



Farm and Ranch Land Protection Program

2008 Farm Bill

Connecticut Fact Sheet



The Farm and Ranch Land Protection Program (FRPP) is a voluntary program of the USDA-Natural Resources Conservation Service, whose purpose is to protect agricultural lands by limiting non-agricultural uses. Enrollment requires that landowners sign a deed of easement restricting development of the property, and agree to maintain the land according to an approved conservation plan.

The program is managed in partnership with approved state, local, and non-profit entities. An entity applies for FRPP funds, arranges for the purchase of development rights through conservation easements on private lands, and holds and manages the conservation easements in perpetuity.

Although the State of Connecticut's Farmland Preservation Program is the most well-known program that extinguishes development rights in the state, there are many local and non-profit organizations that also have a history of owning and managing conservation easements – all are eligible to apply for FRPP funding.



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What are the Agricultural Uses of FRPP?

In Connecticut, *agricultural uses* are generally defined by the Connecticut Farmland Preservation Program, with additional restrictions based on federal law.

NRCS has added deed restrictions to protect against the degradation of soils and agricultural productivity. A 2% limitation on impervious surfaces* is standard for easements funded by FRPP; however, there is a provision to waive this restriction if requested of an entity on a parcel-by-parcel basis, up to a 10% maximum impervious surface limitation.

Since 1996, Connecticut has received over \$30 million in funding for the FRPP Program.

Waiver considerations include population density, ratio of open prime and important farmland to the impervious surfaces, impact to water quality, type of agricultural operation, and parcel size. The waiver must be requested at the time of application, and the approved limitation must be stated in the deed.

NRCS allows restoration of previously converted wetlands and grasslands as an agricultural use permitted on all easements funded by FRPP, as long as the intent of the easement to protect long-term agricultural productivity is not compromised by the restoration.

**Impervious surfaces are defined as roofs and pavement (not gravel), including permanent greenhouses, barns, roadways, storage sheds, etc., regardless of where they are located in the easement area. Exception: any conservation practice installed to NRCS standards and used for the original purposes. Seasonal greenhouses, those in place for six months or less are not considered impervious.*

As of January 1, 2011, FRPP funding has protected the agricultural productivity of 11,200 acres in the Nutmeg State.

What is an Eligible Entity?

Any state or local unit of government or non-profit organization wishing to apply for FRPP funds must demonstrate:

- A commitment to long-term conservation of agricultural lands
- A capability to acquire, manage, and enforce easements
- Sufficient staff dedicated to monitoring and easement stewardship
- The availability of funds for acquisition, monitoring, and stewardship

Certified entities may enter into an agreement with NRCS for a period of three years, during which time they may submit parcels for ranking and funding. NRCS may fund up to 50% of the appraised fair market value of the easement.

What is Landowner and Land Eligibility?

Both the land and the landowner must be eligible before FRPP funds are approved. Although individual landowners do not apply for FRPP directly, they are considered beneficiaries of the program and are required to be active participants in the application process by submitting eligibility documentation to the Farm Service Agency (FSA).

Landowner eligibility includes compliance with Highly Erodible and Wetland Conservation provisions of the 1985 Farm Bill, as amended. NRCS will help landowners develop a conservation plan for any land determined to be highly erodible during this process. Landowners must also meet the current adjusted gross income limitation, earning less than \$1 million in non-farm income for each of the past three years, unless more than 66% of the total gross income was from farm income.



Forest management plans are required on all parcels with forest cover on greater than 40 contiguous acres –or 20%– of the easement area (whichever is greater). The maximum allowable forest cover is 66% of the easement area.

Entities are responsible for ensuring that they request funding for eligible land. Eligible land must:

- Be privately owned
- Contain at least 50% prime or important farmland
- Be subject to a pending offer from the entity
- Contain cropland, grassland, pastureland, or forest land that contributes to the economic viability of the agricultural operation
- Contain a maximum forest cover of two-thirds of the easement area (and have a forest management plan, if applicable)
- Possess suitable on-site and off-site conditions which will allow the easement to be effective in achieving the purposes of the program

How Are Parcels Ranked?

Each parcel submitted is ranked on its own merit. Ranking includes both national and state criteria. No parcel will be ranked unless the landowner and the land have both been determined eligible.

National Ranking Criteria Uses U.S. Census Data and:

- Percent of prime, unique, and important farmland in the parcel
- Percent of cropland, pastureland, and grassland in the parcel
- Ratio of total acres in the parcel to the average farm size in the county
- Decrease in percentage of the acres of farmland in the county
- Percent population growth in the county
- Population density of the county
- Proximity of the parcel to other preserved farms and military bases

- Proximity of the parcel to other agricultural operations and infrastructure

State Ranking Criteria Includes:

- Percent land in compatible land use adjacent to the parcel
- History of ownership, conservation, and soil health improvements on the farm
- Location within a state-designated important region
- Proximity to public water supply watershed or recharge areas
- Known habitat for threatened & endangered species
- Degree of leveraging guaranteed by entity

What are the Responsibilities of the United States?

As part of the ranking and eligibility process, NRCS will complete a pre-acquisition database search for hazardous materials on or near the parcel, and conduct an on-site visit to determine the condition of the land. NRCS may also interview the landowner to ensure that all program requirements are understood, and any information collected is accurate and complete.

Once a parcel is selected for funding, NRCS will notify the entity and develop or modify the cooperative agreement to include the specific parcel information and funds. Only approved parcels can be closed using FRPP funds.

What Rights are Retained by the United States?

NRCS maintains a *right of enforcement* which is defined as an interest in the land that the U.S. may exercise under specific circumstances to enforce the terms of a conservation easement. The purpose is primarily to guard against condemnation of FRPP-funded deeds. Additionally, to ensure compliance with the conservation plan for highly erodible land, the easement shall grant to the U.S., through NRCS and its successor or assigns, a right of access to the easement area.



Application Submissions

The eligibility of the land and the landowner for each parcel must be established at the time the parcel is submitted for potential funding. For each parcel submitted by an eligible entity, the landowner's legal name and contact information must be provided.

Landowner must be compliant with Highly Erodible and Wetland Conservation provisions of the 1985 Farm Bill, as amended. An AD-1026 (HIGHLY ERODIBLE LAND CONSERVATION AND WETLAND CONSERVATION CERTIFICATION) must be on file with FSA, or submitted to them concurrent with the application.

Landowners must meet adjusted gross income limitation, (see *What is Landowner and Land Eligibility*). A current CCC-931 (AVERAGE ADJUSTED GROSS INCOME (AGI) CERTIFICATION AND CONSENT TO DISCLOSURE OF TAX INFORMATION) must be filed with FSA for this purpose.

In addition to the above, the entity must include:

- A copy of the pending easement offer with parcel legal description
- A listing of funding sources and amounts
- A current aerial photograph with the easement area and local road network indicated
- A web soil survey map of the parcel (<http://websoilsurvey.nrcs.usda.gov/app/>)
- A completed impervious surface allowance worksheet (if more than 2% impervious cover is being requested)

Maps and ranking sheet should include only those lands for which FRPP program funds are requested. Ranking sheet should contain specific parcel details, as well as the resultant score.

Details include:

- Percent of prime, unique, and important farmland in the parcel
- Percent of cropland, pastureland, and grassland in the parcel
- Proximity of the parcel to other preserved farms and military bases
- Proximity of the parcel to other agricultural operations and infrastructure
- Proposed impervious surface cap
- History of ownership, conservation, and soil health improvements on the farm
- Proximity to public water supply watershed or rechargers
- Percentage of historically farmed prime soils

Required application forms are available at www.ct.nrcs.usda.gov/programs/frpp

Parcel applications may be submitted any time by an approved entity; however, it must be received by 3:00 PM the day the ranking period closes in order to be considered for that funding cycle.

Due to the inclusion of personal and private information, no electronic submittals will be accepted. Applications should be marked "PRIVATE" and be addressed to:

FRPP Program Manager
USDA-Natural Resources Conservation Service
344 Merrow Road, Suite A
Tolland, CT 06084-3917

For more information:

- Visit www.ct.nrcs.usda.gov
- Contact Joyce Purcell, FRPP Program Manager, at 860.871.4028
- Contact your local USDA Service Center:
 - Danielson – 860.779.0557
 - Hamden – 203.287.8038
 - Norwich – 860.887.3604
 - Torrington – 860.626.8258
 - Windsor – 860.688.7725

