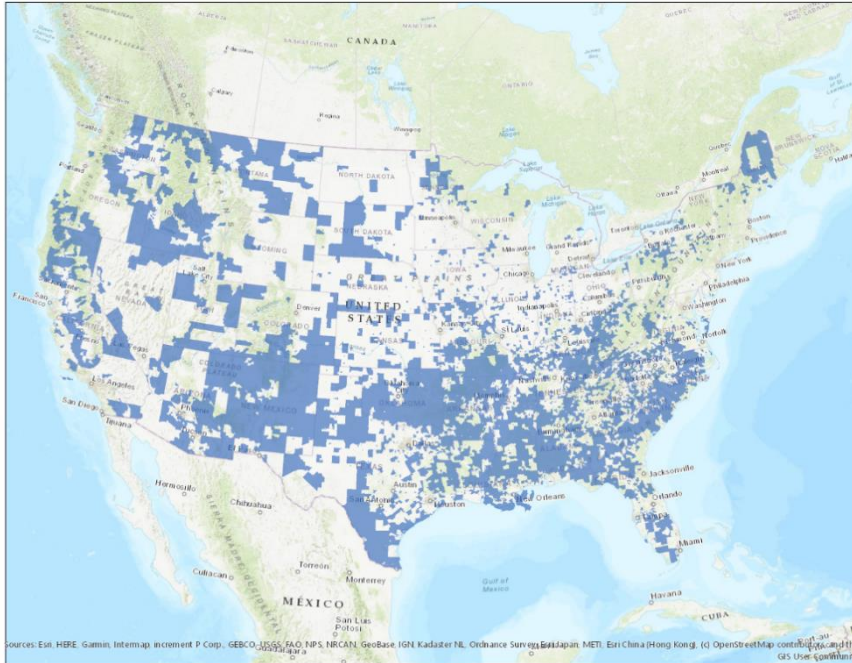
### Sources of U.S. Greenhouse Gas Emissions in 2021



U.S. Environmental Protection Agency (2023).  
Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 - 2021

**Figure 2.** Sources of U.S. Greenhouse Gas Emissions in 2021.

Land managers across the country are already feeling the pressures of a changing climate and its effects on weather. As these risks continue and amplify, producers will be faced with the challenges of adapting. Nearly a third of census tracts throughout the United States are disadvantaged due to disproportionate burdens associated with climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development (The White House, 2022). Of those 27,251 communities identified as disadvantaged, 8,254 of those communities have an expected agricultural loss rate of 50% or greater due to increasing natural disasters (Figure 3).



**Figure 3.** Disadvantaged census tracts with an expected annual loss rate for agriculture of 50% or greater.

## Environmental Consequences

### ***No Action Alternative***

Under the No Action Alternative, USDA would not make funds available under the ILA program for land, market, and capital access assistance to underserved producers. Without targeted assistance to increase land access, agricultural producers will likely continue to access existing loan programs to purchase operations as the aging producer demographic retires. Under the No Action Alternative, there would be less resources available for potential producers to purchase existing operations. As a result, it is expected that more land would continue to transition from agriculture to more developed land uses as land values continue to increase, especially in more densely populated and urban areas. When agricultural lands transition to housing or other commercial uses it has been found that emissions from that piece of land may be 58-70 times greater than if it had remained in farming (AFT, 2018). Further, as impermeable surfaces increase, particularly around urban areas, there is a potential for slight increases in temperatures for those densely populated areas.

Without the introduction of comprehensive programs that are designed to address land access and affordability for new producers, such as the ILA program, minor long-term adverse impacts to climate change conditions are expected, especially in urban and suburban environments where agricultural land becomes available for purchase. These impacts will likely compound with environmental justice concerns to result in continued disproportionate climate related impacts on underserved communities.

### ***Proposed Action Alternative***

Under the Proposed Action Alternative, USDA would make funds available through the Increasing Land, Capital, and Market Access Program. It is expected that the successful implementation of ILA projects will ultimately result in negligible impacts to overall climate trends. There is expected to be both short-term minor adverse impacts to and the potential for long-term minor beneficial impacts relating to

greenhouse gas emissions and carbon sequestration. Short-term adverse impacts are expected to occur where ILA funds will be used to purchase an existing operation or otherwise undeveloped land that has not been in active agricultural production. This will likely result in reduced carbon sequestration benefits as land becomes actively managed, resulting in greenhouse gas emissions through soil management activities. Alternatively, there will likely be minor long-term beneficial impact at the national scale as a proportion of agricultural land that will change ownership will benefit from the assistance available through ILA and as a result stay in agriculture rather than transition to housing or commercial use. Further, the ILA program will include technical assistance for producers to seek additional funding opportunities from USDA agencies, such as NRCS and FSA conservation programs. As such, FSA anticipates that the long-term benefits of the ILA program relating to climate change will outweigh the short-term negative impacts associated with new farming operations.

## 4. CUMULATIVE IMPACTS

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### 4.1 Definition

CEQ regulations stipulate that a cumulative effects analysis be conducted to consider the potential environmental impacts resulting from “the incremental impacts of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency or person undertakes such other actions.” Cumulative effects most likely arise when a relationship exists between a proposed action and other actions expected to occur in a similar location or during a similar period. An action which overlaps with or is in proximity to other proposed actions would be expected to have more potential for a cumulative effect on the same resources than actions that are more geographically separated. Similarly, actions that coincide, even partially, in time tend to have potential for cumulative effects.

### 4.2 Past, Present, and Reasonably Foreseeable Actions

The affected environment for this cumulative impact analysis includes the lands within the U.S. and its territories eligible for assistance through ILA, and those agricultural lands that become available for transfer of ownership during the lifespan of the program.

There are other agricultural programs that help to make land, capital, and market available to producers. A brief overview of the relevant Federal programs is provided below. Other programs could be used on the same or adjacent agricultural and forestry lands and, therefore, may result in overlapping cumulative effects. Some USDA programs that may potentially contribute to beneficial cumulative effects are:

#### *Agricultural Conservation Easement Program*

The Agricultural Conservation Easement Program (ACEP) is a voluntary easement program comprised of an agricultural land easement (ALE) component on farms and ranches that protects them from development and a wetland reserve easement component (WRE) for restoring and protecting wetlands that have previously been impacted by agricultural practices. The 2014 Farm Bill created the ACEP by merging the Farm and Ranch Lands Protection Program, the Grassland Reserve Program, and the Wetlands Reserve Program, each of which was in effect during the period of the 2008 Farm Bill.

#### *Conservation Reserve Program*

The Conservation Reserve Program (CRP) pays producers to establish vegetative cover on environmentally sensitive cropland and marginal pastureland. The intent of the program is to temporarily retire from production croplands and other lands that also contribute considerable amounts of pollutants to surface waters when used for agricultural production or provide important wildlife benefits if idled with appropriate vegetative cover, or both.

#### *Environmental Quality Incentives Program*

The Environmental Quality Incentives Program (EQIP) provides financial and technical assistance to landowners and operators to voluntarily address resource concerns on working agricultural and forestry lands through the installation or implementation of structural and management practices. Payments representing up to 75 percent of the average incurred costs and income foregone of certain conservation practices and activities are provided.

### *Farm Loan Programs*

Farm Loan Programs (FLP) provides direct and guaranteed loans to help farmers and ranchers get the financing they need to start, expand or maintain a family farm. Farm ownership, operating, and conservation loans are available under the Guaranteed Loan Program, while farm ownership, operating, and emergency loans are available under the Direct Loan Program. In addition, FSA provides funding to intermediary lenders for the Highly Fractionated Indian Land Loan Program.

### *Heirs Property Relending Program*

The Heirs' Property Relending Program (HPRP) provides funds to eligible entities to relend with the purpose of assisting heirs to resolve ownership and succession issues on farmland with multiple owners. Once USDA's Farm Service Agency (FSA) selects lenders, heirs can apply directly to those lenders for loans and assistance. HPRP is a loan program and loans to intermediaries will need to be repaid as directed by the 2018 Farm Bill.

### *Partnerships for Climate-Smart Commodities*

Partnerships for Climate-Smart Commodities (PCSC) provides grants for pilot projects that create market opportunities for U.S. agricultural and forest products produced using climate-smart practices and include innovative, cost-effective methods for quantification, monitoring and verification of greenhouse gas and carbon sequestration benefits. USDA will support the production and marketing of climate-smart commodities through a set of pilot projects that provide voluntary incentives through partners to producers and landowners to implement climate-smart production practices, activities, and systems on working lands; measure/quantify, monitor, and verify the carbon GHG benefits associated with those practices; and develop markets and promote the resulting climate-smart commodities.

### *Regional Conservation Partnership Program*

The Regional Conservation Partnership Program (RCPP) encourages partners to join in efforts with producers to increase the restoration and sustainable use of soil, water, wildlife, and related natural resources on regional or watershed scales. Through the program, NRCS and its partners help producers install and maintain conservation activities in selected project areas. Partners leverage RCPP funding in project areas and report on the benefits achieved.

## **4.3 Cumulative Impacts of the Proposed Action**

The cumulative total of environmental impacts associated with implementation of the Increasing Land, Capital, and Market Access Program is difficult to measure and varies depending upon the location and timing of application of activities across the landscape. Overall, ILA is not anticipated to have a cumulative positive or negative impact to the environment, as the relative extent of activities is negligible compared to the agricultural industry as a whole. The program anticipates making nearly \$300 million available, which is only approximately 3% of the total funds available for fiscal year 2023 through the various FSA farm loan programs. Income stability from agricultural or forest production, community economic returns, and often human health and safety are expected to improve on a cumulative level when funds are made available for increasing land, capital, and market access across the landscape.

#### **4.4 Irreversible and Irretrievable Commitment of Resources**

NEPA requires that environmental analysis include identification of any irreversible and irretrievable commitments of resources which would be involved should an action be implemented. Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects that the use of these resources has on future generations. Irreversible effects primarily result from the use or destruction of a specific resource that cannot be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored because of the action. The implementation of ILA would result in no irreversible or irretrievable resource commitments.



## **5. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS**

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FSA is responsible for ensuring that projects comply with all relevant authorities. Compliance with these authorities would result in few, if any, negative environmental, social, and/or economic impacts. Consultation, permits, authorities, and actions relative to water quality, endangered, threatened, and protected species, historic and cultural resources, environmental justice, and wetland protections are described in Chapter 5 below, and would be required as applicable.

### **5.1 Clean Water Act**

The Clean Water Act (CWA) was established with the goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. Pursuant to this goal, the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material in waters of the United States (WOTUS) under Section 404 of the CWA, which includes adjacent wetlands. Work and structures located in, or that affect, WOTUS, including work below the ordinary high-water mark in non-tidal waters, also are regulated by USACE and require permits.

Section 402 of the CWA established the National Pollution Discharge Elimination System (NPDES) which sets forth conditions and permitting requirements for point source discharges into WOTUS, including wetlands. In most cases, EPA has delegated NPDES authority to the States and Tribes. Point sources of pollution are primarily defined as direct discharges into surface waters from pipes, ditches, and channels, but also include CAFO's and construction sites. Nonpoint sources of pollution, such as runoff from an agricultural field, are defined as an exclusion to the NPDES program under CWA and are not considered a point source of pollution according to CWA.

There are several CWA provisions that address non-point source pollution which are administered by the states and Tribes. Section 319 of the CWA requires states and Tribes to identify waters impaired by non-point source pollution and adopt a management program. States and Tribes are also required to establish water quality standards under Section 303(d) of the CWA and allowable Total Maximum Daily Loads (TMDLs) that meet water quality standards. Section 401 of the CWA requires states to certify that Federal permits, such as Section 404 CWA permits issued by USACE, are not in violation of any state water quality standards. .

Site-specific access or improvement activities performed under ILA may require consultation with the USACE and a Section 404 permit or require a Section 402 NPDES permit from the state or Tribal authority and undergo an extra level of regulatory review. Additionally, the ILA may provide funds in some cases that allow for the establishment or expansion of CAFOs. In situations where this will occur, a Nutrient Management Plan (NMP) will be required alongside an NPDES permit from the state or Tribal permitting authority. Each project will be evaluated for compliance with the CWA and incorporate the information into the NEPA compliance documentation and decision-making.

### **5.2 Coastal Zone Management Act (CZMA)**

The Coastal Zone Management Act encourages coastal states, Great Lake states, and U.S. Territories and Commonwealths (collectively referred to as "coastal states" or "states") to be proactive in managing natural resources for their benefit and the benefit of the Nation. The CZMA Federal consistency provision

(16 U.S.C. § 1456 and 15 C.F.R. part 930) provides states with an important tool to manage coastal uses and resources and to facilitate cooperation and coordination with Federal agencies. Under the CZMA, Federal agency activities that have coastal effects must be consistent to the maximum extent practicable with federally approved enforceable policies of a state's NOAA-approved coastal management program. In addition, the CZMA requires non-federal applicants for federal authorizations and funding to be consistent with enforceable policies of state coastal management programs.

Site-specific activities performed under ILA may require a federal consistency review for activities taking place within a state-designated coastal zone management area. Each project will be evaluated for consistency with the CZMA, and additional regulatory review will be performed on a case-by-case basis. As Florida has designated all counties within the CZMA, it is expected that any ILA projects providing funding for access or improvement activities that will occur, wholly or in-part, in Florida will require a federal consistency review through the Florida State Clearinghouse.

### **5.3 Coastal Barrier Resources Act (CBRA)**

The Coastal Barrier Resource Act (CBRA) provides landscape-level conservation benefits for fish, wildlife, and plant resources by reducing the intensity of development. CBRA does this by restricting federal funding and financial assistance within designated System Units. The CBRS includes 588 System Units, which comprise nearly 1.4 million acres of land and associated aquatic habitat. There are also 282 "Otherwise Protected Areas," a category of coastal barriers that are mostly held for conservation and/or recreation purposes that include an additional 2.1 million acres of land and associated aquatic habitat. Section 6 of the CBRA permits certain federal expenditures and financial assistance within the Coastal Barrier Resources System (CBRS), but only after consultation with the U.S. Fish and Wildlife Service.

It is not anticipated that any available exceptions under Section 6 of CBRA would apply to ILA projects. Therefore, FSA will not provide funding under the ILA to undertake access or improvement activities within System Units designated under the CBRA.

### **5.4 Endangered Species Act (ESA)**

Section 9 of the ESA, as amended, and federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption such as by a permit.

Section 7 requires Federal agencies to use their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of endangered and threatened species. Agencies are further required to ensure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of habitat for such species. If FSA proposes to fund or undertake an action that may affect ESA-listed species, it must initiate a Section 7 consultation with the Department of the Interior (US Fish and Wildlife Service – FWS) or Commerce (NOAA National Marine Fisheries Service - NMFS). Regulations specify the procedural requirements for these consultations (50 Part C.F.R. 402). Federal agencies must determine whether their proposed actions will have no effect on threatened and endangered species or whether informal or formal consultations is required with the FWS or NMFS. Informal consultation requires that the action agency prepare a Biological Assessment for concurrence by the FWS or NMFS.

A formal section 7 consultation results in a Biological Opinion prepared by the NMFS or FWS. If unintentional but not unexpected take of ESA-listed species may result from the MDP action, and it is determined that the take would not jeopardize the continued existence of the species, the Biological Opinion may include an incidental take statement. The incidental take statement specifies the amount or extent of anticipated take that is allowable due to the Federal action. It also outlines reasonable and prudent measures to minimize the take, and terms and conditions that must be observed when implementing those measures.

FSA has not made any effects determinations or initiated informal or formal consultation with NMFS or the FWS on the Proposed Action in this PEA. It is impractical to predict which listed species may be affected, or the way they may be affected, until site-specific actions are known. The action area for the PEA is too broad, and the geographic and temporal parameters of actions that may affect listed species is too speculative, to enable meaningful consultations. Therefore, consultations would be initiated at the earliest planning stage for site-specific actions when FSA determines the action may affect listed species.

## **5.5 Farmland Protection Policy Act (FPPA)**

The FPPA, implemented by NRCS, aims to minimize the impacts Federal programs have on the irreversible conversion of farmland to nonagricultural uses. For FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Activities under the ILA are not expected to result in irreversible conversion of farmland to nonagricultural uses, as it defies the purpose of the program. Additionally, NRCS has identified an exemption to the FPPA for “the construction of on-farm structures necessary for farm operations” (7 CFR 658.3). This exemption would be applicable for all access and improvement activities that occur on prime or unique farmland. Therefore, FSA has determined any site-specific projects that would result in the permanent and irreversible conversion of farmland, as defined by the FPPA, is not eligible for funding under the ILA.

## **5.6 Migratory Bird Treaty Act (MBTA)**

The MBTA protects over 1,000 species of migratory bird species from any attempt at hunting, pursuing, wounding, killing, possessing, or transporting any migratory bird, nest, egg, or part thereof, unless permitted by regulations (i.e., for hunting and subsistence activities). Additional protection is allotted under the Bald and Golden Eagle Protection Act for the identified species. Compliance with the MBTA does not usually require a permit or authorization; however, the FWS is currently working on proposed rulemaking that may impact whether permits for certain Federal activities is required.

Generally, activities under the ILA are expected to have no adverse impacts on migratory bird species. To ensure no adverse impacts to migratory birds, FSA will evaluate site-specific projects involving access or improvements for potential impacts. If ILA activities have the potential for migratory bird impacts, FSA will consult with the FWS to identify avoidance and minimizations measures. These measures would be incorporated into the information in the NEPA compliance documentation and decision-making.

## **5.7 National Historic Preservation Act (NHPA)**

The NHPA of 1966, amended in 1992, requires that responsible agencies taking action that may potentially affect any property with historic, architectural, archeological, or cultural value that is listed on or eligible for listing on the National Register of Historic Places (NRHP) comply with the procedures for consultation and comment issued by the Advisory Council on Historic Preservation. The responsible agency also must identify properties affected by the action that are listed on or potentially eligible for listing on the NRHP, usually through consultation with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO).

The ILA, and all associated site-specific projects, must comply with the NHPA by coordinating with the SHPO, THPO, or relevant Tribes, when necessary. Improvement activities that involve ground-disturbing work will be considered supported categorical exclusions which will require a heightened environmental review, as defined in FSA NEPA Implementing Regulations (7 CFR 799.31). Therefore, consultations would be initiated at the earliest planning stage for site-specific actions when FSA determines the action may affect historic, architectural, archeological, or cultural resources.

## **5.8 Wild and Scenic Rivers Act (WSRA)**

The WSRA established the National Wild and Scenic Rivers System to preserve rivers deemed to have outstanding natural, cultural, and recreational values. The National Wild and Scenic River System consists of a river or river segments that are in free-flowing condition which have been categorized as wild, scenic, or recreational. The National Wild and Scenic River System is administered by various land management agencies. To ensure continued protection of these waterways, Federal agencies may not provide financial assistance for projects which would have a direct and adverse effect on the values for which a river was designated.

When an ILA project involves access or improvement activities that has the potential to adversely impact a river or river segments listed under the WSRA, FSA will coordinate with the jurisdictional lead agency so that adverse impacts are avoided, minimized, or mitigated. Access and improvement activities under the ILA are not expected to have more than short-term minor adverse impacts on wild and scenic rivers. Any avoidance, minimization, or mitigation measures provided by the jurisdictional agency would be incorporated into the information in the NEPA compliance documentation and decision-making.

## **5.9 Wilderness Act**

The Wilderness Act established the Wilderness Preservation System to protect and preserve the wilderness character of designated areas by prohibiting certain uses, such as timber harvest, new grazing and mining activity, or any other kind of development. The Wilderness Preservation System is administered by various land management agencies. To ensure the continued wilderness character of designated wilderness areas, Federal agencies must consider whether proposed actions will result in an adverse impact on wilderness areas within the action area.

As areas designated as part of the Wilderness Preservation System are Federal lands, it is not anticipated that any available ILA projects would occur within wilderness areas. Access or improvement activities that occur adjacent to any wilderness areas will require consultation with the jurisdictional Federal

agency to ensure consistency with the Wilderness Act. FSA will not provide funding under the ILA to undertake access or improvement activities that are not consistent allowable land uses as defined in the Wilderness Act.

### **5.10 Executive Order 11990: Protection of Wetlands**

The purpose of Executive Order 11990 is to minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. To meet these objectives, the order requires Federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided.

When an ILA project involves improvement activities impacting a wetland, an alternative site will be considered. Where an alternative site is not feasible, FSA will ensure proper USACE permitting (with appropriate mitigation measures) is obtained prior to initiating the site-specific activity. Improvement activities under the ILA are not expected to have more than short-term minor adverse impacts on wetlands and can sometimes result in longer term beneficial impacts as individual projects may help restore habitats within wetlands or ensure long term exclusion of livestock from wetland areas in a pasture through fencing. FSA staff will consider potential adverse impacts to wetlands on a project-level basis and implement best practices to ensure permanent damage is avoided.

### **5.11 Executive Order 11998: Floodplain Management**

The purpose of Executive Order 11998 is to avoid the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. It requires each Federal agency take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains. Each agency should determine if any actions undertaken would occur in a floodplain and evaluate the potential effects of any actions. If an agency has determined to, or proposes to, conduct, support, or allow an action to be in a floodplain. The agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains.

When an ILA project involves access or improvement activities impacting a floodplain, an alternative site will be considered. Where an alternative site is not feasible, FSA will ensure a floodplain development permit, is obtained prior to initiating the site-specific activity. Access and improvement activities under the ILA are not expected to have more than short-term minor adverse impacts on floodplains. Where ILA access or improvement activities involve constructing or restoring a structure within the floodplain, the property owner will be required to obtain a flood insurance policy or meet floodproofing requirements as required in the development permit for that federally supported structure. FSA staff will consider potential adverse impacts to floodplains on a project-level basis and ensure proper permitting is in place to ensure permanent damage is avoided.

## **5.12 Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**

The purpose of Executive Order (E.O.) 12898 is to focus Federal attention on the environmental and human health effects of Federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities. It directs Federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. FSA complies with Executive Order 12898 by reviewing a proposed project to identify the presence of low-income and/or minority populations that could be affected by the project. FSA then analyzes if those populations/communities would bear any disproportionately high and adverse human health or environmental effects from the project's implementation. If FSA determines that the proposed project could cause disproportionately high and adverse effects for low-income or minority populations, measures to minimize, mitigate, or avoid those impacts would be implemented.

Activities under the ILA are not expected to result in disproportionate adverse impacts to minority and low-income populations, as an adverse impact would defy the purpose of the program. Further, the NFO states that all "individuals that are the ultimate beneficiaries of the program investments and accompanying technical assistance must be underserved farmers, ranchers, and forest landowners, including veterans, limited resources producers, beginning farmers and ranchers, and/or farmers, ranchers and forest landowners living in high poverty areas." Therefore, it is expected that ILA will have beneficial long-term and short-term impacts to communities with environmental justice concerns.

## 6. IMPLEMENTATION

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Site-specific actions are projects undertaken or funded by FSA through the ILA that are consistent with the categories identified in Section 1.1.3 and the Proposed Action Alternative. FSA anticipates using this PEA to guide decision-making for site-specific actions for the FY2022 National Funding Opportunity and future funding opportunities that are substantially similar. For any future funding opportunities considered substantially similar, FSA would review the PEA, and relevant environmental concerns, to determine whether the PEA's scope and analysis remain applicable to the program. If the program's mandate or focus shifts substantially during that time a new PEA may be prepared or this PEA may be supplemented.

As site-specific actions are being considered under the ILA, this PEA would be reviewed to determine whether they are within the scope of its analysis. It is expected that most activities occurring under ILA will be consistent with FSA's categorical exclusions (7 CFR 799.31 – 33). If additional NEPA analysis is warranted for a specific decision, it may be tiered from this PEA as appropriate. Consistent with CEQ regulations at 40 C.F.R. 1508.28, the tiered NEPA documents would incorporate by reference the applicable general discussions in this PEA and concentrate solely on the issues specific to the analysis being prepared.

Supplemental EAs would be prepared consistent with CEQ regulations at 40 C.F.R. 1502(c) if:

- the ILA is considering an action that is substantially different from the proposed action and the changes are relevant to environmental concerns, or
- there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

### 6.1 Process for Screening Site-Specific Projects

Evaluation of project-specific impacts would be addressed by FSA staff during the planning process for each ILA project at the earliest possible time to ensure that any significant environmental issues are identified; that consultation among agencies, other area programs, and the public (where applicable) occurs; and that a decision may be made on whether the PEA appropriately addresses all components of the ILA project or whether a more detailed analysis of the project is required.

A step-wise approach would be used to evaluate each project, as outlined below in Figure 4, the ILA NEPA Process. The first step is to determine whether the project is consistent with one or more of the four overarching categories identified in Section 1.1.3 and analyzed throughout the PEA. If the project does not clearly fall within a category, it is not covered by this PEA. However, it may be considered for approval to the extent that it is consistent with the ILA. In such case, a separate NEPA analysis would be prepared, which may tier from this PEA where there is overlap in resources affected or potential impacts.

If the project proposal is deemed to be consistent with the PEA, the cooperative agreement or grant will be signed with special award conditions (see Section 6.2) for site-specific analysis. Once the cooperative agreement or grant is signed, partner organizations will be able to perform outreach/education and technical assistance activities as identified in Section 1.1.3. In addition to beginning the outreach and technical assistance activities, partners will begin identifying site-specific access and improvement

activities. Once these activities are identified for assistance under the cooperative agreement or grant, FSA will perform site-specific environmental reviews using the Environmental Screening Worksheet (FSA-850). Activities will be evaluated consistent with FSA's NEPA Implementing Regulations (7 CFR 799).

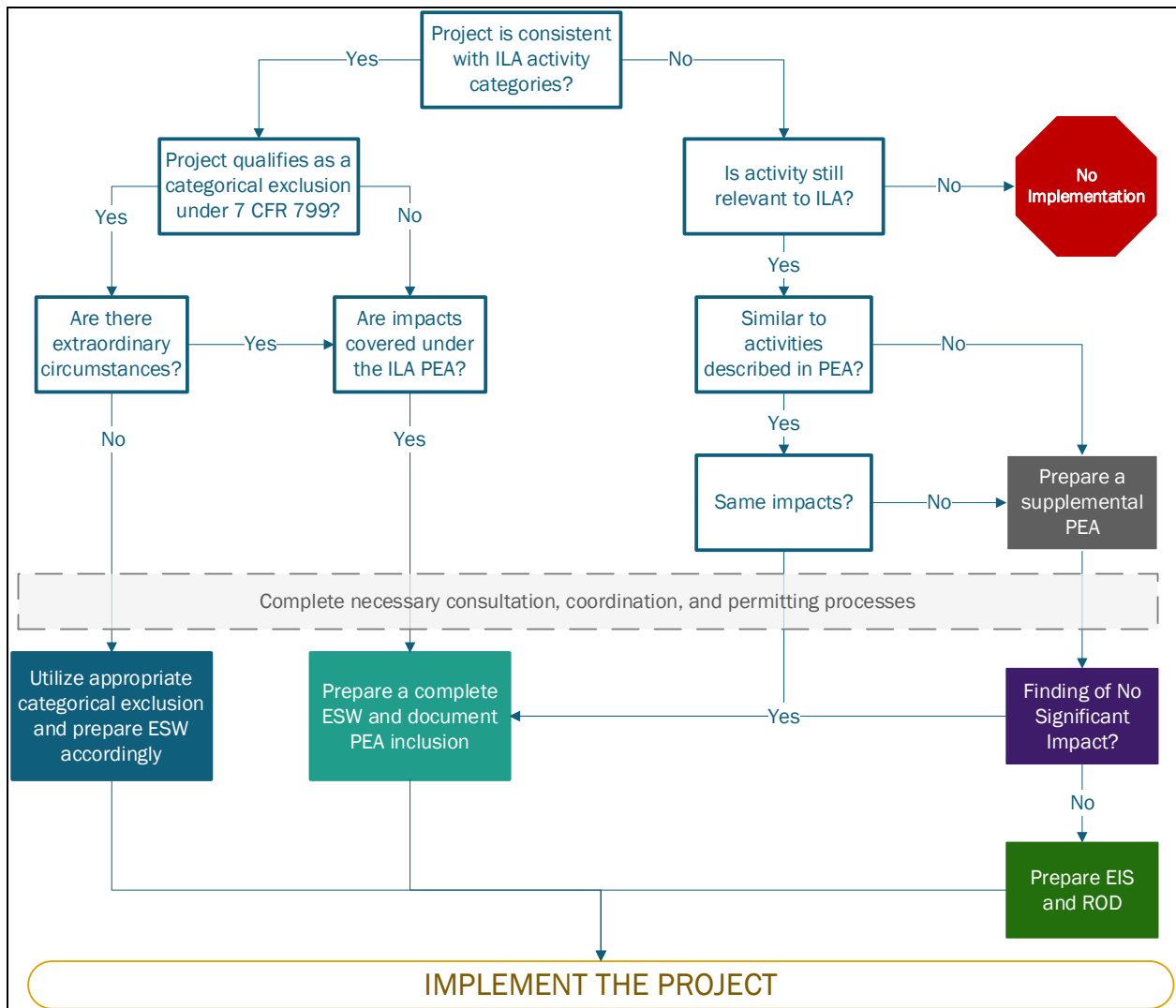


Figure 4. ILA NEPA Decision Tree Process.

## 6.2 Special Award Conditions and Conditional Approval of Specific Projects

Conditional approval is a mechanism whereby an applicant is provided an opportunity to satisfy additional NEPA or other environmental compliance requirements before an action may occur. Cooperative agreements and/or grants entered under ILA will include requirements that prior to any expenditures associated with access or improvement activities, a site-specific environmental review must be completed. Additionally, partners must demonstrate compliance with applicable laws for environmental protection by providing proof of permits, licenses, and authorizations prior to implementing the project.

For example, if a lead partner under a funded ILA cooperative agreement or grant performs an outreach event that results in a producer application for access assistance that requires tree removal, a site-



specific environmental review of the access assistance application will be performed. At the time of the site-specific environmental review, FSA will take inventory of the protected resources present within the action area and assess whether there is a potential to adversely impact those resources present. FSA will perform environmental reviews consistent with the descriptions provided in Chapter 5. If the site-specific project will result in adverse impacts to any protected resource, and the applicant cannot modify their action to avoid take or other adverse impacts, FSA may determine that the action is not appropriate for funding under ILA.

A standard condition of awards is that recipients comply with applicable Federal, state, and local laws during project implementation. It is not practical or possible for applicants to have secured all applicable permits at the time the proposal, as specific sites are to be identified throughout the life of the cooperative agreement or grant. As such, proposals will be reviewed for high-level consistency with this PEA to determine whether it would threaten violation of laws analyzed throughout this document. If monitoring of the activity suggests the recipient has not complied, or is not capable of complying, the award may be rescinded, or future awards withheld.

## 7. LIST OF PREPARERS AND PERSONS AND AGENCIES CONTACTED

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### List of Preparers

<b>Name and Title</b>	<b>Education and Experience</b>
Rose Vath, FPAC BC, Eastern Regional Environmental Coordinator	Natural Resource Specialist with 7 years of environmental compliance experience with State of Florida and the Federal government. M.S. Oceanography, Florida State University. B.S. Environmental Science, Florida State University.
Kara Winslow, FPAC BC, Farm and Conservation Program Specialist	Natural Resource Specialist with 10 years of NEPA experience. B.S. Biology and Environmental Science, The College of William and Mary.
Michael Mannigan, FSA, Grants Management Specialist	Grants Management Specialist with more than 30 years of NEPA and environmental compliance experience with USDA.

### List of Reviewers

<b>Name and Title</b>	<b>Education and Experience</b>
Robyn Rose, FPAC BC, Deputy Director	Deputy Director for USDA Farm Production and Conservation Business Center Environmental Activities Division with 27 years of Federal government experience. Ph.D. Entomology.
Conisha T. Brumfield, FSA, Senior Advisor for Equity	Senior Advisor for Equity to Administrator and Policy Advisor to FSA. Specialized in research on past Farm Bill legislation, USDA rules and regulations, manuals, handbooks and conducted and coordinated research studies and projects by multiple 1890 universities and community-based organizations. B.A. Tougaloo College, M.A. Mississippi State University, J.D. Mississippi School of Law.
Beth Baragary, FSA, Grants Management Specialist	ILA Grants Management Specialist with 22 years' Federal conservation planning experience. B.S. Agronomy, Northwest Missouri State University

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**Appendix A: Preliminary  
Environmental  
Considerations Review**

## Environmental Considerations Review

*(Only for use during Panel Review for FSA Increasing Land Access Funding Opportunity)*

1. Application Proposal Number:

2. State(s) Involved:

### CONSIDERATIONS FOR FUTURE ENVIRONMENTAL REVIEWS

#### 3. Provide a brief description of the proposal's objectives.

*Include any target values provided (ex: 50 farm purchases, 25 grants to support startup infrastructure, etc.).*

#### 4. Does the proposal indicate the potential for:

Ground Disturbance

Tree or Vegetation Clearing

Change of Land Use

*Please describe the components of the proposal that will result in these impacts.*

#### 5. Were specific sites provided within the proposal?

Yes

No

*If yes, please list all locations below or provide an attachment listing all locations.*

#### 6. Does the proposal involve any public lands (i.e., Federal, State, or locally owned land)?

Yes

No

#### 7. Does the proposal target Tribal lands or Tribal producers?

Yes

No

#### 8. Other Considerations or Notes

## **Appendix B: Environmental Screening Worksheet**

**FSA-850**  
(03-23-22)

**U.S. DEPARTMENT OF AGRICULTURE**  
Farm Service Agency

**ENVIRONMENTAL SCREENING WORKSHEET**

**1. GENERAL INFORMATION**

1A. Producer or Applicant Name

1B. State & County Code

1C. Location of Proposed Action (*Farm, Tract, Field numbers, GPS location, etc.*)

**2A. BACKGROUND**

(1) FSA's proposed action is: (*Describe Action Below*)

(2) Describe the site and its present use:

(3) Describe the surrounding land uses; indicate the directions and approximate distances involved. The extent of the surrounding land to be considered depends on the extent of the potential impacts of the project and its related activities:

(4) Will the action involve ground disturbance below the previous level of disturbance or change in land use?

(5) Has another Federal Agency already completed an environmental evaluation for this specific action?

**2B. LISTED CATEGORICAL EXCLUSIONS (L-CATEX)**

(1) Do any of the "L" CATEX's fully cover the proposed action, as listed in Handbook 1-EQ (Rev. 3) Exhibit 17 (7 CFR Part 799.31)?

If "YES", record the assigned code for the applicable "L" Categorical Exclusion:

(2) Are there extraordinary circumstances, as listed in Handbook 1-EQ Paragraph 25, triggered?

**YES**

**NO**

**IF ITEM 2B1 IS ANSWERED 'YES', AND ITEM 2B2 IS ANSWERED "NO", PROCEED TO ITEM 15.**

**2C. SUPPORTED CATEGORICAL EXCLUSIONS (S-CATEX)**

Do any of the "S" CATEX's fully cover the proposed action, as listed in Handbook 1-EQ (Rev. 3) Exhibit 17 (7 CFR Part 799.32)?

(*If operation is a medium or large CAFOs see Instructions*)

If "YES", record the assigned code for the applicable "S" Categorical Exclusion:

**YES**

**NO**

**IF ITEM 2B1 IS ANSWERED 'NO' AND ITEM 2C IS ANSWERED "NO", AN ENVIRONMENTAL ASSESSMENT IS REQUIRED. PROCEED TO ITEM 15 AND SELECT FINDING B OR C, AS APPROPRIATE.**



<b>3. REQUIRED REVIEW</b>			
<b>3A. Date of Site Visit:</b>			
For the below listed environmental resources, check the box in Column (1) to indicate the resources that are present on the site(s) of the proposed action or within the action's area of environmental impact, such as the areas adjacent to the proposed site(s). Attach appropriate documentation. Check the box as appropriate in Column (2) to the right to indicate land uses and environmental resources which may potentially be adversely impacted.	(1) Check if the resource is located within the area of potential effect.		(2) There is potential to impact the resource.
	<b>YES</b>	<b>NO</b>	
<b>3B. Listed Endangered and Threatened Species or critical habitat.</b>  <b>Attach IPaC map to this form.</b> If the box in Column (2) is checked, then consult with the U.S. Fish and Wildlife and National Marine Fisheries Service, as applicable, to ensure that the proposed action is not likely to adversely affect a listed species or destroy or modify its "critical habitat" in accordance with the Endangered Species Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3C. Cultural Resources (NHPA Section 106 Compliance)</b>  Does the action: (1) include ground disturbing activities below the level of previous ground disturbance; (2) affect a building or structure that is at a minimum 50 years old or (3) affect a historic landscape?  YES <input type="checkbox"/> NO <input type="checkbox"/> (Proceed to Item 3D.)  If "YES", complete the check boxes in Column (1) & (2) to the right based on the results of the required consultations and attach the following:  (1) Conduct research to identify the presence of cultural resources. (check National Register, State archaeological site files, tribal resources, and owner discussions) (2) Consultation with SHPO, THPO and Indian Tribes, as appropriate, to determine if further consultation required (needed identification surveys)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3D. Coastal Barrier in Coastal Barrier Resources System</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3E. Approved Coastal Zone Management Area</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3F. Wilderness</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3G. Wild and Scenic River, or listed on the Nationwide Rivers Inventory</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3H. National Natural Landmark</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3I. Sole Source Aquifer (Designated by Environmental Protection Agency)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3J. Floodplains – Flood Map Panel # _____</b>  For actions with disturbances or development to occur within a floodplain, attach applicable floodplain development permit, elevation surveys, and maps, if available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3K. Wetlands</b>			<b>YES</b>
			<b>NO</b>
(1) Does the proposed action have potential to adversely impact a wetland (e.g., ground disturbance, livestock, or nutrient waste)?  If "YES", proceed to Item 3K(2) below. If "NO" proceed to Item 3L.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Is there a NRCS CPA-026e, United States Army Corps of Engineers, and/or State wetland determination on file or available based on the current AD-1026?  If "YES", attach determination (including any USACE or state permits).  If "NO", and a determination is not available, attach completed FSA-858.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. REQUIRED REVIEW CONT.	YES	NO
<p>3L. SOILS (&amp; HEL)</p> <p>(1) Does the proposed action involve the production of an agricultural commodity on Highly Erodible Land?</p> <p>Attach a copy of one of the following: Producer Farm Data Report, Producer Subsidiary Print or NRCS CPA-026e.</p> <p>If "NO", proceed to Item 4.</p> <p>(2) Does the activity qualify for an exemption as discussed in Handbook 6-CP Paragraph 206?</p> <p>If "NO", attach conservation plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>4. WATER QUALITY</b></p> <p>A. Does the action have the potential to adversely affect surface or ground water quality?</p> <p>If "YES", attach a discussion of impacts on water quality and include copies of:</p> <ul style="list-style-type: none"> <li>• Storm Water Pollution Prevention Plan and permit required for construction projects</li> <li>• National Pollutant Discharge Elimination System permits and nutrient or animal waste plans required for livestock operations</li> <li>• Clean Water Act, USACE, or State water quality permits required</li> <li>• State or County well or water use permits</li> </ul> <p>B. Will the proposed action impact the quality of surface or ground water?</p> <p>If "YES", attach a discussion of any impacts to surface or ground water and supporting documentation.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>5. AIR QUALITY</b></p> <p>Will the proposed action produce air emissions or odors that are regulated by any Federal, State, or local laws or standards?</p> <p>If "YES", attach a discussion of any impacts to air quality and copies of any permits required.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>6. NOISE</b></p> <p>Will the proposed action result in permanent increases in noise?</p> <p>If "YES", attach a discussion of any noise impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>7. IMPORTANT LAND RESOURCES</b></p> <p>A. Will the proposed action result in the conversion of prime or unique farmland to a nonagricultural use in violation of the Farmland Protection Policy Act?</p> <p>B. Is the action consistent with local and state zoning requirements?</p> <p>If "YES", list the zoning:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>8. SOCIOECONOMIC IMPACTS AND ENVIRONMENTAL JUSTICE</b></p> <p>A. Will the proposed action cause any adverse human health or environmental effects to tribal, minority, or low-income communities as defined in the Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"?</p> <p>B. Will the proposed action have any negative impacts on the local social and economic conditions?</p> <p>If "YES", attach a discussion of any adverse effects.</p>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

9. STATE ENVIRONMENTAL POLICY ACT (SEPA)	YES	NO
<p>Is the proposed action subject to a SEPA?</p> <p>If "YES", attach a discussion of the results of compliance with these requirements.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>10. PUBLIC REACTION</b></p> <p>Have there been any negative reactions from the public related to the proposed action or similarly situated actions?</p> <p>If "YES", attach a discussion of any associated comments and related correspondence.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>11. CUMULATIVE IMPACTS</b></p> <p>Are there any cumulative impacts resulting from the proposed action?</p> <p>If "YES", attach a discussion of the cumulative impacts of this action and the related activities. Give particular attention to land use changes and air and water quality impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>12. ALTERNATIVE AND MITIGATION</b></p> <p>A. Did the plan, as submitted, include alternatives or mitigation?</p> <p>B. Will alternative or other mitigation measures have to be considered?</p> <p>If "YES", to either question, attach a discussion of the feasibility of alternatives and any measures which will be required to avoid or mitigate the action and their environmental impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>13. COMMENTS – Attach additional pages as needed.</b></p>		

14. CHECKLIST					
A. Permits & Consultations			B. Forms and Notices		
	Required	Not Required		Required	Not Required
Army Corps of Engineers Sec. 404 and/or 401 Wetland Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form FSA-851, Environmental Risk Survey (only complete for real estate security)	<input type="checkbox"/>	<input type="checkbox"/>
Storm Water Pollution Prevention Plan (SWPPP) associated with an NPDES Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form NRCS CPA-026e, HEL and WC Determination	<input type="checkbox"/>	<input type="checkbox"/>
National Pollutant Discharge Elimination System (NPDES) Permit – General or Individual	<input type="checkbox"/>	<input type="checkbox"/>	Form FSA-858, Determining If A Wetland May Be Present	<input type="checkbox"/>	<input type="checkbox"/>
Concentrated Animal Feeding Operation (CAFO) Permit	<input type="checkbox"/>	<input type="checkbox"/>	Public Notice for Floodplains as required by section 2(a)(4) of EO 11988	<input type="checkbox"/>	<input type="checkbox"/>
Floodplain Development Permit	<input type="checkbox"/>	<input type="checkbox"/>	Public Notice for Wetlands as required by EO 11990	<input type="checkbox"/>	<input type="checkbox"/>
USFWS and/or NMFS consultation for Endangered and Threatened, Species or critical habitats	<input type="checkbox"/>	<input type="checkbox"/>	C. Maps, Photos and Surveys		
			Location and Aerial Maps	<input type="checkbox"/>	<input type="checkbox"/>
			Topo Maps	<input type="checkbox"/>	<input type="checkbox"/>
State Historic Preservation Officer consultation	<input type="checkbox"/>	<input type="checkbox"/>	Site Photos	<input type="checkbox"/>	<input type="checkbox"/>
			Soil Survey	<input type="checkbox"/>	<input type="checkbox"/>
Tribal Historic Preservation Officer(s) consultation	<input type="checkbox"/>	<input type="checkbox"/>	Applicable Protected Resources Maps	<input type="checkbox"/>	<input type="checkbox"/>

**NOTE:** Other permits, forms, maps, surveys and letters may be required and should be attached, as applicable. All permits, forms, maps, surveys and letters should be attached as exhibits corresponding to their appropriate section of this form.

**15. FINDING**

I have reviewed and considered the types and degrees of adverse environmental impacts identified by this evaluation. I have also analyzed the proposal for its consistency with FSA environmental policies implementing the requirements of the National Environmental Policy Act and have considered the potential benefits of the proposal. Based upon this consideration and balancing of these factors, I recommend one of the following:

- A. Per 7 CFR Part 799.30, this proposed action fits within the description of an existing categorical exclusion(s) and triggers no extraordinary circumstances. Neither an Environmental Assessment nor Environmental Impact Statement will be required.
- B. An Environmental Assessment should be completed to provide further and more complete analysis of any adverse impacts and approval of the action must be delayed pending the outcome of the assessment.
- C. An Environmental Impact Statement should be completed to provide further and more complete analysis of any adverse impacts and approval of the action must be delayed pending the outcome of the assessment.

**16. REQUIRED SIGNATURES:**

<b>A. NAME OF PREPARER</b>	<b>B. TITLE OF PREPARER</b>
<b>C. SIGNATURE OF PREPARER</b>	<b>D. DATE DOCUMENT WAS PREPARED (MM-DD-YYYY)</b>
<b>E. NAME OF APPROVAL OFFICIAL</b>	<b>F. TITLE OF APPROVAL OFFICIAL</b>
<b>G. SIGNATURE OF APPROVAL OFFICIAL</b>	<b>H. DATE OF APPROVAL SIGNATURE (MM-DD-YYYY)</b>

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