

Part 523 – Farmland Protection Policy Act Manual

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Part 523 – Farmland Protection Policy Act

Subpart A – General Information

523.1 General

A. Purpose

The purpose of the Farmland Protection Policy Act (FPPA) is to—

- (i) Minimize the extent to which Federal programs, including technical assistance or financial assistance, contribute to the unnecessary and irreversible conversion of important farmland to nonagricultural uses.
- (ii) Encourage alternative actions, if appropriate, that could lessen the adverse effects on farmland.
- (iii) Assure that Federal programs are operated in a manner that, to the extent practicable, will be compatible with State, local government, and private programs that protect farmland.

B. Source of Authority

(1) Law

- (i) The Farmland Protection Policy Act of 1981 (Public Law 97-98, December 22, 1981)
- (ii) Final rules published in the Federal Register on June 17, 1994

(2) Regulation

- (i) Farmland Protection Policy Act of 1981 (Public Law 97-98, December 22, 1981)
- (ii) Farmland Protection Policy Act, 7 U.S.C. Part 658, July 5, 1984 (amended June 6, 1994)
- (iii) Prime and Unique Farmlands, 7 U.S.C. Part 657, January 31, 1978 (revised January 1, 2001)
- (iv) Departmental Regulation 9500-3, March 22, 1983
- (v) National Land Evaluation and Site Assessment (LESA) Handbook, January 2012

C. Scope

FPPA applies only to Federal assistance and actions that would convert important farmland to nonagricultural uses. It does not authorize the Federal Government in any way to regulate the use of private or non-Federal land or in any way affect the private property rights of owners of private land.

D. Program Availability

This program applies to all Federal or federally funded activities in the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Territory of Guam, the Territory of American Samoa, the Territory of the Virgin Islands, and any other territory or possession of the United States. Provisions of FPPA apply to programs that provide financial assistance as well as to programs that provide technical assistance.

523.2 Roles and Responsibilities

A. General

NRCS is the agency responsible for ensuring that FPPA is implemented. It is the responsibility of other Federal agencies and entities receiving Federal funds to lessen the effects of conversion activities on farmland and to ensure that their programs or activities are compatible, to the extent practicable, with State, local, and private programs to protect farmland.

B. General Role

Under FPPA, NRCS will provide technical assistance to Federal agencies, State and local governments, Tribes, and nonprofit organizations that receive Federal funds or technical assistance. Examples of technical assistance include the following:

- (i) Responding to requests for technical assistance in developing programs or policies that limit the conversion of productive farmland to nonagricultural uses
- (ii) Advising agencies when a change in law, regulation, administrative rule, or other type of policy may affect the agency's compliance with FPPA
- (iii) Providing site assessment criteria to governmental agencies and nonprofit organizations;
- (iv) Developing important farmland maps
- (v) Providing technical assistance during alternative site considerations, upon request by another Federal agency

C. National Level Responsibilities

At the national level, NRCS will—

- (i) Provide leadership in developing NRCS policy, procedures, and guidelines for conducting land evaluations (LE).
- (ii) Provide overall leadership for design and use of agricultural land evaluation and site assessment (LESA).
- (iii) Report to Congress annually by December 15 of each year the effects of Federal programs or federally funded programs on farmland conversion and the impact of the conversion.
- (iv) Provide national leadership and interpretation for implementation and evaluation of FPPA and provide assistance to other Federal agencies in reviewing their programs and developing FPPA compliance policies.
- (v) Work with USDA Cooperative State Resource Education and Extension Service (CSREES) and conservation districts in developing information programs to increase FPPA awareness.
- (vi) Ensure that a methodology is developed and maintained for using the prime farmland criteria to develop lists of prime farmland soils, as needed.
- (vii) Hold one or more meetings with Federal agencies per year to review FPPA activities.

D. State-Level Responsibilities

At the State level, NRCS will—

- (i) Review FPPA policy and decisions with the Governor (in the case of a lawsuit brought about by the Governor).
- (ii) Respond to requests for evaluation of projects subject to provisions of FPPA.
- (iii) Work with CSREES to create FPPA awareness information.
- (iv) Make available to each field office a single, current, coordinated list of prime, unique, and statewide and locally important farmlands, in an appropriate format.
- (v) Participate in the planning process on projects that fall under the jurisdiction of FPPA.
- (vi) Review and approve designations of statewide and locally important farmland.
- (vii) Develop criteria for identifying the effects of the Federal programs on the conversion of farmland to nonagricultural uses.
- (viii) Provide and maintain a statewide or county-level electronic list of prime farmland for use by NRCS and the public.
- (ix) Provide assistance, as appropriate, in the development of land evaluation systems for State or local jurisdictions where such systems do not currently exist.

- (x) Assist NRCS offices and local entities with the development of LESA systems, where appropriate.
- (xi) Forward criteria for statewide important farmland to the Deputy Chief for Soil Science and Resource Assessment.
- (xii) Provide NRCS service centers or field offices with support data, such as lists of average farm unit size and other appropriate information.
- (xiii) Complete the annual NRCS-CPA-2 report by November 15 of each year based on the information obtained from AD-1006s and forward the data to the Soil Science Division staff. (See section 523.67 for Form NRCS-CPA-2.)

E. Field-Level Responsibilities

At the field level, NRCS will—

- (i) Provide clients with maps and other soil information, where appropriate and available.
- (ii) Assist Federal agencies or other entities receiving Federal assistance in completing AD-1006 (see section 523.61) or NRCS-CPA-106 (see section 523.62), where applicable.
- (iii) Provide to the State's FPPA program manager, based on AD-1006 submissions, a summary of activities related to farmland protection and assistance in completing the NRCS-CPA-2 annual report.
- (iv) Maintain and forward to the State office a list of prime, unique, and statewide and locally important farmland soils and the criteria designating such soil map units for the office service area.
- (v) Provide clients with information, such as data on high-value crops, to assist in the identification and delineation of statewide, unique, or locally important farmland.

F. Other Federal Agency Roles

It is the Federal agency's responsibility to—

- (i) Identify and take into account the adverse effects of Federal programs on the preservation of farmland.
- (ii) Consider alternative actions that could lessen the effects of farmland conversion.
- (iii) Mitigate adverse effects where practicable, including taking action to avoid impact, minimize impact, and repair or reduce impact, or compensate for the impact by replacing or substituting important farmland acres.
- (iv) Assure that Federal programs are compatible with State, local government, and private farmland protection programs.
- (v) Review agency policies and authorizing legislation to ensure that they comply with FPPA.
- (vi) Develop proposals for action so that programs, authorities, regulations, and policies are in compliance with FPPA.
- (vii) Determine if a project is converting farmland (if agencies are uncertain whether they are converting farmland, they should contact the local NRCS field office nearest to the proposed project).
- (viii) Report the possible alternatives actions and the final project decision to the NRCS field office where the project is proposed.
- (ix) Report progress on the abovementioned items to the assisting NRCS field office by November 15 of each year.

G. Role of State Governor

The Governor of an affected State (where State farmland protection programs or policy exist) may bring suit against a Federal agency whose project, program, or other activity negatively

affects farmland. The Governor may bring an action in the Federal district court of the district where a Federal program is proposed.

Note: A Governor of an affected State has the ability to bring suit against a Federal agency that is converting farmland but individuals, State governments, local units of government, and nongovernmental organizations may not challenge such an activity in court.

Part 523 – Farmland Protection Policy Act

Subpart B – Program Activities and Requirements

523.10 Lands Covered by the Act

A. Lands Subject to Provisions of FPPA

Important farmlands, including lands identified with soils that are prime, unique, or statewide or locally important farmland, are subject to the provisions of the Farmland Protection Policy Act.

B. Lands Not Subject to Provisions of FPPA

The following lands are not covered by the act:

- (i) Lands that receive a combined score of less than 160 points from the Land Evaluation and Site Assessment (LESA) criteria
- (ii) Lands identified as “urbanized area” (UA) on Census Bureau maps
- (iii) Land with a “tint overprint” on the U.S. Geographical Survey topographical map
- (iv) Areas shown as white (not farmland) on USDA important farmland maps (these are sites that do not contain prime, unique, statewide important, or locally important farmland)
- (v) Areas shown as “urban-built up” on USDA important farmland maps (this is consistent with the guidance of the National Resources Inventory (NRI) for mapping urban built-up areas. Note: Areas 10 acres or larger without structures are not considered urban built-up and are subject to FPPA)
- (vi) Land in water storage, including lands that have been acquired or planned for water storage prior to August 5, 1984 (see section 523.11C)
- (vii) Lands that are used for national defense purposes during a national emergency (see 7 U.S.C. Section 4208)
- (viii) Private land where no Federal funds or technical assistance is utilized

523.11 Activities Covered by the Act

A. Activities Subject to Provisions of FPPA

Activities subject to FPPA requirements include any projects that may permanently convert (either directly or indirectly) farmland, as defined under the 1981 act and the final rules published in 1994, to nonagricultural use and are completed by a Federal agency or completed with financial or technical assistance from a Federal agency. These activities include the following:

- (i) Acquiring or disposing of land
- (ii) Providing financing or loans
- (iii) Managing property (i.e., national parks and national forests)
- (iv) Providing technical assistance

B. Specific Activities Subject to Provisions of FPPA

These activities include the following:

- (i) State highway construction projects (Federal assistance is funded by the Department of Transportation)
- (ii) Airport expansions
- (iii) Electric cooperative construction projects
- (iv) Housing projects (Federal assistance is funded by the Federal Housing Authority)
- (v) Reservoir and hydroelectric projects

- (vi) Dam or levee construction
- (vii) Permanent easements where no agricultural activity is allowed
- (viii) Other projects completed with technical or financial assistance from a Federal agency

C. Activities Not Subject to Provisions of FPPA

These activities include the following:

- (i) Federal permitting and licensing
- (ii) Projects planned and competed without the assistance of a Federal agency
- (iii) Projects planned or constructed prior to August 4, 1984 (FPPA, Part 658)
- (iv) Projects on land already in urban development or used for water storage
- (v) Construction within an existing right-of-way purchased on or before August 4, 1984
- (vi) Construction for national defense purposes during a national emergency (see 7 U.S.C. Section 4208)
- (vii) Construction of on-farm structures necessary for farm operations (e.g., barns, livestock-watering facilities, ponds, and manure management structures)
- (viii) Surface mining, where restoration to agricultural use is planned
- (ix) Construction of minor ancillary structures, such as garages and storage sheds
- (x) Restoration, maintenance, renovation, or replacement of existing structures prior to the time of Federal assistance
- (xi) Temporary custody of land due to delinquent taxes, the exercise of conservatorship or receivership, or criminal law enforcement seizure or forfeiture

D. Exemptions of Projects Prior to August 4, 1984

These exemptions were established in FPPA, Part 658. FPPA does not apply to projects if one or more of the following took place before August 4, 1984:

- (i) Construction or improvement projects had progressed beyond the planning state and were in either the active design or construction state.
- (ii) Loans had been secured.
- (iii) Acquisition of land or easements had occurred and all Federal agency planning documents and steps had been completed and accepted, endorsed, or approved by the appropriate agency.
- (iv) A final environmental impact statement had been filed with EPA.
- (v) The engineering or architectural design had begun or such services had been secured by contract.

E. Other Exemptions

- (1) Small acreages (i.e., 10 acres or less per linear mile or 3 acres where there is a project for an existing bridge or interchange) where a statewide, local, or tribal LESA system has been approved by the State Conservationist. Acreage includes both direct and indirect conversions. These exemptions are to avoid new construction and encourage improvements to existing linear projects, such as highways.
- (2) Corridor subsurface projects (such as buried water, sewage, or electrical lines) that will develop a soil disturbance/removal and reconstruction plan (as defined in 30 CFR Sections 823.12 and 823.14) for all agricultural land uses. If a project is in cropland, as defined by USDA-NRCS, 30 CFR Section 823.15 applies and a soil disturbance/removal and reconstruction plan will be developed.

Part 523 – Farmland Protection Policy Act

Subpart C – Important Farmland Soils

530.20 Designating Important Farmland Soils

A. Defining Farmland Subject to Provisions of Farmland Protection Policy Act (FPPA)

- (1) In accordance with the 1981 act (Public Law 97-98), important farmland includes all land that is defined as prime, unique, or statewide or locally important. 7 U.S.C. Section 657.5 defines these farmlands based on soil types. The identification of important farmlands will be determined from currently published or interim soil survey maps and data produced and certified by the NRCS National Cooperative Soil Survey Program.
- (2) Soil map units with components of prime farmland are defined as follows. All other soil map units should be shown as not important farmland, unless they are unique farmland.
 - (i) Prime Farmland.—Fifty percent or more of the components in the map unit are prime farmland.
 - (ii) Farmland of Statewide Importance.—Less than 50 percent of the components in the map unit are prime farmland, but the combination of prime farmland and farmland of statewide importance is 50 percent or more of the map unit.
 - (iii) Farmland of Local Importance.—Less than 50 percent of the components in the map unit are prime farmland or farmland of statewide importance, but the total of prime farmland and farmland of statewide or local importance is 50 percent or more of the map unit.
- (3) The following table identifies what is considered important farmland in accordance with the 1981 act. The paragraphs that follow identify the procedures used to determine these farmlands.

Figure 523-C1

As defined by the 1981 act, farmland:	
Is . . .	Is Not . . .
Prime farmland	Land identified as urban according to Census Bureau maps
Unique farmland	Land identified as urban according to USDA Important Farmland Maps
Farmland of statewide or local importance	Land identified as urban according to USGS topographic maps
Pastureland, cropland, forestland, and other land that is not urban land or water	Land committed to water storage
All farmland and forestland meeting the criteria for prime, unique, or statewide or locally important farmland, even if zoned for development	

B. Designating Prime Farmland Soils

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. The land could be cropland, pastureland, rangeland, forestland, or other land but not urban built-up

land or water. Lists of prime farmland soils will be developed by NRCS according to criteria in USDA Departmental Regulation (DR) 9500-3, dated March 22, 1983, and 7 CFR Section 657.5.

C. Designating Unique Farmland Soils

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of a specific crop when treated and managed according to acceptable farming methods and other conditions, such as nearness to market, that favor the growth of a specific food or fiber crop. Examples of such crops are red tart cherries (click here for the Red Tart Cherry Site Inventory for Grand Traverse County, MI), citrus, tree nuts, olives, cranberries, fruit, and vegetables. Unique farmland will be created based on criteria outlined in DR 9500-3 and 7 CFR Section 657.5.

D. Designating Farmland of Statewide Importance

This is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops (7 CFR Section 657.5). The State government, (i.e., the office of the State Secretary of Agriculture or a higher office) must designate farmland of statewide importance. The NRCS State Conservationist must concur with this designation in order for it to apply to FPPA.

E. Designating Farmland of Local Importance

In some local areas, certain additional farmlands are important for the production of food, feed, fiber, forage, and oilseed crops even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned. Additional farmlands of local importance may include tracts of land that have been designated for agriculture by local ordinance. A local unit of government, as defined in 7 CFR Section 657.5, must designate farmland of local importance. The NRCS State Conservationist must concur with this designation in order for it to apply to FPPA.

F. Designating Prime Rangeland and Rangeland or Grassland of Statewide Importance

- (1) Prime rangeland is rangeland that, because of its soil, climate, topography, vegetation, and location, has the highest quality or value for grazing animals. The potential natural vegetation is palatable, nutritious, and available to the kinds of herbivores common to the area. The prime rangeland designation is based on criteria outlined in DR 9500-3. (See section 523.68.)
- (2) Rangeland or grassland of statewide importance also has high quality or value for grazing animals. The State government, (i.e., the office of the State secretary of agriculture or a higher office) must designate rangeland or grassland of statewide importance. The NRCS State Conservationist must concur with this designation in order for it to apply to Federal farmland protection.

Part 523 – Farmland Protection Policy Act

Subpart D – Procedures for NRCS Programs and Projects

523.30 General

A. Purpose

This part describes procedures for compliance with the Farmland Protection Policy Act (FPPA), subtitle I of title XV of the Agricultural and Food Act of 1981 (Public Law 97-98), and the Department's land use policy, Departmental Regulation (DR) 9500-3. This part also cites requirements for NRCS compliance with the Coastal Zone Management Act.

B. NRCS Compliance Policy

- (1) NRCS will follow all the Federal policies as stated in FPPA, DR 9500-3, and provisions of the Coastal Management Act of 1972 requiring that Federal actions be consistent with approved State coastal zone management programs. The specific assignments applicable to NRCS are found in—
 - (i) DR 9500.3(6)(d) (responsibilities).
 - (ii) FPPA Sections 1540, 1541(b), 1542, and 1543.
 - (iii) FPPA Part 658.
- (2) National Headquarters will review current provisions of laws, administrative rules and regulations, and policies and procedures to determine if NRCS is compliant with FPPA and DR 9500-3. NRCS will propose any changes in the internal policy and procedure.
- (3) In developing project or measure plans or in assisting planning, NRCS personnel will explore all reasonable alternative sites, designs, or actions that could meet the purposes of the proposed project. They will evaluate all alternatives involving farmland conversions as well as evaluate the potential for using nonfarmland corridors or sites.
- (4) NRCS will comply with Federal requirements to ensure that projects are consistent with coastal zone management programs of State and local governments that have been approved by the Department of Commerce.

C. Applicability

The policies set forth in Title 430, National Soil Survey Handbook (NSSH), Part 601, Section 601.1, apply to NRCS technical and financial assistance that may result in farmland conversion to nonagricultural uses and to all proposed actions located in coastal zones that have an approved State coastal zone management program.

523.31 Criteria for Assessing Actions

- A. NRCS will evaluate all proposed assistance to determine if FPPA or DR 9500-3 applies. The evaluation will be done as part of the environmental assessment process under the National Environmental Policy Act. In all cases, the evaluation will be made early in the planning stage, before final location and design decisions are made. Forms AD-1006 and NRCS-CPA-106 will be used.
- B. NRCS assistance in the planning and application of conservation treatment and in the design of facilities necessary for the operation of a farm unit is not covered by FPPA or DR 9500-3 and will not be evaluated because these actions will not convert farmland to nonagricultural use.
- C. When NRCS assistance is provided and it is determined that conversion of farmland to nonagricultural use will occur, NRCS will evaluate alternative sites or designs.

- (1) A local land evaluation (LE) system using criteria in FPPA, Part 658, Section 658.4(a), will be used to evaluate all alternatives located within one local government's jurisdiction. When alternatives occur in multigovernmental jurisdictions, an appropriate regional or State land evaluation system will be used.
- (2) Use of site assessments:
 - (i) Where a site assessment system (a complete land evaluation and site assessment (LESA)) has been placed on the State Conservationist's list of systems meeting the purpose of FPPA, that local system will be used.
 - (ii) If no local site assessment system exists, or if the area of consideration is larger than that of the available local approved site assessment system, an available regional or State site assessment system that has been placed on the State Conservationist's list of systems meeting the purpose of the FPPA will be used.
 - (iii) When a site is to be evaluated where an approved site assessment system is not available at the local, regional, or State level, NRCS will use the site assessment criteria set forth in FPPA, Part 658. Only those site or design alternatives that meet the stated purpose of the project will be evaluated for farmland protection.

523.32 Site Developments

A. Site-Specific Developments

Site-specific developments are localized, self-contained, nonlinear projects that come under the criteria in FPPA Section 658.5(b) in the evaluation of direct and indirect farmland conversions. Each of the 12 site assessment criteria will have the weighting shown in section 658.5(b). During the planning process, care should be taken to consider alternative sites whenever farmland will be converted by a proposed action.

B. Corridor Developments

Corridor-type developments include projects designed to carry services or materials between two distant points and stream improvements or flood-control projects that change farmland use. Modifications of the criteria as shown in FPPA Section 658.5(c) will be used to evaluate the corridor-type site projects.

C. Single Sites

In the case of dams, the entire site, including spillways, the pool area, and other appurtenances, will be considered in the evaluation. Each alternative location or each design at the same location that is evaluated for engineering or economic purposes (when the design would affect a different amount of farmland) will also be evaluated for farmland protection.

D. Multiple Sites

- (1) For planning purposes, where multiple sites exist in a watershed project, the farmland protection evaluation can be carried out using a sampling procedure if any of the following apply:
 - (i) The major purpose of the project is watershed protection or flood control.
 - (ii) A large number of structures (more than 15) are used to alleviate the problem.
 - (iii) Sampling procedures are being used to evaluate any other resources.
- (2) Any sampling procedure should take into account all of the different site conditions that may exist. If the land evaluation appears to be uniform for a given number of sites, one score that is representative of the group should be developed. The number of representative samples should be at least 5 percent for each group.

- (3) Each alternative considered in the environmental impact statement (EIS) of a watershed plan should have been evaluated for farmland protection, and the results of the evaluation shown in the discussion of the alternative. This will allow the cumulative impacts of each alternative to be judged and considered in the decisionmaking process.

523.33 Site Selection and Alternatives

- A. For site-specific projects, if the total of points according to the LESA criteria is less than 160, no other alternatives need be considered. If the total of points is between 160 and 220, at least two other alternatives need to be evaluated and the one with the lowest number of points selected unless there are other overriding considerations. In these cases, documentation should clearly show why the alternative with the higher total of points was selected and explain any other overriding considerations.
- B. For site-specific projects, if the total of points according to the LESA criteria is greater than 220, three other alternatives should be evaluated and the one with the lowest total of points selected unless there are other overriding considerations. If additional reasonable alternatives are not readily available, this should be documented.
- C. For corridor-type projects, the alternative with the lowest number of points should be selected.
- D. Watershed projects will be evaluated on the basis of alternative plans consisting of multiple sites rather than individual sites. In selecting the recommended plan, all factors required by law must be considered and evaluated.
- E. The farmland most suitable for protection under these criteria will receive the highest total of points, and farmland least suitable the lowest total. In evaluating sites, NRCS will consider—
 - (1) 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.
 - (2) Use of land that is not farmland or use of existing structures.
 - (3) Special siting requirements of the proposed project and the extent to which each alternative site meets these requirements.
- F. In making decisions for farmland protection for sites with LESA scores of 160 points or more, NRCS should consider terminating all assistance, both technical and financial, when the evaluation demonstrates an adverse effect on farmland and the entity will not accept alternatives that would have less impact and when acceptable alternatives are found and there are more benefits from protecting the farmland than from the proposed conversion project.

Part 523 – Farmland Protection Policy Act

Subpart E – Agricultural Land Evaluation and Site Assessment (LESA) System

523.40 General

A. Purpose

- (1) This part establishes NRCS policy for providing information and technical assistance to develop State, local, and Tribal LESA systems. Procedures for developing LESA systems with local units of government are contained in Title 430, National Soil Survey Handbook (NSSH), Part 601. LESA systems developed for local jurisdiction use must be adopted by a local entity and approved by the state conservationist for FPPA use.
- (2) Detailed instructions and information related to the development and design of a LESA system can be found in 430-NSSH, Part 601.

B. LESA Implementation Policy

NRCS will—

- (i) Inform State governments, local units of government (including conservation districts), and Tribal officials of the technical assistance available for developing LESA systems and encourage their use.
- (ii) Take the lead in completing the land evaluation part of a LESA system.
- (iii) Encourage State governments, local units of government (including conservation districts), and Tribal officials to organize appropriate committees and to complete the site assessment part of the LESA system.
- (iv) Provide information and technical assistance for State, local, or Tribal site assessments when requested by State governments, local units of government (including conservation districts), or Tribal officials.
- (v) Use a LESA system as a basis for providing technical assistance to State, local, and tribal officials for agricultural land protection and for ensuring that NRCS efforts are compatible with State, local, and Tribal policies and programs to protect agricultural land.

523.41 Responsibilities

A. The Chief will—

- (1) Provide national policy on the development of LESA systems.
- (2) Provide necessary information, training, and technical assistance to NRCS State offices.
- (3) Serve as a liaison for national agencies and organizations.
- (4) For purposes of implementing the FPPA, coordinate among the regions and States the development of prime farmland soils criteria and related data for determining prime farmlands.
- (5) Provide oversight and evaluation of policy implementation at the regional, State, and field levels.

B. Regional offices will—

- (1) Assist in providing necessary information, training, and technical assistance to NRCS State and field offices.
- (2) Coordinate among the States, for purposes of implementing the FPPA, the development of prime farmland soils criteria and related data for determining prime farmlands.
- (3) Coordinate data collection and maintenance of important farmland criteria.

C. The State Conservationist will—

- (1) Inform NRCS field offices of the need for LESA; provide the information, training, and materials needed for developing LESA systems; and provide needed assistance for completing the land evaluation part of the LESA system.
- (2) Prepare programs to inform State, local, and tribal officials of the LESA system and how it is developed.
- (3) Provide NRCS resource information as requested to enable State, local, or tribal officials to complete the site assessment part of their LESA systems.
- (4) Ensure that NRCS activities are undertaken in cooperation with other agencies that also provide assistance for land evaluation and site assessment.
- (5) Review the land evaluation part of the LESA systems developed within the State to determine whether they are technically correct and adequately documented.
- (6) Review LESA systems developed within the State and maintain a list of those that meet the purposes of FPPA.
- (7) Send the first LESA system placed on the his or her list of approved systems for implementing FPPA to the Deputy Chief for Soil Science and Resource Assessment for review.

D. Field offices will—

- (1) Assist in developing LESA systems at the local level.
- (2) Maintain working relationships with partners at the local level.

E. Conservation districts may—

- (1) Convene local LESA committees to identify resource objectives, recommend priorities, and identify local farmland protection strategies.
- (2) Work with local units of government to adopt local LESA systems for farmland protection efforts, applicable land ranking activities, and general jurisdictional land use planning activities.

Part 523 – Farmland Protection Policy Act

Subpart F – Technical Resources

523.50 Farmland Information Center (FIC) Web Site

A. The Secretary of Agriculture, through existing agencies or interagency groups and in cooperation with the cooperative extension services of the States, is required to design and implement educational programs and materials emphasizing the importance of productive farmland to the Nation's well being and distribute educational materials through communications media to schools, groups, and other Federal agencies. The Secretary must designate one or more farmland information centers to serve as central depositories and distribution points for information on farmland issues, policies, programs, technical principles, and innovative actions or proposals by local and State governments.

B. At the technical resources area of the FIC Web site, one can find information on agencies and organizations, data sources, maps, periodicals, presentations, sample documents, and surveys. One can filter by State, topic, and type of resource ("category") and then sort the list by title and type of resource. The search feature can be used to conduct an advanced search. FIC is a clearinghouse for information about farmland protection and stewardship. It is a public-private partnership between NRCS and the American Farmland Trust (AFT), which was authorized by the FPPA.

Part 523 – Farmland Protection Policy Act

Subpart G – Exhibits

523.60 National Leadership and Assistance to Other Agencies of Government in Implementing FPPA

A. Requests for Determination of Farmland and Land Evaluation Information

- (1) For sites that are excluded from FPPA because they are "committed to urban" development or do not meet the criteria of farmland, it is only necessary to complete parts I and III of Form AD-1006 "Farmland Conversion Rating," or NRCS-CPA-106, "Farmland Conversion Impact Rating for Corridor-Type Projects," and check "No" in part 2. Exclusions are listed in sections 523.10, 523.11, and 523.20. See sections 523.61 and 523.62 for forms. Note: Agencies may make self-determinations if they have the information outlined in 7 CFR Section 658.4(a), but should provide copies of the forms to NRCS.
- (2) Other sites requiring farmland determinations and land evaluation information will be sent to the local NRCS field office or State office serving the proposed project on Form AD-1006 or Form NRCS-CPA-106. Multi-county projects will be sent to the NRCS state office.
- (3) NRCS offices will maintain a file of farmland determination requests that include—
 - (i) Forms AD-1006 and Forms NRCS-CPA-106.
 - (ii) Written requests. If written requests do not include a copy of the form, NRCS should send a copy of the form to the requester to be completed.
 - (iii) Other requests. The nature of request should be recorded. For requests or inquiries received from consultants acting on behalf of clients—
 - Determine if FPPA is applicable.
 - If FPPA is applicable, provide a copy of Form AD-1006 or NRCS-CPA-106 and request site location information.
- (4) The appropriate soil and water conservation district should be informed of farmland determination requests.
- (5) The State Conservationist will develop procedures for providing assistance.

B. Responding to Requests for Determination of Farmland and Land Evaluation Information

- (1) NRCS will complete parts II, IV, and V of Form AD-1006 or NRCS-CPA-106.
- (2) NRCS will return a copy to the requesting Federal agency within 10 working days of receipt of the request unless a land evaluation has not been completed or a site visit is required (30 working days are allowed if a land evaluation must be completed or a site visit must be made). If more than 10 days are required, NRCS will notify the agency of the need for additional time, up to 30 working days. At the end of this exhibit is a form letter for this purpose.
- (3) If NRCS fails to complete land evaluations within the 30 working days and further delay would interfere with construction activities, the requesting agency should proceed as though the site were not farmland.

C. Design of Land Evaluation Systems to Provide Requested Information

Determination of farmland will be based on acceptable soil survey of the site as it exists within a jurisdiction.

- (i) Where the land evaluation part of a local LESA system does not exist and where conversions of farmland with Federal assistance are anticipated, the State Conservationist will develop a local land evaluation for the purposes of implementing FPPA.

- (ii) The land evaluation will be based on the NRCS National Cooperative Soil Survey field office technical guides, soil potential ratings or soil productivity ratings, land capability classifications, important farmland determinations, and other appropriate information.
- (iii) Where land evaluations are developed in areas lacking completed modern soil surveys, soil survey legends in the field office technical guide will be used to indicate kinds of soils and their extent in the area for the purpose of designing the land evaluation. When soil surveys are updated, the land evaluations may need to be modified. In developing a memorandum of understanding for an updated soil survey, an evaluation must be included to determine the change in acreage of prime farmland, unique farmland, and farmland of statewide and local importance. Results of this evaluation must be included in the FPPA Annual Report from the State Conservationist to the Deputy Chief for Soil Science and Resource Assessment.

If additional time is required, the requesting agency must receive notification in less than 10 days after the request is received by NRCS. An example of a letter requesting an extension of time to complete land evaluation is provided below.

March 23, 2012

Mr. John W. Doe
Director, Doe Consulting Firm
1400 James Street
Logan, Mars 70700

Dear Mr. Doe:

We received Form AD-1006 (Farmland Conversion Impact Rating) for the project named "Golden Meadows Homes" from you on Wednesday, March 21, 2012. Generally, the form is returned to you within 10 working days. This form asks for information that requires a field investigation to collect data before the form can be completed and returned to you. This form will be returned to you by Wednesday, April 18, 2012.

If you have questions, please contact me.

Sincerely,

Henry J. Smith
District Conservationist

523.61 Form AD-1006 – Farmland Conversion Impact Rating for Noncorridor Projects: Instructions and Example

Completing Form AD-1006

[\(Click here for a copy of Form AD-1006\)](#)

If more than one Federal agency is involved with a project on the site, only one agency should initiate the form. "Federal Agency" should be the same in all places on the form. If the form is being processed by another entity that will receive Federal assistance, the name of the Federal agency providing the assistance that will convert the land must be shown.

Part I (To be completed by Federal Agency)

Federal Agency Involved. This is the name of the Federal agency providing the assistance that may lead to conversion.

Part II (To be completed by NRCS)

Date Request Received by NRCS. Indicate the date the request for the land evaluation (LE) was received in the NRCS office and the name of the person completing the form.

Does the project contain prime, unique, statewide or local important farmland? Soil map units are considered 1) prime farmland where 50 percent or more of the components are prime farmland, 2) farmland of statewide importance where less than 50 percent of the components are prime farmland but 50 percent or more of the map unit is a combination of prime farmland and farmland of statewide importance, and 3) farmland of local importance where less than 50 percent of the soil components are prime farmland and land of statewide importance but the total of prime farmland, farmland of statewide importance, and farmland of local importance is 50 percent or more of the map unit. All other soil map units should be shown as not important farmland unless they are unique.

If the answer is "No," FPPA does not apply. In this case, check "No," date the form, and return it to the Federal agency as soon as possible. Refer to section 523.67 (7 CFR Section 657.5) and section 523.20 for requirements of farmland of statewide and local importance, and sections 523.10, 523.11, and 523.20 for exclusions and exempted conversions.

If the answer is "Yes" for one or more of the alternative sites, complete all of parts II, IV, and V for the alternatives that contain farmland and return the form to the requesting Federal agency within the specified time frame of 7 CFR Section 658.4(a) (see section 523.67).

Acres Irrigated. List the number of acres irrigated in the area covered by the LE system. Use only where irrigation is required for land to be considered farmland, otherwise enter a zero.

Average Farm Size. List the average farm unit size for the area covered by the LE system based on the list supplied by the State Conservationist. Note that the farm size can only be changed with approval from the State Conservationist.

Major Crop(s). List the indicator crops used to develop the LE system.

Farmable Land in Govt. Jurisdiction. List the total amount of farmable land (all land in the area covered by the LE system for which a productivity index has been developed in the land evaluation) and the percentage of all land in the area covered by the LE system that this amount represents. Include the total acres and percent of land that shows a relative value of greater than 0. (See section 523.63, LESA Worksheet #2, for determining farmable land using columns 4 and 5 in the exhibit.)

Amount of Farmland As Defined in FPPA. List the total amount of farmland as defined by FPPA (prime, unique, and statewide and locally important) and the percentage of all land in the area covered by the LE system that this amount represents (e.g., add the total percents in column 3 in LESA Worksheet #2 that

have prime, unique, statewide and locally important farmlands). (See section 523.63, LESA Worksheet #2, for determining farmland using columns 3, 5, and 6 in the exhibit.)

Name Of Land Evaluation System Used. List the name of the LE system that is being used to answer the land evaluation questions for the sites listed (i.e., Johnson County, Leforte Parish, Vanderburg Township).

Name Of Local Site Assessment System. If the unit of local government has a site assessment system that has been placed on the state conservation's list of systems that meet the purpose of FPPA, list the name of the system. If it does not have one, indicate "none."

Date Land Evaluation Returned By NRCS. Sign and show the date that the land evaluation information is returned to the Federal agency that requested the information.

Part III (To be completed by Federal Agency)

A. *Total Acres To Be Converted Directly.* These are the actual acres made nonfarmable by the action.

B. *Total Acres To Be Converted Indirectly.* These are the acres that will be made nonfarmable because of restricted access to them and the acres planned to receive services from an infrastructure project as indicated in the project justification (e.g., utilities) that would be likely to be converted because of the presence of the infrastructure project.

C. *Total Acres In Site.* Add the acres in A and B.

Part IV (To be completed by NRCS)

Complete this part for the alternative sites that contain farmland. In cases where the same location is used for an alternative but design changes are made to reduce the number of acres used or the relative value of farmland converted, each design change should be listed as an alternative.

A. *Total Acres Prime and Unique Farmland.* Record the acreage in the site that is prime or unique farmland that is converted both directly and indirectly.

B. *Total Acres Statewide and Local Important Farmland.* Record the acreage in the site that has been designated by a State or unit of local government to be farmland of statewide or local importance that is converted both directly and indirectly.

C. *Percentage Of Farmland In County Or Local Govt. Unit To Be Converted.* List the percentage of farmland (prime, unique, and statewide and locally important) in the area covered by the LE system to be converted. Add the acres in A and B of this part. Divide by the amount of farmland as defined in part II. The result is multiplied by 100. If the percentage being converted is very small compared to the total amount of farmland in the area (i.e., less than .001 percent), the percentage will be shown as .001.

D. *Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value.* List the percentage of farmland (prime, unique, and statewide and locally important) in the area with a relative value as high or higher than the relative value shown in part V that the project would convert. Select the relative value in column 7 of LESA Worksheet #2 (see section 523.63) that is equal to or higher than the relative value in part V. Record the total percentages given in column 5 on the same line.

Part V (To be completed by NRCS)

Compute the weighted average relative value of farmland (prime, unique, and statewide and locally important) to be converted for the sites. In developing the relative value, the entire site will be considered, both farmland and nonfarmland.

Part VI (To be completed by Federal Agency)

The site assessment criteria used in the FPPA rule are designed to assess important factors other than the agricultural value (relative value) of the land when determining which alternative sites should receive the highest level of protection from conversion to nonagricultural uses (7 CFR Section 658.5(b)).

Twelve factors are used for site assessment for noncorridor projects. Each factor is listed in an outline form without detailed definitions or guidelines to follow in the rating process. For each of the 12 factors a number rating system is used to determine which sites deserve the most protection from conversion to nonfarm uses. The higher the number given to a proposed site, the more protection it will receive. The maximum scores are 5, 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, it has a maximum possible protection value of 20; a question that does not have a significant impact upon whether a site would be converted has fewer maximum points possible, such as 10.

Enter the appropriate score (points) for each of the 12 criteria for each alternative presented by the submitting agency. Total the scores for each alternative and enter the total site assessment points in the appropriate columns.

Part VII (To be completed by Federal Agency)

The agency will assign a score to each alternative identified by calculating the sum of the relative value of farmland (from part V) and the total site assessment (from part VI).

USDA recommends that—

- (1) The sites with the highest combined scores should be regarded as the most suitable for protection while those with the lowest combined scores should be regarded as the least suitable for protection.
- (2) If the total score is less than 160, no further consideration for protection is required and no additional sites need to be evaluated.
- (3) If the total score is 160 or more, additional sites should be evaluated and sites with higher values should be given greater consideration for protection. For these sites, agency personnel should consider—
 - (a) Use of land that is not farmland or use of existing structures.
 - (b) Alternative sites, locations, or designs that would serve the proposed purpose but convert either fewer acres of farmland or convert other farmland that has a lower relative value.
 - (c) Special siting requirements of the proposed project and the extent to which the alternative sites fail to satisfy these requirements as well as the originally selected site.

Additional Instructions to Aid in the Completion of Form AD-1006

Part II

Question	Source
Date Request Received By NRCS	The date that the form arrives at the NRCS office, not the date it is opened.
Does the site contain prime, etc., farmland?	Prime farmland list in section II of eFOTG or in FOTG reference file.
Acres Irrigated (local jurisdiction)	USDA National Agricultural Statistics Service (NASS). Information is often stored in section I of eFOTG.
Average Farm Size (local jurisdiction)	USDA-NASS. Information is often stored in section I of eFOTG.
Major Crop(s) (see note below)	Section II of eFOTG or the FOTG reference file. May also be found in LESA worksheets or other documentation for the jurisdiction.

Farmable Land In Govt. Jurisdiction	Section II of eFOTG or the FOTG reference file. May also be found in LESA Worksheet #2 or in the noncomputer land evaluation system for the jurisdiction.
Amount Of Farmland As Defined in FPPA	Section II of eFOTG or the FOTG reference file. May also be found in LESA Worksheet #2 or in the noncomputer land evaluation system for the jurisdiction.
Name Of Land Evaluation System Used	Section II of eFOTG or the FOTG reference file. May also be found in LESA Worksheet #1 or in the noncomputer land evaluation system for the jurisdiction.
Name Of Local Assessment System	Section II of FOTG or the FOTG reference file. (If a local assessment system does not exist, leave blank.)
Date Land Evaluation Returned By NRCS	The date the form is mailed to the Federal agency or other entity that requested the information.

Note: Choosing major crops to use in the development of the LE part of LESA depends on the geographical area. Since both soil potentials and soil productivity rating systems are based on major crops, it is necessary to select the major crops to use in developing LE. Considerations for determining the number of major crops include soil properties, landscape features, climatic characteristics, local importance of nonirrigated and irrigated cropping systems, and certain crops that may be uniquely suited to a soil that has few other crop values. Further explanation is given in the following publications:

- (1) Ferguson, C.A., and R.L. Bowen. 1991. Statistical evaluation of an agricultural land suitability model. *Environmental Management* 15(5): 689-700.
- (2) Huddleston, J.H., J.R. Pease, W.G. Forrest, H.J. Hickerson, and R.W. Langridge. 1987. Use of agricultural land evaluation and site assessment in Linn County, Oregon, USA. *Environmental Management* 11(3):389-405.

Part III

Review information in part III to determine effects if direct and indirect conversions are addressed by lead Federal agency. Effects include—

- (1) Direct effects, which are caused by the action and occur at the same time and place.
- (2) Indirect effects, which are caused by the action and occur later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Effects and impacts, as used in these regulations, are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of ecosystems), aesthetic, historic, cultural, economic, social, or health-related, whether direct, indirect, or cumulative. Some actions may have both beneficial and detrimental effects (see 40 CFR Section 1508.8).

Part IV

Total Acres Prime And Unique Farmland. The acreage is determined (converted both directly and indirectly) by using GIS or measured manually using a soil survey map of the area and the list of soil map units that are prime farmland and unique for the area.

Total Acres Statewide And Local Important Farmland. The acreage is determined (converted both directly and indirectly) by using GIS or measured manually using a soil survey map of the area and the list of soil map units that are farmland of statewide and local importance for the area.

Percentage Of Farmland In County Or Local Govt. Unit To Be Converted. The number of acres shown as farmland as defined in FPPA Part II should be divided into the total acres to be converted, both directly and indirectly, where the amount being converted is very small compared to the total amount of farmland in the area (i.e., less than .001 percent is shown as .001).

Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value. List the percentage of farmland in the area with a relative value that is high or higher than the relative value shown in part V that the project would convert both directly and indirectly. Select the relative value in LESA Worksheet #2 (see section 523.63) with the average site relative value as shown for the proposed site or, if using the noncomputer land evaluation system for the jurisdiction, add the percentage of that group and all other groups that have that relative value or a higher value.

Part V

Land Evaluation Criterion/Relative Value Of Farmland To Be Converted. List the relative value for agricultural production of the farmland to be converted (directly and indirectly) by the project compared to the relative value of other farmland in the area (e.g., the average relative value for the proposed site). An example of the calculation is in Title 430, National Soil Survey Handbook, Part 601, Section 601.21.

Part VI

The following guidelines should be used in site assessment scoring for the 12 site assessment factors used in FPPA for noncorridor projects.

Factor 1. How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

For the purpose of this factor, examples of nonurban and urban land are listed below.

Nonurban Land	Urban Land
Agricultural land (crops, fruit trees, nuts, oilseed)	Houses (other than farmhouses)
Rangeland	Apartment buildings
Forest land	Commercial buildings
Golf Courses	Industrial buildings
Nonpaved parks and recreational areas	Paved recreational areas (i.e., tennis courts)
Mining sites (Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87) exempted from FPPA)	Streets in areas with 30 structures per 40 acres
Farm storage	Gas stations
Lakes, ponds, and other water bodies	Equipment and supply stores
Rural roads and through roads without houses or buildings	Off-farm storage
Open space	Processing plants
Wetlands	Shopping malls
Fish production	Utilities and services
Pasture or hayland	Medical buildings

In rating this factor, an area 1 mile from the outer edge of the proposed site should be outlined on a current photo and 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 the road for urban land and one half for nonurban land.

The purpose of this rating process is to ensure that the most valuable and viable farmlands are protected from development projects sponsored by the Federal government. For this goal, the more agricultural lands surrounding the parcel boundary in question, the more protection from development this site should receive. Assign points for this factor using the table below.

Percentage of Nonurban 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 34 percent	3
25 to 29 percent	2
21 to 24 percent	1
20 percent or less	0

Factor 2. How much of the perimeter of the site borders on land in nonurban 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 nonurban uses in factor 1 should be used for this factor.

In rating factor 2, measure the perimeter of the site that is in nonurban and urban use and assign points as noted below.

Percentage of Perimeter Bordering Land in Nonurban Use	Points
90 percent or greater	10
82 to 89 percent	9
74 to 81 percent	8
65 to 73 percent	7
58 to 64 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

Factor 3. How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than 5 of the last 10 years?

Land is considered farmed when it is used or managed for food or fiber, including timber products, fruit, nuts, grapes, grain, forage, oilseed, fish and meat, and poultry and dairy products.

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

Assign points for this factor as follows:

Percentage of Site Farmed in at Least 5 of the Last 10 Years	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	1
Less than 20 percent	0

Factor 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?

State and local policies and programs to protect farmland include the following:

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 ensure that the farmland will not be converted to nonagricultural uses.

- (i) Preferential Assessment for Property Tax: Landowners with parcels of land used for agriculture are given the privilege of differential assessment.
- (ii) 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.
- (iii) 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: An eligible owner of farmland is authorized 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: Eligible farm estates are exempt from State tax liability.

2. "Right to Farm" Laws

Local governments are prohibited from enacting laws which will place restrictions upon normally accepted farming practices (for example, the generation of noise, odor, or dust).

3. Agricultural Districting

Farmers can 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 the following:

- A. Exclusive: The agricultural zone is restricted to only farm-related dwellings, with, for example, a minimum of 40 acres per dwelling unit.
- B. Nonexclusive: Nonfarm dwellings are allowed, but the density remains low, such as 20 acres per dwelling unit.
- C. Additional zoning techniques include the following:
 - (i) Sliding Scale: Zoning is considered 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.
 - (ii) Point System or Numerical Approach: Land use permits are considered on a case by case basis. The LESA (land evaluation and site assessment) system is a numerical approach.
 - (iii) Conditional Use: Evaluation is done 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): Development rights are purchased by government action, including buffer zoning districts.
- 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

The Governor makes policy 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

Examples include the following:

- A. California's Program of Restrictive Agreements and Differential Assessments
- B. Maryland Agricultural Land Preservation Program
- C. Wisconsin Income Tax Incentive Program

8. Mandatory State Programs

Examples include the following:

- A. The Environmental Control Act (Vermont)
- B. The California State Coastal Commission
- C. Hawaii's Program of State Zoning
- D. The Oregon Land Use Act of 1973

Points assigned for factor 4 are as follows:

- If the site is protected by one or more of the above programs, assign 20 points.
- If the site is not protected, assign 0 points.

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

The urban built-up area must have a population of at least 2,500. The measurement should be made from the point in the built-up area at which the density is 30 structures per 40 acres to a point on the site's perimeter and there should be no open or nonurban land 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.

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 (including directly adjacent area)	0

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

This question determines how much infrastructure (water, sewer, etc.) is in place that could facilitate nonagricultural development. The fewer facilities in place, the more difficult it is to develop an area.

Distance to public facilities should be measured from the perimeter of the parcel in question to the nearest sites 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. To determine the average distance, add all distances and then divide by the number of different distances.

Facilities that could promote nonagricultural use include the following:

- a. Water lines
- b. Sewer lines
- c. Power lines
- d. Gas lines
- e. Circulation (roads)
- f. Fire and police protection
- g. Schools

Assign points as follows:

If none of the services exist nearer than 3 miles from the site, assign 15 points.

If some of the services exist more than 1 mile but less than 3 miles from the site, assign 10 points.

If all of the services exist within 1/2 mile of the site, add 0 points.

Factor 7. Are the farm units 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.)

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. Assign points for this factor as follows:

Parcel Size in Relation to Average County Size	Points
Same size or larger than average (100 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 average	0

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

This factor addresses how the proposed development will affect the rest of the land on the farm. The site that 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 nonfarmable since access to the farmland will be blocked and thus the site should receive the highest number of points (10) as protection from conversion.

Conversions that make the rest of the property nonfarmable include any development that blocks accessibility to the rest of the site. Examples of these developments are highways, railroads, dams, and development along the front of a site that restricts access to the rest of the property. Assign points for this factor as follows:

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

Factor 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)?

This factor is used to assess whether there are adequate support facilities, activities, and industry to support the farming 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, urban development next to farmland can be dangerous to the welfare of the agricultural land if there is pressure from neighbors who do not want 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 points to 1 point are awarded. When no services are available, no points are given. See chart 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

Factor 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?

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 should 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 chart 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

Factor 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?

This factor determines whether there are other agriculturally related activities, businesses, or jobs dependent upon the working of the preconverted 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 points, some reduction in demand would receive 9 points to 1 point, and no significant reduction in demand would receive no points. See chart below.

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

Factor 12. Are 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?

This factor 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. Assign points as follows:

If the proposed project is incompatible with existing agricultural use of surrounding farmland, assign 10 points.

If the proposed project is tolerable of existing agricultural use of surrounding farmland, assign 9 points to 1 point.

If the proposed project is fully compatible with existing agricultural use of surrounding farmland, assign 0 points.

Part VII

In computing the relative value of farmland where a State or local land evaluation criterion is used and the total maximum number of points is other than 100, convert the relative value of farmland points to a base of 100. For example, if the relative value is 150 points and the alternative site is 107 points:

Total points assigned to site = $107 \times 100 = 71$ points

Maximum points possible = 150

523.62 Form NRCS-CPA-106 – Farmland Conversion Impact Rating for Corridor-Type Projects: Instructions and Example

Completing Form NRCS-CPA-106

[\(Click here for a copy of Form NRCS-CPA-106\)](#)

If more than one Federal agency is involved with a project on the site, only one agency should initiate Form NRCS-CPA-106. "Federal Agency" should be the same in all places on the form. If the form is being processed by another entity that will receive Federal assistance, the name of the Federal agency providing the assistance that will convert the land must be shown.

Part I (To be completed by Federal Agency)

Federal Agency Involved. Name of Federal agency providing the assistance that may lead to conversion.

Part II (To be completed by NRCS)

Date Request Received by NRCS. Indicate the date the request for the land evaluation was received in the NRCS office and the person completing the form.

Does the project contain prime, unique, statewide or local important farmland? Soil map units are considered 1) prime farmland where 50 percent or more of the components are prime farmland, 2) farmland of statewide importance where less than 50 percent of the components are prime farmland but 50 percent or more of the map unit is a combination of prime farmland and farmland of statewide importance, and 3) farmland of local importance where less than 50 percent of the soil components are prime farmland and land of statewide importance but the total of prime farmland, farmland of statewide importance, and farmland of local importance is 50 percent or more of the map unit. All other soil map units should be shown as not important farmland unless they are unique.

If the answer is "No," FPPA does not apply. In this case, check "No," date the form, and return it to the Federal agency as soon as possible. Refer to sections 523.67 and 523.20 for requirements of farmland of statewide and local importance and sections 523.10, 523.11, and 523.20 for exclusions and exempted conversions.

If the answer is "Yes" for one or more of the alternative sites, complete all of parts II, IV, and V for the alternatives that contain farmland and return the form to the requesting Federal agency within the specified time frame of 7 CFR Section 658.4(a) (see section 523.67).

Acres Irrigated. List the number of acres irrigated in the area covered by the LE system. Use only where irrigation is required in order for land to be considered farmland, otherwise enter a zero.

Average Farm Size. List the average farm unit size for the area covered by the LE system based on the list supplied by the State Conservationist. Note that farm size for an area can only be changed with approval from the State Conservationist.

Major Crop(s). List the indicator crops used to develop the LE system.

Farmable Land In Government Jurisdiction. List the total amount of farmable land (all land in the area covered by the LE system for which a productivity index has been developed in the land evaluation) and the percentage of all land in the area covered by the LE system that this amount represents. Include the total acres and percent of land that shows a relative value of greater than 0. (See section 523.63, LESA Worksheet #2, for determining farmable land using columns 4 and 5 in the exhibit.)

Amount of Farmland As Defined in FPPA. List the total amount of farmland as defined in by FPPA (prime, unique, and statewide and locally important) and the percentage that this amount represents of the area covered by the LE system (e.g., add the total percents in column 3 that have prime, unique, and

statewide and locally important farmlands). (See section 523.63, LESA Worksheet #2, for determining farmland using columns 3, 5, and 6 in the exhibit.)

Name of Land Evaluation System Used. List the name of the land evaluation system that is being used to answer the land evaluation questions for the sites listed (i.e., Johnson County, Leforte Parish, Vanderburg Township).

Name of State or Local Site Assessment System. If the unit of local government has a site assessment system that has been placed on the State Conservationist's list of systems that meet the purpose of FPPA, list the name of the system. If it does not have one, indicate "None."

Date Land Evaluation Returned by NRCS. Sign and show the date that the land evaluation information is returned to the Federal agency that requested the information.

Part III (To be completed by Federal agency)

A. *Total Acres To Be Converted Directly.* Actual acres made nonfarmable by the action.

B. *Total Acres To Be Converted Indirectly.* Acres that will be made nonfarmable because of restricted access to them and acres planned to receive services from an infrastructure project as indicated in the project justification (e.g., utilities) that would be likely to be converted because of the presence of the infrastructure project.

C. *Total Acres In Site.* Add the acres in A and B.

Part IV (To be completed by NRCS)

Complete this part for the alternative sites that contain farmland. In cases where the same location is used for an alternative but design changes are made to reduce the number of acres used or the relative value of farmland converted, each design change should be listed as an alternative.

A. *Total Acres Prime and Unique Farmland.* Record the acreage in the site that is prime or unique farmland that is converted both directly and indirectly.

B. *Total Acres Statewide Important or Local Important Farmland.* Record the acreage in the site that has been designated by a State or unit of local government to be farmland of statewide or local importance that is converted both directly and indirectly.

C. *Percentage Of Farmland in County Or Local Govt. Unit To Be Converted.* List the percentage of farmland (prime, unique, and statewide and locally important) in the area covered by the LE system to be converted. Add the acres in A and B of this part. Divide by the amount of farmland as defined in part II. The result is multiplied by 100. If the percentage being converted is very small compared to the total amount of farmland in the area (i.e., less than .001 percent), percentage will be shown as .001.

D. *Percentage of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value.* List the percentage of farmland (prime, unique, and statewide and locally important) in the area with a relative value as high or higher than the relative value shown in part V which the project would convert. Select the relative value in column 7 of LESA Worksheet #2 (see Section 523.63) that is equal to or higher than the relative value in part V. Record the total percentages given in column 5 on the same line.

Part V (To be completed by NRCS)

Compute the weighted average relative value of farmland (prime, unique, and statewide and locally important) to be converted for the sites. In developing the relative value, the entire site will be considered, both farmland (prime, unique, and statewide and locally important) and nonfarmland.

Part VI (To be completed by Federal agency)

The site assessment criteria used in the FPPA are designed to assess important factors other than the agricultural value (relative value) of the land when determining which alternative sites should receive the highest level of protection from conversion to nonagricultural uses.

Ten factors are used for site assessment for corridor projects. Each factor is listed in an outline form without detailed definitions or guidelines to follow in the rating process. For each of the 10 factors a number rating system is used to determine which sites deserve the most protection from conversion to nonfarm 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; a question which does not have such a significant impact upon whether a site would be converted has fewer maximum points possible, such as 10.

Enter the appropriate score (points) for each of the 10 criteria for each alternative presented by the submitting agency. Total the scores for each alternative and enter in the total site assessment points in the appropriate column(s).

Part VII (To be completed by Federal Agency)

The agency will assign a score to each alternative identified by calculating the sum of the relative value of farmland (from part V) and the total site assessment (from part VI).

USDA recommends that—

- (1) The sites with the highest combined scores should be regarded as the most suitable for protection while those with the lowest scores should be regarded as the least suitable for protection.
- (2) If the total score is less than 160, no further consideration for protection is required and no additional sites need to be evaluated.
- (3) If the total score is 160 or more, additional sites should be evaluated and sites with higher values should be given greater consideration for protection. For these sites, agency personnel should consider—
 - (a) Use of land that is not farmland or use of existing structures.
 - (b) Alternative sites, locations, or designs that would serve the proposed purpose but convert either fewer acres of farmland or convert other farmland that has a lower relative value.
 - (c) Special siting requirements of the proposed project and the extent to which the alternative sites fail to satisfy the special siting requirements as well as the originally selected site.

Additional Instructions to Aid in the Completion of Form NRCS-CPA-106

Part II

Question	Source
Date Request Received by NRCS	The date that the form arrives at the NRCS office, not the date it is opened.
Does the site contain prime, etc., farmland?	Prime farmland list in section II of eFOTG or in FOTG reference file.
Acres Irrigated (local jurisdiction)	USDA National Agricultural Statistics Service (NASS). Information is often stored in section I of eFOTG.
Average Farm Size (local jurisdiction)	USDA-NASS. Information is often stored in section I of eFOTG.
Major crop(s) (see note below)	Section II of eFOTG or the FOTG reference file. May also be found in LESA worksheets or other documentation for the jurisdiction.
Farmable Land In Government Jurisdiction	Section II of eFOTG or the FOTG reference file. May also be found in LESA Worksheet #2 or in the noncomputer land evaluation system for the jurisdiction.
Amount of Farmland As Defined in FPPA	Section II of eFOTG or the FOTG reference file. May also be found in LESA Worksheet #2 or in the noncomputer land evaluation system

	for the jurisdiction.
Name of Land Evaluation System Used	Section II of eFOTG or the FOTG reference file. May also be found in LESA Worksheet #1 or in the noncomputer land evaluation system for the jurisdiction.
Name of State or Local Assessment System	Section II of eFOTG or the FOTG reference file. (If a local assessment system does not exist, leave blank.)
Date Land Evaluation Returned by NRCS	The date the form is mailed to the Federal agency or other entity that requested the information.

Note: Choosing major crops to use in the development of the LE part of LESA depends on the geographical area. Since both soil potentials and soil productivity rating systems are based on major crops, it is necessary to select the major crops to use in developing LE. Considerations for determining the number of major crops include soil properties, landscape features, climatic characteristics, local importance of nonirrigated and irrigated cropping systems, and certain crops that may be uniquely suited to a soil that has few other crop values. Further explanation is given in the following publications:

- (1) Ferguson, C.A., and R.L. Bowen. 1991. Statistical evaluation of an agricultural land suitability model. *Environmental Management* 15(5): 689-700.
- (2) Huddleston, J.H., J.R. Pease, W.G. Forrest, H.J. Hickerson, and R.W. Langridge. 1987. Use of agricultural land evaluation and site assessment in Linn County, Oregon, USA. *Environmental Management* 11(3):389-405.

Part III

Review information in part III to determine effects if direct and indirect conversions are addressed by lead Federal agency.

Effects include—

- (a) Direct effects, which are caused by the action and occur at the same time and place.
- (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Effects and impacts, as used in these regulations, are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health-related, whether direct, indirect, or cumulative. Some actions may have both beneficial and detrimental effects (see 40 CFR Section 1508.8).

Part IV

Total Acres Prime And Unique Farmland. The acreage is determined (converted both directly and indirectly) by using GIS or measured manually using a soil survey map of the area and the list of soil map units that are prime farmland and unique for the area.

Total Acres Statewide Important or Local Important Farmland. The acreage is determined (converted both directly and indirectly) by using GIS or measured manually using a soil survey map of the area and the list of soil map units that are farmland of statewide and local importance for the area.

Percentage Of Farmland in County Or Local Govt. Unit To Be Converted. The number of acres shown as farmland as defined in FPPA Part II should be divided into the total acres to be converted, both directly and indirectly, where the amount being converted is very small compared to the total amount of farmland in the area (i.e., less than .001 percent is shown as .001).

Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value. List the percentage of farmland in the area with a relative value as high or higher than the relative value shown in part V that the project would convert both directly and indirectly. Select the relative value in LESA Worksheet #2 (see

Section 523.63) with the average site relative value as shown for the proposed site or, if using the noncomputer land evaluation system for the jurisdiction, add the percentage of that group and all other groups that have that relative value or a higher value.

Part V

Land Evaluation Criterion/Relative Value of Farmland To Be Converted. List the relative value for agricultural production of the farmland to be converted (directly and indirectly) by the project compared to the relative value of other farmland in the area (e.g., the average relative value for the proposed site). An example of the calculation is in Title 430, National Soil Survey Handbook, Part 601, Section 601.21.

Part VI

The following guidelines should be used in site assessment scoring for the 10 site assessment factors used in FPPA for corridor-type projects,

Factor 1. How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent	15 points
90 to 20 percent	14 points to 1 point
Less than 20 percent	0 points

Factor 2. How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent	10 points
90 to 20 percent	9 points to 1 point
Less than 20 percent	0 points

Factor 3. How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than 5 of the last 10 years?

More than 90 percent	20 points
90 to 20 percent	19 points to 1 point
Less than 20 percent	0 points

Factor 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

Factor 5. Are the farm units 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.)

If farm unit is below average size, deduct 1 point for each 5 percent below the average, down to 0 points.

If farm unit is 50 percent or more below average size, assign 9 to 0 points.

Factor 6. If the site is chosen for the project, how much of the remaining land on the farm will become nonfarmable because of interference with land patterns?

If acreage is equal to more than 25 percent of acres directly converted by the project, assign 25 points.

If acreage is equal to between 25 and 5 percent of the acres directly converted by the project, assign 1 to 24 points.

If acreage is equal to less than 5 percent of the acres directly converted by the project, assign 0 points.

Factor 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 points to 1 point |
| No required services are available | 0 points |

Factor 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 points to 1 point |
| No on-farm investment | 0 points |

Factor 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?

If there would be substantial reduction in demand for support services if the site is converted, assign 25 points.

If there would be some reduction in demand for support services if the site is converted, assign 1 to 24 points.

If there would be no significant reduction in demand for support services if the site is converted, assign 0 points.

Factor 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?

If proposed project is incompatible with existing agricultural use of surrounding farmland, assign 10 points.

If proposed project is tolerable to existing agricultural use of surrounding farmland, assign 9 points to 1 point.

If proposed project is fully compatible with existing agricultural use of surrounding farmland, assign 0 points.

Part VII

In computing the relative value of farmland where a State or local land evaluation criterion is used and the total maximum number of points is other than 100, convert the relative value of farmland points to a base of 100.

For example, if the relative value is 150 points, and the alternative site is 107 points:

Total points assigned to site = $107 \times 100 = 71$ points

Maximum points possible = 150

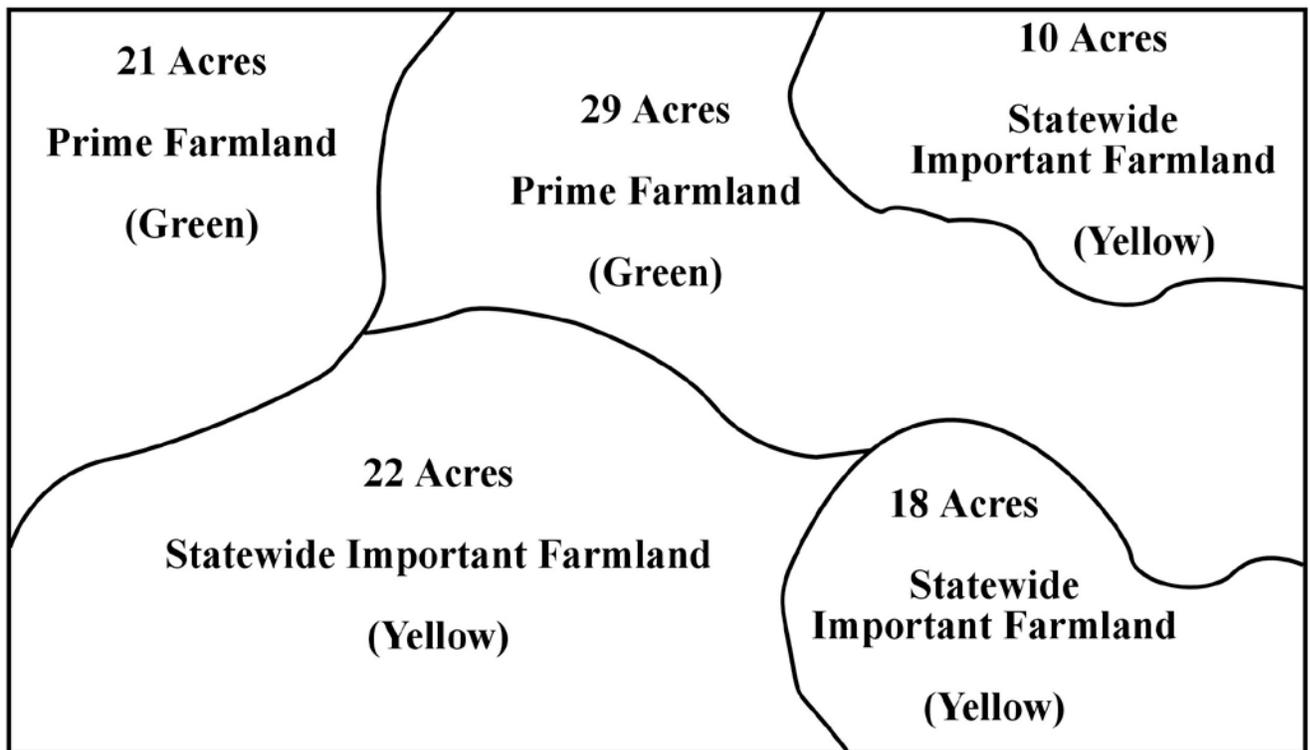
523.63 Implementation of Existing LESA System

Below is a sample site map showing soil map units with their farmland designations and acreage. Maps from [Web soil survey](#) are usually suitable for noncorridor-type projects.

Farmland Determination for a 100-Acre Site

1. Prime Farmland

21 Acres
29 Acres
50 Acres Prime Farmland



2. Statewide Important Farmland

10 Acres
22 Acres
18 Acres
50 Acres Statewide Important Farmland

Implementation of the Farmland Protection Policy Act

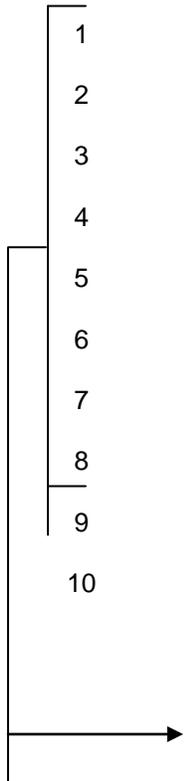
Using LESA Worksheet #2 to determine farmable land.

AGRICULTURAL EVALUATION WORKSHEET #2
DESIGN OF LAND EVALUATION FOR AREA

ZETA

COUNTY OR TOWNSHIP

AG. GROUP (1)	LAND CAPABILITY (2)	IMPORTANT FARMLAND (3)	POTENTIAL OR PRODUCTIVITY (4)	PERCENT (5)	ACRES (6)	RELATIVE VALUE (7)
1	I	Prime	90-100	7	35,000	100
2	II	Prime	90-100	8	40,000	86
3	II	Statewide	75-90	5	25,000	80
4	II	Statewide	70-90	5	25,000	60
5	III	Statewide	50-70	7	35,000	50
6	IV	Statewide	30-50	8	40,000	30
7	V	Not Important	30-50	10	50,000	20
8	VI	Not Important	20-50	10	50,000	10
9	VII	Not Important	0	20	100,000	0
10	VIII	Not Important	0	20	100,000	0


Farmable Land in Zeta County

- Productivity shown for groups 1 through 8
- Total percent of groups 1 through 8 = 60%
- Total acres of groups 1 through 8 = 300,000

Implementation of the Farmland Protection Policy Act

Using LESA Worksheet #2 to determine farmland.

AGRICULTURAL EVALUATION WORKSHEET #2
DESIGN OF LAND EVALUATION FOR AREA

ZETA

COUNTY OR TOWNSHIP

AG. GROUP (1)	LAND CAPABILITY (2)	IMPORTANT FARMLAND (3)	POTENTIAL OR PRODUCTIVITY (4)	PERCENT (5)	ACRES (6)	RELATIVE VALUE (7)
1	I	Prime	90-100	7	35,000	100
2	II	Prime	90-100	8	40,000	86
3	II	Statewide	75-90	5	25,000	80
4	II	Statewide	70-90	5	25,000	60
5	III	Statewide	50-70	7	35,000	50
6	IV	Statewide	30-50	8	40,000	30
7	V	Not Important	30-50	10	50,000	20
8	VI	Not Important	20-50	10	50,000	10
9	VII	Not Important	0	20	100,000	0
10	VIII	Not Important	0	20	100,000	0

→ "Farmland" covered by FPPA

- Groups 1 through 6 contain prime and statewide important farmland
- Total percent of farmland in county (groups 1 through 6) = 40%
- Total acres of farmland in county (groups 1 through 6) = 200,000

Implementation of the Farmland Protection Policy Act

Using LESA Worksheet #2 to calculate relative value of site.

AGRICULTURAL EVALUATION WORKSHEET #2
AVERAGE SITE RELATIVE VALUE

_____ ZETA _____ COUNTY OR TOWNSHIP

AG. GROUP (1)	RELATIVE VALUE FOR EACH GROUP (2)	NUMBER OF ACRES IN GROUP (3)	RELATIVE VALUE (4)
1 _____	100	50	5,000
2			
3 _____	80	40	3,200
4			
5			
6 _____	30	10	300
7			
8			
9			
10			
Total		<u>100</u>	<u>8,500</u>

Average Site Value = $\frac{\text{Sum of the Product of Relative Value and Number of Acres}}{\text{Sum of Acres in Site}}$

Average Site Value = $\frac{8,500}{100} = 85$ for Site A on Form AD-1006

Implementation of the Farmland Protection Policy Act

Using LESA Worksheet #2 to determine percentage of land with relative value the same or more than relative value for site.

AGRICULTURAL EVALUATION WORKSHEET #2
DESIGN OF LAND EVALUATION FOR AREA

ZETA

COUNTY OR TOWNSHIP

AG. GROUP (1)	LAND CAPABILITY (2)	IMPORTANT FARMLAND (3)	POTENTIAL OR PRODUCTIVITY (4)	PERCENT (5)	ACRES (6)	RELATIVE VALUE (7)
1	I	Prime	90-100	7	35,000	100
2	II	Prime	90-100	8	40,000	↑ 86
3	II	Statewide	75-90	5	25,000	80
4	II	Statewide	70-90	5	25,000	60
5	III	Statewide	50-70	7	35,000	50
6	IV	Statewide	30-50	8	40,000	30
7	V	Not Important	30-50	10	50,000	20
8	VI	Not Important	20-50	10	50,000	10
9	VII	Not Important	0	20	100,000	0
10	VIII	Not Important	0	20	100,000	0

→ Farmland with relative value as high or higher than proposed site

- Relative value of site A is 85
- Groups 1 and 2 have a relative value of 85 or higher
- Percent of county contained in groups 1 and 2 is 15 percent

523.64 Adjustment and Application of Relative Values for Specific Sites Using the LE Part of LESA

Adjustment for Local Conditions

A. There are several conditions under which relative values developed on Worksheet #2 may need some adjustment.

(1) In some large planning areas (i.e., large counties or whole States), some soil series may be mapped across a significant rainfall differential; for example, 10 inches vs. 20 inches annual precipitation. In some cases, one or more soil series may span a significant difference in number of growing days (e.g., 200 days in one part of the area and 110 days in another part). Government-sponsored flood control, drainage districts, or irrigation water may be available in one part of the planning area but not in another part for the same soils. In these cases it may be necessary to adjust the relative value for some of the agricultural groups in the area. In most cases, soils of any given series occur in only one climatic zone or range of elevation and adjustment should not be needed.

(2) In some local areas (i.e., counties or towns), some areas of a given soil may be drained and others may not be. Some areas of a given soil may be adequately protected from flooding and others may not be. Other kinds of contrasting situations may exist that would require some adjustment of relative values.

B. In developing the adjustments, add points to the existing relative value if the poorest condition in the planning area was used to develop the relative value on Worksheet #3. If the best condition in the area was used to develop the relative value on Worksheet #2, subtract points. The point values assigned to specific conditions should be relative to the kinds of limitations imposed by the conditions and to each other condition considered. Point values assigned should adequately reflect cost differences between the best and worst conditions with regard to clearing, drainage, flood protection, etc.

For example:

Ag. Group	Rel. Value	Climate Adjustment	Flood Control	Adjusted Rel. Value
1	100	-10	---	90
2	94	-10	-5	79
3	80	-10	---	70

C. In the example above, the ideal climate and flood protection were considered in adjusting the relative values. Ten points was subtracted from the relative values of groups 1, 2, and 3 for a negative climatic zone in the planning area. An additional 5 points was subtracted from the relative value of group 2 for soils lacking flood control in some part of the planning area.

D. A tabular display such as the one above should be prepared as the land evaluation part of a LESA system is being developed. The points assigned for various conditions should be approved by the local committee. Test the point values to determine if their use in the LESA system will help meet its local objectives.

E. The need for an adjusted relative value for any condition is generally determined during assessment of a specific site.

Application

The relative value of a site should be determined by local officials when a decision is to be made about converting the site to nonagricultural use or taking other action that affects use of the site for agriculture. A site is defined as a tax parcel or that part of a tax parcel for which land conversion is planned.

- A. To determine average relative value for a small site (maximum size 100 acres, or up to 500 acres if soils on the site are uniform), use the following procedure:
- (1) Locate the site on a soil survey map and determine the kind of soils on the site.
 - (2) Determine the acreage of each soil on the site and the appropriate agricultural group for each soil.
 - (3) Multiply the number of acres of soils in each agricultural group times the assigned relative value (or adjusted relative value if needed) on Worksheet #3.
 - (4) Add the products of the multiplication performed in step (3).
 - (5) Divide the total value obtained in step (4) by the total acreage on the site. The quotient will represent an average relative value for the site.
 - (6) Example:

Ag. Group	Rel. Value	Acre	Acre x Rel. Value
1	100	50	5,000
3	80	40	3,200
6	30	10	300
Total		100	8,500

Average site value = $8,500 \div 100 = 85$

- B. An average site value generally should be used only for small sites (up to 100 acres, or more where soils are uniform) or if most of a site is being used for crops. An average site value generally should be used with large sites, the average value will be greatly affected by a large number of acres of very poor land having a relative value of 0. When an entire large site is being considered for conversion, however, the average site value must be determined as above.

- (1) Example:

Ag. Group	Rel. Value	Acre	Acre x Rel. Value
1	100	400	40,000
2	94	100	9,400
10	0	500	0
Total		1000	49,400

Average site value = $49,400 \div 1,000 = 49$

- (2) In this example, the site has 500 acres of high relative-value land but because the acres are in agricultural group 10, the average relative value is drastically reduced. (The average relative value for agricultural groups 1 and 2 alone would be about 99.)
 - (3) In most cases less than 1,000 acres of land would be converted at any one time.
- C. For large sites of which only parts are being considered for conversion, the relative values for each agricultural group on the site should be considered by planners and decisionmakers. The areas having low or zero relative values for cropland may have a high relative value for forestland or other use. In terms of cropland protection, however, no efforts should be made to protect the area having low or zero relative values. Planners should always consider the effect of conversion on adjacent and nearby agricultural land. Title 430, National Soil Survey Handbook, Part 601, has detailed descriptions on LESA concepts and directions on how to set up a LESA system and how to evaluate it. Planners and others find this guide a very helpful tool when making land use decisions and other determinations involving soils and land use decisions.

523.65 Development and Use of Relative Value for Land Use Planning

Example of the Use of Relative Values for Land Use Planning of Landscapes of Kendall County, IL, Using the Land Evaluation Part of Land Evaluation and Site Assessment – General Soil Map and the Detailed Soil Survey

This exhibit uses Kendall County, IL, as an example. In the land evaluation and site assessment (LESA) system, the land evaluation (LE) part is combined with the site assessment (SA) part to determine the total value for a specific site for agriculture. The higher the total value of LESA, the higher the capabilities of that site for agriculture. The LE part, when combined with the SA part, can help units of government meet the following two overall objectives: (1) facilitate identification and protection of important agricultural land, and (2) assist in implementing farmland protection policies. The LE part should be designed for consistent use in all applications and can be grouped into relative values. It provides a framework where LE procedures are documented before individual sites are considered. This process allows different individuals to evaluate sites consistently and without bias. The LE part is based on existing knowledge but should be flexible enough to accommodate differences within States, counties, or areas. A LESA system can be developed at various levels of government—State, county, or township—or for an area such as a USDA-designated major land resource area (MLRA). LESA utilizes soil survey information and interpretations that are widely available throughout the United States and planning concepts and principles that are regularly used by community and regional planners. The LE part of LESA for Kendall County, IL, is the data used to develop relative values (RV) for the jurisdiction. RVs differ depending on inputs in calculations. For Kendall County, IL, the different methods for calculating RVs are as follows:

1. Relative Values (RV) for Land Use Planning of Landscapes of Kendall County, IL, Using the Land Evaluation (LE) Part of Land Evaluation and Site Assessment (LESA) - the General Soil Map and the Detailed Soil Survey
2. Relative Values (RV) of General Soil Map Delineations for Land Use Planning of Landscapes of Kendall County, IL, Using the Land Evaluation (LE) Part of the Land Evaluation and Site Assessment (LESA) System
3. Relative Values (RV) for the Soil Survey of Kendall County, IL, Using the Land Evaluation (LE) Part of the Land Evaluation and Site Assessment (LESA) System Without Adjustment for the Cost of the Conservation Practice
4. Relative Values (RV) for the Soil Survey of Kendall County, IL, Using the Land Evaluation (LE) Part of the Land Evaluation and Site Assessment (LESA) System With Adjustment for the Cost of the Conservation Practice

Figure 1 shows the town of Yorkville in Kendall County, IL. Tables 1 through 4d and figure 2 demonstrate how the LE part of LESA can be used for county or regional planning. Table 1 assigns the inherent relative values of the soil associations shown on the general soil map. Tables 5 and 6 address interpretations for some urban uses. Based on information on the following pages, would a planner consider groups/soil associations 2 and 4 and possibly 3 for urban uses rather than the other groups/soil associations? One thing to consider, most of the soils in these three groups will have dry basements and crawl spaces. More information on urban interpretations is available at the following Web sites:

<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
<http://soildatamart.nrcs.usda.gov/>

Tables 7a through 15 show how the LE part of LESA can be used as one of the tools for comparing two or more sites shown in the Soil Survey of Kendall County, IL, to assist land use decisionmakers in making decisions on future urban growth.

Tables 7a through 7d, 10, 11a through 11d, and 15 look similar but the results are markedly different. Tables 11a through 11d and 15 use the economic submodel which results in a different array of the soils compared to tables 7a through 7d and 10 that did not use the economic submodel. Had the economic submodel been used for tables 1, 2, and 3 then there would have been a situation similar to that in tables 7a through 7d, 10, 11a through 11d, and 15.

523.66 Glossary

Corridor projects/sites	Developments or projects that are designed to carry services or materials between two distant points and stream-improvement or flood-control projects that change farmland use.
Direct/indirect impacts	Actions or projects that result in making land nonfarmable. Action (building or construction) in a specific area results in a direct impact. Taking land adjacent to a specific impact area out of agricultural production is an indirect impact.
Important farmland	In accordance with the 1981 act, farmland includes all land that is defined as prime, unique, or statewide or locally important. Farmland does not have to be used currently for cropland. It can include cropland, pastureland, forestland, or other land. Water or water storage areas and urban land are not considered farmland.
Important farmland mitigation	Mitigation includes: <ul style="list-style-type: none"> • Tap restrictions on sewer and water infrastructure projects that would permit the conversion of important farmland • Provision of access to farmland otherwise made inaccessible by the project • Restoration of land to original productivity where underground utilities are installed • For disposition of land, placing a perpetual easement on the land to ensure it is not developed or converted to nonfarmland • Inclusion of agricultural production as a compatible use on farmland placed in perpetual easements • Providing for protection, replacement, or substitution of important farmland acres
Local or State important farmland	Land other than prime or unique farmland that is determined to be important by the appropriate State, Tribal, or unit of local government agency or agencies, with concurrence by the State Conservationist.
Prime rangeland and rangeland or grassland of statewide importance	Prime rangeland is rangeland which, because of its soil, climate, topography, vegetation, and location, has the highest quality or value for grazing animals. The (potential) natural vegetation is palatable, nutritious, and available to the kinds of herbivores common to the area. Rangeland or grassland of statewide importance is land other than prime rangeland that is of high quality or value for grazing animals.
Site	The location identified by the proposed actions. In part III of Forms AD-1006 and NRCS-CPA-106, it is the entire site, both farmable land and nonfarmable land.
Unique farmland	Land other than prime farmland that is used for the production of specific high-value food and fiber crops, as determined by NRCS. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high-quality or high-yielding crops when treated and managed according to acceptable farming methods. High-value food and fiber crops include cranberries, citrus, tree nuts, olives, fruits, vegetables, and other crops as determined by the State Conservationist.
Unit of local government	County, municipality, town, township, village, or other unit of general government below the State level; a combination of units of local government acting through an areawide agency under State law; or an agreement for the formulation of regional development policies and plans.
Urban development	Land with a density of 30 structures per 40-acre area. Farmland in urban development includes land identified as urbanized areas on the Census Bureau Map, as urban areas mapped with a tint overprint on the USGS topographical maps, or as urban built-up on the USDA Important Farmland Maps.

523.67 Title 7 – Agriculture, Subtitle B – Regulations of the Department of Agriculture, Chapter VI – Natural Resources Conservation Service

[Code of Federal Regulations]

[Title 7, Volume 6, Parts 400 to 699]

[Revised as of January 1, 2001]

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[Page 730-733]

Title 7--Agriculture

Subtitle B--Regulations of the Department of Agriculture

CHAPTER VI--NATURAL RESOURCES CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

PART 657--PRIME AND UNIQUE FARMLANDS

PART 657--PRIME AND UNIQUE FARMLANDS--Table of Contents

Subpart A--Important Farmlands Inventory

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Sec. 657.1 Purpose.

NRCS is concerned about any action that tends to impair the productive capacity of American agriculture. The Nation needs to know the extent and location of the best land for producing food, feed, fiber forage, and oilseed crops. In addition to prime and unique farmlands, farmlands that are of statewide and local importance for producing these crops also need to be identified.

Sec. 657.2 Policy.

It is NRCS policy to make and keep current an inventory of the prime farmland and unique farmland of the Nation. This inventory is to be carried out in cooperation with other interested agencies at the National, State, and local levels of government. The objective of the inventory is to identify the extent and location of important rural lands needed to produce food, feed, fiber, forage, and oilseed crops.

Sec. 657.3 Applicability.

Inventories made under this memorandum do not constitute a designation of any land area to a specific land use. Such designations are the responsibility of appropriate local and State officials.

Sec. 657.4 NRCS responsibilities.

(a) State Conservationist. Each NRCS State Conservationist is to:

- (1) Provide leadership for inventories of important farmlands for the State, county, or other subdivision of the State. Each is to work with appropriate agencies of State government and**

others to establish priorities for making these inventories.

(2) Identify the soil mapping units within the State that qualify as prime. In doing this, State Conservationists, in consultation with the cooperators of the National Cooperative Soil Survey, have the flexibility to make local deviation from the permeability criterion or to be more restrictive for other specific criteria in order to assure the most accurate identification of prime farmlands for a State. Each is to invite representatives of the Governor's office, agencies of the State government, and others to identify farmlands of statewide importance and unique farmlands that are to be inventoried within the framework of this memorandum.

(3) Prepare a statewide list of:

(i) Soil mapping units that meet the criteria for prime farmland;

(ii) Soil mapping units that are farmlands of statewide importance if the criteria used were based on soil information; and

(iii) Specific high-value food and fiber crops that are grown and, when combined with other favorable factors, qualify lands to meet the criteria for unique farmlands. Copies are to be furnished to NRCS Field Offices and to National Soil Survey Center. (see 7 CFR 600.2(c), 600.6)

(4) Coordinate soil mapping units that qualify as prime farmlands with adjacent States, including Major Land Resource Area Offices (see 7 CFR 600.4, 600.7) responsible for the soil series. Since farmlands of statewide importance and unique farmlands are designated by others at the State level, the soil mapping units and areas identified need not be coordinated among States.

(5) Instruct NRCS District Conservationists to arrange local review of lands identified as prime, unique, and additional farmlands of statewide importance by Conservation Districts and representatives of local agencies. This review is to determine if additional farmland should be identified to meet local decisionmaking needs.

(6) Make and publish each important farmland inventory on a base map of national map accuracy at an intermediate scale of 1:50,000 or 1:100,000. State Conservationists who need base maps of other scales are to submit their requests with justification to the Chief for consideration.

(b) National Soil Survey Center. The National Soil Survey Center is to provide requested technical assistance to State Conservationists and Major Land Resource Area Offices in inventorying prime and unique farmlands (see 7 CFR 600.2(c)(1), 600.4, 600.7). This includes reviewing statewide lists of soil mapping units that meet the criteria for prime farmlands and resolving coordination problems that may occur among States for specific soil series or soil mapping units.

(c) National Office. The Deputy Chief for Soil Survey and Resource Assessment (see 7 CFR 600.2(b)(3)) is to provide national leadership in preparing guidelines for inventorying prime farmlands and for national statistics and reports of prime farmlands.

Sec. 657.5 Identification of Important Farmlands.

(a) Prime farmlands--(1) General. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. Examples of soils that qualify as prime farmland are Palouse silt loam, 0 to 7 percent slopes; Brookston silty clay loam, drained; and Tama silty clay loam, 0 to 5 percent slopes.

(2) Specific criteria. Prime farmlands meet all the following criteria: Terms used in this section are defined in USDA publications: ``Soil Taxonomy, Agriculture Handbook 436''; ``Soil Survey Manual, Agriculture Handbook 18''; ``Rainfall-erosion Losses From Cropland, Agriculture Handbook 282''; ``Wind Erosion Forces in the United States and Their Use in Predicting Soil Loss, Agriculture Handbook 346''; and ``Saline and Alkali Soils, Agriculture Handbook 60.''

(i) The soils have:

(A) Aquic, udic, ustic, or xeric moisture regimes and sufficient available water capacity within a depth of 40 inches (1 meter), or in the root zone (root zone is the part of the soil that is penetrated or can be penetrated by plant roots) if the root zone is less than 40 inches deep, to produce the commonly grown cultivated crops (cultivated crops include, but are not limited to, grain, forage, fiber, oilseed, sugar beets, sugarcane, vegetables, tobacco, orchard, vineyard, and bush fruit crops) adapted to the region in 7 or more years out of 10; or

(B) Xeric or ustic moisture regimes in which the available water capacity is limited, but the area has a developed irrigation water supply that is dependable (a dependable water supply is one in which enough water is available for irrigation in 8 out of 10 years for the crops commonly grown) and of adequate quality; or,

(C) Aridic or torric moisture regimes and the area has a developed irrigation water supply that is dependable and of adequate quality; and,

(ii) The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50 cm), have a mean annual temperature higher than 32 deg. F (0 deg. C). In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47 deg. F (8 deg. C); in soils that have no O horizon, the mean summer temperature is higher than 59 deg. F (15 deg. C); and,

(iii) The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep; and,

(iv) The soils either have no water table or have a water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and,

(v) The soils can be managed so that, in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep, during part of each year the conductivity of the saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage (ESP) is less than 15; and,

(vi) The soils are not flooded frequently during the growing season (less often than once in 2 years); and,

(vii) The product of K (erodibility factor) x percent slope is less than 2.0, and the product of I (soils erodibility) x C (climatic factor) does not exceed 60; and

(viii) The soils have a permeability rate of at least 0.06 inch (0.15 cm) per hour in the upper 20 inches (50 cm) and the mean annual soil temperature at a depth of 20 inches (50 cm) is less than 59 deg. F

(15 deg. C); the permeability rate is not a limiting factor if the mean annual soil temperature is 59 deg. F (15 deg. C) or higher; and,

(ix) Less than 10 percent of the surface layer (upper 6 inches) in these soils consists of rock fragments coarser than 3 inches (7.6 cm).

(b) Unique farmland--(1) General. Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables. (2) Specific characteristics of unique farmland:

(i) Is used for a specific high-value food or fiber crop;

(ii) Has a moisture supply that is adequate for the specific crop; the supply is from stored moisture, precipitation, or a developed-irrigation system;

(iii) Combines favorable factors of soil quality, growing season, temperature, humidity, air drainage, elevation, aspect, or other conditions, such a nearness to market, that favor the growth of a specific food or fiber crop.

(c) Additional farmland of statewide importance. This is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. Criteria for defining and delineating this land are to be determined by the appropriate State agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed

according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some States, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by State law.

(d) Additional farmland of local importance. In some local areas there is concern for certain additional farmlands for the production of food, feed, fiber, forage, and oilseed crops, even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned. In places, additional farmlands of local importance may include tracts of land that have been designated for agriculture by local ordinance.

PART 658—FARMLAND PROTECTION POLICY ACT

Sec.

658.1 Purpose.

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AUTHORITY: 7 U.S.C. 4201–4209.

SOURCE: 49 FR 27724, July 5, 1984, unless otherwise noted.

§ 658.1 Purpose.

This part sets out the criteria developed by the Secretary of Agriculture, in cooperation with other Federal agencies, pursuant to section 1541(a) of the Farmland Protection Policy Act (FPPA or the Act) 7 U.S.C. 4202(a). As required by section 1541(b) of the Act, 7 U.S.C. 4202(b), Federal agencies are (a) to use the criteria to identify and take into account the adverse effects of their programs on the preservation of farmland, (b) to consider alternative actions, as appropriate, that could lessen adverse effects, and (c) to ensure that their programs, to the extent practicable, are compatible with State and units of local government and private programs and policies to protect farmland. Guidelines to assist agencies in using the criteria are included in this part. The Department of Agriculture (hereinafter USDA) may make available to States, units of local government, individuals, organizations, and other units of the Federal Government, information useful in restoring, maintaining, and improving the quantity and quality of farmland.

§ 658.2 Definitions.

(a) *Farmland* means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance. "Farmland" does not include land already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban-built-up" on the USDA Important Farmland Maps. Areas shown as white on the USDA Important Farmland Maps are not "farmland" and, therefore, are not subject to the Act. Farmland "committed to urban development or water storage" includes all such land that receives a combined score of 160 points or less from the land evaluation and site assessment criteria.

(b) *Federal agency* means a department, agency, independent commission, or other unit of the Federal Government.

(c) *Federal program* means those activities or responsibilities of a Federal agency that involve undertaking, financing, or assisting construction or improvement projects or acquiring, managing, or

disposing of Federal lands and facilities.

(1) The term "Federal program" does not include:

(i) Federal permitting, licensing, or rate approval programs for activities on private or non-Federal lands; and

(ii) Construction or improvement projects that were beyond the planning stage and were in either the active design or construction state on August 4, 1984.

(2) For the purposes of this section, a project is considered to be "beyond the planning stage and in either the active design or construction state on August 4, 1984" if, on or before that date, actual construction of the project had commenced or:

(i) Acquisition of land or easements for the project had occurred or all required Federal agency planning documents and steps were completed and accepted, endorsed, or approved by the appropriate agency;

(ii) A final environmental impact statement was filed with the Environmental Protection Agency or an environmental assessment was completed and a finding of no significant impact was executed by the appropriate agency official; and

(iii) The engineering or architectural design had begun or such services had been secured by contract. The phrase "undertaking, financing, or assisting construction or improvement projects" includes providing loan guarantees or loan insurance for such projects and includes the acquisition, management and disposal of land or facilities that a Federal agency obtains as the result of foreclosure or other actions taken under a loan or other financial assistance provided by the agency directly and specifically for that property. For the purposes of this section, the phrase "acquiring, managing, or disposing of Federal lands and facilities" refers to lands and facilities that are acquired, managed, or used by a Federal agency specifically in support of a Federal activity or program, such as national parks, national forests, or military bases, and does not refer to lands and facilities that are acquired by a Federal agency as the incidental result of actions by the agency that give the agency temporary custody or ownership of the lands or facilities, such as acquisition pursuant to a lien for delinquent taxes, the exercise of conservatorship or receivership authority, or the exercise of civil or criminal law enforcement forfeiture or seizure authority.

(d) *State or local government policies or programs to protect farmland* include:

Zoning to protect farmland; agricultural land protection provisions of a comprehensive land use plan which has been adopted or reviewed in its entirety by the unit of local government in whose jurisdiction it is operative within 10 years preceding proposed implementation of the particular Federal program; completed purchase or acquisition of development rights; completed purchase or acquisition of conservation easements; prescribed procedures for assessing agricultural viability of sites proposed for conversion; completed agricultural districting and capital investments to protect farmland.

(e) *Private programs to protect farmland* means programs for the protection of farmland which are pursuant to and consistent with State and local government policies or programs to protect farmland of the affected State and unit of local government, but which are operated by a nonprofit corporation, foundation, association, conservancy, district, or other not-for-profit organization existing under State or Federal laws. Private programs to protect farmland may include: (1) Acquiring and holding development rights in farmland and (2) facilitating the transfer of development rights of farmland.

(f) *Site* means the location(s) that would be converted by the proposed action(s).

(g) *Unit of local government* means the government of a county, municipality, town, township, village, or other unit of general government below the State level, or a combination of units of local government acting through an areawide agency under a State law or an agreement for the formulation of regional development policies and plans.

§ 658.3 Applicability and exemptions.

(a) Section 1540(b) of the Act, 7 U.S.C. 4201(b), states that the purpose of the Act is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. Conversion of farmland to nonagricultural uses does not include the construction of on-farm structures necessary for farm operations. Federal agencies can obtain

assistance from USDA in determining whether a proposed location or site meets the Act's definition of farmland. The USDA Natural Resources Conservation Service (NRCS) field office serving the area will provide the assistance. Many State or local government planning offices can also provide this assistance.

(b) Acquisition or use of farmland by a Federal agency for national defense purposes is exempted by section 1547(b) of the Act, 7 U.S.C. 4208(b).

(c) The Act and these regulations do not authorize the Federal Government in any way to regulate the use of private or non-Federal land, or in any way affect the property rights of owners of such land. In cases where either a private party or a non-Federal unit of government applies for Federal assistance to convert farmland to a nonagricultural use, the Federal agency should use the criteria set forth in this part to identify and take into account any adverse effects on farmland of the assistance requested and develop alternative actions that would avoid or mitigate such adverse effects. If, after consideration of the adverse effects and suggested alternatives, the landowners want to proceed with conversion, the Federal agency, on the basis of the analysis set forth in § 658.4 and any agency policies or procedures for implementing the Act, may provide or deny the requested assistance. Only assistance and actions that would convert farmland to nonagricultural uses are subject to this Act. Assistance and actions related to the purchase, maintenance, renovation, or replacement of existing structures and sites converted prior to the time of an application for assistance from a Federal agency, including assistance and actions related to the construction of minor new ancillary structures (such as garages or sheds), are not subject to the Act.

(d) Section 1548 of the Act, as amended, 7 U.S.C. 4209, states that the Act 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.

§ 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 rulemaking 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 contained 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.

§ 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 evaluated and assigned a score between 0 to 100, representing the relative value, for agricultural production, of the farmland to be converted by the project compared to other farmland in the same local government jurisdiction, This score will be the Relative Value Rating on Form AD 1006.

(b) *Site Assessment Criteria.* Federal agencies are to use the following criteria to assess the suitability of each proposed site or design alternative for protection as farmland along with the score from the land evaluation criterion described in § 658.5(a). Each criterion will be given a score on a scale of 0 to the maximum points shown. Conditions suggesting top, intermediate and bottom scores are indicated for each criterion. The agency would make scoring decisions in the context of each proposed site or alternative action by examining the site, the surrounding area, and the programs and policies of the State or local unit of government in which the site is located. Where one given location has more than one design alternative, each design should be considered as an alternative site. The site assessment criteria are:

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

More than 90 percent—15 points

90 to 20 percent—14 to 1 point(s)

Less than 20 percent—0 points

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

More than 90 percent—10 points

90 to 20 percent—9 to 1 point(s)

Less than 20 percent—0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than 5 of the last 10 years?

More than 90 percent—20 points

90 to 20 percent—19 to 1 points(s)

Less than 20 percent—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) 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

(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 1 but less than 3 miles from the site—10 points

All of the services exist within 1/2 mile of the site—0 points

(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 below average—9 to 0 points

(8) If this site is chosen for the project, how much of the remaining land on the farm will become nonfarmable 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

(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

(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 on-farm investment—19 to 1 point(s)

No on-farm investment—0 points

(11) 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 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

(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 surrounding farmland to nonagricultural use?

Proposed project is incompatible with 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

(c) 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 described in § 658.4(a). All criteria for corridor-type sites will be scored as shown in § 658.5(b) for other sites, except as noted below:

(1) Criteria 5 and 6 will not be considered.

(2) Criterion 8 will be scored on a scale of 0 to 25 points, and criterion 11 will be scored on a scale of 0 to 25 points.

§ 658.6 Technical assistance.

(a) Section 1543 of the Act, 7 U.S.C. 4204 states, "The Secretary is encouraged to provide technical assistance to any State or unit of local government, or any nonprofit organization, as determined by the Secretary, that desires to develop programs or policies to limit the conversion of productive farmland to nonagricultural uses." In § 2.62, of 7 CFR part 2, subtitle A, NRCS is delegated leadership responsibility within USDA for the activities treated in this part.

(b) In providing assistance to States, local units of government, and nonprofit organizations, USDA will make available maps and other soils information from the national cooperative soil survey through NRCS field offices.

(c) Additional assistance, within available resources, may be obtained from local offices of other USDA agencies. The Agricultural Stabilization and Conservation Service and the Forest Service can provide aerial photographs, crop history data, and related information. A reasonable fee may be charged. In many States, the Cooperative Extension Service can provide help in understanding and identifying farmland protection issues and problems, resolving conflicts, developing alternatives, deciding on appropriate actions, and implementing those decisions.

(d) Officials of State agencies, local units of government, nonprofit organizations, or regional, area, State-level, or field offices of Federal agencies may obtain assistance by contacting the office of the NRCS State conservationist. A list of Natural Resources Conservation Service State office locations

appears in Appendix A, § 661.6 of this title. If further assistance is needed, requests should be made to the Assistant Secretary for Natural Resources and Environment, Office of the Secretary, Department of Agriculture, Washington, DC 20250.

§ 658.7 USDA assistance with Federal agencies' reviews of policies and procedures.

(a) Section 1542(a) of the Act, 7 U.S.C. 4203, states, "Each department, agency, independent commission or other unit of the Federal Government, with the assistance of the Department of Agriculture, shall review current provisions of law, administrative rules and regulations, and policies and procedures applicable to it to determine whether any provision thereof will prevent such unit of the Federal Government from taking appropriate action to comply fully with the provisions of this subtitle."

(b) Section 1542(b) of the Act, 7 U.S.C. 4203, requires, as appropriate, each department, agency, independent commission, or other unit of the Federal Government, with the assistance of the Department of Agriculture, to develop proposals for action to bring its programs, authorities, and administrative activities into conformity with the purpose and policy of the Act.

(c) USDA will provide certain assistance to other Federal agencies for the purposes specified in section 1542 of the Act, 7 U.S.C. 4203. If a Federal agency identifies or suggests changes in laws, administrative rules and regulations, policies, or procedures that may affect the agency's compliance with the Act, USDA can advise the agency of the probable effects of the changes on the protection of farmland. To request this assistance, officials of Federal agencies should correspond with the Chief, Natural Resources Conservation Service, P.O. Box 2890, Washington, DC 20013.

(d) To meet the reporting requirements of section 1546 of the Act, 7 U.S.C. 4207, and for data collection purposes, each Federal agency is requested to report to the Chief of the Natural Resources Conservation Service by November 15th of each year on progress made during the prior fiscal year to implement sections 1542 (a) and (b) of the Act, 7 U.S.C. 4203 (a) and (b). Until an agency fully implements those sections, the agency should continue to make the annual report, but may omit the report upon full implementation. However, an agency is requested to file an annual report for any future year in which the agency has substantially changed its process for compliance with the Act.

523.68 Departmental Regulation 9500-3, Land Use Policy

U.S. Department of Agriculture

Washington, D.C. 20250

DEPARTMENTAL REGULATION	Number: 9500-3
SUBJECT: Land Use Policy	DATE: March 22, 1983
	OPI: Land Use Staff Soil Conservation Service

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1 PURPOSE

The Nation's farmlands, forest lands, rangelands, flood plains, and wetlands are unique natural resources providing food, fiber, wood, and water necessary for the continued welfare of the people of the United States and protection from floods. Each year, large amounts of these lands are converted to other uses. Continued conversion of the Nation's farmlands, forest lands, and rangelands may impair the ability of the United States to produce sufficient food, fiber, and wood to meet domestic needs and the demands of export markets. Continued conversion of the Nation's wetlands may reduce the availability of adequate supplies of suitable-quality water, indigenous wildlife species, and the productive capacity of the Nation's fisheries. Continued encroachments on flood plains decrease the expensive manmade flood-control measures and disaster-relief activities, and endanger both lives and property.

Land use allocation decisions are matters of concern to USDA. Decisions concerning land use arise from needs to accommodate needed growth and development; prevent unwarranted and costly sprawl; avoid unwarranted conversion of farm, range, and forest lands and wetlands from existing uses and unwarranted encroachment on flood plains; maintain and enhance agricultural and forest production capabilities; maintain wildlife, fish, and seafood habitat; provide or improve community services and facilities; assure appropriate environmental quality; and assure adequate supplies of suitable-quality water. These needs are highly interdependent and often compete with each other for the limited supply of available land and water.

It is Departmental policy to promote land use objectives responsive to current and long-term economic, social, and environmental needs. This policy recognizes the rights and responsibilities of State and local governments for regulating the uses of land under their jurisdiction. It also reflects the Department's responsibility to (a) assure that the United States retains a farm, range, and forest land base sufficient to produce adequate supplies, at reasonable production costs, of high-quality food, fiber, wood, and other agricultural products that may be needed; (b) assist individual landholders and State and local governments in defining and meeting needs for growth and development in such ways that the most productive farm, range, and forest lands are protected from unwarranted conversion to other uses; and (c) assure appropriate levels of environmental quality.

In accordance with the authority contained in 7 U.S.C. 1010 and 7 U.S.C. 2204 and consistent with 7 C.F.R. 2.19 (f) and provisions of the Farmland Protection Policy Act, Subtitle I, Title XV, P.L. 97-98, the Department sets forth this statement of policy on land use.

2 CANCELLATIONS

This regulation supercedes Secretary's Memorandum 9500-2 dated March 10, 1982 and is a reissue of Departmental Regulation 9500-3 dated March 22, 1983, which had a number of typographical errors.

3 POLICY

Federal agencies, in implementing programs, make decisions that affect current and potential uses of land. The Department will:

- a) Promote and support planning procedures that allow landholders, interest groups, and State and local governments to have input at all appropriate stages of the decisionmaking process for public projects, programs, or activities; that recognize the rights and responsibilities of landholders in making private land use decisions; and that recognize the responsibility of governments in influencing how land may be used to meet public needs.
- b) Assure that programs of the agencies within the Department discourage the unwarranted conversion to other uses of prime and unique farmlands, farmlands of statewide or local importance, and prime rangelands, as defined in appendix A; the unwarranted alteration of wetlands or flood plains; or the unwarranted expansion of the peripheral boundaries of existing settlements.
- c) Manage both its land use-related programs and USDA-administered land in such manner as to (1) demonstrate leadership in meeting short- and long-term needs for growth and development, while assuring adequate supplies of needed food, fiber, and forest products; (2) assure appropriate levels of environmental quality and adequate supplies of water; and (3) discourage unwarranted expansion of peripheral boundaries of existing settlements. Whenever practicable, management of USDA-administered lands shall be coordinated with the management of adjacent private and other public lands.
- d) Conduct multidisciplinary land use research and education programs responsive to identified State, local, and national needs and, when requested, assist State and local governments, citizens groups, and individual landholders in determining alternative land use values, thereby enabling local officials to make judicious choices to meet growth and development needs and to protect the community's farm and forest-related economic base.
- e) Assist landowners and State and Federal agencies in the reclamation of abandoned surface-mined lands. This reclamation will help eliminate safety, health, and environmental problems.

f) Assist in planning for the extraction of coal and other nonrenewable resources in such manner as to facilitate restoration. This restoration would reestablish or enhance food, fiber, or forest productivity or contribute to other beneficial uses of the land as mining is completed in defined areas or sites.

g) Advocate among Federal agencies:

(1) The retention of important farmlands, rangelands, forest lands, and wetlands, whenever proposed conversions to other uses (a) are caused or encouraged by actions or programs of a Federal agency or (b) require licensing or approval by a Federal agency, unless other needs clearly override the benefits derived from retention of such lands; and

(2) Actions that reduce the risk of flood loss and soil erosion; that minimize impacts of floods on human safety, health, and welfare; that preserve natural flood-control and other beneficial functions and values of wetlands and flood plains; and that reduce future need for expensive manmade flood-control systems, disaster-relief assistance, or Federal rehabilitation assistance in the event of flooding.

4 ABBREVIATIONS

USDA - U.S. Department of Agriculture

NRE - Natural Resources and Environment Committee

5 DEFINITIONS

Complete definitions for the terms "farmlands," "forest lands," "rangelands," "wetlands," and "flood plains" are found in Appendix A.

6 RESPONSIBILITIES

a) The Office of the Secretary is responsible for (1) encouraging, assisting, and coordinating efforts of other Federal departments and agencies to implement policies and procedures supportive of the objectives of this regulation; (2) resolving issues and acting on recommendations raised to the Secretary's Policy and Coordination Council by the Departmental committees; and (3) raising unresolved issues and recommending actions to the appropriate Cabinet Council.

b) The NRE Committee, created under the Secretary's memorandum dated July 22, 1981, will provide department-wide leadership for the implementation of this policy statement. In implementing this policy, the NRE Committee will:

(1) Recommend Departmental guidelines to the Secretary and schedule reviews of each agency's procedures for implementation;

(2) Monitor implementation of this policy;

(3) Encourage, support, and provide guidance to State-and local-level USDA committees in implementing this policy;

(4) Coordinate the work of USDA agencies in carrying out the provisions of this regulation; and

(5) Advise the Secretary annually as to progress and problems encountered.

- c) Each USDA agency will review and make the necessary administrative changes in existing and proposed rules, regulations, guides, practices, or policies and propose needed legislative changes to bring agency programs into compliance with the provisions of this regulation.
- d) Each USDA agency having programs that will be affected by this regulation shall develop implementing procedures, consistent with the guidelines provided by the NRE Committee, and shall provide to all offices of the agency copies of this policy statement, Departmental guidelines, and agency procedures to implement this policy.
- e) USDA agencies will encourage State and local governments and individual landholders to retain important farmlands, rangelands, forest lands, and wetlands and to avoid encroachments on flood plains when practicable alternatives exist to meet developmental needs. Appropriate agencies will assist State and local governments, citizens groups, and individual landholders in identifying options and determining alternative land use values as the basis for making judicious choices in meeting growth and development needs.
- f) USDA agencies will encourage other Federal, State, and local government agencies to exchange information on plans or projects that may impact on important farmlands, rangelands, forest lands, wetlands, or flood plains and to involve appropriate USDA agencies early in the planning process. USDA agencies will participate in a timely manner at appropriate stages in the planning process on Federal or federally assisted projects or activities when requested. Where opportunity for such participation is not forthcoming, the Department may intercede, consistent with policy contained in this regulation, at appropriate stages in the decisionmaking process through review and comments on plans, as provided for in authorized administrative review procedures for such projects, activities, or actions.
- g) When land held either in public or private ownership will be directly affected by USDA actions, the implementing agency will notify the affected landholders at the earliest time practicable of the proposed action and provide such landholders an opportunity to review the elements of the action and to comment on the action's feasibility and alternatives to it.
- h) Agencies of USDA will assure that their actions, investments, and programs on nonfederal lands will conform, to the extent practicable, with the uses permitted under land use regulations adopted by State and local governments.
- i) When land use regulations or decisions are inconsistent with USDA policies and procedures for the protection of important farmlands, rangelands, forest lands, wetlands, or flood plains, USDA agencies shall not assist in actions that would convert these lands to other uses or encroach upon flood plains, unless (1) there is a demonstrated, significant need for the project, program, or facility, and (2) there are no practicable alternative actions or sites that would avoid the conversion of these lands or, if conversion is unavoidable, reduce the number of acres to be converted or encroached upon directly and indirectly.

APPENDIX A

DEFINITIONS

The following definitions apply to this Departmental Regulation.

1 IMPORTANT FARMLANDS 1/

a Prime Farmlands 1/

(1) General Criteria. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops

and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to produce, economically, sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. Examples of soils that qualify as prime farmlands are Palouse silt loam, 0- to 7-percent slopes; Brookston silty clay loam, drained; and Tama silty clay loam, 0- to 5-percent slopes.

(2) Specific Criteria. Prime farmlands must meet all the following criteria. Terms used in this section are defined in these USDA publications: "Soil Taxonomy, Agriculture Handbook 436," "Soil Survey Manual, Agriculture Handbook 18," "Rainfall-Erosion Losses from Cropland, Agriculture Handbook 282," "Wind Erosion Forces in the United States and Their Use in Predicting Soil Loss, Agriculture Handbook 346," and "Saline and Alkali Soils, Agriculture Handbook 60."

(a) The soils have:

1 Aquic, udic, ustic, or xeric moisture regimes and sufficient available water capacity within a depth of 40 inches, or in the root zone (root zone is the part of the soil that is penetrated by plant roots) if the root zone is less than 40 inches deep, to produce the commonly grown cultivated crops (cultivated crops include but are not limited to grain, forage, fiber, oilseed, sugar beets, sugarcane, vegetables, tobacco, orchard, vineyard, and bush fruit crops) adapted to the region in 7 or more years out of 10; or

2 Xeric or ustic moisture regimes in which the available water capacity is limited, but the area has developed irrigation water supply that is dependable (a dependable water supply is one in which enough water is available for irrigation in 8 out of 10 years for the crops commonly grown) and of adequate quality; or

3 Acidic or torric moisture regimes, and the area has a developed irrigation water supply that is dependable and of adequate quality; and

(b) The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches, have a mean annual temperature higher than 32 degrees Fahrenheit. In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47 degrees Fahrenheit; in soils that have no O horizon, the mean summer temperature is higher than 59 degrees Fahrenheit; and

(c) The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches or in the root zone if the root zone is less than 40 inches deep; and

(d) The soils either have no water table or have water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and

(e) The soils can be managed so that in all horizons within a depth of 40 inches or in the root zone if the root zone is less than 40 inches deep, during part of each year the conductivity of the saturation extract is less than 4 mmhoc/cm and the exchangeable sodium percentage is less than 15; and

(f) The soils are not flooded frequently during the growing season (less often than once in 2 years); and

(g) The product of K (erodibility factor) times the percent slope is less than 2.0, and the product of I (soils erodibility) times C (climate factor) does not exceed 60; and

(h) The soils have a permeability rate of at least 0.06 inch per hour in the upper 20 inches, and the mean annual soil temperature at a depth of 20 inches is less than 59 degrees Fahrenheit or higher; and (i) Less than 10 percent of the surface layer (upper 6 inches) in these soils consists of rock fragments coarser than 3 inches.

b Unique Farmland 1/

(1) General Criteria. Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce, economically, sustained high-quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables.

(2) Specific Characteristics. Unique farmland is used for a specific high-value food or fiber crop. It has a moisture supply that is adequate for the specific crop; the supply is from stored moisture, precipitation, or a developed irrigation system. It combines favorable factors of soil quality, growing season, temperature, humidity, air drainage, elevation, aspect, or other conditions, such as nearness to market, that favor the growth of a specific food or fiber crop.

c Additional Farmland of Statewide Importance. 1/ This is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops. Criteria for defining and delineating this land are to be determined by the appropriate State agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some States, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by State law.

d Additional Farmland of Local Importance. 1/ In some local areas, there is concern for certain additional farmlands for the production of food, feed, fiber, forage, and oilseed crops, even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned.

2 PRIME FOREST LANDS 2/

Because of the multiple use of forested lands, several categories, e.g., timber, wildlife, and recreation, may be developed. For purposes of this regulation only, the following timberland definitions will apply.

(a) Prime Timberland. 2/ Prime timberland is land that has soil capable of growing wood at the rate of 85 cubic feet or more/acre/year (at culmination of mean annual increment) in natural stands and is not in urban or built-up land uses or water. Generally speaking, this is land currently in forest, but does not exclude qualifying lands that could realistically be returned to forest. Delineation of these lands will be in accordance with national criteria.

(b) Unique Timberland. 2/ Unique timberlands are lands that do not qualify as prime timberland on the basis of producing less than 85 cubic feet/acre/year, but are growing sustained yields of specific high-value species or species capable of producing specialized wood products under a silvicultural system that maintains soil productivity and protects water quality. Delineation of these lands will be in accordance with national criteria.

(c) Timberland of Statewide Importance. 2/ This is land, in addition to prime and unique timberlands, that is of statewide importance for the growing of woods. Criteria for defining and delineating these lands are to be determined by State forestry planning committees or appropriate State organizations.

(d) Timberlands of Local Importance. 2/ In some local areas, there is a concern for certain additional forest lands for the growing of wood, even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by a local agency or agencies concerned.

3 WETLANDS 3/

Wetlands are those areas that are inundated by surface or ground water with frequency sufficient to support and, under normal circumstances, do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas, such as sloughs, potholes, wet meadows, river overflows, mudflats, and natural ponds.

4 FLOOD PLAINS 3/

The term "flood plain" means the lowland and relatively flat areas adjoining inland and coastal waters, including floodprone areas of offshore islands, including, at a minimum, those that are subject to a 1-percent or greater chance of flooding in any give year.

4 PRIME RANGELAND 4/

Prime rangeland is rangeland which, because of its soil, climate, topography, vegetation, and location, has the highest quality or value for grazing animals. The (potential) natural vegetation is palatable, nutritious, and available to the kinds of herbivores common to the area.

3/ Definitions contained in executive orders 11988 and 11990

4/ USDA proposed definition for intradepartmental use only