

**RE: Railroad Construction at Cates Landing in Lake County , Tennessee****Slabaugh, Doug - NRCS, Nashville, TN**

05/29/2015 09:56 AM

To: Joshua.Wayland@stb.dot.gov

Cc: "Davis, Charlie - NRCS, Jackson, TN"

1 attachment



Draft training brochure.pdf

Joshua;

Attached is a brochure for Farmland Protection Policy Act (FPPA) compliance in Tennessee. As you can see, there are several conditions that will make a project exempt for FPPA. One possible exemption that you would probably want to look into is the exemption for corridor projects that convert less than ten acres per linear mile where there is an approved Statewide Land Evaluation and Site Assessment (LESA) system in place (under the heading called "Other Exemptions to the FPPA" in the brochure). Tennessee developed a current statewide LESA system which was approved by the Tennessee State Technical Advisory Committee and signed by the NRCS State Conservationist in 2014. There is also an exemption for projects that are within an existing right of way purchased on or before August 4, 1984.

So if the conversion acreage of your project is within the limits of the exemption, or is within a 30 year existing right of way, you would not need an FPPA assessment.

If the project is not within the acreage limits or right of way requirements for an exemption, you would need to submit a CPA-106 according to instructions at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>. To expedite the process, you could submit the CPA-106 with your parts completed directly to Charlie Davis, Resource Soil Scientist, Jackson Tennessee. Charlie's contact information is shown in the brochure.

I hope this helps.

Doug Slabaugh
State Soil Scientist
USDA - Natural Resources Conservation Service
801 Broadway; RM 675
Nashville, TN 37203

(615) 277-2550

-----Original Message-----

From: Joshua.Wayland@stb.dot.gov [mailto:Joshua.Wayland@stb.dot.gov]

Sent: Thursday, May 28, 2015 5:40 PM

To: Slabaugh, Doug - NRCS, Nashville, TN

Subject: Railroad Construction at Cates Landing in Lake County, Tennessee

Mr. Slabaugh,

I am contacting you regarding a proposed rail line construction in Lake

County, Tennessee. The project proponent, the Northwest Tennessee Regional Port Authority, proposes to construct approximately 5.5 miles of new rail line connecting the Port of Cates Landing to the Tennken railroad near Tiptonville, Tennessee. My agency, the Surface Transportation Board, is the federal agency responsible for licensing new rail line constructions. We are currently preparing an Environmental Assessment for the Port's project to fulfill our obligations under the National Environmental Policy Act.

Your agency submitted comments on this project in August of last year requesting that a CPA-106 form be initiated once the alternatives of the project have been established. I would like to follow up with you regarding the next steps for this process. Would you mind calling me at your earliest convenience at the number below so that we can discuss? For your reference, I have attached the Description of Proposed Action and Alternatives, which includes maps and descriptions of the alternative railroad alignments that we are considering in the EA. I would also be happy to pass along maps of the project alternatives in whatever digital format works best for you.

Thank you for your guidance and assistance.

(See attached file: Cates Landing Railroad DOPPA.pdf)

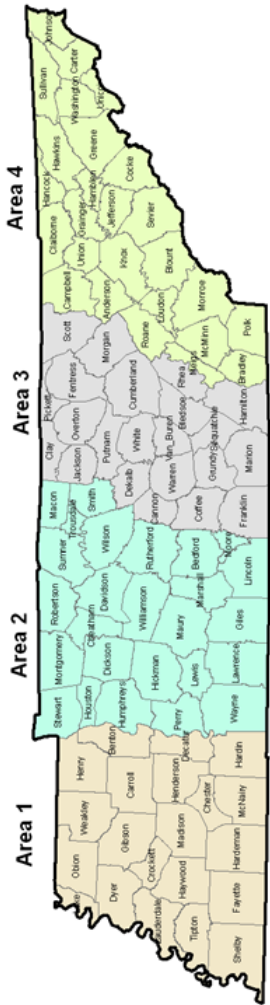
Best regards,

Josh Wayland
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
Tel: (202) 245-0330

Where to send FPPA requests in Tennessee

People to contact

Doug Slabaugh
State Soil Scientist
801 Broadway
Nashville, TN 37203
(615)-277-2550
doug.slabaugh@tn.usda.gov



Area 1

Charlie Davis
235 Oil Well Road
Jackson, TN 38305-7914
731-668-0700, Ext. 102
Fax: (731) 668-8510
charlie.davis@tn.usda.gov

Area 2

David McMillen
315 John R. Rice Blvd
Suite 175
Murfreesboro, TN 37219
615-893-9295, Ext. 125
Fax: (615) 893-9136
david.mcmillen@tn.usda.gov

Area 3

Jerry Prater
751 Millers Pt Rd
Sparta, TN 38583
931-738-7822, Ext.
Fax: (931) 738-3234
jerry.prater@tn.usda.gov

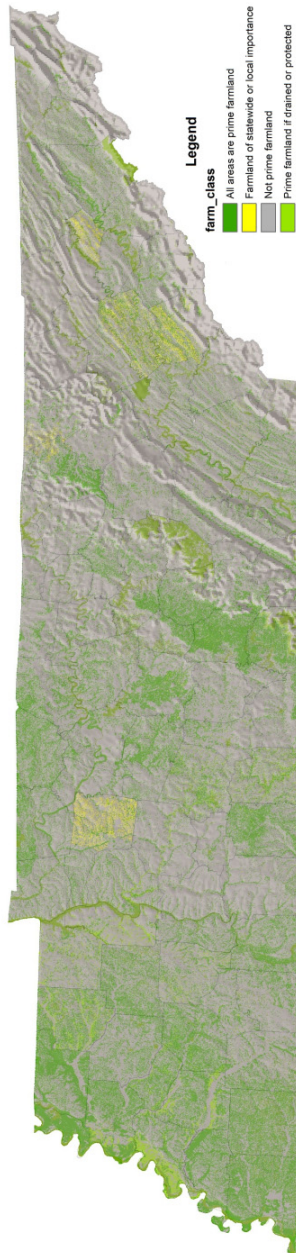
Area 4

Rick Livingston
9737 Cogdill Road,
Suite 152C
Knoxville, TN 37932-3381
865-671-3830, Ext. 112
Fax: (865) 671-4852
rick.livingston@tn.usda.gov

The NRCS National FPPA home page forms and resources, including the FPPA manual are at:

<http://www.nrcs.usda.gov/programs/fppa/>

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>



“Helping People Help the Land”



Farmland Protection Policy Act (FPPA)

Procedures for Tennessee

Prime farmland is land that:

- ✓ Has the best combination of physical and chemical characteristics for producing food, feed, and forage, fiber, and oilseed crops and is available for these uses,
- ✓ Has an adequate and dependable water supply from precipitation or irrigation,
- ✓ Has favorable temperature and growing season,
- ✓ Has few or no rocks,
- ✓ Has soils that are permeable to water and air,
- ✓ Has soils that are not excessively erodible or saturated with water for a long period of time,
- ✓ Does not flood frequently.

What is the Farmland Protection Policy Act (FPPA)?

- Projects that are subject to the FPPA requirements are ones that may irreversibly convert farmland (directly or indirectly) to nonagricultural uses. They are also projects that are completed by a Federal agency, or with assistance from a Federal agency.
- The FPPA process must be used whenever Federal money or time is used in the direct or indirect conversion of prime farmland. Private land, where no Federal funds or technical assistance is utilized, is not subject to the provisions of FPPA
- It is the responsibility of the Federal agency that is providing technical assistance or funding to the project to decide if the project will convert farmland to non-agricultural uses, and to submit the form. If no conversion of farmland to non-agricultural uses will take place, **PLEASE DO NOT** initiate this process



Activities NOT subject to provisions of FPPA:

- Renovating existing structures
- Projects planned and completed without assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before Aug. 4, 1984
- Construction for national defense purpose
- Construction of farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.

Lands NOT covered by the FPPA:

- Lands identified as urbanized area
- Areas that do **NOT** contain prime, unique, statewide important or locally important farmland

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July, 2013

Other Exemptions to the FPPA:

- Small acreages (i.e., 10 acres or less per linear mile or 3 acres where there is a project for an existing bridge or interchange) where a statewide, local, or tribal LESA system has been approved by the State Conservationist. Acreage includes both direct and indirect conversions. These exemptions are to avoid new construction and encourage improvements to existing linear projects.
- Corridor subsurface projects such as buried water, sewage, and/or electrical lines which will develop a soil disturbance/removal and reconstruction plan for all agricultural land uses

Materials needed:

- AD-1006** form with **parts I and III** filled out (CPA-106 for corridor type projects).
- Maps** showing the project area:
 - Use points and lines on USGS 7.5 minute quadrangle topographic maps with the project area that will be converted accurately delineated. Use polygons only when they can accurately describe the project area to scale.
 - Provide dimensions of the area to be converted, or if the project extends along a corridor, provide the width and length of each segment of the project.
 - Give other clues to location: Quad name, “2 miles south of “ etc.
- Alternatively to #2; provide **digital data** of the project (this way is preferred):
Export data to ArcGIS shape file format.
- Cover letter with specifics of the project:
 - Include any dimensions from II(b) above.
 - Include other directions as needed.
 - List the county(s) where the project is located.
- Contact the appropriate person in the list of contacts if you have questions or cannot decide what to do.

What's NOT needed:

- Pictures of the project
- Copies of other agencies comments, or general questions concerning vegetation, environmental review, and unique features, etc.