

## **The Farm and Ranch Lands Protection Program (FRPP) Eligibility Criteria**

1. The parcel must be privately owned.
2. The landowner must be interested in, and willing to sell the development rights on the parcel and grant a conservation easement. Applications with a signed Purchase and Sales Agreement are preferred.
3. There must be a pending offer made to the landowner by a local unit of Government or a non-governmental organization (NGO) to purchase the conservation easement. The NGO must meet the definition as described in section 501( C) (3), 509(a)(2) or 509(a)(3) of the Internal Revenue Code of 1986. Organizations must demonstrate their ability, both legally and programmatically to acquire, manage and enforce easements.
4. At least one-half (1/2) of the appraised fair market value of the easement must be obligated by the NGO or governmental entity through a combination of cash from the entity and charitable donation provided by the landowner. If the landowner provides a bargain sale, the NGO or governmental entity must obligate a minimum of 25% of the appraised fair market value, in cash, and the Farm and Ranch Land Protection Program will provide a maximum of 50% of the negotiated purchase price.
5. The primary purpose of the easement must be for the protection of important farmland soils in California including prime and unique farmland, soils of statewide importance and soils of local importance, or, the parcel must qualify as an historical or archaeological site and be listed on the National or State Registry of Historic or Archaeological Sites.
6. The parcel must contain at least 50 percent prime or unique soils and/or soils of statewide or local agricultural importance. If the site is considered to be historic or archaeological, there is no requirement on the extent of important farmland soils.
7. The landowner must agree to have a conservation plan developed for any highly erodible land subject to the conservation easement and agree to have a conservation plan on all highly erodible land owned by the landowner, whether or not the highly erodible land is part of the conservation easement.
8. The NGO or governmental entity must agree to provide the United States with a right of enforcement in the conservation easement deed. (The USA will not exercise any of this right unless the NGO/governmental agency fails to fulfill their responsibilities in enforcing the terms of the easement.)

9. The parcel must be of sufficient size to allow for efficient management of the area; have an existing agricultural infrastructure, both on and off-farm, and have access to markets.

10. The landowner must agree to limit the extent of impermeable surface to not exceed 2 percent of the total easement acreage. (For easements less than 50 acres, one acre of impervious surface area is permitted.) This includes all residential buildings, agricultural structures (with and without flooring), temporary structures, plastic greenhouses and paved areas both within and outside the conservation easement's building envelope. (Under certain unusual circumstances a waiver can be granted that will allow the extent of impermeable surface more than 2 percent. A waiver request must be approved by the NRCS State Conservationist.)

11. The landowner must agree not to subdivide the easement parcel, or take any action that would have the effect of subdividing. (Under certain unusual circumstances a waiver can be granted that will allow easement parcels to be subdivided. A waiver request must be approved by the NRCS State Conservationist.)

12. There must be an appraisal of the property completed by a General land appraiser certified in the State of California. A Restricted Use Appraisal (the simplest appraisal condoned by the Uniform Standards of Professional Appraiser Practice) may be submitted at the time the proposal is submitted. A complete Self Contained Appraisal must be completed prior to the closing on the easement. Appraisals must conform to the Uniform Standards for Professional Appraisal Practice OR the Uniform Appraisal Standards for Federal Land Acquisition (Yellow Book).

13. The legal description of the protected property must conform to the description set forth in the title records. Reference to existing surveys and the appropriate record book and page as well as the tax parcel number must be made.

14. The parcel cannot already be the subject of an easement or deed restriction that limits the conversion of the land to nonagricultural uses.

15. Eligible land must be owned by landowners who certify that they do not exceed an average adjusted gross income of \$1.0 million for the three tax years immediately preceding the closing on the easement deed. The landowner(s) must complete Form CCC-931; Payment Eligibility, Average Adjusted Gross Income Certification prior to the closing date. (This eligibility requirement is waived if at least 75% of the average adjusted gross income is from farming, ranching or forestry operations.)