Corral and then attended the were among those attending
Chonda Pierce Concert a
ford Hope Auditorium.

Montezuma Press
Cimarron Wind
9/22/11

Weekend guests of Duc
Becky Hamilton were Cha
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Duce and Becky Hamilton, Carol Jean Martin home at Sha-

Meade Counties in Kansas,
unced the availability of
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ip loans for women and
bers of minority groups
want to purchase or oper-
ate a family-size farm.

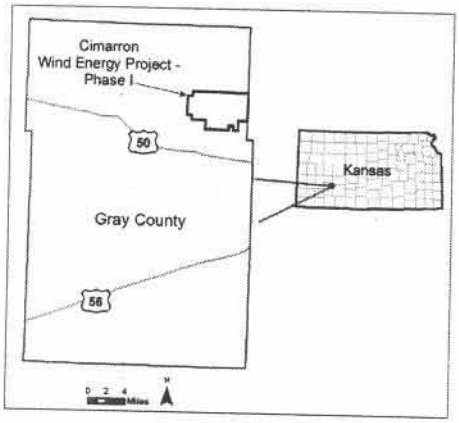
# TVA Public Notice

TVA

## Wind energy project

The Tennessee Valley Authority, an independent federal corporation of the U.S. government, has prepared an environmental assessment to determine the effects of obtaining renewable energy from a proposed wind power project in Gray County, Kan. TVA would purchase approximately 165 megawatts of power from the facility for a 20-year period.

CPV Cimarron Renewable Energy Company LLC, a private energy development company based in Silver Spring, Md., would construct and operate the Cimarron Wind Energy Project. The facility would consist of as many as 72 wind turbines spread across as many as 13,900 acres of land.




Copies of the draft environmental assessment evaluating the potential environmental impacts of the project are available in the public libraries of Cimarron, Topeka and Dodge City, Kan., as well as on TVA's website at www.tva.com/environment/reports. Additional information may be obtained at the contact below.

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Comments may be submitted online or by mail, fax or email to the address below. To ensure consideration, comments must be received in written form by Oct. 17, 2011. Please include "CPV Cimarron Wind Energy Project" in the title of submitted comments.

**Bruce Yeager**
NEPA Program Manager, TVA
400 W. Summit Hill Dr., WT 11D, Knoxville, TN 37902
blyeager@tva.com
865-632-8051
Fax: 865-632-3451

will be the featured entertainment room of Manor Conference Centre Proceeds support YWCA pro-
Wednesday at the YWCA c amming, including domestic
ka's 13th annual Women' d sexual violence services, self-
Out. eem building programs for girls,
In addition to comedy sl uth education, racial justice ef-
members of Laughing Mat ts, child care, job training, well-
create some on-the-spot ss programs and more.

Topeka Capital Journal
Wind project
9/21/11

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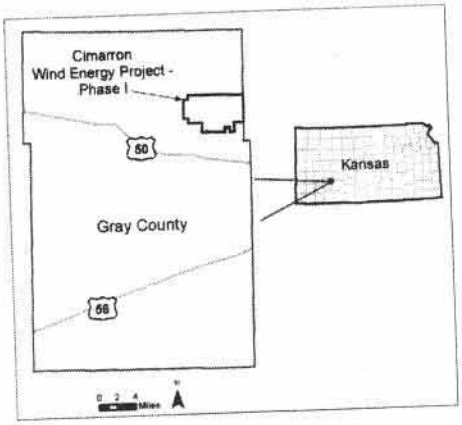


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Fax: 865-632-3451

**TOPEKA STORM MINISTRIES HOSTS:**

Ingalls school dist
ing grown up in In
graduating from In
School in 1991.

Cimarron High
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Cimarron Jackoonican
Wind Project
9/21/11

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Barber Shop on Main Stree
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for business Tuesday throug
Saturday each week. To

# TVA Public Notice

TVA

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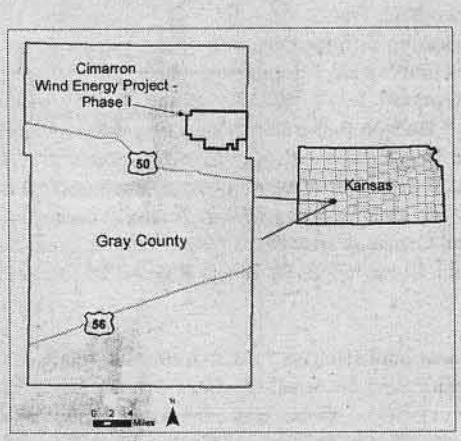


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Joplin households and for
4,000 in-place shelte
Joplin residents. The
assessment should illu
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Stammer said.

Dodge City Daily
Cimarron Wind
9/21/11

# TVA Public Notice

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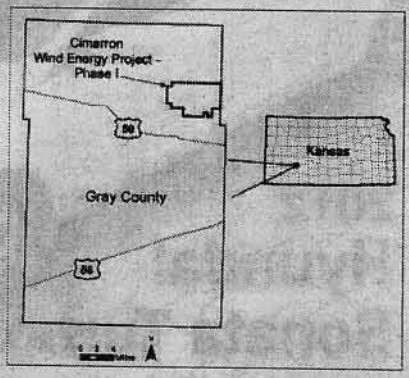


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biyeager@tva.com
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Fax: 865-632-3451

(800) 391.9186

Knox News Sentinel
9/21/11

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TVA

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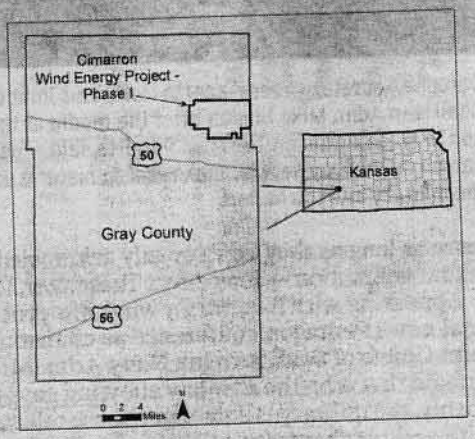


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Sept.

TVA3-34185 (629)

Jacksonville at Carolina, no
**Kansas City at San Diego,**
N.Y. Jets at Oakland, 3:05 p.
Baltimore at St. Louis, 3:05
Arizona at Seattle, 3:15 p.m
Green Bay at Chicago, 3:15
Atlanta at Tampa Bay, 3:15
Pittsburgh at Indianapolis,
**Monday's Game**

Garden City Telegram
Cimarron Wind
9/21/11

…n, 22:33.
**…n City JV**—122. Dawes, 19:41; …trasser, 20:25; 19. Matthews, …28; 21. Rodriguez, 20:50.
**…es**—20. Bohl, 20:35.90; 23. … 20:50; 24. Jimeenz, 21:04; 29. …dez, 22:09.
**…ton**—25. Reyes, 21:19; 34. …cho, 23:20; 35. Gonzalez, 24:33.

# TVA Public Notice

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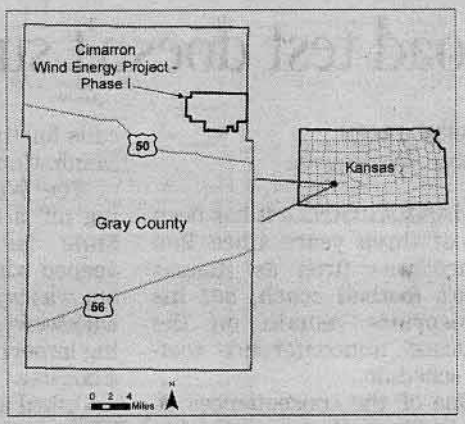


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865-632-8051
Fax: 865-632-3451.

209442

## Roberts, Erika

**From:** Yeager, Bruce L <blyeager@tva.gov>
**Sent:** Thursday, October 06, 2011 1:02 PM
**To:** Toennisson, Richard L
**Cc:** Roberts, Erika; Michael Resca
**Subject:** FW: Purchase of energy from the CPV Cimarron Wind Energy Project, Grey County, KS (Environmental Assessment)

FYI

*Bruce Yeager*
Program Manager (NEPA and Special Initiatives)
Tennessee Valley Authority
WT 11D-K
Tele: (865)-632-8051
FAX: (865) 632-2345
e-mail: blyeager@tva.gov

---

**From:** Lytle, Bob [mailto:Bob.Lytle@KDA.KS.GOV]
**Sent:** Thursday, October 06, 2011 12:46 PM
**To:** Yeager, Bruce L
**Subject:** Purchase of energy from the CPV Cimarron Wind Energy Project, Grey County, KS (Environmental Assessment)

Mr. Yeager:

This message will acknowledge receipt of a letter and a compact disc of the Draft Environmental Assessment for the Cimarron Wind Energy Project located in Gray County, Kansas. In a letter addressed to you dated June 1, 2010, I identified some potential concerns that this Agency had concerning the project. In reviewing the Draft Environmental Assessment I note that those concerns were addressed, namely, stream crossings and stream obstruction permits, term permits for water supply needs during construction, and temporary displacement of agricultural lands. We do not have any other concerns with the wind energy project. Thank you for forwarding me the draft assessment. Bob Lytle.

**From:** Yeager, Bruce L
**To:** Toennisson, Richard L;
**Subject:** FW: Draft Enviromental Assessment for the Purchase of Renewable Energy from the CPV Cimarron Wind Energy Project in Gray County, Kansas
**Date:** Monday, September 26, 2011 8:50:36 AM

*Bruce Yeager*
Program Manager (NEPA and Special Initiatives)
Tennessee Valley Authority
WT 11D-K
Tele: (865)-632-8051
FAX: (865) 632-2345
e-mail: blyeager@tva.gov

**From:** Steve Kokkinakis [mailto:Steve.Kokkinakis@noaa.gov]
**Sent:** Monday, September 26, 2011 8:43 AM
**To:** Yeager, Bruce L
**Cc:** Steve.Kokkinakis@noaa.gov
**Subject:** Draft Enviromental Assessment for the Purchase of Renewable Energy from the CPV Cimarron Wind Energy Project in Gray County, Kansas

Dear Mr. Yeager,

The National Oceanic and Atmospheric Administration (NOAA) has determined that they do not have any trust resources that would be affected by the subject purchase of renewable energy, and therefore NOAA does not have any comments to provide on this proposed action.

Regards,

Steve

*NOAA Office of Program Planning and Integration*
Steve Kokkinakis
Senior Advisor on NEPA
SSMC3, Rm. 15723 (PPI)
1315 East-West Highway
Silver Spring, MD 20910
Tel: (301) 713-1622 x189
Fax: (301) 713-0585
email: Steve.Kokkinakis@noaa.gov
Website: www.nepa.noaa.gov

**United States Department of Agriculture**

NRCS

Natural Resources Conservation Service
2803 North Lorraine, Suite J
Hutchinson, Kansas 67502

Phone: 620-663-3501
FAX: 620-663-3866
www.ks.nrcs.usda.gov

September 26, 2011

Ms. Linda B. Shipp
Senior Manager
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

Dear Ms. Shipp:

Thank you for the opportunity to review the proposed Wind Turbine Site by Cimarron, Kansas. The project is located in Gray County.

Since the proposed project in on land physically located outside the defined city limits and that the proposed project may convert farmland, as defined in the Farmland Protection Policy Act to nonagricultural uses, this project is affected by the Farmland Protection Policy Act and therefore, an AD-1006 form is required. Enclosed is Form AD-1006, Farmland Conversion Impact Rating with the Natural Resources Conservation Service's (NRCS) Parts II, IV and V completed. I am returning this form back to you to complete Parts VI and VII of this form.

Enclosed is the Site Assessment Criteria information for completing Part VI. The AD-1006 form will need to be returned back to our office once you have completed Sections VI and VII.

I see no other adverse environmental effects for which the Natural Resources Conservation Service is responsible for evaluating.

I wish you well with your project and if our local NRCS offices in Cimarron, Kansas can be of any assistance, don't hesitate to call.

Sincerely,

JESS F. CROCKFORD
Assistant State Conservationist

Attachments

ec w/o attachment:
Susan McBride, Soil Conservationist, NRCS, Salina, Kansas
Ronald L. Temaat, Supervisory District Conservationist, NRCS, Dodge City, Kansas
Jeffery D. Ladner, District Conservationist, NRCS, Cimarron, Kansas

U.S. Department of Agriculture

# FARMLAND CONVERSION IMPACT RATING

| | |
|---|---|
| **PART I** *(To be completed by Federal Agency)* | Date Of Land Evaluation Request 9/14/11 |
| Name Of Project Cimarron Wind Energy Project | Federal Agency Involved Tennessee Valley Authority |
| Proposed Land Use Wind Turbine Site | County And State Gray County, Kansas |
| **PART II** *(To be completed by NRCS)* | Date Request Received By NRCS 9/19/11 |

| Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply -- do not complete additional parts of this form).* | Yes | No | Acres Irrigated | Average Farm Size |
|---|---|---|---|---|
| | ☑ | ☐ | 271,600 | 1206 |

| Major Crop(s) | Farmable Land In Govt. Jurisdiction | Amount Of Farmland As Defined in FPPA |
|---|---|---|
| Grain Sorghum | Acres: 423,926 % 76 | Acres: 346,500 % 62 |
| Name Of Land Evaluation System Used | Name Of Local Site Assessment System | Date Land Evaluation Returned By NRCS 9/29/11 |

| **PART III** *(To be completed by Federal Agency)* | Alternative Site Rating | | | |
|---|---|---|---|---|
| | Site A | Site B | Site C | Site D |
| A. Total Acres To Be Converted Directly | 57.0 | | | |
| B. Total Acres To Be Converted Indirectly | 0.0 | | | |
| C. Total Acres In Site | 57.0 | 0.0 | 0.0 | 0.0 |
| **PART IV** *(To be completed by NRCS)* Land Evaluation Information | | | | |
| A. Total Acres Prime And Unique Farmland | 44.5 | | | |
| B. Total Acres Statewide And Local Important Farmland | 0.0 | | | |
| C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted | 1.0 | | | |
| D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value | 33.0 | | | |
| **PART V** *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)* | 33 | 0 | 0 | 0 |

| **PART VI** *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)* | Maximum Points | | | | |
|---|---|---|---|---|---|
| 1. Area In Nonurban Use | 15 | | | | |
| 2. Perimeter In Nonurban Use | 10 | | | | |
| 3. Percent Of Site Being Farmed | 20 | | | | |
| 4. Protection Provided By State And Local Government | 20 | | | | |
| 5. Distance From Urban Builtup Area | 15 | | | | |
| 6. Distance To Urban Support Services | 15 | | | | |
| 7. Size Of Present Farm Unit Compared To Average | 10 | | | | |
| 8. Creation Of Nonfarmable Farmland | 10 | | | | |
| 9. Availability Of Farm Support Services | 5 | | | | |
| 10. On-Farm Investments | 20 | | | | |
| 11. Effects Of Conversion On Farm Support Services | 10 | | | | |
| 12. Compatibility With Existing Agricultural Use | 10 | | | | |
| TOTAL SITE ASSESSMENT POINTS | 160 | 0 | 0 | 0 | 0 |
| **PART VII** *(To be completed by Federal Agency)* | | | | | |
| Relative Value Of Farmland *(From Part V)* | 100 | 33 | 0 | 0 | 0 |
| Total Site Assessment *(From Part VI above or a local site assessment)* | 160 | 0 | 0 | 0 | 0 |
| TOTAL POINTS *(Total of above 2 lines)* | 260 | 33 | 0 | 0 | 0 |

| Site Selected: A | Date Of Selection 1/20/10 | Was A Local Site Assessment Used? Yes ☐ No ☐ |
|---|---|---|

Reason For Selection: Alternative sites pre-screened out due to location, availability, or logistical information.

*(See Instructions on reverse side)*

Form AD-1006 (10-83)

This form was electronically produced by National Production Services Staff

## STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 – NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step '4 – In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 – NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

## INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

**Part I:** In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

**Part III:** In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.

2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

**Part VI:** Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will, be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

**Part VII:** In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site "A."}$$

**Roberts, Erika**

**Subject:** FW: ECS-Environmental Assessment-CPV Cimarron Wind Energy Project

**From:** Heiser, Janelle - NRCS, Salina, KS [mailto:janelle.heiser@ks.usda.gov]
**Sent:** Wednesday, October 26, 2011 8:52 AM
**To:** Yeager, Bruce L
**Cc:** Ungerer, Jon - NRCS, Salina, KS; Burr, Andy - NRCS, Salina, KS
**Subject:** ECS-Environmental Assessment-CPV Cimarron Wind Energy Project

The Natural Resources Conservation Service (NRCS) appreciates the opportunity to review and comment on the Draft Environmental Assessment (EA) for the purchase of renewable energy from the CPV Cimarron Wind Energy Project in Gray County, Kansas.

The NRCS has concerns about routing the proposed collection lines through the playa lakes (wetlands). In your letter dated September 16, 2011, you indicate that excavation for the proposed collection lines will be 4 feet deep. Your assessment is that these impacts will be temporary in nature. We have potential concern because the typical depth to the clay layer within Ness clay is 0 to 31 inches deep. Installation of the proposed collection lines at a depth of 4 feet has potential to permanently drain the wetlands.

As acknowledged by your reference to Executive Order 11990, federal money should not be used to drain wetlands. The projects potential to adversely impact wetlands may be easily avoided through minor collection line route changes or other mitigation measures.

Please contact Andrew G. Burr, State Biologist, at 785-823-4593, if you have any questions.

*(signed)*

ERIC B. BANKS
State Conservationist

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kansas Ecological Services Field Office
2609 Anderson Avenue
Manhattan, Kansas 66502-2801

October 17, 2011

Bruce L. Yeager
NEPA Program Manager
Tennessee Valley Authority
400 W. Summit Hill Drive, WT 11D
Knoxville, TN 37902

RE: DEA for Cimarron Wind Energy Project; Gray County, KS 64411-2011-CPA-0923

Dear Mr. Yeager:

This is in reply to your September 16, 2011 letter transmitting the Tennessee Valley Authority's Draft Environmental Assessment for the purchase of wind-generated energy from the CPV Cimarron Wind Energy Project, proposed for construction in Gray County, Kansas. The facility is designed to generate 165 megawatts of power, and will occupy approximately 23 square miles of land. Our primary interest in reviewing this project is the potential for impacting fish and wildlife resources, particularly threatened and endangered species and migratory birds. As discussed with your staff, a Biological Assessment is being prepared and will be provided for our review shortly, and the bulk of our review will be directed at that document. The following comments are provided under the authority of the National Environmental Policy Act.

The measures the DEA suggests for minimizing and avoiding impacts to migratory birds, including the endangered whooping crane, are insufficient in our opinion. The large number of sightings of sandhill cranes flying within the rotor-swept height of the proposed facility indicate the potential for impacting a whooping crane may be higher than the analysis suggests. A large number of wind companies, including CPV, have been working diligently with the Service the past two years to prepare a Habitat Conservation Plan that will guide the development of wind power within the migratory corridor for the whooping crane. While it is the Service's opinion that construction of new wind farms should await the completion of that effort, we recognize that companies are continuing to proceed with current plans. So it is important that we not set a precedent that will preclude the formulation of any measures that may be important in that effort.

The DEA identifies a number of shallow water bodies within the project's footprint that may comprise suitable stopover habitat for the whooping crane. Our assumption is that cranes will avoid these areas once turbines are constructed, thereby eliminating them from suitability during migration. A plan should be developed that offsets this impact by targeting wetland areas outside the footprint of the wind farm for restoration or protection in the long term. Ideally, these areas should be five miles from any project turbine or powerline, but no more than 10 miles away, to provide alternate stopover sites for cranes in the vicinity.

Above-ground powerlines are a major hazard to migrating whooping cranes, and the Service has developed guidance for the construction and siting of lines within the migratory corridor. A copy of that guidance is enclosed, and should be applied to any lines constructed as part of this project.

The DEA also indicates there will be impacts to some native grassland, which is an extremely important and declining resource in Kansas and the U.S. The candidate lesser prairie-chicken was discussed in the DEA, and this species is particularly vulnerable to facility construction within its preferred habitat. Although no leks were observed within the project footprint, suitable habitat does occur, and the Service will defer to any recommendations of the Kansas Department of Wildlife, Parks and Tourism for the protection of this species and its habitat.

Many other bird species nest in native grassland, and may be affected by this project, although those potential impacts are not as well understood at this time. The Service recommends that grassland mitigation, similar to that developed for another TVA-sponsored project in Elk County, Kansas, be designed for this project as well. The purpose of such mitigation will be to replace habitat values lost to this rapidly-declining suite of avian species.

Thank you for this opportunity to review the Draft Environmental Assessment, and we look forward to receiving a copy of the Biological Assessment for this project as well. Please contact me or Dan Mulhern of this office if you have comments or questions.

Sincerely,

Michael J. LeValley
Field Supervisor

enclosure

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6
ES

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

FEB 04 2010

Memorandum

To: Field Office Project Leaders, Ecological Services, Region 6
Montana, North Dakota, South Dakota, Nebraska, Kansas

From: Assistant Regional Director, Ecological Services, Region 6

Subject: Region 6 Guidance for Minimizing Effects from Power Line Projects Within the Whooping Crane Migration Corridor

This document is intended to assist Region 6 Ecological Services (ES) biologists in power line (including generation lines, transmission lines, distribution lines, etc.) project evaluation within the whooping crane migration corridor. The guidance contained herein also may be useful in planning by Federal action agencies, consultants, companies, and organizations concerned with impacts to avian resources, such as the Avian Power Line Interaction Committee (APLIC). We encourage action agencies and project proponents to coordinate with their local ES field office early in project development to implement this guidance.

The guidance includes general considerations that may apply to most, but not every, situation within the whooping crane migratory corridor. Additional conservation measures may be considered and/or discretion may be applied by the appropriate ES field office, as applicable. We believe that in most cases the following measures, if implemented and maintained, could reduce the potential effects to the whooping crane to an insignificant and/or discountable level. Where a Federal nexus is lacking, we believe that following these recommendations would reduce the likelihood of a whooping crane being taken and resulting in a violation of Endangered Species Act (ESA) section 9. If non-Federal actions cannot avoid the potential for incidental take, the local ES field office should encourage project proponents to develop a Habitat Conservation Plan and apply for a permit pursuant to ESA section 10(a)(1)(B).

Finally, although this guidance is specific to impacts of power line projects to the whooping crane within the migration corridor, we acknowledge that these guidelines also may benefit other listed and migratory birds.

If you have any questions, please contact Sarena Selbo, Section 7 Coordinator, at (303) 236-4046.

**Region 6 Guidance for Minimizing Effects from Power Line Projects Within the Whooping Crane Migration Corridor**

1) Project proponents should avoid construction of overhead power lines within 5.0 miles of designated critical habitat and documented high use areas (these locations can be obtained from the local ES field office).

2) To the greatest extent possible, project proponents should bury all new power lines, especially those within 1.0 mile of potentially suitable habitat[1].

3) If it is not economically or technically feasible to bury lines, then we recommend the following conservation measures be implemented:

   a) Within the 95-percent sighting corridor (see attached map)

      i) Project proponents should mark[2] new lines within 1.0 mile of potentially suitable habitat and an equal amount of existing line within 1.0 mile of potentially suitable habitat (preferably within the 75-percent corridor, but at a minimum within the 95-percent corridor) according to the U.S. Fish and Wildlife Service (USFWS) recommendations described in APLIC 1994 (or newer version as updated).

      ii) Project proponents should mark replacement or upgraded lines within 1.0 mile of potentially suitable habitat according to the USFWS recommendations described in APLIC 1994 (or newer version as updated).

   b) Outside the 95-percent sighting corridor within a State's borders

      Project proponents should mark new lines within 1.0 mile of potentially suitable habitat at the discretion of the local ES field office, based on the biological needs of the whooping crane.

   c) Develop compliance monitoring plans

      Field offices should request written confirmation from the project proponent that power lines have been or will be marked and maintained (i.e., did the lines recommended for marking actually get marked? Are the markers being maintained in working condition?)

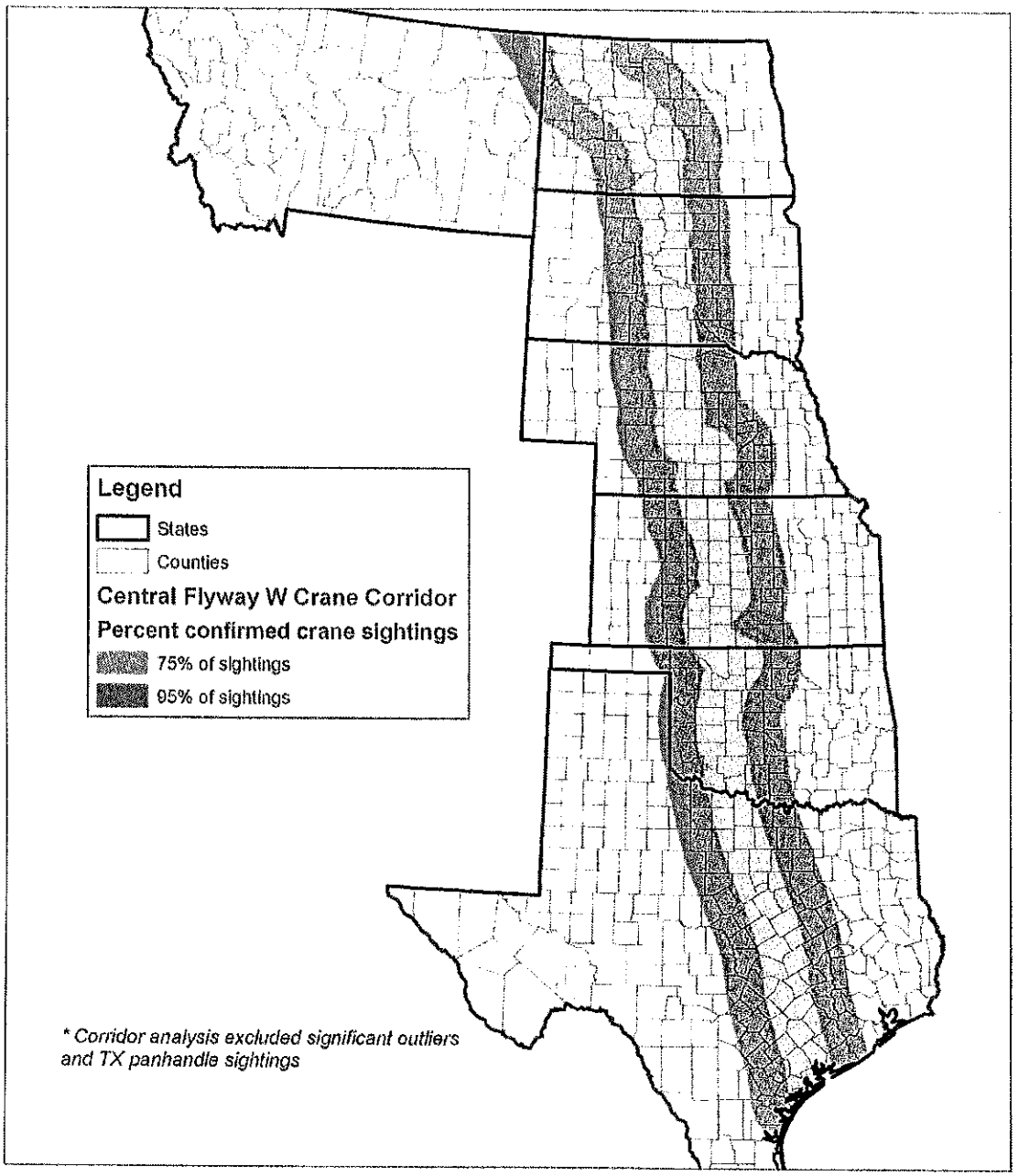
---

[1] Potentially suitable migratory stop over habitat for whooping cranes includes wetlands with areas of shallow water without visual obstructions (i.e., high or dense vegetation) (Austin & Richert 2001; Johns et al. 1997; Lingle et al. 1991; Howe 1987) and submerged sandbars in wide, unobstructed river channels that are isolated from human disturbance (Armbruster 1990). Roosting wetlands are often located within 1 mile of grain fields. As this is a broad definition, ES field office biologists should assist action agencies/applicants/companies in determining what constitutes potentially suitable habitat at the local level.

[2] Power lines are cited as the single greatest threat of mortality to fledged whooping cranes. Studies have shown that marking power lines reduces the risk of a line strike by 50 to 80 percent (Yee 2008; Brown & Drewien 1995; Morkill & Anderson 1991). Marking new lines and an equal length of existing line in the migration corridor maintains the baseline condition from this threat.

**U.S. Fish & Wildlife Service**

## United States Central Flyway Whooping Crane Migration Corridor *




Produced for Ecological Services
Grand Island, NE
Current to: 2008
Basemap (Date): U.S. Counties
Meridian:
File:

0 70 140 280 420 560 Miles

N
W E
S

**Literature Cited**

Armbruster, M.J. 1990. Characterization of habitat used by whooping cranes during migration. U.S. Fish and Wildlife Service. Biological Report 90(4). 16 pp.

Austin, E.A., and A.L. Richert. 2001. A comprehensive review of observational and site evaluation data of migrant whooping cranes in the United States, 1943-99. U.S. Geological Survey. Northern Prairie Wildlife Research Center, Jamestown, North Dakota, and State Museum, University of Nebraska, Lincoln, Nebraska. 157 pp.

Avian Power Line Interaction Committee. 1994. Mitigating bird collisions with power lines: the state of the art in 1994. Edison Electric Institute. Washington, D.C. 99 pp.

Brown, W.M., and R.C. Drewien. 1995. Evaluation of two powerline markers to reduce crane and waterfowl collision mortality. Wildlife Society Bulletin 23(2):217-227.

Howe, M.A. 1987. Habitat use by migrating whooping cranes in the Aransas-Wood Buffalo corridor. Pp 303-311, in J.C. Lewis and J.W. Ziewitz, eds. Proc. 1985 Crane Workshop. Platte River Whooping Crane Habitat Maintenance Trust and U.S. Fish and Wildlife Service, Grand Island, Nebraska.

Johns, B.W., E.J. Woodsworth, and E.A. Driver. 1997. Habitat use by migrant whooping cranes in Saskatchewan. Proc. N. Am. Crane Workshop 7:123-131.

Lingle, G.R., G.A. Wingfield, and J.W. Ziewitz. 1991. The migration ecology of whooping cranes in Nebraska, U.S.A. Pp 395-401 in J. Harris, ed. Proc. 1987 International Crane Workshop, International Crane Foundation, Baraboo,Wisconsin.

Morkill, A.E., and S.H. Anderson. 1991. Effectiveness of marking powerlines to reduce sandhill crane collisions. Wildlife Society Bulletin 19:442-449.

Yee, M.L. 2008. Testing the effectiveness of an avian flight diverter for reducing avian collisions with distribution power lines in the Sacramento Valley, California. California Energy Commission; Publication CEC-500-2007-122.

**Responses to Public Comments on the Draft EA**
**for the Cimarron Wind Energy Project – Phase 1**

## Natural Resource and Conservation Service (NRCS)

### Hutchinson, Kansas - 9-26-11

**Comment 1:** Since the proposed project is on land physically located outside the defined city limits and that the proposed project may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to non-agricultural uses, this project is affected by the Farmland Protection Act and therefore, an AD-1006 form is required.

**Response:** The AD-1006 form which has been completed and is attached. It concludes that the combined relative value and site assessment scores of the 44 acres of prime farmland impacted was 133 points. This is below 160 points required for further involvement of the NRCS, therefore review under the FPPA is complete.

**Comment 2:** I see no other adverse environmental effects for which the Natural Resources Conservation Service is responsible for evaluating.

**Response:** Comment noted. TVA received an additional comment from the NRCS office in Salina, Kansas on 10-26-11, after the close of the comment period (below).

### Salina, Kansas - 10-26-11

**Comment 3:** The NRCS has concerns about routing the proposed collection lines through the playa lakes (wetlands). In your letter dated September 16, 2011, you indicate that excavation for the proposed collection lines will be 4 feet deep. Your assessment is that these impacts will be temporary in nature. We have potential concern because the typical depth to the clay layer within Ness clay is 0 to 31 inches deep. Installation of the proposed collection lines at a depth of 4 feet has potential to permanently drain the wetlands.

**Response:** The potential impacts to wetlands from the installation of underground collection lines using best management practices are considered to be temporary and acceptable. A 2011 study of playa systems indicates there is little groundwater connection between playas, and hydrologic inputs are primarily from direct precipitation and runoff (Bowen, M. W. 2011. *Spatial Distribution and Geomorphic Evolution of Playa-Lunette Systems on the Central High Plains of Kansas*). Project plans call for impacts to only one wetland (0.07-acre in size) located on NRCS mapped soil type "Ness clay." These impacts will be temporary, and associated with construction of the proposed underground collection line. Therefore excavation for the proposed collection lines will have minimal effect on playa lakes within the proposed project area. In addition, CPV Cimarron Renewable Energy Company, LLC (CPV) will provide mitigation for the loss of wetland habitat for migrating birds via $250,000 to purchase*,* protect, restore, or enhance crane-suitable wetlands habitat in the area, which will preserve and protect similar playas in perpetuity.

**Comment 4:** As acknowledged by your reference to Executive Order 11990, federal money should not be used to drain wetlands. The projects potential to adversely impact wetlands may be easily avoided through minor collection line route changes or other mitigation measures.

**Response:** The wetlands are non-jurisdictional and the Cimarron Wind Energy Project – Phase 1 is privately funded. Executive Order 11990 for wetland protection does not apply.

**National Oceanic and Atmospheric Administration 9-26-11**

**Comment 5:** The National Oceanic and Atmospheric Administration (NOAA) determined that they do not have any trust resources that would be affected by the subject purchase of renewable energy.

**Response:** Comment noted.

**Kansas Department of Agriculture, Division of Water Resources 10-6-11**

**Comment 6:** In a letter addressed to TVA dated June 1, 2010, some potential concerns that this Agency had concerning the project were identified. It is noted that those concerns were addressed in the draft EA, namely, stream crossings and stream obstruction permits, term permits for water supply needs during construction, and temporary displacement of agricultural lands. We do not have any other concerns with the wind energy project.

**Response:** Comment noted.

**United States Fish and Wildlife Service (USFWS) 10-17-11**

**Comment 7:** The USFWS said that the measures in the draft EA for minimizing and avoiding impacts to migratory birds, including the endangered whooping crane, are insufficient.

**Response:** Comment noted. At the time of this response USFWS had not yet received the Avian and Bat Protection Plan (ABPP) with conservation and avoidance measures for migratory birds, including the endangered whooping crane. Also, TVA consulted with USFWS about these impacts and has provided a Biological Assessment in addition to the ABPP which provide commitments for minimizing and avoiding impacts to these birds.

**Comment 8:** A large number of wind turbine companies including CPV are working with the USFWS to prepare a Habitat Conservation Plan which would guide the development of wind power within the migratory corridor of the whooping crane. The USFWS would prefer that construction of wind farms wait until Plan is completed.

**Response:** Comment noted. In part, the project used the draft Habitat Conservation Plan and Kansas Department of Wildlife, Parks, and Tourism guidelines that were available to develop the conservation and avoidance measures in the draft EA and ABPP. Also, TVA consulted with the USFWS about potential impacts to whooping cranes.

**Comment 9:** The USFWS said a plan should be developed that offsets the stopover habitat loss for the whooping crane by targeting wetland areas outside the windfarm footprint for restoration or protection.

**Response:** As committed to USFWS in the Biological Assessment, CPV will provide $250,000 for the enhancement and protection of wetlands by Ducks Unlimited.

**Comment 10:** The USFWS provided power line construction and siting guidance to reduce their hazard to migrating whooping cranes.

**Response:** The guidance has been considered in the project construction plan.

**Comment 11:** Although no lesser prairie chicken leks were observed in the project area, suitable habitat does occur. The USFWS will defer to any recommendations by the Kansas Department of Wildlife, Parks, and Tourism for the protection of this species.

**Response:** Comment noted. TVA did not receive comments from the Kansas Department of Wildlife, Parks, and Tourism on the draft EA. Respecting potential impacts on the lesser prairie chicken, TVA concluded it may but is not likely to be adversely affected by the project as noted in the Biological Assessment provided to USFWS.

**Comment 12:** USFWS recommends that grassland mitigation similar to the Caney River Wind Turbine Project, be designed for this project to replace habitat values lost to other bird species that nest in native grasslands.

**Response:** Comment noted. Less than 28 acres of native grassland would be impacted (23 temporarily and 5 permanently) by this project compared to Caney River's temporary impacts to ~540 acres of grassland, and permanent impacts to 83 acres of grasslands. There should be collateral benefits to bird species which nest in native grasslands from CPV's funding of wetland mitigation measures that should help offset any impacts from the loss of this small area of grasslands.

U.S. Department of Agriculture

# FARMLAND CONVERSION IMPACT RATING

| | |
|---|---|
| **PART I** *(To be completed by Federal Agency)* | Date Of Land Evaluation Request 9/14/11 |
| Name Of Project Cimarron Wind Energy Project | Federal Agency Involved Tennessee Valley Authority |
| Proposed Land Use Wind Turbine Site | County And State Gray County, Kansas |
| **PART II** *(To be completed by NRCS)* | Date Request Received By NRCS 9/19/11 |

| | | | | |
|---|---|---|---|---|
| Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply -- do not complete additional parts of this form).* | Yes ☑ | No ☐ | Acres Irrigated 271,600 | Average Farm Size 1206 |
| Major Crop(s) Grain Sorghum | Farmable Land In Govt. Jurisdiction Acres: 423,926 | % 76 | Amount Of Farmland As Defined in FPPA Acres: 346,500 | % 62 |
| Name Of Land Evaluation System Used | Name Of Local Site Assessment System | | Date Land Evaluation Returned By NRCS 9/29/11 | |

| **PART III** *(To be completed by Federal Agency)* | Alternative Site Rating Site A | Site B | Site C | Site D |
|---|---|---|---|---|
| A. Total Acres To Be Converted Directly | 57.0 | | | |
| B. Total Acres To Be Converted Indirectly | 0.0 | | | |
| C. Total Acres In Site | 57.0 | 0.0 | 0.0 | 0.0 |
| **PART IV** *(To be completed by NRCS)* Land Evaluation Information | | | | |
| A. Total Acres Prime And Unique Farmland | 44.5 | | | |
| B. Total Acres Statewide And Local Important Farmland | 0.0 | | | |
| C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted | 1.0 | | | |
| D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value | 33.0 | | | |
| **PART V** *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)* | 33 | 0 | 0 | 0 |

| **PART VI** *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)* | Maximum Points | | | | |
|---|---|---|---|---|---|
| 1. Area In Nonurban Use | 15 | 15 | | | |
| 2. Perimeter In Nonurban Use | 10 | 10 | | | |
| 3. Percent Of Site Being Farmed | 20 | 20 | | | |
| 4. Protection Provided By State And Local Government | 20 | 0 | | | |
| 5. Distance From Urban Builtup Area | 15 | 15 | | | |
| 6. Distance To Urban Support Services | 15 | 10 | | | |
| 7. Size Of Present Farm Unit Compared To Average | 10 | 10 | | | |
| 8. Creation Of Nonfarmable Farmland | 10 | 0 | | | |
| 9. Availability Of Farm Support Services | 5 | 5 | | | |
| 10. On-Farm Investments | 20 | 15 | | | |
| 11. Effects Of Conversion On Farm Support Services | 10 | 0 | | | |
| 12. Compatibility With Existing Agricultural Use | 10 | 0 | | | |
| TOTAL SITE ASSESSMENT POINTS | 160 | 100 | 0 | 0 | 0 |
| **PART VII** *(To be completed by Federal Agency)* | | | | | |
| Relative Value Of Farmland *(From Part V)* | 100 | 33 | 0 | 0 | 0 |
| Total Site Assessment *(From Part VI above or a local site assessment)* | 160 | 100 | 0 | 0 | 0 |
| TOTAL POINTS *(Total of above 2 lines)* | 260 | 133 | 0 | 0 | 0 |

| | | |
|---|---|---|
| Site Selected: A | Date Of Selection 1/20/10 | Was A Local Site Assessment Used? Yes ☐ No ☐ |

Reason For Selection: Alternative sites pre-screened out due to location, availability, or logistical information.



This form was electronically produced by National Production Services Staff

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 – NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step '4 – In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 – NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

**Part I:** In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

**Part III:** In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.

2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

**Part VI:** Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will, be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

**Part VII:** In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site "A."}$$

## Site Assessment Scoring for the Twelve Factors Used in FPPA

The Site Assessment criteria used in the Farmland Protection Policy Act (FPPA) rule are designed to assess important factors other than the agricultural value of the land when determining which alternative sites should receive the highest level of protection from conversion to non agricultural uses.

Twelve factors are used for Site Assessment and ten factors for corridor-type sites. Each factor is listed in an outline form, without detailed definitions or guidelines to follow in the rating process. The purpose of this document is to expand the definitions of use of each of the twelve Site Assessment factors so that all persons can have a clear understanding as to what each factor is intended to evaluate and how points are assigned for given conditions.

In each of the 12 factors a number rating system is used to determine which sites deserve the most protection from conversion to non-farm uses. The higher the number value given to a proposed site, the more protection it will receive. The maximum scores are 10, 15 and 20 points, depending upon the relative importance of each particular question. If a question significantly relates to why a parcel of land should not be converted, the question has a maximum possible protection value of 20, whereas a question which does not have such a significant impact upon whether a site would be converted, would have fewer maximum points possible, for example 10.

The following guidelines should be used in rating the twelve Site Assessment criteria:

**1. How much land is in non-urban use within a radius of 1.0 mile from where the project is intended?**

| | |
|---|---|
| More than 90 percent: | 15 points |
| 90-20 percent: | 14 to 1 points |
| Less than 20 percent: | 0 points |

This factor is designed to evaluate the extent to which the area within one mile of the proposed site is non-urban area. For purposes of this rule, "non-urban" should include:

- Agricultural land (crop-fruit trees, nuts, oilseed)
- Range land
- Forest land
- Golf Courses
- Non paved parks and recreational areas
- Mining sites
- Farm Storage
- Lakes, ponds and other water bodies
- Rural roads, and through roads without houses or buildings
- Open space
- Wetlands
- Fish production
- Pasture or hayland

Urban uses include:

- Houses (other than farm houses)
- Apartment buildings
- Commercial buildings
- Industrial buildings
- Paved recreational areas (i.e. tennis courts)
- Streets in areas with 30 structures per 40 acres
- Gas stations

- Equipment, supply stores
- Off-farm storage
- Processing plants
- Shopping malls
- Utilities/Services
- Medical buildings

In rating this factor, an area one-mile from the outer edge of the proposed site should be outlined on a current photo; the areas that are urban should be outlined. For rural houses and other buildings with unknown sizes, use 1 and 1/3 acres per structure. For roads with houses on only one side, use one half of road for urban and one half for non-urban.

The purpose of this rating process is to insure that the most valuable and viable farmlands are protected from development projects sponsored by the Federal Government. With this goal in mind, factor S1 suggests that the more agricultural lands surrounding the parcel boundary in question, the more protection from development this site should receive. Accordingly, a site with a large quantity of non-urban land surrounding it will receive a greater
number of points for protection from development. Thus, where more than 90 percent of the area around the proposed site (do not include the proposed site in this assessment) is non-urban, assign 15 points. Where 20 percent or less is
non-urban, assign 0 points. Where the area lies between 20 and 90 percent non-urban, assign appropriate points from 14 to 1, as noted below.

| **Percent Non-Urban Land within 1 mile** | **Points** |
|---|---|
| 90 percent or greater | 15 |
| 85 to 89 percent | 14 |
| 80 to 84 percent | 13 |
| 75 to 79 percent | 12 |
| 70 to 74 percent | 11 |
| 65 to 69 percent | 10 |
| 60 to 64 percent | 9 |
| 55 to 59 percent | 8 |
| 50 to 54 percent | 7 |
| 45 to 49 percent | 6 |
| 40 to 44 percent | 5 |
| 35 to 39 percent | 4 |
| 30 to 24 percent | 3 |
| 25 to 29 percent | 2 |
| 21 to 24 percent | 1 |
| 20 percent or less | 0 |

**2. How much of the perimeter of the site borders on land in non-urban use?**

| | |
|---|---|
| More than 90 percent: | l0 points |
| 90 to 20 percent: | 9 to 1 point(s) |
| Less than 20 percent: | 0 points |

This factor is designed to evaluate the extent to which the land adjacent to the proposed site is non-urban use. Where factor #1 evaluates the general location of the proposed site, this factor evaluates the immediate perimeter of the site. The definition of urban and non-urban uses in factor #1 should be used for this factor.

In rating the second factor, measure the perimeter of the site that is in non-urban and urban use. Where more than 90 percent of the perimeter is in non-urban use, score this factor 10 points. Where less than 20 percent, assign 0 points. If a road is next to the perimeter, class the area according to the

use on the other side of the road for that area. Use 1 and 1/3 acre per structure if not otherwise known. Where 20 to 90 percent of the perimeter is non-urban, assign points as noted below:

| Percentage of Perimeter Bordering Land | Points |
|---|---|
| 90 percent or greater | 10 |
| 82 to 89 percent | 9 |
| 74 to 81 percent | 8 |
| 65 to 73 percent | 7 |
| 58 to 65 percent | 6 |
| 50 to 57 percent | 5 |
| 42 to 49 percent | 4 |
| 34 to 41 percent | 3 |
| 27 to 33 percent | 2 |
| 21 to 26 percent | 1 |
| 20 percent or Less | 0 |

**3. How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last ten years?**

| | |
|---|---|
| More than 90 percent: | 20 points |
| 90 to 20 percent: | 19 to 1 point(s) |
| Less than 20 percent: | 0 points |

This factor is designed to evaluate the extent to which the proposed conversion site has been used or managed for agricultural purposes in the past 10 years.

Land is being farmed when it is used or managed for food or fiber, to include timber products, fruit, nuts, grapes, grain, forage, oil seed, fish and meat, poultry and dairy products.

Land that has been left to grow up to native vegetation without management or harvest will be considered as abandoned and therefore not farmed. The proposed conversion site should be evaluated and rated according to the percent, of the site farmed.

If more than 90 percent of the site has been farmed 5 of the last 10 years score the site as follows:

| Percentage of Site Farmed | Points |
|---|---|
| 90 percent or greater | 20 |
| 86 to 89 percent | 19 |
| 82 to 85 percent | 18 |
| 78 to 81 percent | 17 |
| 74 to 77 percent | 16 |
| 70 to 73 percent | 15 |
| 66 to 69 percent | 14 |
| 62 to 65 percent | 13 |
| 58 to 61 percent | 12 |
| 54 to 57 percent | 11 |
| 50 to 53 percent | 10 |
| 46 to 49 percent | 9 |
| 42 to 45 percent | 8 |
| 38 to 41 percent | 7 |
| 35 to 37 percent | 6 |
| 32 to 34 percent | 5 |
| 29 to 31 percent | 4 |
| 26 to 28 percent | 3 |

| | |
|---|---|
| 23 to 25 percent | 2 |
| 20 to 22 percent percent or Less | 1 |
| Less than 20 percent | 0 |

**4. Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?**

| | |
|---|---|
| Site is protected: | 20 points |
| Site is not protected: | 0 points |

This factor is designed to evaluate the extent to which state and local government and private programs have made efforts to protect this site from conversion.

**State and local policies and programs to protect farmland include:**

**State Policies and Programs to Protect Farmland**

1. Tax Relief:

   A. Differential Assessment: Agricultural lands are taxed on their agricultural use value, rather than at market value. As a result, farmers pay fewer taxes on their land, which helps keep them in business, and therefore helps to insure that the farmland will not be converted to nonagricultural uses.

      1. Preferential Assessment for Property Tax: Landowners with parcels of land used for agriculture are given the privilege of differential assessment.

      2. Deferred Taxation for Property Tax: Landowners are deterred from converting their land to nonfarm uses, because if they do so, they must pay back taxes at market value.

      3. Restrictive Agreement for Property Tax: Landowners who want to receive Differential Assessment must agree to keep their land in - eligible use.

   B. Income Tax Credits

   Circuit Breaker Tax Credits: Authorize an eligible owner of farmland to apply some or all of the property taxes on his or her farmland and farm structures as a tax credit against the owner's state income tax.

   C. Estate and Inheritance Tax Benefits

   Farm Use Valuation for Death Tax: Exemption of state tax liability to eligible farm estates.

2. "Right to farm" laws:

   Prohibits local governments from enacting laws which will place restrictions upon normally accepted farming practices, for example, the generation of noise, odor or dust.

3. Agricultural Districting:

   Wherein farmers voluntarily organize districts of agricultural land to be legally recognized geographic areas. These farmers receive benefits, such as protection from annexation, in exchange for keeping land within the district for a given number of years.

4. Land Use Controls: Agricultural Zoning.

Types of Agricultural Zoning Ordinances include:

A. Exclusive: In which the agricultural zone is restricted to only farm-related dwellings, with, for example, a minimum of 40 acres per dwelling unit.

B. Non-Exclusive: In which non-farm dwellings are allowed, but the density remains low, such as 20 acres per dwelling unit.

Additional Zoning techniques include:

A. Slidinq Scale: This method looks at zoning according to the total size of the parcel owned. For example, the number of dwelling units per a given number of acres may change from county to county according to the existing land acreage to dwelling unit ratio of surrounding parcels of land within the specific area.

B. Point System or Numerical Approach: Approaches land use permits on a case by case basis.

LESA: The LESA system (Land Evaluation-Site Assessment) is used as a tool to help assess options for land use on an evaluation of productivity weighed against commitment to urban development.

C. Conditional Use: Based upon the evaluation on a case by case basis by the Board of Zoning Adjustment. Also may include the method of using special land use permits.

5. Development Rights:

A. Purchase of Development Rights (PDR): Where development rights are purchased by Government action.

Buffer Zoning Districts: Buffer Zoning Districts are an example of land purchased by Government action. This land is included in zoning ordinances in order to preserve and protect agricultural lands from non-farm land uses encroaching upon them.

B. Transfer of Development Rights (TDR): Development rights are transferable for use in other locations designated as receiving areas. TDR is considered a locally based action (not state), because it requires a voluntary decision on the part of the individual landowners.

6. Governor's Executive Order: Policy made by the Governor, stating the importance of agriculture, and the preservation of agricultural lands. The Governor orders the state agencies to avoid the unnecessary conversion of important farmland to nonagricultural uses.

7. Voluntary State Programs:

A. California's Program of Restrictive Agreements and Differential Assessments: The California Land Conservation Act of 1965, commonly known as the Williamson Act, allows cities, counties and individual landowners to form agricultural preserves and enter into contracts for 10 or more years to insure that these parcels of land remain strictly for agricultural use. Since 1972 the Act has extended eligibility to recreational and open space lands such as scenic highway corridors, salt ponds and wildlife preserves. These contractually restricted lands may be taxed differentially for their real value. One hundred-acre districts constitute the minimum land size eligible.

Suggestion: An improved version of the Act would state that if the land is converted after the contract expires, the landowner must pay the difference in the taxes between market value for the land and the agricultural tax value which he or she had been

paying under the Act. This measure would help to insure that farmland would not be converted after the 10 year period ends.

B. Maryland Agricultural Land Preservation Program: Agricultural landowners within agricultural districts have the opportunity to sell their development rights to the Maryland Land Preservation Foundation under the agreement that these landowners will not subdivide or develop their land for an initial period of five years. After five years the landowner may terminate the agreement with one year notice.

   As is stated above under the California Williamson Act, the landowner should pay the back taxes on the property if he or she decides to convert the land after the contract expires, in order to discourage such conversions.

C. Wisconsin Income Tax Incentive Program: The Wisconsin Farmland Preservation Program of December 1977 encourages local jurisdictions in Wisconsin to adopt agricultural preservation plans or exclusive agricultural district zoning ordinances in exchange for credit against state income tax and exemption from special utility assessment. Eligible candidates include local governments and landowners with at least 35 acres of land per dwelling unit in agricultural use and gross farm profits of at least $6.000 per year, or $18,000 over three years.

8. Mandatory State Programs:

A. The Environmental Control Act in the state of Vermont was adopted in 1970 by the Vermont State Legislature. The Act established an environmental board with 9 members (appointed by the Governor) to implement a planning process and a permit system to screen most subdivisions and development proposals according to specific criteria stated in the law. The planning process consists of an interim and a final Land Capability and Development Plan, the latter of which acts as a policy plan to control development. The policies are written in order to:

   - prevent air and water pollution;
   - protect scenic or natural beauty, historic sites and rare and irreplaceable natural areas; and
   - consider the impacts of growth and reduction of development on areas of primary agricultural soils.

B. The California State Coastal Commission: In 1976 the Coastal Act was passed to establish a permanent Coastal Commission with permit and planning authority The purpose of the Coastal Commission was and is to protect the sensitive coastal zone environment and its resources, while accommodating the social and economic needs of the state. The Commission has the power to regulate development in the coastal zones by issuing permits on a case by case basis until local agencies can develop their own coastal plans, which must be certified by the Coastal Commission.

C. Hawaii's Program of State Zoning: In 1961, the Hawaii State Legislature established Act 187, the Land Use Law, to protect the farmland and the welfare of the local people of Hawaii by planning to avoid “unnecessary urbanization”. The Law made all state lands into four districts: agricultural, conservation, rural and urban. The Governor appointed members to a State Land Use Commission, whose duties were to uphold the Law and form the boundaries of the four districts. In addition to state zoning, the Land Use Law introduced a program of Differential Assessment, wherein agricultural landowners paid taxes on their land for its agricultural use value, rather than its market value.

D. The Oregon Land Use Act of 1973: This act established the Land Conservation and Development Commission (LCDC) to provide statewide planning goals and guidelines.

Under this Act, Oregon cities and counties are each required to draw up a comprehensive plan, consistent with statewide planning goals. Agricultural land preservation is high on the list of state goals to be followed locally.

If the proposed site is subject to or has used one or more of the above farmland protection programs or policies, score the site 20 points. If none of the above policies or programs apply to this site, score 0 points.

**5. How close is the site to an urban built-up area?**

| | |
|---|---|
| The site is 2 miles or more from an urban built-up area | 15 points |
| The site is more than 1 mile but less than 2 miles from an urban built-up area | 10 points |
| The site is less than 1 mile from, but is not adjacent to an urban built-up area | 5 points |
| The site is adjacent to an urban built-up area | 0 points |

This factor is designed to evaluate the extent to which the proposed site is located next to an existing urban area. The urban built-up area must be 2500 population. The measurement from the built-up area should be made from the point at which the density is 30 structures per 40 acres and with no open or non-urban land existing between the major built-up areas and this point. Suburbs adjacent to cities or urban built-up areas should be considered as part of that urban area.

For greater accuracy, use the following chart to determine how much protection the site should receive according to its distance from an urban area. See chart below:

| Distance From Perimeter of Site to Urban Area | Points |
|---|---|
| More than 10,560 feet | 15 |
| 9,860 to 10,559 feet | 14 |
| 9,160 to 9,859 feet | 13 |
| 8,460 to 9,159 feet | 12 |
| 7,760 to 8,459 feet | 11 |
| 7,060 to 7,759 feet | 10 |
| 6,360 to 7,059 feet | 9 |
| 5,660 to 6,359 feet | 8 |
| 4,960 to 5,659 feet | 7 |
| 4,260 to 4,959 feet | 6 |
| 3,560 to 4,259 feet | 5 |
| 2,860 to 3,559 feet | 4 |
| 2,160 to 2,859 feet | 3 |
| 1,460 to 2,159 feet | 2 |
| 760 to 1,459 feet | 1 |
| Less than 760 feet (adjacent) | 0 |

**6. How close is the site to water lines, sewer lines and/or other local facilities and services whose capacities and design would promote nonagricultural use?**

| | |
|---|---|
| None of the services exist nearer than 3 miles from the site | 15 points |
| Some of the services exist more than one but less than 3 miles from the site | 10 points |
| All of the services exist within 1/2 mile of the site | 0 points |

This question determines how much infrastructure (water, sewer, etc.) is in place which could facilitate nonagricultural development. The fewer facilities in place, the more difficult it is to develop an area. Thus, if a proposed site is further away from these services (more than 3 miles distance away), the site should be awarded the highest number of points (15). As the distance of the parcel of land to services decreases, the number of points awarded declines as well. So, when the site is equal to or further than 1 mile but less than 3 miles away from services, it should be given 10 points. Accordingly, if this distance is 1/2 mile to less than 1 mile, award 5 points; and if the distance from land to services is less than 1/2 mile, award 0 points.

Distance to public facilities should be measured from the perimeter of the parcel in question to the nearest site(s) where necessary facilities are located. If there is more than one distance (i.e. from site to water and from site to sewer), use the average distance (add all distances and then divide by the number of different distances to get the average).

Facilities which could promote nonagricultural use include:

- Water lines
- Sewer lines
- Power lines
- Gas lines
- Circulation (roads)
- Fire and police protection
- Schools

**7. Is the farm unit(s) containing the site (before the project) as large as the average-size farming unit in the county? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage of Farm Units in Operation with $1,000 or more in sales.)**

| | |
|---|---|
| As large or larger: | 10 points |
| Below average: Deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more is below average | 9 to 0 points |

This factor is designed to determine how much protection the site should receive, according to its size in relation to the average size of farming units within the county. The larger the parcel of land, the more agricultural use value the land possesses, and vice versa. Thus, if the farm unit is as large or larger than the county average, it receives the maximum number of points (10). The smaller the parcel of land compared to the county average, the fewer number of points given. Please see below:

| Parcel Size in Relation to Average County Size | Points |
|---|---|
| Same size or larger than average (l00 percent) | 10 |
| 95 percent of average | 9 |
| 90 percent of average | 8 |
| 85 percent of average | 7 |
| 80 percent of average | 6 |
| 75 percent of average | 5 |
| 70 percent of average | 4 |
| 65 percent of average | 3 |
| 60 percent of average | 2 |
| 55 percent of average | 1 |
| 50 percent or below county average | 0 |

State and local Natural Resources Conservation Service offices will have the average farm size information, provided by the latest available Census of Agriculture data

**8. If this site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?**

| | |
|---|---|
| Acreage equal to more than 25 percent of acres directly converted by the project | 10 points |
| Acreage equal to between 25 and 5 percent of the acres directly converted by the project | 9 to 1 point(s) |
| Acreage equal to less than 5 percent of the acres directly converted by the project | 0 points |

This factor tackles the question of how the proposed development will affect the rest of the land on the farm The site which deserves the most protection from conversion will receive the greatest number of points, and vice versa. For example, if the project is small, such as an extension on a house, the rest of the agricultural land would remain farmable, and thus a lower number of points is given to the site. Whereas if a large-scale highway is planned, a greater portion of the land (not including the site) will become non-farmable, since access to the farmland will be blocked; and thus, the site should receive the highest number of points (10) as protection from conversion

Conversion uses of the Site Which Would Make the Rest of the Land Non-Farmable by Interfering with Land Patterns

Conversions which make the rest of the property nonfarmable include any development which blocks accessibility to the rest of the site Examples are highways, railroads, dams or development along the front of a site restricting access to the rest of the property.

The point scoring is as follows:

| Amount of Land Not Including the Site Which Will Become Non-Farmable | Points |
|---|---|
| 25 percent or greater | 10 |
| 23 - 24 percent | 9 |
| 21 - 22 percent | 8 |
| 19 - 20 percent | 7 |
| 17 - 18 percent | 6 |
| 15 - 16 percent | 5 |
| 13 - 14 percent | 4 |
| 11 - 12 percent | 3 |
| 9 - 11 percent | 2 |
| 6 - 8 percent | 1 |
| 5 percent or less | 0 |

**9. Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?**

| | |
|---|---|
| All required services are available | 5 points |
| Some required services are available | 4 to 1 point(s) |
| No required services are available | 0 points |

This factor is used to assess whether there are adequate support facilities, activities and industry to keep the farming business in business. The more support facilities available to the agricultural

landowner, the more feasible it is for him or her to stay in production. In addition, agricultural support facilities are compatible with farmland. This fact is important, because some land uses are not compatible; for example, development next to farmland cam be dangerous to the welfare of the agricultural land, as a result of pressure from the neighbors who often do not appreciate the noise, smells and dust intrinsic to farmland. Thus, when all required agricultural support services are available, the maximum number of points (5) are awarded. When some services are available, 4 to 1 point(s) are awarded; and consequently, when no services are available, no points are given. See below:

| Percent of Services Available | Points |
|---|---|
| 100 percent | 5 |
| 75 to 99 percent | 4 |
| 50 to 74 percent | 3 |
| 25 to 49 percent | 2 |
| 1 to 24 percent | 1 |
| No services | 0 |

**10. Does the site have substantial and well-maintained on farm investments such as barns, other storage buildings, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?**

| | |
|---|---|
| High amount of on-farm investment | 20 points |
| Moderate amount of non-farm investment | 19 to 1 point(s) |
| No on-farm investments | 0 points |

This factor assesses the quantity of agricultural facilities in place on the proposed site. If a significant agricultural infrastructure exists, the site should continue to be used for farming, and thus the parcel will receive the highest amount of points towards protection from conversion or development. If there is little on farm investment, the site will receive comparatively less protection. See-below:

| Amount of On-farm Investment | Points |
|---|---|
| As much or more than necessary to maintain production (100 percent) | 20 |
| 95 to 99 percent | 19 |
| 90 to 94 percent | 18 |
| 85 to 89 percent | 17 |
| 80 to 84 percent | 16 |
| 75 to 79 percent | 15 |
| 70 to 74 percent | 14 |
| 65 to 69 percent | 13 |
| 60 to 64 percent | 12 |
| 55 to 59 percent | 11 |
| 50 to 54 percent | 10 |
| 45 to 49 percent | 9 |
| 40 to 44 percent | 8 |
| 35 to 39 percent | 7 |
| 30 to 34 percent | 6 |
| 25 to 29 percent | 5 |
| 20 to 24 percent | 4 |
| 15 to 19 percent | 3 |
| 10 to 14 percent | 2 |
| 5 to 9 percent | 1 |
| 0 to 4 percent | 0 |

**11. Would the project at this site, by converting farmland to nonagricultural use, reduce the support for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?**

| | |
|---|---|
| Substantial reduction in demand for support services if the site is converted | 10 points |
| Some reduction in demand for support services if the site is converted | 9 to 1 point(s) |
| No significant reduction in demand for support services if the site is converted | 0 points |

This factor determines whether there are other agriculturally related activities, businesses or jobs dependent upon the working of the pre-converted site in order for the others to remain in production. The more people and farming activities relying upon this land, the more protection it should receive from conversion. Thus, if a substantial reduction in demand for support services were to occur as a result of conversions, the proposed site would receive a high score of 10; some reduction in demand would receive 9 to 1 point(s), and no significant reduction in demand would receive no points.

Specific points are outlined as follows:

| **Amount of Reduction in Support Services if Site is Converted to Nonagricultural Use** | **Points** |
|---|---|
| Substantial reduction (100 percent) | 10 |
| 90 to 99 percent | 9 |
| 80 to 89 percent | 8 |
| 70 to 79 percent | 7 |
| 60 to 69 percent | 6 |
| 50 to 59 percent | 5 |
| 40 to 49 percent | 4 |
| 30 to 39 percent | 3 |
| 20 to 29 percent | 2 |
| 10 to 19 percent | 1 |
| No significant reduction (0 to 9 percent) | 0 |

**12. Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of the surrounding farmland to nonagricultural use?**

| | |
|---|---|
| Proposed project is incompatible with existing agricultural use of surrounding farmland | 10 points |
| Proposed project is tolerable of existing agricultural use of surrounding farmland | 9 to 1 point(s) |
| Proposed project is fully compatible with existing agricultural use of surrounding farmland | 0 points |

Factor 12 determines whether conversion of the proposed agricultural site will eventually cause the conversion of neighboring farmland as a result of incompatibility of use of the first with the latter. The more incompatible the proposed conversion is with agriculture, the more protection this site receives from conversion. Therefor-, if the proposed conversion is incompatible with agriculture, the site receives 10 points. If the project is tolerable with agriculture, it receives 9 to 1 points; and if the proposed conversion is compatible with agriculture, it receives 0 points.

## CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor-type site or design alternative for protection as farmland along with the land evaluation information.

For Water and Waste Programs, corridor analyses are not applicable for distribution or collection networks. Analyses are applicable for transmission or trunk lines where placement of the lines are flexible.

(1) How much land is in nonurban use within a radius of 1.0 mile form where the project is intended?

| | | | |
|---|---|---|---|
| (2) | More than 90 percent | (3) | 15 points |
| (4) | 90 to 20 percent | (5) | 14 to 1 point(s). |
| (6) | Less than 20 percent | (7) | 0 points |

(2) How much of the perimeter of the site borders on land in nonurban use?

| | | | |
|---|---|---|---|
| (3) | More than 90 percent | (4) | 10 point(s) |
| (5) | 90 to 20 percent | (6) | 9 to 1 points |
| (7) | less than 20 percent | (8) | 0 points |

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

| | | | |
|---|---|---|---|
| (4) | More than 90 percent | (5) | 20 points |
| (6) | 90 to 20 percent | (7) | 19 to 1 point(s) |
| (8) | Less than 20 percent | (9) | 0 points |

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

| | |
|---|---|
| Site is protected | 20 points |
| Site is not protected | 0 points |

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage of Farm Units in Operation with $1,000 or more in sales.)

| | |
|---|---|
| As large or larger | 10 points |
| Below average deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average | 9 to 0 points |

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

| | |
|---|---|
| Acreage equal to more than 25 percent of acres directly converted by the project | 25 points |
| Acreage equal to between 25 and 5 percent of the acres directly convened by the project | 1 to 24 point(s) |
| Acreage equal to less than 5 percent of the acres directly converted by the project | 0 points |

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

| | |
|---|---|
| All required services are available | 5 points |
| Some required services are available | 4 to 1 point(s) |
| No required services are available | 0 points |

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

| | |
|---|---|
| High amount of on-farm investment | 20 points |
| Moderate amount of on-farm investment | 19 to 1 point(s) |
| No on-farm investment | 0 points |

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

| | |
|---|---|
| Substantial reduction in demand for support services if the site is convened | 25 points |
| Some reduction in demand for support services if the site is convened | 1 to 24 point(s) |
| No significant reduction in demand for support services if the site is converted | 0 points |

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

| | |
|---|---|
| Proposed project is incompatible to existing agricultural use of surrounding farmland | 10 points |
| Proposed project is tolerable to existing agricultural use of surrounding farmland | 9 to 1 point(s) |
| Proposed project is fully compatible with existing agricultural use of surrounding farmland | 0 points |