

Part 519 - Farm and Ranch Lands Protection Program

select the highest-ranked parcel for which funding is available.

**B. Evaluating FRPP Parcels**

(1) The State Conservationist, with advice from the State Technical Committee, will establish a weighted ranking process to prioritize all eligible proposals and parcels. Representatives from cooperating entities will not be involved in developing ranking criteria, assigning weights to the factors, or developing quantitative scoring criteria for the factors. Priority should be given to those parcels on which conservation easements that will protect the Nation's prime, unique, and statewide and locally important soils or historic and archaeological sites on farm and ranch lands. Each factor will be assigned a weight and a system of scoring (points awarded for quantitative measures of each ranking factor) before ranking begins on the first submitted parcel. NRCS employees will conduct the ranking based on the system.

(2) In evaluating proposals and parcels, at least 50 percent of the weight must be based on the national criteria. The national criteria are as follows:

- (i) Percent of prime, unique, and important farmland in the parcel to be protected
- (ii) Percent of cropland, pastureland, grassland, and rangeland in the parcel to be protected
- (iii) Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture (<http://www.agcensus.usda.gov>)
- (iv) Decrease in the percentage of acreage of farm and ranch land in the county in which the parcel is located between the last two USDA Censuses of Agriculture (<http://www.agcensus.usda.gov>)
- (v) Percent population growth in the county as documented by the U.S. Census (<http://www.census.gov>)
- (vi) Population density (population per square mile) as documented by the most recent U.S. Census (<http://www.census.gov>)
- (vii) Proximity of the parcel to other protected land, including military installations
- (viii) Proximity of the parcel to other agricultural operations and infrastructure

(3) The remaining weight will be applied to NRCS State criteria also contained in the State FRPP plan, approved by the State Conservationist. Such criteria may include the following:

- (i) Existence of a parcel in an agriculturally zoned area
- (ii) Performance of the eligible entity in acquiring FRPP easements in a timely manner (percent of all easements enrolled in the previous 5 years that have been closed within 18 months) based on the FRPP database
- (iii) Performance of the eligible entity in monitoring FRPP easements during the previous fiscal year that were closed before the previous fiscal year (percent of all closed easements that were monitored and the monitoring reported to NRCS)
- (iv) Entities' extensive experience in managing and enforcing easements
- (v) Multifunctional benefits, including social, economic, historical, archaeological, and environmental benefits
- (vi) Geographic regions where the enrollment of particular lands may help achieve national, State, and regional goals and objectives or enhance existing government or private conservation projects
- (vii) Diversity of natural resources protected
- (viii) Score in the Land Evaluation and Site Assessment (LESA) system. This serves as a measure of agricultural viability (access to markets and infrastructure)
- (ix) Existence of a farm succession plan or similar plan established to encourage farm viability for future generations

**Note:** Parcels submitted by entities that are delinquent on submitting annual monitoring reports on prior-year conservation easements or have open FRPP cooperative agreements more than 2 years old may be assigned negative points or placed at the bottom of the eligibility list.

**C. Resource Concerns**

The NRCS State ranking criteria should consider various environmental benefits that may be achieved through conservation planning, including the following:

- (i) **Soil**
  - Erosion reduction
  - Condition improvement
  - Deposition reduction
- (ii) **Water**
  - Quantity improvement
  - Quality improvement
  - Air quality improvement
- (iii) **Plant**
  - Suitability enhancement
  - Condition improvement
- (iv) **Animal**
  - Habitat improvement
  - Habitat diversity
- (v) Other resource concerns, such as protection of historical and archaeological sites and

access to agricultural infrastructure, operations, markets, and labor

#### D. Ranking Historical and Archaeological Sites

If more than one parcel is determined to be eligible for FRPP funding based on the historical and archaeological eligibility criteria (see section 519.32E), the State ranking factors may use the following criteria to evaluate the relative quality of historic and archaeological sites:

- (1) Diversity of resource types within each individual parcel (i.e., a parcel contains more than one type of historical or archaeological resource)
- (2) Acreage of resource site
- (3) Association with existing community identity
- (4) Nationally significant designation (i.e., the parcel contains a national designation versus a State designation)
- (5) Other criteria established by the State Conservationist, with advice from the State Technical Committee

#### E. Avoid Bias in Ranking Criteria

Criteria that may cause a bias toward any individual or group of individuals must not be used. The criteria must be fair to all farmers and ranchers, such as farmers and ranchers who are—

- (1) Large-scale.
- (2) Small-scale.
- (3) Limited resource.
- (4) Underserved.
- (5) Organic.
- (6) Specialty crop.
- (7) Historically unaccustomed to conservation programs.
- (8) Practicing alternative or nontraditional forms of agriculture or ranching.

#### F. Update and Monitor Use of Ranking Criteria

The State Conservationist should review the ranking criteria periodically. As part of the review, the criteria should be evaluated to ensure that parcels that best meet the purpose, goals, and objectives of FRPP are given the highest priority. Based on this evaluation, ranking criteria should be updated with the advice of the State Technical Committee, and any alterations should be advertised to eligible entities following the direction set forth in section 519.42B of this part.

#### G. Land Evaluation and Site Assessment (LESA) Systems

State and local land evaluation and site assessment systems on the State Conservationist approved list, where available, may be used in ranking FRPP parcels as part of the State criteria.

#### H. Evaluating Conservation Easements Based on FRPP Investment

If the State Conservationist determines that the purchase of two or more conservation easements are comparable in achieving FRPP purpose and goals, the State Conservationist may not assign a higher priority to any one of these conservation easements based on lesser cost to FRPP. In other words, where two or more easements share the same number of ranking points and only one parcel may be funded, one conservation easement will not be ranked higher than the others based on FRPP investment in the conservation easement. Criteria other than cost must be used to break the tie.

#### I. Distributing Ranking Criteria

Upon request, the State Conservationist must make the NRCS ranking criteria developed at the State level to evaluate parcels available to interested entities and post the ranking criteria on the State NRCS Web site.

### 519.42 Application Procedures

#### A. Application Steps Defined

The following steps outline FRPP application procedures:

- (i) **Step 1:** The State Conservationist, in consultation with the State Technical Committee, develops and submits a State FRPP plan to NRCS NHQ by June 30.
- (ii) **Step 2:** The State Conservationist announces the continuous signup in FRPP to cooperating entities and the public beginning October 1.
- (iii) **Step 3:** The NRCS NHQ allocates funds to the NRCS State office based on the national FRPP allocation formula based on information contained in the National Resources Inventory, FRPP database, and the State FRPP plan.
- (iv) **Step 4:** Landowners interested in participating in FRPP submit an application to eligible nongovernmental organizations or State, Tribal, or local governments that have an existing farm or ranch lands protection program.
- (v) **Step 5:** Nongovernmental organizations and State, Tribal, or local governments submit FRPP proposals to the State Conservationist continuously throughout the fiscal year.
- (vi) **Step 6:** The State Conservationist receives the proposals and determines the eligibility of the cooperating entity, landowner, and land.