



Introduction

The Environmental Compliance Record (ECR) serves to document the reasoning, rationale, and compliance to all applicable laws, regulations, and policies, not just the National Environmental Policy Act. This signed document will be incorporated into the project record. The information summarized in the ECR is intended to complement and provide additional context to the project's analysis and decision-making documentation (e.g., Regulatory Review of Law, Regulation, and Policy Compliance). It is designed to support, rather than replace, key project documents, including the Decision Memo, Decision Notice and Finding of No Significant Impact (FONSI), or Record of Decision.

Project Information

Project Name: Jones Creek Bridge Replacement

Project Initiation Date/Scoping: 1/12/2025

Purpose and Need: The bridge over Jones Creek failed its last inspection and has been closed to vehicular traffic ever since. Replacement of the bridge is being funded by GAOA and will better connect the public with a popular boat launch on Kentucky Lake near the state line. Currently, the only access is through road 351, which is poorly suited to larger vehicles or trailers.

Proposed Action: Replacement of the Jones Creek Bridge on road 172-C at (36.679748, -88.049502). The new bridge is expected to be similar in construction to the new Long Creek Bridge near Hematite Lake: single span, with the new abutments directly replacing or being installed just behind the existing abutments. Disturbance to the channel should be minimal, aside from demolition of the existing bridge. The primary impacts will be along the existing road prism.

Proponent Name: USDA-U.S. Forest Service

Responsible Official: James McCoy, Area Supervisor

Unit: Land Between the Lakes National Recreation Area

County(ies): Trigg, KY

Anticipated Implementation: 10/1/2027

Anticipated Signing Authority: [Level of Signing Authority \(District Ranger, Forest Supervisor, Regional Forester etc.\)](#)

PALS/ELMS Tracking #: [PALS/ELMS Tracking Number](#)

Project

File: <https://usfs.box.com/s/crhiiyrluz7u4amsufk56927g6i3x5qm>

GIS Info: [Link to where GIS info is located](#)

Project Webpage: [Link to public project webpage](#)

General Location: General location, such as nearby road, topographical feature or facility (e.g. campground)

Applicable Management Areas: Applicable Management Areas from Land Management Plan

Applicable Special Authorities: 7 CFR 1b.4(d)(45)(iii) Road management activities on up to 8 miles of National Forest System (NFS) roads and associated parking areas. Activities under this category cannot include construction or realignment. (iii) Replacing a bridge along an NFS road.

ECR Certification Page

Resource Area	Position (Document position title: District/Zone, Forest, Regional; e.g. Regional Environmental Coordinator)	Signature of Compliance (cannot be prior to dates of associated work on following pages)
Cultural Section		
• <u>National Historic Preservation Act</u> • <u>Native American Graves Protection and Repatriation Act</u>		/s/Carl Feagans 1/13/2025
• <u>Consultation with Federally Recognized Tribes</u> (EO13175) • <u>Indian Sacred Sites</u> (EO 13007)		/s/Carl Feagans 1/13/2025
Biological Section		
• <u>Endangered Species Act</u> • <u>Forest Service Species</u> (FSM 2670; 36 CFR 219.19, FSH 1909.12.52)) • <u>Invasive Species Management</u> (FSM 2900; EO 13751 & 13112) • <u>Migratory Bird</u> (EO 13186)		/s/Andrew Mowrey 3/14/2025
Physical Section		
• <u>Soil Quality and Hydrologic Function</u> (FSM 2500 – USDA 2010) • <u>Floodplain Management</u> (EO 11988, 13690 13807) • <u>Protection of Wetlands</u> (EO 11990) • <u>Clean Water Act</u> • <u>Clean Air Act</u>		/s/Andrew Mowrey 3/14/2025
Other		
• <u>Wilderness, Wilderness Study Area, Natural Recreation Areas</u> (36 CFR 293) • Section 390 of the Energy Policy Act of 2005, 42 USC 15492		/s/Andrew Mowrey 3/14/2025
<u>National Forest Management Act</u>		/s/Andrew Mowrey 3/14/2025
<u>National Environmental Policy Act</u> • CE (7 CFR 1b.3 and 1b.4) • EA (7 CFR 1b.5 and 1b.6; 36 CFR 218; 36 CFR 219) • EIS (7 CFR 1b.7 and 1b.8; 36 CFR 218; 36 CFR 219)		/s/Andrew Mowrey 3/14/2025

**The EC must be the last signature obtained*

Additional Resource Review if applicable

Silviculture

Comment	Signature of Compliance <i>(cannot be prior to dates of associated work on following pages)</i>

Fire

Comment	Signature of Compliance <i>(cannot be prior to dates of associated work on following pages)</i>

Safety

Comment	Signature of Compliance <i>(cannot be prior to dates of associated work on following pages)</i>

Engineering

Roads:

Comment	Signature of Compliance <i>(cannot be prior to dates of associated work on following pages)</i>

Utilities:

Comment	Signature of Compliance <i>(cannot be prior to dates of associated work on following pages)</i>

Facilities:

Comment	Signature of Compliance <i>(cannot be prior to dates of associated work on following pages)</i>

Design Criteria, any applicable Terms and Conditions and Reasonable Prudent Measures:

Cultural:

Biological:

Physical:

Other:

Cultural Section

National Historic Preservation Act

☒ No potential to cause effects. The undertaking is type of activity that does not have the potential to cause effects on historic properties, **assuming such historic properties were present**, the agency official has no further obligations under Section 106, (36 CFR 800.3(a)(1)). **(Review Complete)**

☐ Phased Identification and Evaluation: Identification of historic properties in all or part of the proposed project area has been deferred until after the final NEPA decision as allowed under 800.6, 800.14 or 800.8. (per 36 CFR 800.4(b)(2)). Additional Section 106 compliance required after the final NEPA decision, and that work is clearly presented and documented/referenced in the analysis and decision documents. Attach and cite documentation of deferral. **(Review Deferred)**

☐ There are no historic properties present 36 CFR 800.4(d)(1). (Provide supporting documentation). **(Review Complete)**

☐ There are historic properties present but the undertaking has been modified or conditions imposed to avoid adverse effects and no objections were raised during consultation. (see documentation below. **(Review Complete)**)

☐ Adverse effect. Historic property or properties were found within the proposed project area and it was determined through consultation that the undertaking would cause an adverse effect to one or more of those historic properties. (36 CFR 800.5(d)(2); Attach and cite MOA). **(Review Complete)**

☒ Applicable Forest-wide Programmatic Agreement Exemption/Exclusion: [Provide PA Citation](#)

☒ Activity meets Programmatic Agreement requirements, no further Section 106 compliance required prior or after the final NEPA decision. **(Review Complete)**

☐ Activity meets Programmatic Agreement requirements, additional Section 106 compliance required after the final NEPA decision, and that work is clearly presented and documented / referenced in the analysis and decision documents. **(Review Deferred)**

Supporting Project Documentation

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Native American Graves Protection and Repatriation Act

- ☒ The proposed project has no potential to affect Native American human remains. (Review Completed)
- ☐ The proposed project area has been fully subject to inspection and found not to contain any evidence of Native American graves or human remains. (Review Complete)
- ☐ The proposed project area has been fully subject to inspection and was found to contain one or more location containing Native American graves or human remains. These locations will be protected and avoided through modifications to the proposed action or by design features and management requirements. Consultation has been completed. (See documentation below). And recorded in the USDA Tribal Consultation database.
- ☐ The proposed project area has been fully subject to inspection and was found to contain one or more location containing Native American graves or human remains. Disturbing some or all of the remains cannot be avoided. These locations will be protected and avoided through modifications to the proposed action or by design features and management requirements. Consultation has been completed. (See documentation below). And recorded in the USDA Tribal Consultation database.

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Consultation with Federally Recognized Tribes (EO 13175)

- ☐ Early consultation and consultation throughout the project life with federally recognized tribes was conducted and the names of the tribes, dates of consultations, method of consultation and communication and outcomes of those discussions or correspondence are clearly presented and documented in the project record. If commitments were made during tribal consultation, such as design modifications or special treatment specifications. These commitments are clearly identified in the Decision document. Consultation has been fully recorded in the USDA Tribal Consultation database: <https://usdagcc.sharepoint.com/sites/oscc/OTR/SitePages/Home.aspx> (Review Complete)

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Indian Sacred Sites (EO 13007)

- ☒ EO 13007 is not relevant to the project. (Review Complete)
- ☐ The project is compliant with EO 13007. This project has included consultation and engagement to increase collaboration with Tribes to ensure stewardship and access to sacred sites, and incorporate Indigenous Knowledge into management, treatment, and protection procedures. Documentation supporting compliance of this EO is clearly

presented and documented in the analysis and decision documents. Consultation has been fully recorded in the USDA Tribal Consultation database: <https://usdagcc.sharepoint.com/sites/osec/OTR/SitePages/Home.aspx> **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Biological Section

Endangered Species Act (ESA)

See Appendix for documentation of Consultation requirements.

☒ No federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat present in the project area or in the area potentially impacted by the proposed action(s). **(Review Complete)**

☐ Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat are present in the project area or area potentially affected by the proposed action(s). Document IPAC number below.

☐ No effect to species or designated critical habitat. (Provide supporting documentation). **(Review Complete)**

☐ May affect, but not likely to adversely affect species or critical habitat (**informal consultation**)

☐ Biological Assessment Completed. (Provide supporting documentation).

☐ Biological Assessment submitted to USFWS. (Provide supporting documentation).

☐ USFWS documentation of concurrence received and located in Project Record. **(Review Complete)**

☐ May affect, likely to adversely affect species or critical habitat (**formal consultation**)

☐ Biological Assessment Completed. (Provide supporting documentation).

☐ Biological Assessment submitted to USFWS. (Provide supporting documentation).

☐ Biological Opinion (BO) from USFWS received. (Provide supporting documentation).

☐ Terms and Conditions and Reasonable Prudent Measures as stated from the BO, are documented in the analysis **AND** decision documents. **(Review Complete)**

☐ Activities covered under a programmatic ESA consultation with the FWS. Any documentation required by the programmatic consultation are in the project record as listed below.

IPAC Number:

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Forest Service Species

Sensitive Species (FSM 2670)

***Instructions:** Please choose whether FSS are present in the project area for each resource below. Select “FSS Present” to confirm whether effects to FSS were considered. If a FSS does not occur within the project or for any of the resources below – select “N/A”.*

Botany: Choose

Aquatic Wildlife: Choose

Terrestrial Wildlife: Choose

☒ No Forest Service Sensitive Species are present in the project area or in the area potentially impacted by the proposed action(s). **(Review Complete)**

☐ Forest Service Sensitive Species are present in the project area or area potentially affected by the proposed action(s).

☐ No impact to species or their habitat **(Review Complete)**

☐ May impact individuals, but not likely to cause a trend to federal listing or loss of viability. **(Review Complete)**

☐ May impact individuals, and likely to result in a trend to federal listing or a loss of viability. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Species of Conservation Concern (36 CFR 219.19, FSH 1909.12.52)

☒ Are Forest Service Species of Conservation Concern or the ecological conditions to support them present in the project area or potentially affected by the proposed action(s)?

☒ No. **(Review Complete)**

☐ Yes

☐ Project is consistent with plan requirements for Species of Conservation Concern. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Invasive Species Management -FSM 2900; EO 13751 and 13112

☒ The project is compliant with FSM 2900, EO 13751 and EO 13112 and documentation supporting compliance of these E.O.s is clearly presented and documented in the analysis and decision documents. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Migratory Birds (Migratory Bird Treaty Act; EO 13186)

☒ Migratory bird populations may be present in or near the project area.

☒ The project will not have a measurable negative effect on migratory bird populations and is compliant with EO 13186. **(Review Completed)**

☐ The project may have a measurable negative effect on migratory bird populations. The project is compliant with EO 13186 (Provide supporting documentation).

☐ USFWS documentation of concurrence received and located in Project Record. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Physical Section

Soil Quality and Hydrologic Function (FSM 2500 – USDA 2010)

☒ The effects of the proposed actions on soil quality have been assessed or analyzed and soil quality conditions and objectives will be achieved.

☐ Management Requirements are needed to achieve the soil quality conditions and objectives and they are clearly presented and documented / referenced in the Decision Document. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

[Return to Signature Page](#)**Floodplain Management (EO 11988)**

☐ No floodplains are present in or near the project area or the area of potential impact. *(Review Complete)*

☒ Floodplains are present in **OR** near the project **OR** may be affected by the proposed actions.

☒ After evaluating alternatives, including impacts and mitigation opportunities, the responsible official determined that locating the proposed action within the floodplain is the only practicable alternative. *(Review Complete)*

☐ After evaluating alternatives, including impacts and mitigation opportunities, the responsible official determined to locate the proposed action outside the floodplain is the practicable alternative. Eight (8) step documentation complete (located in Appendix). *(Review Complete)*

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

[Return to Signature Page](#)**Protection of Wetlands (EO 11990)**

☒ No effect because no wetlands are present within or near the project area or the area of potential impact. *(Review Complete)*

☐ Wetlands are present in **OR** near the project **OR** may be affected by the proposed action.

☐ Beneficial effect on wetland

☐ Possible adverse effects associated with constructing in or near a wetland.

☐ After evaluating alternatives, including impacts and mitigation opportunities, the responsible official determined that locating the proposed action within the wetland is the only practicable alternative. Eight (8) step documentation complete (located in Appendix). *(Review Complete)*

☐ After evaluating alternatives, including impacts and mitigation opportunities, the responsible official determined to locate the proposed action outside the wetland is the practicable alternative. Eight (8) step documentation complete (located in Appendix). *(Review Complete)*

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Clean Air Act (CAA)

☒ Project will not result in permanent air emissions and no modifications or further coordination needs to occur to ensure compliance. **(Review Complete)**

☐ Project is expected to contribute to emissions during implementation. Modifications and design features have been included to ensure compliance with CAA is met. All modifications and design features are clearly presented and documented in the analysis and decision documents. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Clean Water Act (CWA)

☒ Project will not affect any waters, including wetlands, of the U.S. and no further permits or modifications are needed to ensure compliance. **(Review Complete)**

☐ Project may or will affect waters, including wetlands, of the U.S. Modifications, design features, have been included to ensure compliance with CWA is met. All permits received and modifications and design features are clearly presented and documented in the analysis and decision documents. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Other

Wilderness, Wilderness Study Areas, or National Recreation Areas 36 CFR 293

☐ The project is not in a congressionally designated areas such as wilderness, wilderness study areas, wild and scenic rivers, or national recreation areas. **(Review Complete)**

☐ The project is compliant with designated areas such as wilderness, wilderness study areas, wild and scenic rivers, or national recreation areas including analysis of the potential effects and degree of effects are not

substantial and supporting compliance is clearly documented in the analysis and decision documents. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Section 390 of the Energy Policy Act of 2005 42 USC 15492)

☐ The project is not in a congressionally designated areas such as wilderness, wilderness study areas, wild and scenic rivers, or national recreation areas. **(Review Complete)**

☐ The project is compliant with designated areas such as wilderness, wilderness study areas, wild and scenic rivers, or national recreation areas including analysis of the potential effects and degree of effects are not substantial and supporting compliance is clearly documented in the analysis and decision documents. **(Review Complete)**

Section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942, hereafter Section 390) directs that certain activities “shall be subject to a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] (NEPA) would apply if the activity is conducted pursuant to the Mineral Leasing Act [30 U.S.C. 181 et seq.] for the purpose of exploration or development of oil or gas.”The purpose of these instructions is to provide revised policy guidance on future implementation of this authority.

Section 390 identifies five categories of activities that are subject to the statutory categorical exclusion:

1. Individual surface disturbances of less than five (5) acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to NEPA has been previously completed.
2. . Drilling an oil and gas well at a location or well pad site at which drilling has occurred previously within five (5) years prior to the date of spudding the well.
3. . Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within five (5) years prior to the date of spudding the well.
4. . Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within five (5) years prior to the date of placement of the pipeline.
5. . Maintenance of a minor activity, other than any construction or major renovation o(f) a building or facility.

The categorical exclusions addressed in this guidance apply exclusively to oil and gas exploration and development activities conducted pursuant to the Mineral Leasing Act (30 U.S.C. et seq., as amended) on Federal oil and gas leases. They do not apply to geothermal leases.

The Authorized Forest Officer should carefully apply the applicable categorical exclusions identified in Section 390 in reviewing any Application for a Permit to Drill (APD), Surface Use Plan of Operations (SUPO), or pipeline application involving a proposed activity that meets all the criteria for any of the five categories.

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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Roadless Area Conservation Rule, 66 Fed Reg 3243 (Jan 12, 2001), 36 CFR 294

☒ Roadless Conservation Rule is not applicable to the project. *(Review Complete)*

☐ The project is compliant with Roadless Conservation Rule and documentation supporting compliance of this EO is clearly presented and documented in the analysis and decision documents. *(Review Complete)*

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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National Forest Management Act (NFMA)

Instructions:

Select “consistent” to confirm the project is in compliance with the forest plan for that particular resource.

Select “Consistent with forest plan amendment” if a need to change the plan was identified and an amendment was developed.

If a resource area does not apply to the project – select “N/A” and provide a rationale for why a resource does not apply to the project in the “Supporting Project Documentation” section. -

Botany: Choose	Hydrology: Choose	Fuels: Choose
Wildlife: Choose	Soils: Choose	Lands & Special Uses: Choose
Fisheries: Choose	Recreation: Choose	Minerals: Choose
Silviculture: Choose	Scenery Choose	Range: Choose
Engineering: Choose	Cultural/Heritage: Choose	Other Resources: Choose
Management Areas: Choose		

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

- ☐ The project is consistent with the Land and Resource Management Plan; and
- ☐ The proposed action does not include project-specific amendments to the forest plan. **(Review Complete)**
- ☐ Project record documents the “Identification of the need to change the plan” (36 CFR 219.13(b)(1)); and
- ☐ Opportunities for public participation as required in § 219.4 and public notification as required in § 219.16 were completed; and either
- ☐ The proposed action includes project-specific amendments to the forest plan. **(Review Complete)**
- ☐ The proposed action includes programmatic amendments to the forest plan. **(Review Complete)**

Supporting Project Documentation:

Documentation Title	File Name (if applicable/needed)	Project Record Folder

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National Environmental Policy Act (NEPA)

Emergency Responses

☐ 7 CFR 1b.9(v) Emergencies--Immediate actions...actions to mitigate harm to life, property, or important natural, culture, or historic resources, the responsible official may take such actions without preparing an environmental analysis or environmental document.

☐ 7 CFR 1b.9(w) Emergencies--Urgent but not immediate actions...If emergency circumstances that make it necessary to take urgently needed actions before the NEPA process can be

Categorical Exclusions

☐ **Categorical Exclusion NOT Requiring a NEPA documentation:**

[Provide CE Category Citation Here](#)

☐ **Categorical Exclusion Requiring NEPA documentation:**

[Provide CE Category Citation Here](#)

Environmental Assessment, FONSI, and Decision Notice

☐ Environmental Assessment and FONSI (see Appendix for documentation)

Environmental Impact Statement and Record of Decision

☐ Environmental Impact Statement (see Appendix for documentation)

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Appendix

Floodplains / Wetlands 8 Step Process

- ☐ STEP 1: Determine whether the proposed action is located in the 100-year flood plain (500-year floodplain for critical actions) or results in a new construction in wetland.
- ☐ STEP 2: Notify the public and agencies for floodplain management or wetlands protection at the earliest possible time of a proposal to consider an action in a 100-year floodplain (or a 500-year floodplain for a Critical Action) or wetland and involve the affected and interested public and agencies in the decision-making process.
- ☐ STEP 3: Identify and evaluate practicable alternative to locating the proposed action in a 100-year floodplain (or a 500-year floodplain for a Critical Action).
- ☐ STEP 4: Identify and evaluate the potential direct and indirect impacts associated with the occupancy or modification of the 100-year floodplain (or the 500-year floodplain for Critical Action) or the wetland and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action.
- ☐ STEP 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to and from the 100-year floodplain (or the 500-year floodplain for a Critical Action) or the wetland and to restore and preserve its natural and beneficial functions and values.
- ☐ STEP 6: Reevaluate the proposed action.
- ☐ STEP 7: If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the 100-year floodplain (or the 500-year floodplain for a Critical Action) or the wetland, publish a final notice.
- ☐ STEP 8: Upon completion of the decision-making process in Steps 1 through 7, implement the proposed action. *(Review Complete)*

Endangered Species Act Consultation Requirements

([19922-19963.pdf \(federalregister.gov\)](#))

(a) "Requirement for formal consultation. Each Federal agency shall review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat. If such a determination is made, formal consultation is required, except as noted in [paragraph \(b\)](#) of this section. The Director may request a Federal agency to enter into consultation if he identifies any action of that agency that may affect listed species or critical habitat and for which there has been no consultation. When such a request is made, the Director shall forward to the Federal agency a written explanation of the basis for the request."

(b) Exceptions. (1) A Federal agency need not initiate formal consultation if, as a result of the preparation of a biological assessment under [§ 402.12](#) or as a result of informal consultation with the Service under [§ 402.13](#), the Federal agency determines, with the written concurrence of the Director, that the proposed action is not likely to adversely affect any listed species or critical habitat. (2) A Federal agency need not initiate formal consultation if a preliminary biological opinion, issued after early consultation under [§ 402.11](#), is confirmed as the final biological opinion.

The 1986 final rule ([19922-19963.pdf \(federalregister.gov\)](#)) that established section 7 regs stated that: *"The threshold for formal consultation must be set sufficiently low to allow Federal agencies to satisfy their duty to "insure" under section 7(a)(2). Therefore, the burden is on the Federal agency to show the absence of likely, adverse effects to listed species or critical habitat as a result of its proposed action in order to be excepted from the formal consultation obligation."* [emphasis added]

The Services' wrote this part of the preamble of the final rule to defend its position that a MANLAA [may affect, not likely to adversely affect] concurrence had the same protective rigor as a formal BO, even though it was the action agency providing the information, analyzing the info, and drawing conclusions, and only had the Service as a reviewer that might concur or might not concur.

Extraordinary Circumstances

What are extraordinary circumstances? (7 CFR Part 1b.3 (f))

Resources for consideration for extraordinary circumstances will be determined at the responsible official's sole discretion and shall be based on the nature of the actions proposed and in the context of the potentially affected area.

- (1) The resources to screen for in the potentially affected environment when considering extraordinary circumstances may include, but are not limited to:
 - i) Federally listed threatened or endangered species or designated critical habitat, or species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.
 - ii) Flood plains, wetlands, or other such sensitive areas;
 - iii) Special sources of water, such as sole-source aquifers, wellhead protection areas, municipal watershed, or other water sources that are vital in a region;
 - iv) Areas having formal Federal or state designations, such as wilderness areas, parks, or wildlife refuges; wild and scenic rivers; marine sanctuaries; national natural landmarks, inventoried roadless areas, or national recreation areas;
 - v) Specifically managed areas, such as designated research or experimental areas, coral reefs, coastal barrier resources, or, unless exempt, coastal zone management areas;
 - vi) Important or prime agricultural forest, or range lands; or
 - vii) Property (e.g. sites, buildings, structures, and objects) of historic archeological, or architectural significance, as designed by Federal, Tribal, State, or local governments, or property eligible for listing on the National Register of Historic Places.
- (2) The mere presence of one or more of the resources listed in paragraph (f)(1) of this section, or as otherwise identified at the sole discretion of the responsible official, does not mean an extraordinary circumstance exist. If there is cause-effect relationship (impact) between the proposed actions and the resource considered, an extraordinary circumstance exists only when there is reasonable certainty whether the degree of the effect is significant or certainty that the degree of effect is significant.

Questions to ask when determining whether extraordinary circumstances exist

(Documentation of answers should be provided in writing from the subject matter expert in an email or respective white paper document to the Responsible Official.)

1. Are any federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species present in the project area or area of potential effects?
 - a. If yes, which species or habitat?
 - b. How much habitat occurs within the project area or area potentially impacted?
 - c. Are the proposed actions, actions that may cause impacts to these species or their habitat?
 - i. If yes, what is/are the cause-effect(s) that may occur as a result of the proposed action? (Example: Operating mechanized equipment or thinning trees within a 10-foot radius around an owl nest tree may disrupt breeding owls or damage their nest tree)
 - ii. If no, why not (document circumstances and rationale)? (***Review Complete***)
 - d. If there is potential for the proposed action(s) to have a cause-effect - Can (or will) the cause-effect be mitigated by management requirements or a modification to the proposed action to eliminate an extraordinary circumstance or uncertainty of the effect?
 - i. Identify the management requirements and explain why that eliminates an extraordinary circumstance. (e.g., No mechanical treatments or forest thinning may occur within a 10-foot radius around an owl nest tree).

- ii. Identify any aspects of the Proposed Action which avoid or mitigate a cause-effect relationship.
 - e. If there is potential for the proposed action(s) to have a cause-effect -If the cause-effect can't be mitigated what is the degree of significance of that cause-effect relationship to the proposed action?
 - i. What is the duration of the potential impact?
 - ii. What is the magnitude of the potential impact? (How many individuals or how much of their habitat might be impacted?)
 - iii. Is there any uncertainty regarding the magnitude of the potential impact? **(Review Complete)**
- 2. Are there any flood plains, wetlands, or other such sensitive areas within the project area or area potentially impacted by the proposed action(s)?
 - a. If yes, which ones? Where are they located?
 - b. How many acres occur within the project area or areas potentially impacted?
 - c. Are the proposed actions, actions that may cause impacts to floodplains, wetlands, or other such sensitive areas?
 - i. If yes, describe the potential cause-effect relationship.
 - ii. Is there any uncertainty regarding the potential effects?
 - iii. If no, explain why not. **(Review Complete)**
- 3. Are there special sources of water, such as sole-source aquifers, wellhead protection areas, municipal watershed, or other water sources that are vital in a region within the project area or area potentially impacted by the proposed actions?
 - a. If yes, which ones? Where are they located?
 - b. How many acres occur within the project area or areas potentially impacted?
 - c. Are the proposed actions, actions that may cause impacts to special source of water, such as sole-source aquifers, wellhead protection areas, municipal watershed, or other water sources that are vital in a region within the project area or area potentially affected by the proposed actions?
 - i. If yes, describe the potential cause-effect relationship.
 - ii. Is there any uncertainty regarding the potential effects?
 - iii. If no, explain why not. **(Review Complete)**
- 4. Areas having formal Federal or state designations, such as wilderness areas, parks, or wildlife refuges; wild and scenic rivers; marine sanctuaries; national natural landmarks, inventoried roadless areas, or national recreation areas;
 - a. If yes, which ones? Where are they located?
 - i. Refer to FSM2320 for Wilderness Directives
 - ii. Refer to FSM2350 for Wild and Scenic River Directives
 - iii. Refer to local Forest Plan for Potential Wilderness Area and eligible/suitable wild and scenic rivers direction.
 - iv. Refer to FSH1909.12 Chapter 80 for eligible/suitable wild and scenic rivers directives.
 - b. How many acres occur within the project area or areas potentially impacted?
 - c. Are the proposed actions, actions that may cause impacts to these designated areas?
 - i. If yes, describe the potential cause-effect relationship.
 - ii. Is there any uncertainty regarding the potential effects?
 - iii. If no cause-effect relationship, explain why not. **(Review Complete)**
- 5. Are there specifically managed areas, such as designated research or experimental areas, coral reefs, coastal barrier resources, or, unless exempt, coastal zone management areas within the project area or area potentially impacted by the proposed actions?
 - a. If yes, which ones? Where are they located?
 - b. How many acres occur within the project area or areas potentially impacted?
 - c. Are the proposed actions, actions that may cause impacts to these designated areas?
 - i. If yes, describe the potential cause-effect relationship.
 - ii. Is there any uncertainty regarding the potential effects?

- iii. If no cause-effect relationship, explain why not. ***(Review Complete)***
- 6. Are there important or prime agricultural forest, or range lands within the project area or area potentially impacted by the proposed actions?
 - a. If yes, which ones? Where are they located?
 - b. How many acres occur within the project area or areas potentially impacted?
 - c. Are the proposed actions, actions that may cause impacts to these designated areas?
 - i. If yes, describe the potential cause-effect relationship.
 - ii. Is there any uncertainty regarding the potential effects?
 - iii. If no cause-effect relationship, explain why not. ***(Review Complete)***
- 7. Is there property (e.g. sites, buildings, structures, and objects) of historic archeological, or architectural significance, as designed by Federal, Tribal, State, or local governments, or property eligible for listing on the National Register of Historic Places within in project area or area potentially impacted by the proposed actions?
 - a. If yes, which ones? Where are they located?
 - b. How many acres occur within the project area or areas potentially impacted?
 - c. Are the proposed actions, actions that may cause impacts to these designated areas?
 - i. If yes, describe the potential cause-effect relationship.
 - ii. Is there any uncertainty regarding the potential effects?
 - iii. If no cause-effect relationship, explain why not. ***(Review Complete)***

Categorical Exclusions

Filing location: [\(6\) 1950 Environmental Analysis | Powered by Box](#)

☐ **Categorical Exclusion NOT Requiring a NEPA documentation:**

[Provide CE Category Citation Here](#)

- ☐ Project added to ELMS/ ELMS status updated.
- ☐ No extraordinary circumstances exist.
 - ☐ Finding of Applicability and No Extraordinary Circumstances supporting the determination (**Review Complete**)

☐ **Categorical Exclusion Requiring NEPA documentation:**

[Provide CE Category Citation Here](#)

- ☐ Project added to ELMS / ELMSstatus.
- ☐ No extraordinary circumstances exist
 - ☐ Finding of Applicability and No Extraordinary Circumstances supporting the determination (**Review Complete**)

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Environmental Assessment, FONSI, and Decision Notice

Filing location: [\(6\) 1950 Environmental Analysis | Powered by Box](#)

☐ Environmental Assessment and FONSI (7 CFR Part 1b.5 and 1b.6):

- ☐ Project added to ELMS / ELMS status updated.
- ☐ Environmental Assessment (See 7 CFR Part 1b.5 – for EA requirements)
 - ❖ Purpose and Need for the Proposal
 - ❖ No Action, Proposed action and alternative(s) (if any)
 - ❖ Potentially Affected Environment and Environmental Impacts
 - ❖ Agency and Persons Contacted
 - ❖ Other Environmental Reviews
 - ❖ Certifying statements for page limit and deadline
- ☐ Finding of No Significant Impact (FONSI) (7 CFR Part 1b.6)
 - ❖ Incorporate by reference the environmental assessment and note any other documentation related to it, such as documentation contained in the proposal record. The finding need not repeat any of the discussion in the environmental assessment;
 - ❖ Include a statement of the selected alternative if other alternatives were considered and analyzed in detail in addition to the proposed action
 - ❖ Document the reasons why the responsible official has determined the proposed action or selected alternative will not have a reasonably foreseeable significant impact on the quality of the human environment, based on analysis and evidence provided in the environmental assessment, and conclude with a statement that for these reasons an environmental impact statement will not be prepared. If the responsible official finds no significant impacts based on mitigation, state the authority for any mitigation that the responsible official has adopted and any applicable monitoring or enforcement provisions. If the responsible official finds no significant effects based on mitigation, the mitigated finding of no significant impact will state any mitigation requirements enforceable by the subcomponent or voluntary mitigation commitments that will be undertaken to avoid significant effects, and any applicable monitoring or enforcement provisions
 - ❖ A statement regarding when implementation of the action is anticipated to begin; and
 - ❖ Include the date issued and the signature of the responsible official.
- ☐ Legal Notice – 30 day notice and comment period (6 CFR 218)
- ☐ 30-day notice and comment period completed
- ☐ review and consideration of comments received during 30 day notice and comment period.
- ☐ Legal Notice – Opportunity to Object (36 CFR 218)
- ☐ 45 day Objection Review Period (36 CFR 218)
- ☐ 30-day Objection extension period (36 CFR 218)
- ☐ Interested and affected parties notified the EA, FONSI, and signed DN are available.
- ☐ Project Record Complete and available on Pinyon

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Environmental Impact Statement and Record of Decision

Filing location: [\(6\) 1950 Environmental Analysis | Powered by Box](#)

☐ Environmental Impact Statement (& CFR Part 1b.7 and 1b.8):

- ☐ Project added to ELMS / ELMS status updated
- ☐ Federal Register NOI
- ☐ DEIS (7 CFR Part 1b.7)
 - ❖ Cover
 - ❖ Purpose and Need for the proposal
 - ❖ Proposed Action and Alternatives
 - ❖ Potentially affected environment
 - ❖ Environmental Impacts
 - ❖ Environmental review and consultation requirements to include in a list of agencies and persons consulted
 - ❖ Appendices (if any)
 - ❖ Certifying statements for page limit and deadline
- ☐ 45-day DEIS Comment Period (36 CFR 218.25(a)(1)(ii))
- ☐ Federal Register Notice of Availability of the DEIS Published (36 CFR 218.25(a)(1)(ii))
- ☐ Opportunity to Comment Legal Notice
- ☐ Response to Comments (40 CFR 1503.4)
- ☐ FEIS (7 CFR Part 1b.7)
 - ❖ Cover
 - ❖ Purpose and Need for the proposal
 - ❖ Proposed Action and Alternatives
 - ❖ Potentially affected environment
 - ❖ Environmental Impacts
 - ❖ Environmental review and consultation requirements to include in a list of agencies and persons consulted
 - ❖ Appendices (if any)
 - ❖ Certifying statements for page limit and deadline
- ☐ Draft Record of Decision (7 CFR Part 1b.8)
 - ❖ Documentation Informing the ROD
 - ❖ Consideration of Substantive Alternatives, Information, and Analyses
 - ❖ Activities Approved
 - ❖ Significant Impact Considerations
 - ❖ Other Factors Influencing the Decision
 - ❖ Anticipated Implementation of Authorized Activities
 - ❖ Signature and Authorization Date
- ☐ 45-day Administrative Review
- ☐ Opportunity to Object Legal Notice in Newspaper of Record or Federal Register Notice of Availability of the FEIS*
- ☐ 30-day waiting period from Federal Register FEIS NOA, or 90-day waiting period from Federal Register DEIS NOA (whichever is shorter).
- ☐ Record of Decision Signed (7 CFR Part 1b.8)
 - ❖ Documentation Informing the ROD
 - ❖ Consideration of Substantive Alternatives, Information, and Analyses
 - ❖ Activities Approved
 - ❖ Significant Impact Considerations
 - ❖ Other Factors Influencing the Decision
 - ❖ Anticipated Implementation of Authorized Activities
 - ❖ Signature and Authorization Date

- ☐ Interested and affected parties notified of the availability of the ROD as soon as practical after signing.
- ☐ Project Record Complete and available on Pinyon

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National Forest Management Act (NFMA)

Plan amendment considerations for discussion with Regional Office:

- ☐ In accordance with 36 CFR 219.13(b)(5), based on the proposed amendments' purpose and anticipated effects, the Responsible Official has determined which, if any, substantive provisions are directly related to the proposed amendments (should be in scoping, draft, and final analysis documents and decision). ***The responsible official must include information in the initial notice for the amendment (§ 219.16(a)(1)) about which substantive requirements of §§ 219.8 through 219.11 are likely to be directly related to the amendment (§ 219.13(b)(5)).***
- ☐ The project record documents how the each directly related substantive requirement is applied. Application of the directly related substantive requirements listed in the preceding section entails documenting that 1) the amended plan will meet the overarching purpose of each specific substantive requirement; 2) identifying specific plan components which ensure that purpose is met; and 3) explaining how the agency action triggering the amendments is consistent with the purpose of the substantive requirement.
- ☐ For an amendment to a plan developed or revised under a prior planning regulation, if species of conservation concern (SCC) have not been identified for the plan area and if scoping or NEPA effects analysis for the proposed amendment reveals substantial adverse impacts to a specific species, or if the proposed amendment would substantially lessen protections for a specific species, the responsible official must determine whether such species is a potential SCC, and if so, apply section § 219.9(b) with respect to that species as if it were an SCC.