

The Farm and Ranch Land Protection Program (FRPP) is a voluntary program of Natural Resources Conservation Service whose purpose is to protect agricultural lands by limiting non-agricultural uses. Landowners sign a deed of easement restricting development of the property and agreeing to maintain the land according to an approved Conservation Plan. The program is run in partnership with approved state, local and non-profit entities. The entities apply for FRPP funds, arrange for the purchase of development rights through conservation easements on private lands, and hold and manage these conservation easements in perpetuity.

Although the state's Farmland Preservation Program is the most well known program that retires development rights here in New Jersey, there are many local and non-profit organizations that also have a history of owning and managing conservation easements. All of these groups are eligible to apply for FRPP funding.



### What Are Agricultural Uses?

For the purposes of the FRPP program in New Jersey, "agricultural uses" are generally defined by the state farmland preservation program, with additional restrictions based on federal law.

NRCS has also 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. There is a provision to waive this restriction on a parcel-by-parcel basis, up to a 10% maximum impervious surface limitation.

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.

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

NRCS prohibits the in-ground installation of solar panels and wind turbines that exceed the energy need of the farm for agricultural production.

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



## 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; and
- The availability of funds for acquisition, monitoring and stewardship.

Approved and certified entities may submit parcels at any time for funding consideration, however NRCS uses ranking periods to determine which parcels receive funding. NRCS in New Jersey has established two ranking periods for parcel enrollment each federal fiscal year; the business day closest to October 31 and January 31.

Entities interested in becoming approved or certified should contact the NRCS Program Manager for FRPP. For more information, see <http://www.nj.nrcs.usda.gov/programs/frpp>.

Additional sign-up ending **May 31, 2013** added for 2013 program!

Approved 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 criteria are detailed in [http://www.nj.nrcs.usda.gov/programs/Applying\\_for\\_Financial\\_Assistance.pdf](http://www.nj.nrcs.usda.gov/programs/Applying_for_Financial_Assistance.pdf).

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 also must 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, unless located north of Route 78 and west of Route 287;
- Be subject of a pending offer to the entity;
- Contain cropland, grassland, pasture land, or forest land that contributes to the economic viability of the agricultural operation;
- Include a maximum forest cover of two-thirds of the easement area (and have a forest management plan, if applicable); and
- 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. The parcel ranking includes both national criteria and state criteria. No parcel will be ranked unless the landowner and the land have both been determined eligible.

National ranking criteria uses US 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; and
- Proximity of the parcel to other agricultural operations and infrastructure.



State criteria include:

- Proposed impervious surface cap;
- History of ownership, conservation and soil health improvements on the farm;
- Location within a state designated important region;
- Proximity to category I waters;
- Quality of the soils to be protected; and
- Percentage of historically farmed prime soils.

## What are the United States Responsibilities?

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 that 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 dollars.

## What Rights are retained by the United States?

NRCS maintains a “right of enforcement” which is defined as an interest in the land which the United States 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 United States, through NRCS and its successor or assigns, a right of access to the easement area.

*Since 1997, NJ has received over \$34 million in funding for the FRPP program. As of January 1, 2011, FRPP funding has protected the agricultural productivity of 16,766.22 acres in the Garden State.*

## 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. A completed CCC-1200 Application for Program Funding with this information must be signed by the landowner.

The landowner must be compliant with Highly Erodible and Wetland Conservation provisions of the 1985 Farm Bill, as amended. An AD-1026 must be on file with the FSA or submitted to them concurrent with the application.

Landowners also must meet the 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 farm income. A current CCC-926 must be filed with the FSA for this purpose.

In addition to the above, the entity must include:

- a copy of the signed 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 parcel ranking sheet, and
- a completed impervious surface allowance worksheet if more than 2% impervious cover is being requested.

The maps and ranking sheet should include only those lands for which FRPP program funds are requested; exception areas located on the farm are not included in the ranking. The ranking sheet should contain the 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;
- Ratio of total acres in the parcel to the average farm size in the county;
- 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 category I waters;
- Percent Class I and II soils in the parcel; and
- Percentage of historically farmed prime soils.

A complete checklist and all forms required for applications are available at <http://www.nj.nrcs.usda.gov/programs/frpp>.

Parcel applications can be submitted at any time by an approved entity, however all applications must be received by 3 PM the day a ranking period closes in order to be considered for that funding cycle. Ranking periods for parcel enrollment close the business day closest to October 31 and January 31 each year. 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-NRCS, 220 Davidson Ave, 4<sup>th</sup> Floor, Somerset NJ 08873.

For more information about this funding opportunity, please visit the NJ NRCS webpage at [www.nj.nrcs.usda.gov](http://www.nj.nrcs.usda.gov), or contact Gail Bartok, Assistant State Conservationist for Programs, at [gail.bartok@nj.usda.gov](mailto:gail.bartok@nj.usda.gov) or (732) 537-6042.

**Additional sign-up ending May 31, 2013 added for 2013 program!**