Resilient Food Systems Infrastructure Program

Environmental Compliance Advanced Training

For the U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) Resilient Food Systems Infrastructure Program (RFSI)



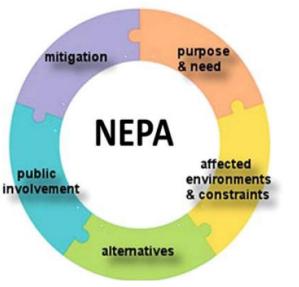
Learning Objectives

- Become familiar with the National Environmental Policy Act (NEPA) implementation process as well as RFSI Grant Program documentation requirements.
- Understand the RFSI grant application screening process required to achieve environmental compliance under NEPA as well as applicable Federal laws and regulations.
- Clearly identify USDA AMS, State/Territory, and applicant responsibilities in the RFSI Grant Program environmental screening process.
- Identify desktop tools available to facilitate site-specific environmental evaluation of RFSI Grant Program applications.



NEPA Documentation Review

- CATEX Categorical Exclusion (40 CFR Part 1501.4)
- EA Environmental Assessment (40 CFR Part 1501.5)
- FONSI Finding of No Significant Impact (40 CFR Part 1501.6)
- **PEA** Programmatic Environmental Assessment (45 CFR Part 900.207)
- EIS Environmental Impact Statement (40 CFR Part
- **ROD** Record of Decision (40 CFR Part 1505.2)





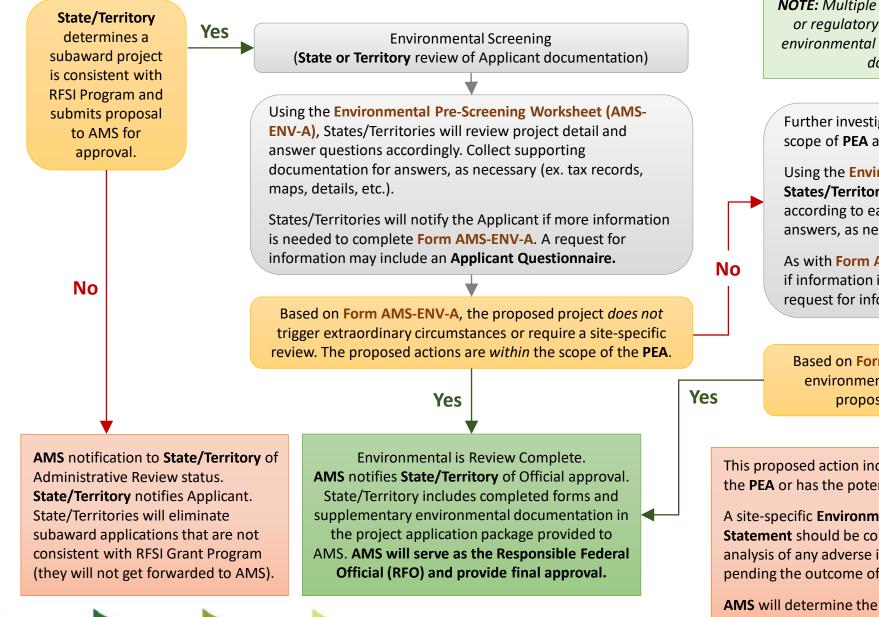
USDA NEPA Implementing Procedures are under development; CATEX cannot be utilized at this time.

RFSI Programmatic Environmental Assessment (PEA) Scope

- Each grant application will be evaluated to determine if its potential environmental impacts have been addressed in the PEA.
- Section 3.2 (*Resources Considered with Detailed Analysis*) finds no significant adverse impacts to the following environmental resource areas:
 - Water Quality
 - Socioeconomics and Environmental Justice
 - Climate Change
- As per Section 3.1 (*Resources Eliminated from Detailed Analysis*), the PEA did not fully consider the following resources for further review at the programmatic level:
 - \circ $\,$ Vegetation and Wildlife
 - Cultural resources
 - Coastal Barrier Resource and Coastal Zones
 - Wild and Scenic Rivers and Nationwide Rivers Inventory

- Wilderness Areas and National Natural Landmarks
- Floodplains and Wetlands
- o Soils and Other Important Land Resources
- o Air Quality
- o Noise





NOTE: Multiple rounds of document requests, permit authorizations or regulatory agency consultation may be required to complete environmental analysis based on project complexity. All supporting documentation will be provided to AMS.

Further investigation is needed to demonstrate actions are *within* scope of **PEA** and *do not* have significant impacts.

Using the Environmental Screening Worksheet (AMS-ENV-B), States/Territories will review project detail and answer questions according to each project. Collect supporting documentation for answers, as necessary.

As with **Form AMS-ENV-A**, **States/Territories** notify the Applicant if information is needed to complete **Form AMS-ENV-B**. A request for information may include an **Applicant Questionnaire**.

Based on **Form AMS-ENV-B**, there are *no* potentially significant environmental impacts or extraordinary circumstances. The proposed actions are *within* the scope of the **PEA**.

No 🚽

This proposed action includes activities that *do not* fit within the scope of the **PEA** or has the potential to significantly impact a protected resource.

A site-specific **Environmental Assessment** or 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 analysis.

AMS will determine the appropriate level of NEPA documentation.

Roles and Responsibilities	USDA AMS	States and Territories	Applicants
Complete an Applicant Environmental Questionnaire, when requested, to provide project details.			Х
Complete an Environmental Pre-Screening Worksheet (AMS-ENV-A) up to Section 6, for the project. Include any supporting documentation.		x	
Complete an Environmental Screening Worksheet (AMS-ENV-B) up to Section 8, for the project, if necessary. Include any supporting documentation.		X	
Request any additional information from the applicant, if necessary to complete an environmental screening.		X	
Obtain all necessary permits and authorizations (i.e., NHPA Section 106 and ESA Section 7 determinations, Clean Water Act permits, Clean Air Act permits, etc.) identified through the completion of AMS-ENV-B with support from State environmental agencies and USDA AMS.	X	X	X
Approve AMS-ENV-A and AMS-ENV-B, determine the appropriate level of environmental review necessary to comply with NEPA, and provide written notification of authorization to proceed.	X		



Applicant Environmental Questionnaire

To facilitate the environmental review of project applications, States/Territories may ask **applicants to complete a brief questionnaire** to inform any potential environmental impacts resulting from the proposed project.

	SURFACE WATERS	YES	NO	UNKNOWN				
1	Will any surface water resource (including wetlands, streams, ponds, or drainage features) be disturbed, diverted, or otherwise impacted during construction or after project completion?	0	O	0				
	SOILS AND LAND RESOURCES – GROUND DISTURBANCE	YES	NO	UNKNOWN				
2	Will the project involve any ground or soil disturbance? ex.			•	C, ARCHAEOLOGICAL, TRIBAL)	YES	NO	UNKNOWN
2a	excavation/bulldozing of soil If yes to 2 above, is the area of ground disturbance known to contain contaminated soils?		*local tax records usually indicate the date or year a building was constructed. If you are unsure of a building's age, please check with your			0	o	0
2b	If yes to 2 above, will the project install, remove, or replace any underground storage tanks?	5	assessor's of Will the proje years old?		ight of a building that is more than 50	0	O	0
2c If yes to 2 above, has this soil been previously disturbed/altered/excavated?		WATER QUALITY			YES	NO	UNKNOWN	
3	VEGETATION Will the project remove or alter existing vegetation or trees at the site? If		dewatering,		age, non-contact cooling water, slurries, ing the project and/or after the project	0	o	0
3	yes, please provide detail on the kind and amount (ac./sq.ft.) of vegetation that will be removed in the box on page 3.	7	Is the project	t facility connected to a	a municipal wastewater system? If not, pacity in the box on page 3.	0	O	0
-		8	Is the project	t facility connected to	a municipal water supply system? If d capacity in the box on page 3.	0	O	0
				Pollutant Discharge E ermits be required or c	limination Systems (NPDES) or <u>Clean</u> urrently applicable?	0	0	0
Ī			SOCI	OECONOMIC/ENVIR	ONMENTAL JUSTICE	YES	NO	UNKNOWN
			or environm		I to negatively impact the human health opulations, low-income populations, s communities?	0	۲	0



Applicant Environmental Questionnaire (cont.)

	AIR QUALITY/CLIMATE CHANGE	YES	NO	UNKNOWN
11	Will air emission-generating equipment be installed or replaced (generators, boilers, fuel burning equipment, or refrigerant containing equipment, etc.)? If so, provide details or specifications in the box on page 3.	0	٥	0
12	Will the project cause any known increase in air pollutants (carbon dioxide, greenhouse gases) during project upgrades or operation?	0	0	0
	HAZARDOUS MATERIALS/WASTE OR TOXIC SUBSTANCES	YES	NO	UNKNOWN
13	Will the project result in the disturbance of lead- or asbestos-containing materials?	0	0	0
14	Will the project result in the use, storage, or disposal of hazardous materials?	0	0	0
15	Will the project involve pesticide application (e.g., herbicide or insecticide)?	0	0	0
16	Will the project remove, install, or utilize an aboveground or underground oil or petroleum storage container that is equal to or greater than 55 gallons (e.g., fixed or portable storage tanks, drums, base tanks for emergency generators, cooking oil containers, or hydraulic reservoirs)?	0	۲	0
	LAND USE AND UTILITIES	YES	NO	UNKNOWN
17	Will the project result in an increase in utility use (e.g., natural gas, electricity, water, sewer)? Provide any applicable capacity information or specifications in the box on page 3.	0	0	0
18	Will the project result in a change in activities, land use, or zoning occurring at the site or facility?	0	0	0
19	Will the project cause long-term noise impacts to the area or impacts outside of the allowable times as regulated by local ordinances?	0	0	0
20	Would the project alter or obstruct views or aesthetics in the immediate vicinity of the site?	0	o	0

Environmental Screening Forms

• Environmental Pre-Screening Worksheet (AMS-ENV-A)

 Used to assess projects for their adherence with the limited, programmatic-level analysis within the PEA and determine the level of environmental review necessary.

- Environmental Screening Worksheet (AMS-ENV-B)
 - Used to determine the potential for impacts not documented in the PEA and identify the level of additional environmental review required, if any.
 - Section 3.1 of the PEA lists the resources that were eliminated from detailed analysis, including those that require a site-specific environmental review using Worksheet AMS-ENV-B.



Environmental Pre-Screening Procedures (AMS-ENV-A)

- AMS-ENV-A serves as NEPA documentation for projects that fit within the scope of the PEA.
- Section 2 identifies extraordinary circumstances that may exist and require further site-specific screening.
- This form must be signed by the preparer (State/Territory) and Responsible Federal Official (USDA AMS).
- AMS-ENV-A supports the preparation of AMS-ENV-B for projects that may be outside the scope of the PEA.



AMS-ENV-A U.S. DEPARTMENT OF AGRICU	JLTURE	1. GENERAL INFORMATION
(12-13-2023) Agricultural Marketing Ser	vice	1A. Applicant Name and Application Number
ENVIRONMENTAL PRE-SCREENING	WORKSHEET	
1B. Grant Program	1C. Brief Description of Propose	d Action
Local Meat Capacity Grant		
Organic Market Development Grant		
Resilient Food Systems Infrastructure Program		
2. PRE-SCREENING QUESTIONS		YES NO
A. Does the project involve any ground disturbing activities?		
B. Does the project involve any vegetation or habitat removal?	?	
C. Will the project alter a structure greater than 50-years of ag interior or exterior configuration)?	e or the general aesthetic of the	property (i.e., new
D. Is there an adjacent river, stream, or water body?		
E. Will there be a permanent increase in noise, odor, or traffic	as a result of the project?	
F. Will the project increase the emissions of carbon dioxide, m combustion engines, manure management, etc.)?	ethane, and/or nitrous oxide (inc	reased use of internal
IF ANY "YES" BOX IS SELECTED IN SECTION 2, A SITE	SPECIFIC ENVIRONMENTA	L SCREENING WILL BE REQUIRED.
3. ADDITIONAL COMMENTS		
4. PRE-SCREENING DETERMINATION		
Based on the results of the screening checklist above, the pre		
The proposed project fits within the scope of the FO sufficient to document the potential impacts of the project		
The project information reviewed may be outside the More information is required to show consistency with th		
project in conformance with NEPA.		
5. PREPARER INFORMATION AND SIGNATURE		
A. NAME OF PREPARER	B. TITLE OF PREPAR	RER
C. SIGNATURE OF PREPARER	D. DATE DOCUMENT	WAS PREPARED (MM-DD-YYYY)
6. RESPONSIBLE FEDERAL OFFICIAL SIGNATURE		
A. NAME OF APPROVAL OFFICIAL	B. TITLE OF APPRON	/AL OFFICIAL
C. SIGNATURE OF APPROVAL OFFICIAL		AL SIGNATURE (MM-DD-YYYY)
	D. DATE OF AFPRON	AL SIGNATORE (NIM-DD-TTTT)
		10

Site-Specific Environmental Review Procedures (AMS-ENV-B)

- AMS-ENV-B supports identification of environmental resource areas that may be impacted by the scope of the project.
- Section 2 identifies environmental resources that may require further analysis of potential impacts from the project.
- Section 3 identifies consultations and regulatory coordination that may be required to complete the environmental review for the project under NEPA. Applicable laws and regulations are identified.

AMS-ENV-B	U.S. DEPARTN					LINFORMATION	
(12-13-2023)	Agricultur	al Marketing	Service		1A. Producer	or Applicant Name and Applica	tion Numb
ENVIRON	MENTAL SCRE	ENING W	ORKSHEE	т			
IB. Location of Propose ocation, etc.)	ed Action (address, 0		C. Description pproximate ac			ng construction, equipment purc etc.)	hase,
2. ENVIRONMENTAL	LAW AND POLICY	REVIEW					
		located w	e resource ithin the area ntial effect?	action have	he proposed the potential he resource?		
		YES	NO	YES	NO	C. EFFECT DETERMIN	IATION
T&E Species or Critical	Habitat					Make a selection	
Migratory Birds						Make a selection	
Cultural or Historic Reso	ources					Make a selection	
		YES	NO	YES	NO	C. EXPECTED IMPA	АСТ
Coastal Barrier Resource	ces					Make a selection	
oastal Zone						Make a selection	
Vilderness Areas						Make a selection	
Vild and Scenic River						Make a selection	
lationwide River Invent	ory					Make a selection	
lationwide Natural Lan	dmarks					Make a selection	
Sole Source Aquifer						Make a selection	
loodplains						Make a selection	
Vetlands						Make a selection	
lighly Erodible Land						Make a selection	
03(d) Listed Waterway	1					Make a selection	
rime and Unique Farm	lands					Make a selection	
nvironmental Justice C	Communities					Make a selection	
CONSULTATIONS			and attach the	appropriate of	documentation	below.	
SHPO Section 106	Consultation	Floodplain I	Development P	ermit]	USACE Jurisdictional Detern	nination
THPO Section 106	Consultation*		r of Map Chan		i	USACE Section 404 Permit	
Tribal Consultation			Pollution Prev	ention Plan Pe	ermit	Determination of Section 404	4 Exempti
USFWS Official Sp	ecies Report	(Construction		. Elizaination	Surtan I	Other Agency Coordination	-
USFWS Section 7 (Consultation	Permit (Ope	llutant Discharg erating)	e Elimination	oystem	Outreach to Affected Parties	
NMFS Section 7 Co	onsultation	-	e Consistency by Section 401		[Other State or Local Permitti	ing
These consultation or	coordination efforts	must be com	pleted by the R	esponsible F	ederal Official		
ADDITIONAL COM	MENTS						

Site-Specific Environmental Review Procedures (AMS-ENV-B cont.)

- Section 6 identifies extraordinary circumstances that may be applicable to the project.
- Section 7 documents the NEPA compliance finding and if further review is necessary. The required level of NEPA documentation is identified with support from USDA AMS.
- States may need to contact internal or external resources and subject matter experts to complete the evaluation.
- This form must be signed by the preparer (State/Territory) and Responsible Federal Official (USDA AMS).

A. Is the proposed action expected to cause significant effects on public health or safety? B. Is the proposed action expected to significantly affect unique characteristics of the geographic area such as proximity to historic or outural resources, listed species, wetlands, wild and scenic rivers, or ecologically critical areas? C. Are the effects of the proposed action on the quality of the human environment likely to be highly controversial? D. Does the proposed action stabilish a precedent for future actions with significant impacts on represent a decision in principle about a future consideration? F. Is the proposed action new new individually or cumulatively over time? G. Is the proposed action inkely to have a significant adverse effect on ANY of the resources analyzed in the Environment likely to have a significant adverse effect on ANY of the resources analyzed in the Environment Law and Policy Review? H. Will the proposed action threaten a violation of Federal, State, or local law or requirements for the protection of the environment? H. Will the proposed action fusionsidency with the National Environmental impacts identified by this evaluation. I have also analyze the proposed action for its considered the types and degrees of adverse environmental impacts identified by this evaluation. I have also analyze the proposed action fusion sistency with the National Environmental Policy Act and have considered the potential benefits of the prop Based upon this consideration and balancing of these factors, i recommend one of the following: This proposed action includes activities that do not fit within the Scope of the Programmatic Environmental Assessment for Local Meat Capacity Grant (FONSI) Programmatic Environmental Assessment for Capacity Grant (FONSI) Programmatic Environmental Assessment for Resilient Food Systems Infrastructure Program (FONSI) Programmatic Environmental Assessment for Resilient Food Systems Infrastructure Program (FONSI) Programmatic Environmental Assesssment for Capacity Grant (FONS	THE FOLLOWING INFORMATION IS TO	BE APPROVED BY THE	RESPONSIBLE FEDERAL OFFICIAL OR D	ESIGNEE.	
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A. NAME OF APPROVAL OFFICIAL B. TITLE OF APPROVAL OFFICIAL C. SIGNATURE OF APPROVAL OFFICIAL D. DATE OF APPROVAL SIGNATURE (MM-DD-YYYY)	potential to significantly impact a p Statement should be completed to	rotected resource. A Site-S provide further and more of	pecific Environmental Assessment or an Envi	ronmental I	mpact
C. SIGNATURE OF APPROVAL OFFICIAL D. DATE OF APPROVAL SIGNATURE (MM-DD-YYYY)	6. RESPONSIBLE FEDERAL OFFICIAL	SIGNATURE			
	A. NAME OF APPROVAL OFFICIAL		B. TITLE OF APPROVAL OFFICIAL		
	C. SIGNATURE OF APPROVAL OFFICIAL		D. DATE OF APPROVAL SIGNATURE (MM-DI	D-YYYY)	
12					
					12

Consultations and Permits

- Based on the results of the Environmental Screening Worksheet (AMS-ENV-B), the environmental review may require consultations with Federal, State, or local government officials.
- Depending on the level of impact proposed for the project, applicants may also be required to obtain permits prior to project implementation.

ENVIRONME

AGEN





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Consultations and Permits (cont.)

These are some Federal laws that could require applicants to initiate consultations or obtain permits/authorizations.

National Historic Preservation Act



Endangered Species Act

- Section 106 Consultation with SHPO
- Applicable to initial ground disturbing activities and structural improvements
- Section 7 Consultation with USFWS or NOAA Incidental Take Permit

Clean Water Act

- Water Quality Certification
- National Pollutant Discharge Elimination System (NPDES) Permit
- Section 404 Permit



Clean Air Act

- Minor New Source Review (NSR) Permit
- Prevention of Significant Deterioration Permit
- Nonattainment NSR Permit

Consultation Process Overview

The States/Territories, in coordination with the applicants, will:

- 1. Identify resource(s), known constraints, or uncertainties.
- 2. Identify the appropriate regulatory agency for consultation and internal resources/SMEs to support the effort.
- 3. Initiate agency consultation utilizing preferred communication channel (consultation letters, email correspondence, online planning tools, etc.) and provide resource reports, as applicable. *Tribal consultation would require signature by the USDA AMS RFO*.
- 4. Obtain concurrence on determination of effect.
- 5. Return to NEPA documentation and incorporate any applicable mitigation, minimization, or avoidance measures.



Desktop Tools for Environmental Analysis

General

- EPA EnviroAtlas Interactive Map
- EPA <u>NEPAssist</u>

Climate Change

• CEQ Greenhouse Gas Estimating Tools

Environmental Justice

- CEQ <u>Climate and Economic Justice Screening Tool</u>
- EPA <u>Environmental Justice Screening and Mapping</u> <u>Tool</u> (EJSCREEN)

Air

- EPA <u>CAA Permitting in Your Region</u>
- EPA <u>Nonattainment Areas for Criteria Pollutants</u> (Greenbook)

Historic Preservation

- DOI National Natural Landmarks Directory
- DOI National Register of Historic Places Locations
- The National Conference of State Historic Preservation Officers <u>Directory</u>
- Tribal Directory Assessment Tool (TDAT)



Desktop Tools for Environmental Analysis (cont.)

Water

- DOI <u>Nationwide Rivers Inventory</u>
- EPA <u>Sole Source Aquifers</u>
- FEMA <u>National Flood Hazard Layer Viewer</u> (NFHL)
- National Wild and Scenic Rivers System
- NOAA <u>Coastal Zone Management Act Boundaries</u>

Wildlife and Habitat

- NOAA Essential Fish Habitat Mapper
- USFWS Information for Planning and Consultation (IPaC)
- USDA <u>Wilderness Areas</u>
- USFWS <u>Coastal Barrier Resources System Mapper</u>
- USFWS <u>National Wetlands Inventory</u>
- USDA <u>Web Soil Survey</u>

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Zone AE

County Road F

Zone/AE

Detail on utility connections and capacity to support?

?

LOCATION ?

Existing regulatory permits or authorizations?

Equipment specifications?

Existing Infrastructure/evidence of critical infrastructure?

Ground disturbance or vegetation removal?

Project scope, scale and area of impact?

Status of ongoing renovations?

2

1). Based on Environmental Pre-Screening Worksheet (AMS-ENV-A), the State/Territory determined that the project may trigger extraordinary circumstances outside of the scope of the PEA and requires further investigation.

2. PRE-SCREENING QUESTIONS	YES	NO
A. Does the project involve any ground disturbing activities?	\boxtimes	
3. Does the project involve any vegetation or habitat removal?	\boxtimes	
C. Will the project alter the configuration of a structure greater than 50-years of age with historical significance, impact the general aesthetic of the property or visual resources (i.e., natural, or man-made features that give a particular environment its aesthetic qualities)?		\boxtimes
D. Is there an adjacent river, stream, or water body?	\boxtimes	
E. Will there be a permanent increase in noise, odor, or traffic as a result of the project?		\boxtimes
F. Will the project increase the emissions of carbon dioxide, methane, and/or nitrous oxide (increased use of internal combustion engines, manure management, etc.)?		\boxtimes
F ANY "YES" BOX IS SELECTED IN SECTION 2, A SITE-SPECIFIC ENVIRONMENTAL SCREENING WILL BE REQUIRE	D.	

US. Fish and Wildlife Service National Wetlands Inventory Site 2_NWI MAP

RFSI Example: RFSI Application No. 202402

 State/Territory submits a request for information and
 Applicant Questionnaire, if not provided with application package, to the applicant.



4). Based on **Form AMS-ENV-B**, there are no potentially significant environmental impacts or extraordinary circumstances.

The proposed actions are *within* the scope of the **PEA**.

The State/Territory provides **AMS** with the completed form for RFO approval.

ENVIRONMENTAL REVIEW IS COMPLETE

3). Using the Environmental Screening Worksheet (AMS-ENV-B), State/Territory reviews project detail provided.

- 500- square feet of non-native vegetation (Black mustard and ornamentals) will be cleared adjacent to existing structures.
- Ground disturbing activities will be limited to topsoil removal and the placement of gravel in preparation for a new freezer container.
 - Concurrence from the State Historic Preservation Office and tribal affiliates was obtained for a determination of no effect to historic resources.
- All proposed improvements will be conducted entirely in upland areas. The nearest palustrine wetland is 350 feet away.

	located wit			e proposed the potential e resource?		
	YES	NO	YES	NO	C. EFFECT DETERMINATIO	DN
T&E Species or Critical Habitat		×		X	No effect	
Migratory Birds	X			X	No effect	
Cultural or Historic Resources	×		×		No effect	
	YES	NO	YES	NO	C. EXPECTED IMPACT	
Coastal Barrier Resources		×		X	No impact	
Coastal Zone		×		×	No impact	
Wilderness Areas		×		×	No impact	
Wild and Scenic River		×		X	No impact	
Nationwide River Inventory		X		X	No impact	
Nationwide Natural Landmarks		×		X	No impact	
Sole Source Aquifer		×		×	No impact	
Floodplains		×		X	No impact	
Wetlands	×			×	No impact	
Highly Erodible Land		×		×	No impact	
303(d) Listed Waterway		X		X	No impact	
Prime and Unique Farmlands		×		X	No impact	
Environmental Justice Communities		X		X	No impact	
3. CONSULTATIONS AND COORDINA For any resource where 2B was answered		nd attach the	appropriate d	ocumentation	below.	
SHPO Section 106 Consultation	Floodplain D	evelopment P	ermit		USACE Jurisdictional Determinati	on
X THPO Section 106 Consultation*		of Map Chang			USACE Section 404 Permit	
Tribal Consultation*	Stormwater F (Construction		ention Plan Pe	rmit	Determination of Section 404 Exe	mpti
USFWS Official Species Report			e Elimination	System	Other Agency Coordination	
USFWS Section 7 Consultation	Permit (Oper	ating)			Outreach to Affected Parties	
NMFS Section 7 Consultation	Coastal Zone State Agency			Ē	Other State or Local Permitting	

Thank You

For additional questions or training requests, please email: <u>RFSI@usda.gov</u>