

#E1-20382

United States Department of Agriculture



Natural Resources Conservation Service
355 East Hancock Avenue
Athens, GA 30601

JAN 16 2014

January 9, 2014

Kevin Starnier
Skelly and Loy, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

Re: STB Finance Docket No. 35756, Hartwell Railroad Company – Construction and Operation Exemption – In Elbert County, Georgia; Preliminary Consultation

Dear Mr. Starnier:

This letter is in reference to your request for information on the possible impacts the proposed railroad construction may have on land use, conservation, water quality and other general environmental concerns that may be of interest to our agency. The following outlines our concerns with the proposed project with regards to farmland protection, and Natural Resources Conservation Service (NRCS) watershed dams and project easements.

Farmland Protection

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land uses, but not water or urban built-up land. It should be noted that the FPPA does not authorize the Federal Government to regulate the use of private or nonfederal land or, in any way, affect the property rights of owners.

NRCS uses a Land Evaluation and Site Assessment (LESA) system to establish a farmland conversion impact rating score on proposed sites of federally funded and assisted projects. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level. It is our understanding that the proposed project involves federal funds or assistance, and thus could be subject to this assessment. However, this project is completely contained within a U.S. Census Bureau designated urban area (Elberton, GA 26362) and is thus exempt from this assessment. You need take no further action for FPPA purposes.

Helping People Help the Land

An Equal Opportunity Provider and Employer

NRCS Watershed Dams

More than 50 years ago, the U.S. Department of Agriculture was authorized by Congress to help local communities with flood control and watershed protection through the Watershed Program (PL-534 Flood Control Act of 1944 and PL-566 Watershed Protection and Flood Prevention Act). As a result, local communities, with NRCS assistance, have constructed over 11,000 dams in 47 states since 1948. These dams were originally constructed for protection of farmlands from flooding impacts. In 2000, PL-566 was amended to provide NRCS authorization to assist communities with rehabilitation of their aging dams. The legislation authorizes NRCS to work with local communities and watershed project sponsors to address public health and safety concerns and potential environmental impacts of aging dams.

We have reviewed our records and have determined that there are no PL566 structures downstream or in the vicinity of the proposed project.

NRCS Easements

NRCS easements relate to our Wetland Reserve Program and the Farm and Ranch Land Protection Program. We have reviewed our records and have determined that there are no such easements within the vicinity of the proposed project that would be impacted.

NRCS appreciates this opportunity to comment. If you have questions or need any additional information, please contact Dan Wallace of my staff at (706) 546-2272 or dan.wallace@ga.usda.gov.

Sincerely,



JAMES E. TILLMAN, SR.
State Conservationist

cc: Jack Lewis, Assistant State Conservationist(FO), NRCS, Athens, GA
Scotty Palmer, District Conservationist, NRCS, Hartwell, GA
Jim Lathem, Resource Soil Scientist, NRCS, Athens, GA
Dan Wallace, State Resource Inventory Coordinator, NRCS, Athens, GA

Legend

Site Location

NRCS Watershed Dams

Georgia NRCS Easements

Census Urban Areas

Elbert Soils

All areas are prime farmland

Farmland of statewide importance

Not prime farmland

The map displays the proposed rail connector line in Elbert Co, Georgia. The line is shown as a yellow line connecting the Hartwell Railroad Company existing rail line (red line) and the adjacent CSX Abbeville Subdivision (blue line). The map includes various streets and roads, such as Huntington Rd, Green Dr, Miller Dr, Tate St, Railroad St, Jones St, Pine St, Peachtree St, College Ave, Highland Ave, Highland Park, Carey St, Jones St, McGinn St, Worley St, Pulliam St, Ridgecrest Dr, Lake Forest Dr, Ridgecrest Ave, Johnson Dr, Brookwood Cir, Brookwood Dr, Medical Dr, Chestnut St, Fort Ave, Glendale Ave, and Johnson Dr. The map also shows 'Elbert Soils' and 'Elbert Soils' with a legend for 'All areas are prime farmland', 'Farmland of statewide importance', and 'Not prime farmland'. The map includes a scale bar (0 to 0.4 miles) and a north arrow.

Elbert Co, Georgia Preliminary Early Coordination Request
 Construction of a Railroad connector line between the
 Hartwell Railroad Company existing rail line and the adjacent
 CSX Abbeville Subdivision

12/18/ 2013