

APPENDIX Q

***FARMLAND CONVERSION IMPACT RATING FORM
AD-1006***

United States Department of Agriculture



Natural Resources Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372
(253) 845-9272, Fax (253) 445-9934

February 23, 2007

Ryan Lee
Analytical Environmental Services
1801 7th Street, Ste. 100
Sacramento, CA 95814

Dear Mr. Lee:

Attached are the completed AD-1006 Farmland Conversion Impact Rating forms for the Cowlitz Tribal Casino Project in Clark County, Washington. The forms were completed using a land evaluation system developed for Clark County. For alternatives A – D, since the total acres of conversion (direct and indirect) were the same and the footprint of the project was the same the numbers in Part IV or Part V did not change. I have also included the pages from 7 CFR, Part 658.4, explaining how to complete the form.

The evaluation for the project site was based on the potential for soil map units to be farmland. No on site investigation was made.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Natsuhara".

Charles Natsuhara
Area Soil Scientist

Attachments

Cc: Rich Bachert, NRCS Resource Conservationist, Brush Prairie, WA
Ron Myhrum, NRCS State Soil Scientist, Spokane, WA

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)	Date Of Land Evaluation Request 1/23/07
Name Of Project Cowlitz	Federal Agency Involved Bureau of Indian Affairs
Proposed Land Use Casino Resort	County And State Clark County, Washington

PART II (To be completed by NRCS)		Date Request Received By NRCS 1/26/07	
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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Major Crop(s) sm. grain, hay-pasture, truckcrops		Farmable Land In Govt. Jurisdiction Acres: 744872 % 88	Acres Irrigated 4752 Average Farm Size 44 acs.
Name Of Land Evaluation System Used Clark County	Name Of Local Site Assessment System None	Amount Of Farmland As Defined in FPPA Acres: 748687 % 87	
		Date Land Evaluation Returned By NRCS 2/23/07	

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	91.5	109.7	88.7	151.9
B. Total Acres To Be Converted Indirectly	60.4	42.1	63.2	
C. Total Acres In Site	151.9	151.9	151.9	151.9

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	140.0	140.0	140.0	140.0
B. Total Acres Statewide And Local Important Farmland	4.6	4.6	4.6	4.6
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.1	0.1	0.1	0.1
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	56.0	56.0	56.0	56.0

PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	64	64	64	64
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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	14	14	14	14	14
2. Perimeter In Nonurban Use	6	6	6	6	6
3. Percent Of Site Being Farmed	8	8	8	8	8
4. Protection Provided By State And Local Government	0	0	0	0	0
5. Distance From Urban Builtup Area	10	10	10	10	10
6. Distance To Urban Support Services	10	10	10	10	10
7. Size Of Present Farm Unit Compared To Average	10	10	10	10	10
8. Creation Of Nonfarmable Farmland	0	0	0	0	0
9. Availability Of Farm Support Services	5	5	5	5	5
10. On-Farm Investments	5	5	5	5	5
11. Effects Of Conversion On Farm Support Services	0	0	0	0	0
12. Compatibility With Existing Agricultural Use	5	5	5	5	5
TOTAL SITE ASSESSMENT POINTS	160	73	73	73	73

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	64	64	64	64
Total Site Assessment (From Part VI above or a local site assessment)	160	73	73	73	73
TOTAL POINTS (Total of above 2 lines)	260	137	137	137	137

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
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Reason For Selection:

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)	Date Of Land Evaluation Request 1/23/07
Name Of Project Cowlitz	Federal Agency Involved Bureau of Indian Affairs
Proposed Land Use Casino Resort	County And State Clark County, Washington

PART II (To be completed by NRCS)	Date Request Received By NRCS 1/26/07
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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
Acres Irrigated 4752	Average Farm Size 44 acs.
Major Crop(s) sm. grain, hay-pasture, truckcrops	Farmable Land In Govt. Jurisdiction Acres: 744872 % 88
Name Of Land Evaluation System Used Clark County	Name Of Local Site Assessment System None
	Amount Of Farmland As Defined in FPPA Acres: 741687 % 87
	Date Land Evaluation Returned By NRCS 2/23/07

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	Site KE	Site B	Site C	Site D
	A. Total Acres To Be Converted Directly	100.5		
	B. Total Acres To Be Converted Indirectly	62.5		
C. Total Acres In Site	163.0	0.0	0.0	0.0

PART IV (To be completed by NRCS) Land Evaluation Information	
A. Total Acres Prime And Unique Farmland	162.4
B. Total Acres Statewide And Local Important Farmland	0.6
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.1
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	52.1

PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	66	0	0	0
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PART VI (To be completed by Federal Agency)	Maximum Points				
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))					
1. Area In Nonurban Use	14				
2. Perimeter In Nonurban Use	9				
3. Percent Of Site Being Farmed	8				
4. Protection Provided By State And Local Government	0				
5. Distance From Urban Builtup Area	10				
6. Distance To Urban Support Services	10				
7. Size Of Present Farm Unit Compared To Average	10				
8. Creation Of Nonfarmable Farmland	0				
9. Availability Of Farm Support Services	5				
10. On-Farm Investments	10				
11. Effects Of Conversion On Farm Support Services	0				
12. Compatibility With Existing Agricultural Use	10				
TOTAL SITE ASSESSMENT POINTS	160	86	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	66	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	86	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	152	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
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Reason For Selection:

shall not be deemed to provide a basis for any action, either legal or equitable, by any person or class of persons challenging a Federal project, program, or other activity that may affect farmland. Neither the Act nor this rule, therefore, shall afford any basis for such an action. However, as further provided in section 1548, the governor of an affected state, where a state policy or program exists to protect farmland, may bring an action in the Federal district court of the district where a Federal program is proposed to enforce the requirements of section 1541 of the Act, 7 U.S.C. 4202, and regulations issued pursuant to that section.

[49 FR 27724, July 5, 1984, as amended at 59 FR 31117, June 17, 1994]

§ 658.4 Guidelines for use of criteria.

As stated above and as provided in the Act, each Federal agency shall use the criteria provided in § 658.5 to identify and take into account the adverse effects of Federal programs on the protection of farmland. The agencies are to consider alternative actions, as appropriate, that could lessen such adverse effects, and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government and private programs and policies to protect farmland. The following are guidelines to assist the agencies in these tasks:

(a) An agency may determine whether or not a site is farmland as defined in § 658.2(a) or the agency may request that NRCS make such a determination. If an agency elects not to make its own determination, it should make a request to NRCS on Form AD-1006, the Farmland Conversion Impact Rating Form, available at NRCS offices, for determination of whether the site is farmland subject to the Act. If neither the entire site nor any part of it are subject to the Act, then the Act will not apply and NRCS will so notify the agency. If the site is determined by NRCS to be subject to the Act, then NRCS will measure the relative value of the site as farmland on a scale of 0 to 100 according to the information sources listed in § 658.5(a). NRCS will respond to these requests within 10 working days of their receipt except that in cases where a site visit or land

evaluation system design is needed, NRCS will respond in 30 working days. In the event that NRCS fails to complete its response within the required period, if further delay would interfere with construction activities, the agency should proceed as though the site were not farmland.

(b) The Form AD 1006, returned to the agency by NRCS will also include the following incidental information: The total amount of farmable land (the land in the unit of local government's jurisdiction that is capable of producing the commonly grown crop); the percentage of the jurisdiction that is farmland covered by the Act; the percentage of farmland in the jurisdiction that the project would convert; and the percentage of farmland in the local government's jurisdiction with the same or higher relative value than the land that the project would convert. These statistics will not be part of the criteria scoring process, but are intended simply to furnish additional background information to Federal agencies to aid them in considering the effects of their projects on farmland.

(c) After the agency receives from NRCS the score of a site's relative value as described in § 658.4(a) and then applies the site assessment criteria which are set forth in § 658.5 (b) and (c), the agency will assign to the site a combined score of up to 260 points, composed of up to 100 points for relative value and up to 160 points for the site assessment. With this score the agency will be able to identify the effect of its programs on farmland, and make a determination as to the suitability of the site for protection as farmland. Once this score is computed, USDA recommends:

(1) Sites with the highest combined scores be regarded as most suitable for protection under these criteria and sites with the lowest scores, as least suitable.

(2) Sites receiving a total score of less than 160 need not be given further consideration for protection and no additional sites need to be evaluated.

(3) Sites receiving scores totaling 160 or more be given increasingly higher levels of consideration for protection.

(4) When making decisions on proposed actions for sites receiving scores

totaling 160 or more, agency personnel consider:

(i) Use of land that is not farmland or use of existing structures;

(ii) Alternative sites, locations and designs that would serve the proposed purpose but convert either fewer acres of farmland or other farmland that has a lower relative value;

(iii) Special siting requirements of the proposed project and the extent to which an alternative site fails to satisfy the special siting requirements as well as the originally selected site.

(d) Federal agencies may elect to assign the site assessment criteria relative weightings other than those shown in § 658.5 (b) and (c). If an agency elects to do so, USDA recommends that the agency adopt its alternative weighting system (1) through rule-making in consultation with USDA, and (2) as a system to be used uniformly throughout the agency. USDA recommends that the weightings stated in § 658.5 (b) and (c) be used until an agency issues a final rule to change the weightings.

(e) It is advisable that evaluations and analyses of prospective farmland conversion impacts be made early in the planning process before a site or design is selected, and that, where possible, agencies make the FPPA evaluations part of the National Environmental Policy Act (NEPA) process. Under the agency's own NEPA regulations, some categories of projects may be excluded from NEPA which may still be covered under the FPPA. Section 1540(c)(4) of the Act exempts projects that were beyond the planning stage and were in either the active design or construction state on the effective date of the Act. Section 1547(b) exempts acquisition or use of farmland for national defense purposes. There are no other exemptions of projects by category in the Act.

(f) Numerous States and units of local government are developing and adopting Land Evaluation and Site Assessment (LESA) systems to evaluate the productivity of agricultural land and its suitability for conversion to nonagricultural use. Therefore, States and units of local government may have already performed an evaluation using criteria similar to those con-

tained in this rule applicable to Federal agencies. USDA recommends that where sites are to be evaluated within a jurisdiction having a State or local LESA system that has been approved by the governing body of such jurisdiction and has been placed on the NRCS State conservationist's list as one which meets the purpose of the FPPA in balance with other public policy objectives, Federal agencies use that system to make the evaluation.

(g) To meet reporting requirements of section 1546 of the Act, 7 U.S.C. 4207, and for data collection purposes, after the agency has made a final decision on a project in which one or more of the alternative sites contain farmland subject to the FPPA, the agency is requested to return a copy of the Form AD-1006, which indicates the final decision of the agency, to the NRCS field office.

(h) Once a Federal agency has performed an analysis under the FPPA for the conversion of a site, that agency's, or a second Federal agency's determination with regard to additional assistance or actions on the same site do not require additional redundant FPPA analysis.

[49 FR 27724, July 5, 1984, as amended at 59 FR 31118, June 17, 1994]

§ 658.5 Criteria.

This section states the criteria required by section 1541(a) of the Act, 7 U.S.C. 4202(a). The criteria were developed by the Secretary of Agriculture in cooperation with other Federal agencies. They are in two parts, (1) the land evaluation criterion, relative value, for which NRCS will provide the rating or score, and (2) the site assessment criteria, for which each Federal agency must develop its own ratings or scores. The criteria are as follows:

(a) *Land Evaluation Criterion—Relative Value.* The land evaluation criterion is based on information from several sources including national cooperative soil surveys or other acceptable soil surveys, NRCS field office technical guides, soil potential ratings or soil productivity ratings, land capability classifications, and important farmland determinations. Based on this information, groups of soils within a local government's jurisdiction will be