

U.S. Department of Agriculture
Natural Resources Conservation Service

**FARMLAND PROTECTION
POLICY ACT
ANNUAL REPORT
FOR
FY 2012**

REPORT FROM THE SECRETARY OF AGRICULTURE

TO THE COMMITTEE ON
AGRICULTURE, NUTRITION, AND FORESTRY
UNITED STATES SENATE

AND

THE COMMITTEE ON AGRICULTURE
UNITED STATES HOUSE OF REPRESENTATIVES

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The FY 2012 Farmland Protection Policy Act Annual Report consists of three components:

- I. Progress of Federal agencies in implementing Farmland Protection Policy Act
- II. Review and revision of Federal policies and procedures affecting farmland conversion; and
- III. Federal, State, and local efforts to protect farmland.

I. Progress of Federal Agencies in Implementing Farmland Protection Policy Act

Under the Farmland Protection Policy Act (FPPA), Federal agencies are required to evaluate the impacts of federally funded projects that may involve converting farmlands to nonagricultural uses and to consider alternative actions that would lessen the adverse effects of the land's conversion. In complying with the FPPA, Federal agencies request assistance from the Natural Resources Conservation Service (NRCS) by submitting a Farmland Conversion Impact Rating Sheet (Form AD-1006). The requesting agency then conducts a Land Evaluation and Site Assessment (LESA) of the project area. NRCS provides land evaluation information, while the responsible Federal agency completes the site assessment portion of the analysis. To implement FPPA, Federal agencies address the potential conversion of agricultural land when reviewing internal projects or providing assistance to local communities.

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 available for these uses (the land could be cropland, pastureland, rangeland, forestland, or other land, but not urban built-up land or water). Land used for a specific high-value food or fiber crop is classified as unique farmland. 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. In some local areas, there is concern for certain additional farmlands, even though these lands are not identified as having national or statewide importance. These farmlands are identified as being of "local importance" through ordinances adopted by local government. When jurisdictions adopt local LESA systems, Federal agencies use these systems to review activities that may impact farmland.

According to 2007 Department of Agriculture (USDA) National Resources Inventory (NRI) data, in the twenty-five years from 1982–2007, about 11.5 million acres or 28 percent of the new land developed was prime farmland. Almost half of these prime farmland conversions occurred during the ten years from 1992 – 2002. The rate at which prime farmland was developed decreased from an average of over 600,000 acres per year during the period from 1992–1997 to an average of 400,000 acres per year during the period from 2002 – 2007. For more information about the NRI, visit <http://www.nrcs.usda.gov/technical/NRI/>.

As defined in 7 CFR part 657, important farmland encompasses prime and unique farmland, as well as farmland of statewide and local importance. Table 1 summarizes the proportion and amount of important farmland considered for conversion as a part of Federal projects under FPPA in fiscal 2003 through 2012.

Table 1 – Important Farmland Evaluated under FPPA 2003–2012 (percent and acres)

	PERCENT IMPORTANT FARMLAND (of total land evaluated)	IMPORTANT FARMLAND (within land evaluated)	AGENCIES SUBMITTING REQUESTS
Fiscal Year	% Total Acres	Acres	No. of Agencies
2003	30%	76,892	28
2004	52%	60,040	38
2005	67%	73,007	25
2006	62%	65,989	26
2007	39%	74,220	25
2008	71%	87,902	25
2009	67%	58,106	23
2010	38%	54,103	30
2011	49%	99,386	29
2012	33%	36,146	33

In Fiscal Year 2012, NRCS received 2,765 AD-1006 forms from about 33 Federal agencies requesting assistance to evaluate the impact of proposed conversions of lands that would result from their projects. A total of 110,703 acres of land from 43 States were proposed for conversion to nonagricultural uses. Of the acres reviewed, 33% (36,146 acres) were identified as important farmland (as defined in 7 CFR part 657); of these, 29,471 acres were prime or unique farmland and 6,675 acres were State or locally important farmland.

Utah and Alabama had the highest number of farmland acres proposed for conversion, with 31,735 acres and 9,884 acres, respectively. Eight states reported no acres, and nine states reported less than 100 acres with proposed Federal actions that would result in farmland conversion (Tables 2 and 3).

In FY 2012, the Federal Highway Administration reported the largest amount of important farmland proposed for conversion, with 12,564 acres. This accounts for more than a third of all proposed important farmland conversion (Table 4).

Table 2 - Top Ten States with Acres of Farmland Proposed for Conversion by Federal Projects

STATES	ACRES
Utah	31,735
Alabama	9,884
Indiana	7,459
Arizona	7,243
Nebraska	5,828
Texas	5,021
Iowa	4,937
Mississippi	3,871
Louisiana	3,411
Kentucky	3,375

Table 3 - Acres of Farmland Proposed for Conversion by State

<i>State</i>	<i>Total Land Acres Proposed</i>	<i>Percentage Land Acres Proposed</i>	<i>Total Important Farmland Acres proposed</i>	<i>Percentage Important Farmland Acres Proposed</i>	<i>State</i>	<i>Total Land Acres Proposed</i>	<i>Percentage Land Acres Proposed</i>	<i>Total Important Farmland Acres proposed</i>	<i>Percentage Important Farmland Acres Proposed</i>
AK	0	0.00%	0	0.00%	NC	801	0.72%	331	0.92%
AL	9884	8.93%	966	2.67%	ND	497	0.45%	425	1.18%
AR	1561	1.41%	847	2.34%	NE	5828	5.26%	852	2.36%
AZ	7243	6.54%	7243	20.04%	NH	6	0.01%	6	0.02%
CA	2245	2.03%	1472	4.07%	NJ	0	0.00%	0	0.00%
CO	13	0.01%	13	0.04%	NM	0	0.00%	0	0.00%
CT	0	0.00%	0	0.00%	NV	0	0.00%	0	0.00%
DE	0	0.00%	0	0.00%	NY	2112	1.91%	1741	4.82%
FL	1729	1.56%	1645	4.55%	OH	116	0.10%	91	0.25%
GA	892	0.81%	415	1.15%	OK	1930	1.74%	911	2.52%
HI	60	0.05%	60	0.17%	OR	1325	1.20%	1214	3.36%
IA	4937	4.46%	3428	9.48%	PA	2603	2.35%	1233	3.41%
ID	17	0.02%	12	0.03%	PR	0	0.00%	0	0.00%
IL	1005	0.91%	846	2.34%	RI	0	0.00%	0	0.00%
IN	7459	6.74%	2661	7.36%	SC	159	0.14%	104	0.29%
KS	1182	1.07%	882	2.44%	SD	2967	2.68%	1632	4.52%
KY	3375	3.05%	657	1.82%	TN	2324	2.10%	264	0.73%
LA	3411	3.08%	1146	3.17%	TX	5021	4.54%	2706	7.49%
MA	0	0.00%	0	0.00%	UT	31735	28.67%	258	0.71%
MD	793	0.72%	43	0.12%	VA	839	0.76%	268	0.74%
ME	13	0.01%	12	0.03%	VT	38	0.03%	14	0.04%
MI	90	0.08%	85	0.23%	WA	155	0.14%	151	0.42%
MN	462	0.42%	370	1.02%	WI	302	0.27%	237	0.66%
MO	859	0.78%	479	1.33%	WV	388	0.35%	119	0.33%
MS	3871	3.50%	140	0.39%	WY	0	0.00%	0	0.00%
MT	459	0.41%	168	0.46%	Totals	110,703	100.0%	36,146	100.00%

Table 4 - Breakdown of Acres and AD-1006 Forms Received by Federal Agencies in FY 2012

<i>Federal Agency</i>	<i>No. of AD1006 Requests to NRCS</i>	<i>No. of Acres Proposed for Conversion</i>	<i>No. of Acres Identified as Important Farmland</i>	<i>Of which:</i>	
				<i>Prime or Unique</i>	<i>State or Locally Important</i>
<i>Appalachian Regional Commission</i>	1	1	1	0	1
<i>Department of Agriculture</i>					
• Natural Resources Conservation Service	105	504	312	168	144
• Rural Development	618	14,953	5,213	3,783	1,431
• Rural Utilities Service	142	1,156	342	190	152
<i>Department of Commerce</i>					
• Economic Development Administration	28	155	141	131	10
• Others (unspecified agencies)	9	3,874	1,063	1,063	0
<i>Department of Defense</i>					
• Army National Guard	1	46	32	32	0
• Department of Army	7	133	68	20	48
• Department of Navy	1	2	2	1	1
• U.S. Army Corps of Engineers	26	4,879	2,655	2,631	24
• Others (unspecified agencies)	1	0	0	0	0
<i>Department of Energy</i>	7	3,305	1,765	717	1,049
<i>Department of Health and Human Services</i>					
• Health Resources and Services Administration	7	13	12	6	6
• Indian Health Service	4	0	0	0	0
• Others (unspecified agencies)	1	2	0	0	0
<i>Department of Homeland Security</i>					
• Federal Emergency Management Agency	196	317	207	191	17
• U.S. Customs and Border Protection	3	10	0	0	0
<i>Department of Interior</i>					
• Bureau of Indian Affairs	90	1,939	1,864	1,824	40
• Bureau of Reclamation	2	0	0	0	0
• National Park Service	1	0	0	0	0
• U.S. Fish and Wildlife Service	2	0	0	0	0
• Others (unspecified agencies)	2	2	0	0	0
<i>Department of Transportation</i>					
• Federal Aviation Administration	50	1,914	1,593	1,081	512
• Federal Highway Administration	463	61,564	12,564	10,281	2,283
• Federal Railroad Administration	2	24	15	13	2
• Federal Transit Administration	4	452	128	3	125
• Others (unspecified agencies)	370	7,474	6,700	6,165	535
<i>Department of the Treasury</i>	1	21	10	10	0
<i>Environmental Protection Agency</i>	149	803	415	324	91
<i>Federal Energy Regulatory Commission</i>	1	284	112	13	99
<i>Housing and Urban Development</i>	466	6,772	851	748	104
<i>Tennessee Valley Authority</i>	1	32	16	16	0
<i>Veterans Affairs</i>	4	73	65	62	3
TOTAL	2,765	110,703	36,146	29,471	6,675

II. Review and Revision of Federal Policies and Procedures Affecting Farmland Conversion

Based on ongoing reviews, there are no revisions of federal policies and procedures affecting farmland conversion. To simplify completion of required forms for projects that impact important farmland, NRCS developed and released Farmland Conversion Impact Rating (Form AD-1006) and Farmland Conversion Impact Rating, Corridors (Form NRCS-CPA-106) in fillable portable document format or PDF. These forms are updated regularly and can be downloaded from the FPPA section of the NRCS website: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>.

III. Federal, State, and Local Effort to Protect Farmland

Farm and Ranch Lands Protection Program

The Farm and Ranch Lands Protection Program (FRPP), first authorized by Congress in 1996, provides financial assistance to farmers and ranchers, enabling them to keep their land in agriculture. More specifically, the FRPP provides matching funds to State, Tribal, local governments and non-governmental organizations with existing farmland protection programs to purchase conservation easements from farmers and ranchers. These entities purchase easements from landowners in exchange for a lump sum payment not to exceed the appraised fair market value of the land's development rights. Participating landowners agree not to convert their land to non-agricultural uses and to develop and implement a conservation plan for any highly erodible land. Landowners retain all rights to use the property for agriculture.

In the period 1996-2012, over \$1.12 billion in FRPP financial assistance was provided in 49 States to purchase easements on 4,331 farms and ranches, totaling nearly 1.16 million acres.

Figures 1 and 2 display information on FRPP cooperative agreements in FY 2012 that obligated \$138 million to protect over 149,000 acres on 409 farms. Additional information on FRPP can be viewed at <http://www.nrcs.usda.gov/programs/frpp/>.

Figure 1 – FY 2012 FRPP Financial Assistance Dollars Obligated by State

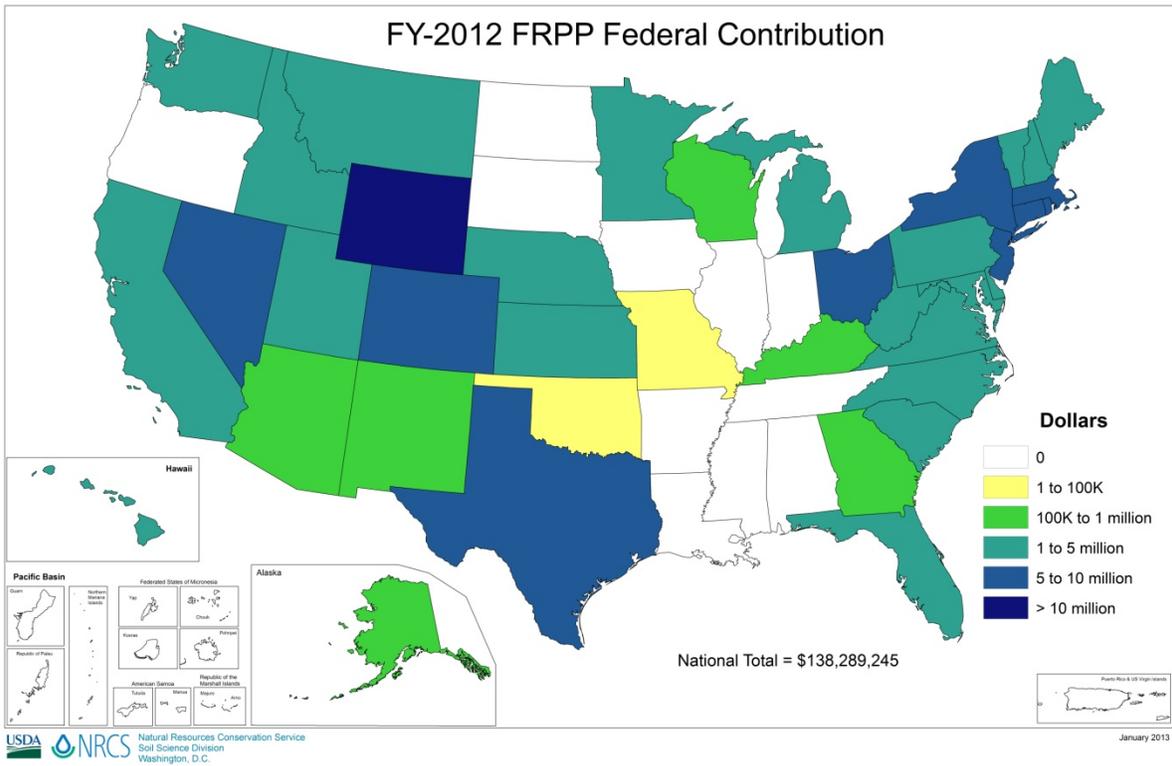
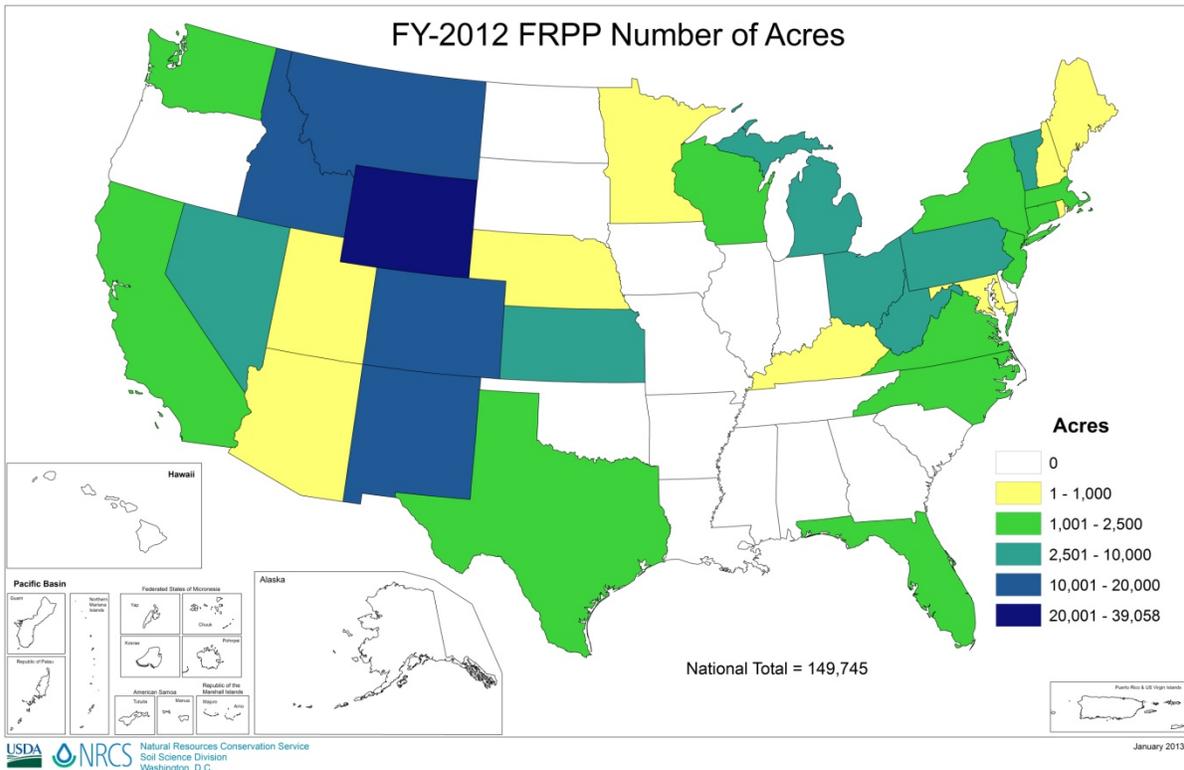


Figure 2 – Number of Acres Protected by FRPP in FY 2012 by State



FARMLAND INFORMATION CENTER

Since 1994, NRCS and American Farmland Trust (AFT) have entered into contribution agreements to fulfill the public education role related to farmland protection outlined in the FPPA. AFT developed and oversees the Farmland Information Center (FIC) with support from NRCS. The FIC offers a staffed answer service and online collection of resources at www.farmlandinfo.org. In addition, FIC staff monitor and report on farmland protection activities nationwide through surveys of existing programs and policies, develop educational materials and provide more in depth research assistance to key stakeholders. In FY 2012, NRCS contributed \$355,000 to this project.

KEY ACTIVITIES IN FISCAL 2012

Answer Service and Web site

During FY 2012, FIC staff provided direct technical assistance to 443 individuals from 47 states, the District of Columbia and England; 29,846 unique visitors to the FIC Web site generated 37,045 visits (an average of 102 visits per day) and 109,201 pageviews. During the year, FIC staff continued to build the online collection, adding model documents and laws related to programs that buy easements on agricultural land, Agricultural District Programs, and food system planning. In September we began the upgrade of the FIC Web site (www.farmlandinfo.org), designing new search capabilities and improving access to resources and statistics of farmland protection.

Here is a sampling of technical assistance provided by FIC staff this year:

- Provided information to an analyst from Agricultural Conservation and Natural Resources Policy for the Congressional Research Service about model state farmland protection programs and mitigation ordinances.
- Provided examples of Right to Farm laws to the Minnesota Department of Agriculture in addition to an analysis of how Minnesota courts might evaluate constitutional challenges to local Right to Farm laws.
- Provided to the National Conference of State Legislators information about conservation donation tax credits and PACE programs that fund land trusts and agricultural viability programs. This information was supplied to a member of Congress.

Educational Materials

FIC staff updated the FRPP fact sheet, which includes a table of final FRPP allocations by state and year through fiscal year 2011 to support the national FRPP program manager and FRPP implementation (Attachment A). The FIC updated a fact sheet on Agricultural District Programs, reviewing 21 state agricultural district programs in 17 states (Attachment B). Staff also developed two sets of time series maps using NRI data. The maps show acres and percent of agricultural land converted to development at five points in time over the 25-year period of the NRI (Attachment C).

FIC staff wrote an article for the American Planning Association's *PAS Quicknotes* describing the Farmland Protection Toolbox (Attachment D). This publication is a series of briefing papers that provide planning fundamentals for public officials and engaged citizens. Julia Freedgood, AFT's Managing Director of Farmland and Communities, was the lead author of an article entitled "Emerging

Assessment Tools to Inform Food System Planning” published in the December 2011 edition of the *Journal of Agriculture, Food Systems, and Community Development*.

FIC staff created a resource index with links to reports and studies and laws on the FIC Web site related to agricultural and food system planning for AFT’s Webinar series, *Planning for Food and Agriculture: Taking a Systems Approach*.

Hundreds of entities ranging from the Virginia Department of Consumer Services to the USDA ERS continue to link to or cite our resources.

Farmland Protection Survey

FIC staff completed an annual survey of established state and local purchase of agricultural conservation easement (PACE) programs. The results are summarized in two tables that are posted on the FIC Web site and distributed to the State FRPP administrators, and to State and local PACE program managers (Attachments E and F). The updated PACE tables provide a summary of PACE activity including easements acquired, acres protected and funds spent by program. The materials also included two infographics showing acres protected by local and state PACE programs, 2008–2012. State and local programs have protected more than 2.6 million acres to date. Tracking PACE program activity enables FIC staff to direct landowners to active programs. Survey results also are used by Federal, State and local officials, lawmakers, researchers and the media.

Research Assistance

Eastern Multnomah Soil and Water Conservation District, Portland, Oregon, hired the FIC to review its draft easement documents to assist with implementing an agricultural conservation easement program. FIC staff provided feedback on the draft easement’s statement of purpose, terms and conditions, including agricultural structures and farm dwellings, and option to purchase at agricultural value.

For the Land Access Project of Land for Good, in Belchertown, Massachusetts, the FIC researched and reported on legal limits of farmland leases in the New England states, in addition to the use of licenses versus leases for the renting of farmland. The FIC also provided information on what enables Vermont and Massachusetts to apply an Option at Ag Value in their agricultural conservation easements.

FIC staff completed an inventory for 1,000 Friends of Maryland and Smart Growth America of state policies and programs in North Carolina that protect farmland and support agriculture. Smart Growth America will use the information to inform a new state-level sustainable communities initiative that, to date, has overlooked agriculture.

- Attachment A Farm and Ranchlands Protection Program fact sheet
- Attachment B Agricultural District Program fact sheet
- Attachment C NRI time series maps
- Attachment D Farmland Protection Toolbox article
- Attachment E State PACE table
- Attachment F Local PACE table

Farm and Ranch Lands Protection Program

The Farm and Ranch Lands Protection Program (FRPP) is a voluntary federal conservation program that provides matching funds to eligible entities to buy conservation easements on farm and ranch land. The USDA Natural Resources Conservation Service (NRCS) may pay up to 50 percent of the appraised fair market value of the easement. The program was originally enacted in the Federal Agriculture Improvement and Reform Act of 1996. It was reauthorized and expanded in the Farm Security and Rural Investment Act of 2002. The Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill P.L.110-234) changed the purpose of the program from protecting topsoil to protecting "...the agricultural use and related conservation values of eligible land by limiting nonagricultural uses..." (16 U.S.C. §3838i). It also expanded the types of eligible entities and categories of eligible land. Most importantly, the 2008 Farm Bill changed the nature of the program from a federal real estate

acquisition program to a federal financial assistance program that provides funds to entities for easement acquisitions. Funding for the FRPP comes from the Commodity Credit Corporation, the same federal entity that finances farm income support payments and conservation payments. The NRCS manages the program.

ELIGIBILITY

Land

To qualify for the FRPP the land must be part of a privately owned farm or ranch and must:

- Contain prime, unique or other productive soil—at least 50 percent unless otherwise determined by the State Conservationist, contain historical or archaeological resources, or support a state or local policy consistent with the purpose of the program;
- Be included in a pending offer from a state, tribal or local government or non-governmental organization's farmland protection program;
- Include cropland, rangeland, grassland, pasture land or forest land that contributes to the economic viability of an agricultural operation or serves as a buffer to protect an agricultural operation from development; and
- Possess onsite and offsite characteristics consistent with the purpose of the program.

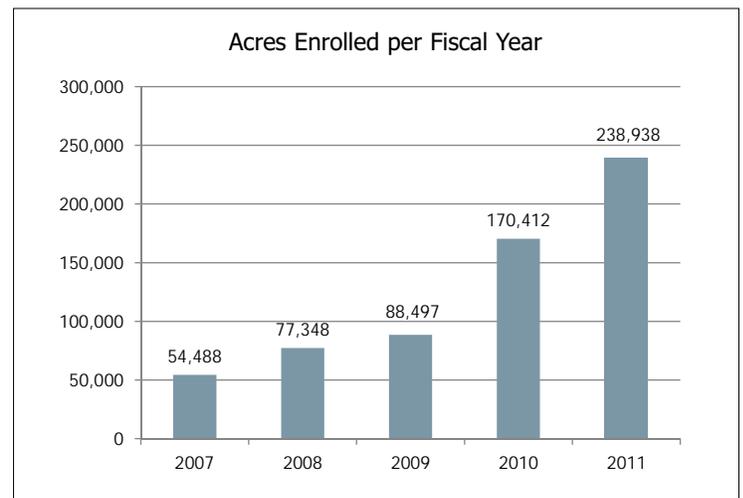
Forest land cannot make up more than two-thirds of the acreage submitted in the pending offer. The NRCS requires a forest management plan for forest land in excess of 40 acres or 20 percent of the easement area. Other incidental land may be considered eligible if inclusion is necessary for the efficient administration of a conservation easement.

Landowner

For the purposes of FRPP, landowner means a person, legal entity or Indian Tribe with legal ownership or an agreement to purchase eligible land. In general, eligible entities (see below) are not considered landowners. The correction to

the interim final rule published on July 2, 2009, in the *Federal Register*, however, amended the definition giving the agency more flexibility. At the Chief's discretion in limited circumstances, the NRCS may facilitate the placement of a conservation easement on parcels owned by eligible entities. The parcel, however, must be transferred back to private ownership at or before closing on the easement.

Eligible landowners must comply with USDA's conservation requirements for highly erodible land and wetlands. In addition, they must meet the Adjusted Gross Income (AGI) limitations for program eligibility set forth in the 2008 Farm Bill. Landowners that have an average AGI exceeding \$1.0 million for the three tax years preceding the year the contract is approved are not eligible to receive program benefits or payments. An exemption is provided in cases where 66 percent of the AGI is derived from farming, ranching or forestry operations.



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Farm and Ranch Lands Protection Program

continued from page 1

Eligible Entities

Federally recognized Indian tribes, states, units of local government or non-governmental organizations that buy agricultural conservation easements for the purpose of protecting agricultural use can apply for FRPP matching funds. "Non-governmental organization" means a tax-exempt organization formed for the conservation purposes set forth in Internal Revenue Code Section 170(h)(4)(A). These purposes include the preservation of land areas for outdoor recreation, natural habitat, open space—including farmland and forest land—and the preservation of historic resources. The 2008 Farm Bill amended the definition of eligible entities to add churches, universities and hospitals.

In addition, eligible entities must demonstrate:

- A commitment to long-term conservation of agricultural lands;
- A capacity to acquire, manage and enforce easements;
- Sufficient staff to monitor and enforce easements; and
- Available funds.

The 2008 Farm Bill established "certified entities" as a special class of eligible entities that have demonstrated a capacity to complete land projects using FRPP funds and an ongoing commitment to monitoring and stewardship. Certified entities can enter into longer cooperative agreements for up to five years.

The final rule, published on January 24, 2011, and final rule amendment, published on February 10, 2012, included more robust certification requirements. Entities submit written requests for certification. State Conservationists then make recommendations to the NRCS Chief. To be certified, eligible entities must:

- Agree to use the Uniform Standards for Professional Appraisal Practice or the Uniform Appraisal Standards for Federal Land Acquisitions in conducting appraisals for FRPP funded projects;
- Hold a minimum of 25 agricultural land conservation easements, unless the entity requests and receives a waiver from the Chief;
- Hold at least five FRPP funded easements;

- Demonstrate ability to complete projects in a timely manner (i.e., on average close half of the projects submitted during the past five years in 18 months or less);
- Have the capacity to enforce the terms of the easements;
- For non-governmental organizations, possess a dedicated fund that is sufficiently capitalized for the management, monitoring and enforcement of easements held by the entity;
- Adjust procedures to ensure the conservation easements meet FRPP purposes and are enforceable; and
- Have a plan for administering easements, as determined by the Chief.

Certification helps streamline the process for more experienced entities. Certified entities may close easements without NRCS review and approval of appraisals, titles and easements. The NRCS will review 10 percent of the transactions submitted by each certified entity to ensure that they are completed in accordance with NRCS procedures. Entities will have 180 days to correct any problems that are identified. State Conservationists may initiate decertification if entities fail to come into compliance. The NRCS also will review certified entities every three years to ensure that they still meet certification criteria.

APPLICATION AND RANKING PROCESS

The NRCS Chief allocates FRPP funds to the states following Congressional budget approval. Previously, eligible entities submitted applications in response to requests for proposals published in the *Federal Register*. Now, State Conservationists announce one or more project ranking periods each fiscal year at least 30 days prior to the ranking date. Eligible entities may submit applications throughout the fiscal year. All parcels submitted by entities within a given application period are ranked. At the end of the fiscal year, the list of pending unfunded parcels is cancelled unless the eligible entity requests that specific parcels be considered in the next fiscal year.

The NRCS State Conservationist ranks parcels using national and state criteria. National ranking criteria are developed by the Chief in consultation with the national program manager and consider:

- Percent of prime, unique and important farmland;
- Percent of cropland, pastureland, grassland and rangeland;
- Ratio of total acres in the parcel to be protected to average farm size in the county;

Farm and Ranch Lands Protection Program

- Decrease in the percentage of acreage of farm and ranch land in the county between the last two USDA Censuses of Agriculture;
- Percent county population growth;
- Population per square mile;
- Proximity to other protected land;
- Proximity to other agricultural operations and infrastructure; and
- Additional criteria as determined by the Chief.

State and local criteria are developed by the State Conservationist with advice from the state technical committee—a technical advisory group of individuals who represent natural resource sciences and occupations from state and federal agencies and the private sector. State and local criteria may include but are not limited to:

- Location in an area zoned for agriculture;
- Entity's experience managing and enforcing easements;
- Additional social, economic, historical and archaeological and environmental benefits;
- Degree to which enrollment may help achieve national, state and regional conservation goals or enhance existing conservation projects;
- Diversity of natural resources to be protected;
- Land Evaluation and Site Assessment score; and
- Existence of a farm or ranch succession plan established to encourage farm viability for future generations.

The State Conservationist must make the national and state ranking criteria available to the general public. To learn more about how the FRPP program is administered in your state, go to: www.nrcs.usda.gov/about/organization/regions.html for a link to the appropriate state office. On the state page, go to "programs" and select the federal Farm and Ranch Lands Protection Program. The program page will provide important information including application deadlines and state ranking criteria.

FUND ALLOCATION

When a proposal from an entity is approved, the NRCS executes a cooperative agreement on behalf of the Commodity Credit Corporation. The cooperative agreement

describes the transaction, cost, an estimate of the federal share and responsibilities of each party. The term of cooperative agreements is five years for certified entities and three years for other eligible entities. It includes an attachment listing the parcels selected by the State Conservationist. During their duration, cooperative agreements will be amended each fiscal year to include the list of parcels receiving FRPP funds.

Eligible entities are able to use their own conservation easement deed. The NRCS, however, can establish minimum requirements as a condition of receiving funds. The easement, for instance, must contain a right of enforcement clause for the United States, which empowers the NRCS to inspect and enforce the easement if the eligible entity fails to uphold it. The right of enforcement is considered a "vested property right" and cannot be condemned by state or local governments, but this right has not been acquired by the NRCS. Instead, it is a condition the eligible entity must meet in order to receive FRPP funds. This interpretation means that federal real property acquisition requirements no longer apply.

Land subject to the easement must be managed in accordance with a conservation plan for highly erodible land developed in accordance with the standards in the *NRCS Field Office Technical Guide* and approved by the local conservation district. Conservation easements also must include a limit on impervious surfaces. In general, the NRCS requires a limit of 2 percent of the area subject to the easement. The State Conservationist may grant waivers on a case by case basis not to exceed 10 percent. The NRCS does not consider approved conservation practices, roads and parking areas with soil or gravel surfaces, or temporary greenhouses that cover soil for less than six months to be impervious surfaces.

The State Conservationist determines the NRCS share awarded for a given parcel. The NRCS may pay up to 50 percent of the appraised fair market value of the easement. Entities must provide at least 25 percent of the final negotiated purchase price.

HISTORY

The federal government's efforts to stem farmland conversion began with the passage of the Farmland Protection Policy Act (FPPA) in 1981. The FPPA directs federal agencies to evaluate the extent to which federally funded projects lead to the conversion of agricultural land and to consider less harmful alternatives. The regulations were issued in 1994 but have failed to effectively prevent farmland conversion.

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FEDERAL FARM AND RANCH LANDS PROTECTION PROGRAM ALLOCATIONS

State	1996	1997	1998	2000	2001	2002	2003	2004
Alabama	\$0	\$0	\$0	\$0	\$0	\$0	\$1,221,901	\$1,063,321
Alaska	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,507
Arizona	\$0	\$0	\$0	\$0	\$0	\$1,750,000	\$0	\$687,639
Arkansas	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
California	\$2,080,000	\$416,300	\$1,042,000	\$0	\$1,117,400	\$2,470,500	\$3,213,682	\$3,713,015
Colorado	\$1,040,000	\$0	\$1,042,000	\$0	\$540,200	\$2,099,700	\$3,491,161	\$3,499,863
Connecticut	\$1,040,000	\$0	\$1,042,000	\$0	\$623,500	\$2,101,035	\$2,034,693	\$2,970,308
Delaware	\$1,040,000	\$0	\$1,385,000	\$0	\$617,300	\$1,956,500	\$2,812,604	\$4,212,200
Florida	\$453,000	\$0	\$625,000	\$0	\$729,600	\$1,000,000	\$3,230,596	\$2,855,047
Georgia	\$0	\$0	\$0	\$0	\$0	\$1,095,900	\$1,136,839	\$1,440,697
Hawaii	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,406
Idaho	\$0	\$0	\$0	\$0	\$212,200	\$450,000	\$904,958	\$370,492
Illinois	\$0	\$0	\$0	\$0	\$520,000	\$1,319,430	\$1,439,727	\$1,767,477
Indiana	\$0	\$0	\$0	\$0	\$0	\$901,200	\$101,402	\$7,075
Iowa	\$0	\$0	\$0	\$0	\$289,100	\$766,311	\$382,017	\$266,660
Kansas	\$0	\$0	\$0	\$0	\$0	\$165,000	\$488,702	\$119,420
Kentucky	\$416,000	\$0	\$729,000	\$0	\$635,800	\$2,878,500	\$3,136,810	\$2,862,143
Louisiana	\$0	\$0	\$0	\$0	\$0	\$0	\$21,020	\$998
Maine	\$0	\$0	\$375,000	\$0	\$663,800	\$972,000	\$1,141,447	\$1,566,500
Maryland	\$1,555,000	\$104,300	\$1,457,997	\$0	\$718,400	\$2,622,400	\$5,032,549	\$6,658,459
Massachusetts	\$1,040,000	\$208,300	\$1,250,000	\$0	\$637,800	\$2,304,200	\$2,932,471	\$4,526,816
Michigan	\$1,040,000	\$364,300	\$1,094,000	\$0	\$562,200	\$2,238,600	\$3,102,026	\$2,684,099
Minnesota	\$0	\$0	\$0	\$0	\$0	\$0	\$1,302,625	\$1,135,953
Mississippi	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Missouri	\$0	\$0	\$0	\$0	\$0	\$408,000	\$1,218,553	\$670,130
Montana	\$0	\$0	\$0	\$0	\$103,200	\$1,338,400	\$2,003,840	\$2,287,642
Nebraska	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$539,022
Nevada	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$566,900
New Hampshire	\$0	\$104,300	\$234,000	\$250,000	\$527,900	\$1,856,467	\$1,954,102	\$3,195,205
New Jersey	\$1,040,000	\$208,300	\$1,458,000	\$0	\$765,600	\$2,300,928	\$4,476,298	\$5,714,994
New Mexico	\$0	\$0	\$0	\$0	\$0	\$0	\$1,423,893	\$434,700
New York	\$416,000	\$104,300	\$1,458,000	\$0	\$440,900	\$1,650,782	\$2,847,539	\$3,301,635
North Carolina	\$159,000	\$0	\$313,000	\$0	\$598,100	\$2,193,428	\$2,168,361	\$2,399,224
North Dakota	\$0	\$0	\$0	\$0	\$0	\$0	\$701,100	\$446,496
Ohio	\$0	\$0	\$0	\$0	\$0	\$1,612,800	\$2,428,786	\$3,346,079
Oklahoma	\$0	\$0	\$0	\$0	\$26,000	\$0	\$1,199,957	\$1,390,598
Oregon	\$0	\$0	\$0	\$0	\$0	\$0	\$1,188,484	\$175,131
Pennsylvania	\$1,664,000	\$281,300	\$1,458,000	\$0	\$665,800	\$2,870,316	\$5,027,444	\$4,244,350
Rhode Island	\$520,000	\$0	\$703,000	\$0	\$527,300	\$1,328,600	\$1,282,460	\$2,675,154
South Carolina	\$0	\$0	\$0	\$0	\$299,500	\$534,950	\$1,186,487	\$1,666,904
South Dakota	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Tennessee	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$917,922
Texas	\$0	\$0	\$0	\$0	\$480,500	\$0	\$1,320,503	\$1,559,561
Utah	\$0	\$0	\$0	\$0	\$116,500	\$40,500	\$1,157,901	\$1,201,142
Vermont	\$1,040,000	\$104,300	\$1,250,000	\$0	\$3,452,800	\$1,859,600	\$2,036,124	\$3,519,873
Virginia	\$104,000	\$0	\$0	\$0	\$521,800	\$1,496,131	\$921,344	\$1,421,900
Washington	\$208,000	\$0	\$469,000	\$0	\$588,800	\$2,088,422	\$1,947,491	\$1,716,240
West Virginia	\$0	\$0	\$0	\$0	\$0	\$400,000	\$1,003,992	\$1,628,585
Wisconsin	\$145,000	\$104,300	\$615,000	\$0	\$518,000	\$1,635,200	\$1,803,867	\$2,088,000
Wyoming	\$0	\$0	\$0	\$0	\$0	\$0	\$809,644	\$1,014,288
Pacific Basin	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Puerto Rico	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$15,000,000	\$2,000,000	\$17,999,997	\$250,000	\$17,500,000	\$50,705,800	\$77,235,400	\$90,539,770

Figures represent funds for easement acquisitions (i.e., financial assistance) and technical assistance. Historically, technical assistance has represented approximately 3% of funds allocated to the states. There were no allocations in fiscal year 1999.

Source: USDA Natural Resources Conservation Service Easement Programs Division

FEDERAL FARM AND RANCH LANDS PROTECTION PROGRAM ALLOCATIONS

2005	2006	2007	2008	2009	2010	2011	Cumulative Total	State
\$48,104	\$1,645,209	\$964,625	\$1,073,396	\$570,387	\$568,434	\$129,328	\$7,284,705	Alabama
\$0	\$54,071	\$443,128	\$363,497	\$716,873	\$10,439	\$5,379	\$1,600,894	Alaska
\$18,492	\$5,470	\$6,982	\$7,881	\$131,178	\$8,983	\$22,130	\$2,638,755	Arizona
\$1,676	\$156,001	\$5,698	\$6,422	\$20,618	\$0	\$6,804	\$197,219	Arkansas
\$5,865,805	\$2,444,060	\$2,462,827	\$6,149,543	\$3,755,987	\$5,132,343	\$3,279,794	\$43,143,256	California
\$4,527,904	\$2,307,342	\$2,112,600	\$2,861,397	\$5,700,954	\$6,581,176	\$8,584,230	\$44,388,526	Colorado
\$3,420,407	\$3,132,506	\$2,925,228	\$3,067,797	\$5,909,290	\$6,504,267	\$6,551,257	\$41,322,288	Connecticut
\$4,100,865	\$3,179,442	\$3,092,174	\$6,330,496	\$5,767,819	\$5,063,248	\$5,068,415	\$44,626,063	Delaware
\$4,500,562	\$1,695,786	\$1,678,077	\$2,278,271	\$1,510,964	\$8,621,090	\$5,194,551	\$34,372,544	Florida
\$1,588,207	\$801,432	\$943,664	\$1,166,923	\$22,582	\$24,472	\$830,860	\$9,051,577	Georgia
\$2,153,520	\$1,886,349	\$1,116,459	\$1,122,092	\$339,710	\$15,463	\$653,229	\$7,289,228	Hawaii
\$56,200	\$618,563	\$418,210	\$44,096	\$1,094,344	\$1,373,318	\$1,220,716	\$6,763,097	Idaho
\$1,779,871	\$1,783,486	\$1,435,226	\$1,848,022	\$1,876,114	\$16,871	\$11,817	\$13,798,041	Illinois
\$754	\$824	\$0	\$0	\$2,231	\$191	\$9,359	\$1,023,036	Indiana
\$1,055,670	\$8,370	\$34,537	\$7,211	\$247	\$0	\$644	\$2,810,767	Iowa
\$76,100	\$500,126	\$1,330,436	\$1,364,872	\$1,036,832	\$835,611	\$424,427	\$6,341,526	Kansas
\$3,745,262	\$2,452,218	\$2,959,715	\$2,651,474	\$3,189,464	\$2,514,154	\$2,203,235	\$30,373,775	Kentucky
\$16,437	\$1,398	\$6,313	\$0	\$1	\$0	\$0	\$46,167	Louisiana
\$38,769	\$944,359	\$1,103,324	\$2,272,702	\$376,641	\$674,251	\$2,167,339	\$12,296,132	Maine
\$8,720,347	\$3,010,946	\$2,962,099	\$2,914,415	\$4,338,428	\$4,565,682	\$2,531,093	\$47,192,115	Maryland
\$4,746,323	\$3,757,318	\$3,961,185	\$5,941,764	\$6,094,039	\$8,844,152	\$5,680,778	\$51,925,146	Massachusetts
\$4,163,108	\$1,811,745	\$1,695,365	\$2,486,416	\$3,012,459	\$6,272,636	\$2,123,087	\$32,650,041	Michigan
\$1,593,018	\$563,489	\$701,843	\$2,659,023	\$3,061,214	\$1,434,207	\$1,208,332	\$13,659,704	Minnesota
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	Mississippi
\$628,505	\$9,593	\$1,256,358	\$82,330	\$26,436	\$20,891	\$146,130	\$4,466,927	Missouri
\$1,260,781	\$1,567,468	\$935,414	\$2,099,410	\$2,780,313	\$2,652,862	\$6,515,710	\$23,545,040	Montana
\$10,942	\$139,244	\$8,164	\$9,738	\$1,481,913	\$1,144,373	\$1,517,564	\$4,850,960	Nebraska
\$1,260,437	\$1,530,121	\$1,960,423	\$8,751	\$3,626,948	\$5,435,925	\$30,707	\$14,420,212	Nevada
\$3,507,384	\$3,378,274	\$3,339,447	\$1,357,352	\$3,962,125	\$2,681,474	\$2,539,339	\$28,887,369	New Hampshire
\$6,439,064	\$4,120,272	\$4,740,488	\$8,486,474	\$6,838,653	\$9,130,636	\$8,370,967	\$64,090,674	New Jersey
\$680,480	\$306,922	\$428,372	\$27,506	\$624,658	\$617,841	\$814,256	\$5,358,627	New Mexico
\$5,713,403	\$2,241,158	\$1,772,001	\$1,443,633	\$2,530,397	\$4,308,195	\$5,781,196	\$34,009,139	New York
\$3,664,957	\$1,757,731	\$1,614,567	\$2,657,991	\$3,021,553	\$2,620,532	\$2,511,161	\$25,679,605	North Carolina
\$370,213	\$415,655	\$5,683	\$8,467	\$5,567	\$10,606	\$10,606	\$1,974,393	North Dakota
\$3,974,570	\$2,008,037	\$2,856,580	\$3,514,186	\$3,379,364	\$3,765,464	\$12,115,155	\$39,001,021	Ohio
\$861,287	\$719,557	\$79,698	\$113,235	\$308,892	\$345,726	\$63,093	\$5,108,044	Oklahoma
\$675,783	\$4,826	\$574,492	\$14,986	\$8,066	\$6,753	\$6,877	\$2,655,398	Oregon
\$6,899,419	\$2,840,139	\$3,067,978	\$6,225,588	\$5,823,055	\$6,820,254	\$4,344,596	\$52,232,239	Pennsylvania
\$3,506,411	\$3,816,524	\$2,916,852	\$1,563,560	\$5,432,162	\$3,048,425	\$4,298,535	\$31,618,982	Rhode Island
\$1,623,621	\$2,369,293	\$1,211,644	\$430,601	\$2,823,699	\$3,564,544	\$2,727,240	\$18,438,482	South Carolina
\$271,271	\$2,047	\$161	\$6,802	\$5,219	\$307	\$1,240	\$287,048	South Dakota
\$518,522	\$551,655	\$752,600	\$971,002	\$1,035,750	\$1,271,533	\$4,970	\$6,023,954	Tennessee
\$712,585	\$1,998,599	\$1,525,682	\$4,085,557	\$2,212,904	\$2,110,064	\$2,962,685	\$18,968,640	Texas
\$1,334,346	\$473,673	\$1,327,614	\$526,616	\$922,004	\$270,408	\$1,007,187	\$8,377,891	Utah
\$3,553,722	\$3,138,224	\$3,048,322	\$3,009,047	\$3,372,551	\$3,216,785	\$3,200,941	\$35,802,288	Vermont
\$1,733,381	\$931,724	\$1,091,895	\$2,188,704	\$1,801,825	\$1,226,881	\$962,761	\$14,402,346	Virginia
\$2,112,853	\$1,190,602	\$1,181,980	\$2,017,850	\$6,096,996	\$6,301,953	\$1,767,429	\$27,687,615	Washington
\$2,052,080	\$1,933,575	\$2,248,675	\$2,873,475	\$5,624,854	\$5,798,148	\$2,587,487	\$26,150,871	West Virginia
\$3,592,567	\$1,571,197	\$1,678,137	\$2,644,803	\$1,501,091	\$1,942,949	\$822,334	\$20,662,445	Wisconsin
\$1,245,344	\$549,893	\$741,616	\$2,184,345	\$3,848,714	\$21,093,116	\$53,365,237	\$84,852,196	Wyoming
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	Pacific Basin
\$6,341	\$0	\$0	\$0	\$0	\$0	\$0	\$6,341	Puerto Rico
\$110,427,670	\$72,326,513	\$72,724,558	\$95,169,717	\$117,624,085	\$148,467,633	\$166,382,208	\$1,054,353,350	Total

Figures represent funds for easement acquisitions (i.e., financial assistance) and technical assistance. Historically, technical assistance has represented approximately 3% of funds allocated to the states.

Source: USDA Natural Resources Conservation Service Easement Programs Division

Farm and Ranch Lands Protection Program

continued from page 3

The Farms for the Future Act, adopted as part of the 1990 Farm Bill, set the precedent for federal funding by authorizing the Resources Conservation Demonstration Program. This program provided guaranteed loans and subsidized interest payments to state and local farmland protection programs. A pilot program in Vermont saved the state approximately \$10.7 million in interest payments over three years.

The Federal Agriculture Improvement and Reform Act (the 1996 Farm Bill) established a Farmland Protection Program (FPP), which superseded the Farms for the Future Act, to protect farmland from conversion to nonagricultural uses. It authorized up to \$35 million in matching funds over six years to state, tribal and local programs for the purchase of agricultural conservation easements and other interests in productive farmland.

The Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) renamed and expanded the FPP to include non-governmental organizations as eligible entities, make farm and ranch land containing historical and archeological sites eligible and allow landowner donations to count as part of the entity's match.

The 2008 Farm Bill changed the purpose of the program from protecting topsoil to protecting agricultural use and the conservation values of agricultural land from nonagricultural development. It expanded the types of eligible entities and categories of eligible land and changed the nature of the program from a federal real estate acquisition program to a program that provides financial assistance to entities for easement purchases. Lastly, the 2008 Farm Bill increased funding for the program. Congress authorized the following funding for each fiscal year:

- Fiscal Year 2008 \$97,000,000
- Fiscal Year 2009 \$121,000,000
- Fiscal Year 2010 \$150,000,000
- Fiscal Year 2011 \$175,000,000
- Fiscal Year 2012 \$200,000,000

FUNCTIONS AND PURPOSES

The FRPP provides financial support to state, local and private farm and ranch land protection efforts. These programs protect agricultural land from residential and commercial development by acquiring agricultural conservation easements on productive farmland. Conservation easements allow farmers to free capital tied up in their land while still maintaining the right to use the land for agriculture. Income from the sale of conservation easements may be used to reinvest in agricultural operations, invest for retirement and/or reduce debt. By removing the speculative value of the land, these programs may also help keep agricultural land affordable for beginning farmers. In addition, the FRPP encourages good stewardship by requiring the implementation of conservation plans on highly erodible cropland.

BENEFITS

- Provides much-needed financial assistance to state, local and private farmland protection efforts.
- Encourages the development of new farm and ranch land protection programs.
- Encourages good stewardship by requiring the implementation of conservation plans on highly erodible cropland.
- Makes the protection of farm and ranch land from conversion to other uses an NRCS issue.
- Fosters national awareness about farm and ranch land protection.

DRAWBACKS

- In general, the NRCS will not enroll land previously protected by a permanent conservation easement OR land owned by an eligible entity unless ownership is transferred to a private landowner before the NRCS disburses the full FRPP payment. This has complicated and sometimes precluded preacquisitions by public entities and land trusts.
- FRPP participants and immediate family members cannot serve as voting board members for the land trust or public easement acquisition program that holds their easement. This provision has barred further service from valued board members and will prevent landowners with first-hand experience in selling easements from serving land protection organizations.
- The AGI limitation has prevented individuals and corporations who own key agricultural lands from participating.

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The FARMLAND INFORMATION CENTER (FIC) is a clearinghouse for information about farmland protection and stewardship. The FIC is a public/private partnership between the USDA Natural Resources Conservation Service and American Farmland Trust.

Agricultural Districts Programs

Agricultural district programs allow farmers to form special areas where commercial agriculture is encouraged and protected. Programs are authorized by state legislatures and implemented at the local level. Enrollment in agricultural districts is voluntary. In exchange for enrollment, farmers receive a package of benefits, which varies from state to state. Minimum acreage requirements and initial terms of enrollment also vary. Agricultural district programs should not be confused with zoning districts that delineate areas governed by local land use regulations.

There are a total of 19 agricultural district programs in 16 states. California, New Jersey and North Carolina offer farmers two levels of benefits. Minnesota

and Virginia have statewide and local agricultural district programs. Minnesota’s local program applies to metropolitan areas. Ohio has two statewide programs.

Agricultural district programs are designed to stabilize the land base and to support the business of farming by providing farmers with an attractive package of incentives.

HISTORY

In 1965, California enacted the California Land Conservation Act to preserve agricultural land and open space and promote efficient urban growth patterns. The Williamson Act, as it is commonly known, allows landowners within locally designated “agricultural preserves” to sign renewable 10-year contracts with local governments. Landowners agree to restrict use of property within preserves to agriculture or open space for the 10-year term. In return, the land is assessed at its agricultural use value, providing participants with significant property tax relief.

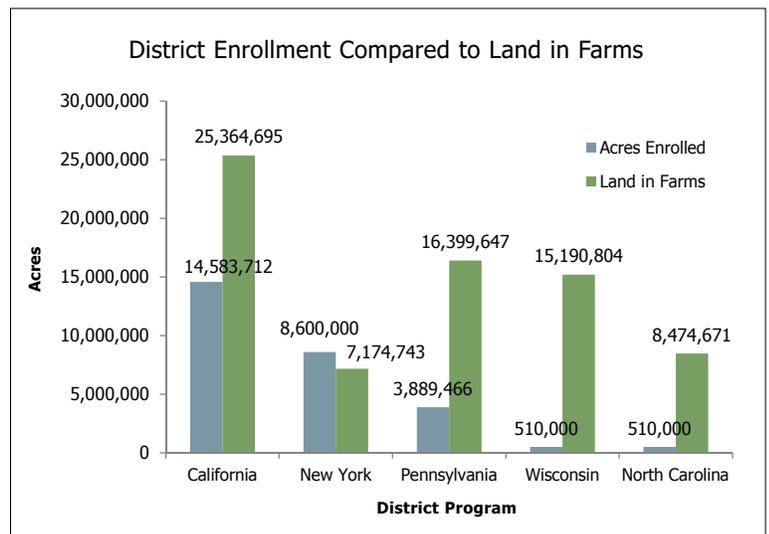
The New York legislature created a comprehensive agricultural district program in 1971. Article 25 AA of the New York Agriculture and Markets Law made differential assessment available to New York farmers. The program also contained provisions that have been incorporated into other agricultural districts, including protection against unreasonable local regulations, special review of the use of eminent domain and a requirement that state agency policies support the continuation of farming in agricultural districts.

Between 1971 and 1995, 14 additional states and one region followed the examples set by California and New York. Agricultural district programs continue to evolve.

In 1992, amendments to the New York law reconstituted and strengthened local agricultural advisory committees, added new right-to-farm protections and required local governments to recognize the intent of the agricultural district program when making local land use decisions. In 1998, New York State added a nuisance disclaimer to its district law and a requirement that enrolled farmers adopt sound conservation practices.

A 1994 amendment to California’s Williamson Act made it more difficult for local governments to acquire land for public use in agricultural preserves. In 1998, California passed a new law that authorized the creation of Farmland Security Zones (FSZ). Farmers who elect to sign a 20-year FSZ contract receive expanded district benefits, including a 35 percent reduction in property tax assessments (on top of values calculated under the Williamson Act contracts) and protection from annexation and school sitings on agricultural land.

In 1997, Utah added provisions requiring that landowners adjacent to districts sign a nuisance disclaimer; in 1998, local planning and minimum acreage requirements were added.



In 1998, the Iowa State Supreme Court ruled that the right-to-farm provision contained within Iowa’s agricultural district program constituted a taking of property rights without

continued on page 4

PROVISIONS OF AGRICULTURAL DISTRICT LAWS

Provision	# of Programs with Provision	<div style="display: flex; justify-content: space-around; font-size: small;"> Agricultural Preserves or Farmland Security Zones Agricultural Preservation Districts Agricultural Areas </div>		
		Calif.	Del.	Ill.
Limits on non-farm development	14	▲	▲	▲
Limits on use of eminent domain ^a	12	▲		
Limits on special assessments	12	△		▲
Local planning requirement ^b	11	▲		
Farmers in districts receive extra right-to-farm protection	9		▲	▲
Penalty for early withdrawal from districts	9	▲		
Sound conservation practices required ^c	7			▲
State agency policies must support districts or farming in districts ^d	6			▲
Agricultural impact statement required for public projects	6			
Limits on public investment for non-farm development	5			
Protection from siting of public facilities and improvements (e.g., schools and solid waste mgt. facilities)	5	▲		▲
Farmers are automatically eligible for differential assessment ^e	5	▲		
Local governments compensated for taxes reduced by differential assessment	4	▲		
Limits on local governments' ability to annex land	4	△		
Notification required for new landowners in or adjacent to districts	3		▲	
Farmer can recover legal fees if he/she wins nuisance lawsuit	3		▲	
Soil and water conservation cost sharing for farmers	3			
Enrollment in districts required to be eligible for Purchase of Agricultural Conservation Easements (PACE)	2		▲	
Land Evaluation and Site Assessment (LESA) used to define boundaries of district ^f	2		▲	
Landowner consent required prior to adoption of more restrictive zoning	2			
Enrolled land gets priority in water rights allocation	2			
Public entities have right of first refusal to purchase land	2			
Mediation required for land use disputes	2			
Land use controls on adjacent land must consider districts	1			
Farmers may earn up to 25% from non-farm sales and retain exemption from local zoning	1			
Farmers are automatically eligible for annual per acre property tax credit	1			
Limits on rate of property tax increases	1			
Land enrolled in districts exempt from school, real estate transfer, county property and applicable ad valorem taxes	1		▲	
Local governments may offer property tax exemption on new or expanded farm buildings	1			
Buffer strips required for development adjacent to districts	1		▲	
Farmers are automatically eligible for annual per acre income tax credit.	1			
Initial term of enrollment (in years)		10/20*	10	10
Minimum acreage requirement		100	200	350

▲ Provision included in program.

△ Benefit provided only to landowners who sign FSZ contracts in Calif., enrollees in EVADs in N.C. and participants in "municipally approved" districts in N.J.

■ Minimum acreage requirement established by local entity, but in N.C. it is also tied to qualifications for the state's present-use-value taxation program.

^a The degree of protection varies significantly from state to state. N.J. prohibits eminent domain in municipally approved programs; Pa., Utah and Va. can prohibit eminent domain, subject to review by state and/or local officials; Calif., Ky., Minn., Minn. Metro, N.Y., Ohio Agricultural Districts and Tenn. cannot prohibit eminent domain, but may require prior notification, agricultural impact statements, alternative proposals, and/or public hearings.

^b Planning requirements vary among states. Calif., Minn., Minn. Metro and Wisc. require plans (i.e., comprehensive or agricultural land preservation) to be eligible to establish districts, and zoning or other "official controls" to protect farmland. N.J., N.Y., Pa., Utah, Va. and Va. Local involve planning bodies in the development and approval of districts. Iowa requires counties to create land use inventories prior to establishment of districts.

PROVISIONS OF AGRICULTURAL DISTRICT LAWS

Agricultural Areas	Agricultural Districts	Agricultural Incentive Areas	Agricultural Preserves	Metropolitan Agricultural Preserves	Farmland Preservation Programs and Municipally Approved Farmland Preservation Programs	Agricultural Districts	Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts	Agricultural Districts	Agricultural Security Areas	Agricultural Security Areas	Agricultural Districts	Agricultural Protection Areas	Agricultural Districts	Local Agricultural Districts	Farmland Preservation Agreement Program
Iowa	Ky.	Mass.	Minn.	Minn. Metro	N.J.	N.Y.	N.C.	Ohio	Ohio	Pa.	Tenn.	Utah	Va.	Local Va.	Wisc.
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^c In N.J. conservation plans are required for participants to receive grants for soil and water conservation projects. N.C. mandates conservation plans for highly erodible land. All other states require conservation practices—Ohio Agricultural Security Areas call for best management practices—but do not stipulate development of a plan.

^d Ill., N.Y., Pa., Utah and Va. support agriculture in districts by requiring agencies to modify existing rules and policies that may restrict farming. Utah also prohibits state agencies from enacting unreasonably restrictive rules and policies. Ky. supports districts by requiring state agencies to mitigate the impact of their plans and programs on agriculture within the district.

^e In Calif., farmers who sign a FSZ contract receive additional property tax relief.

^f Del. requires use of LESA; Va. suggests it.

* The initial term is 10 years for Williamson Act contracts and 20 years for FSZ contracts. Each year, contracts automatically are extended for one year unless a notice of non-renewal is submitted.

Agricultural Districts Programs

continued from page 1

compensation. The Court held that the provision, which immunized farms in agricultural districts from nuisance lawsuits, amounted to an interest in, or easement on, adjacent land without payment of just compensation. Iowa still maintains an agricultural district program, but the right-to-farm features have been eliminated.

In 2000, Kentucky placed limitations on special assessments on land enrolled in districts. Virginia's state district law also was amended in 2000 to include significant consequences for early withdrawal from the program.

Ohio and North Carolina authorized new benefits and protections to supplement existing provisions. As of 2005, Ohio has operated a second, stand-alone program, known as agricultural security areas. The same year, North Carolina lawmakers amended the existing program to offer landowners the option of establishing Enhanced Voluntary Agricultural Districts (EVADs).

In 2007, the Maryland legislature voted to eliminate agricultural districts from the Maryland Agricultural Land Preservation Foundation (MALPF) Program. All MALPF districts were to be terminated by June 30, 2012. Maryland counties have the ability to create local agricultural districts. Wisconsin initiated a program in 2009 to become the most recent state to adopt agricultural districts.

FUNCTIONS & PURPOSES

Agricultural district programs are intended to be comprehensive responses to the challenges facing farmers in developing communities.

To maintain a land base for agriculture, some agricultural district programs protect farmland from annexation and eminent domain. Many also require that state agencies limit construction of infrastructure, such as roads and sewers, in agricultural districts. Two states offer participants eligibility for purchase of agricultural conservation easement programs, and two states include a right of first refusal in district agreements to ensure that land will continue to be available for agriculture.

Agricultural district programs help create a more secure climate for agriculture by preventing local governments from passing laws that restrict farm practices and by enhancing protection from private nuisance lawsuits.

To reduce farm operating expenses, programs offer automatic eligibility for differential tax assessment, property tax credits and/or tax exemptions.

Some states encourage local planning by: limiting district authorization to jurisdictions with comprehensive or farmland protection plans, requiring the adoption of land use regulations to protect farmland, involving planning bodies in the development and approval of districts, and limiting non-farm development in and around agricultural districts.

ISSUES TO ADDRESS IN DESIGNING A PROGRAM

- Who will be eligible to enroll land in an agricultural district?
- What are the procedures for enrollment?
- What are the incentives for enrollment?
- What restrictions, if any, are placed on land enrolled in an agricultural district?
- How easy—or difficult—is it to withdraw land from an agricultural district?
- When or under what conditions can agricultural district agreements be terminated?

BENEFITS

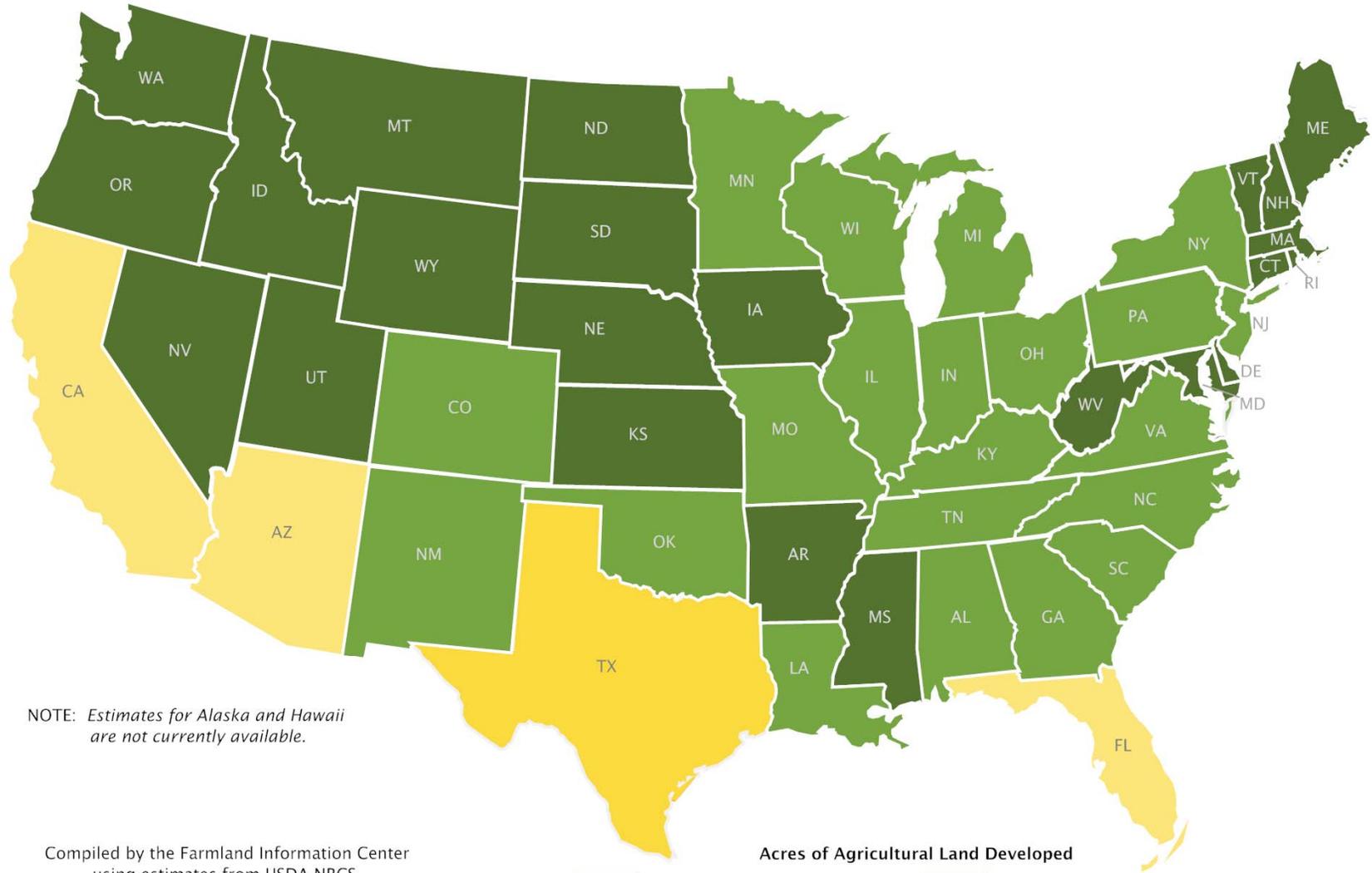
- Enrollment in an agricultural district is voluntary, making the programs popular with farmers.
- Agricultural district programs are very flexible; benefits and restrictions can be tailored to meet local objectives.
- Agricultural districts can provide multiple benefits to farmers, including tax relief, protection from local regulation and eligibility for PACE programs.
- Agricultural districts help secure a critical mass of land to keep farming viable.

DRAWBACKS

- Penalties for withdrawing land from agricultural districts may not be an effective deterrent.
- Limits on non-farm development may not prevent expansion of public services, such as water and sewer lines, into agricultural areas. Some agricultural district laws address this issue; others do not.
- In some states, the benefits provided by agricultural districts are not enough incentive for farmers to enroll.
- In some states, the procedure for creating agricultural districts is lengthy and complex.

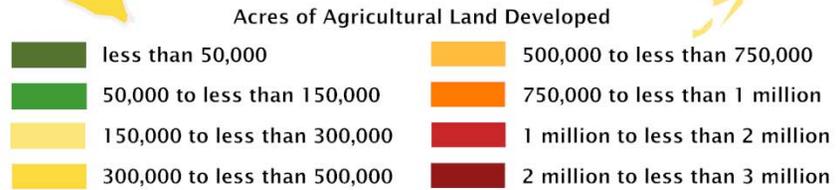
© September 2012

Acres of Agricultural Land Developed as of 1987

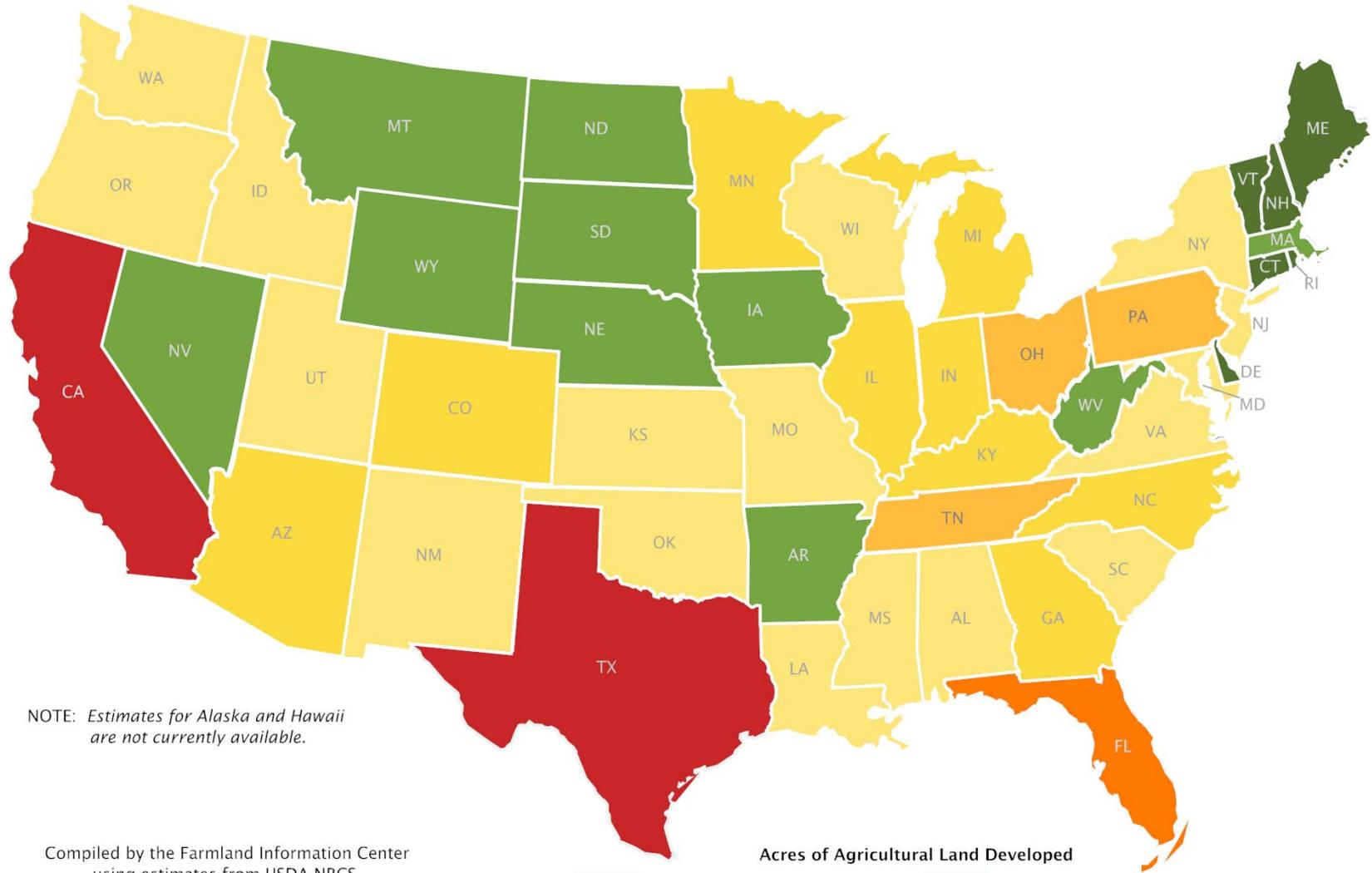


NOTE: Estimates for Alaska and Hawaii are not currently available.

Compiled by the Farmland Information Center using estimates from USDA NRCS, 2007 National Resources Inventory



Acres of Agricultural Land Developed as of 1997



NOTE: Estimates for Alaska and Hawaii are not currently available.

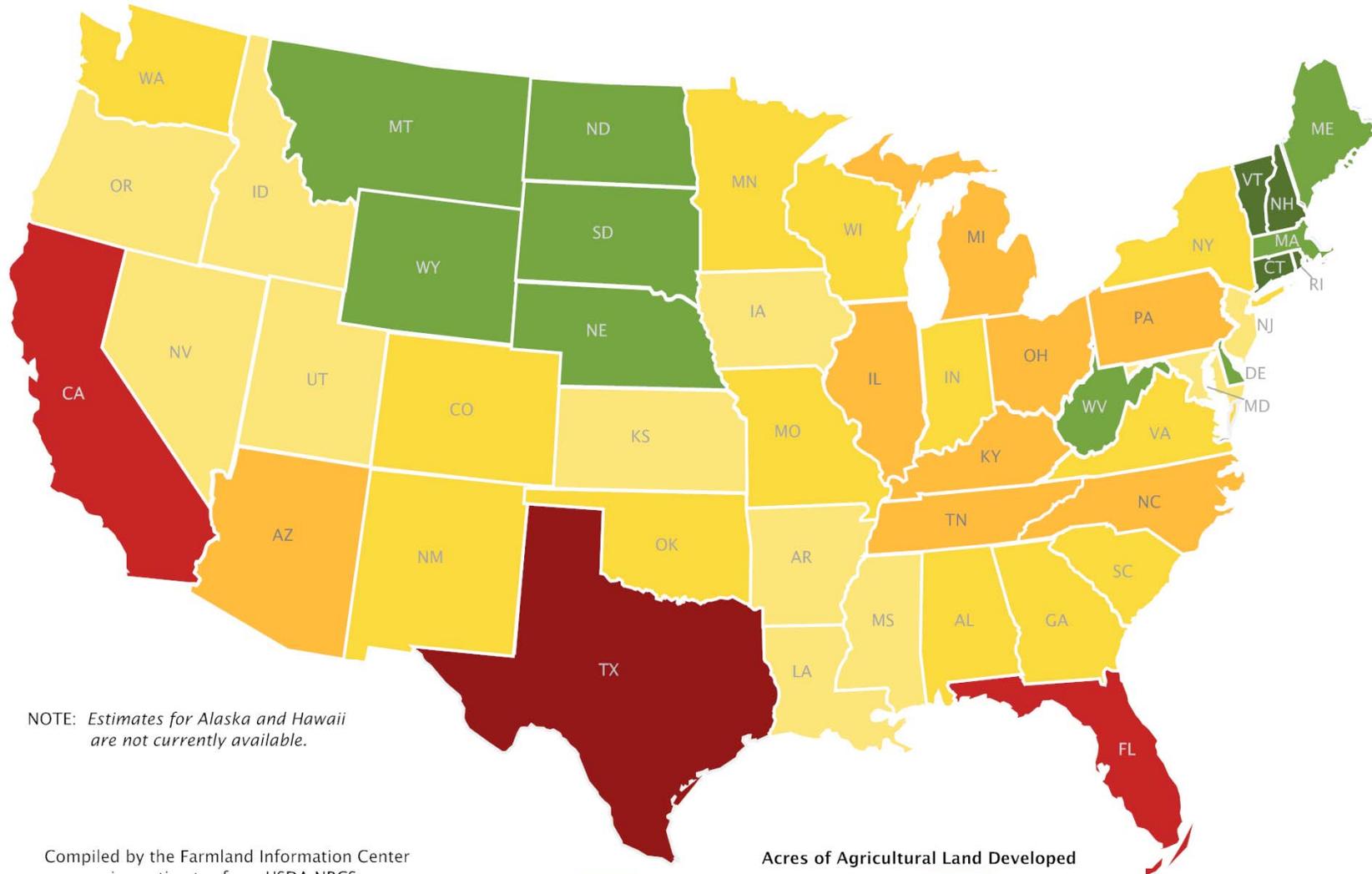
Compiled by the Farmland Information Center using estimates from USDA NRCS, 2007 National Resources Inventory



Acres of Agricultural Land Developed



Acres of Agricultural Land Developed as of 2002



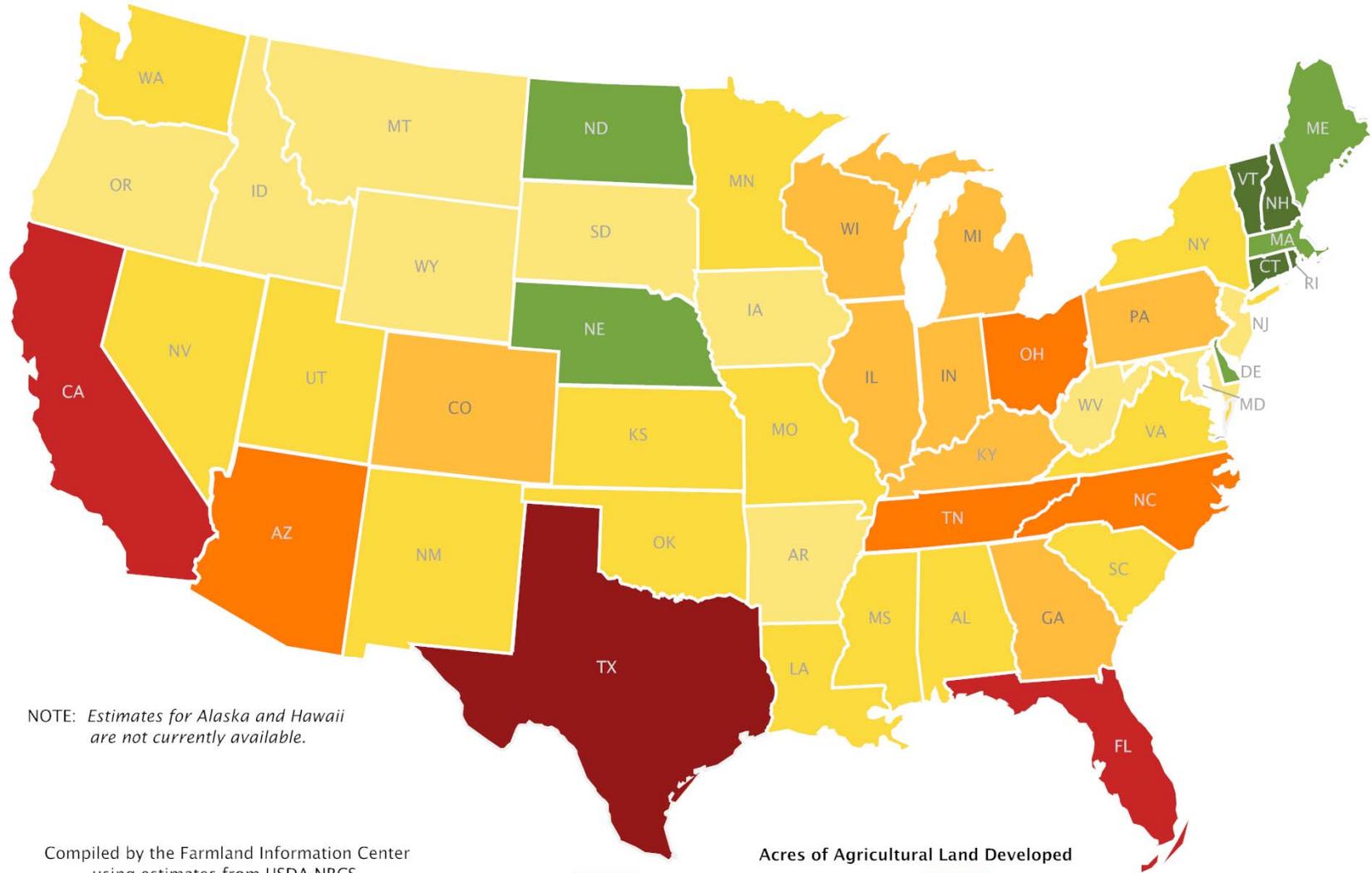
Compiled by the Farmland Information Center
using estimates from USDA NRCS,
2007 National Resources Inventory



Acres of Agricultural Land Developed



Acres of Agricultural Land Developed as of 2007



NOTE: Estimates for Alaska and Hawaii are not currently available.

Compiled by the Farmland Information Center using estimates from USDA NRCS, 2007 National Resources Inventory



Acres of Agricultural Land Developed



QUICKNOTES

The Farmland Protection Toolbox

Food production, and therefore long-term food security, depends on the availability of agricultural land. Working lands support local economies through sales of farm goods, job creation, support services and businesses, and by creating secondary markets such as food processing and distribution. Well-managed agricultural land also provides food and cover for wildlife and protects watersheds. It helps control flooding, absorbs and filters stormwater, allows groundwater recharge, and has the potential to produce renewable energy.

Despite its importance, agricultural land is at risk. It is ripe for development because it tends to be flat, well drained, and open. According to the National Resources Inventory, 23,163,500 acres of agricultural land were developed between 1982 and 2007. As development encroaches on farmland it increases the costs and risks of production and drives up land values beyond the reach of agricultural producers.

State and local governments have led the response to agricultural land conversion. Nearly every state has enacted some form of property tax relief for farmland and right-to-farm laws. Thirty-one states have authorized farmland protection programs, and 16 have agricultural district programs that provide a variety of benefits including protection from eminent domain and municipal annexation. Local governments also have addressed the challenge. What follows are the tools most commonly used locally to reduce farm and ranchland conversion and to permanently protect agricultural land.

Reduce Conversion

Comprehensive Plans can lay the foundation for local farmland protection strategies by identifying areas to be protected for agriculture and areas where growth will be encouraged. Plans may include or recommend specific policies to protect agricultural resources and to head off potential land-use conflicts. Forming a local agricultural advisory committee comprised of farmers and agricultural land-owners can help ensure that agricultural needs are integrated into the comprehensive plan.

Urban Growth Boundaries (UGBs) define areas intended to accommodate anticipated growth for a given planning horizon. UGBs are often used to guide decisions about infrastructure development including the construction of roads and extension of water and sewer services. In the context of farmland protection, they separate areas appropriate for future growth from areas intended for agricultural use.

Agricultural Protection Zoning (APZ) ordinances designate areas where farming is the primary land use and discourage other land uses in those areas. APZ ordinances typically restrict the density of non-farm residential development and may also contain limits on subdivision and site design criteria including buffers and setback requirements. They may permit complementary, on-farm commercial activities that enhance farm profitability.

APZ stabilizes the agricultural land base by keeping large tracts of land relatively free of non-farm development, which can reduce the likelihood of conflicts between farmers and their non-farming neighbors. Also by limiting development potential, APZ can help keep land affordable to farmers and ranchers. Finally, APZ can help promote orderly growth by redirecting development to areas with adequate infrastructure to support it.

Subdivision Ordinances govern the division of larger parcels of land and give local officials the authority to review and make decisions about proposed subdivisions. In the context of farmland protection, subdivision ordinances can require review of potential impacts on agricultural resources;

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Development Committee



Permanently protected farm in New Jersey.



American Planning Association

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establish design standards, including setbacks and buffers; and authorize local officials to suggest alternatives or mitigation measures or to deny projects based on the impact to agriculture.

Right-to-Farm Laws protect producers from private nuisance suits and overly restrictive local regulations. Local governments enact right-to-farm laws to strengthen and clarify language in state laws and to educate residents about normal agricultural activities. A local right-to-farm ordinance can serve as a formal policy statement that agriculture is a valuable part of the local economy and culture.

Local Property Tax Reduction Programs provide an additional reduction in taxes beyond state authorized programs. These programs reduce operating costs for farm operations and rural landowners who rent their land to farmers. Local tax reduction programs may take a few different forms. Some localities adopt agricultural assessment values for service districts. Others offer a reduction in local property taxes in exchange for term easements.

Save Land for the Future

Mitigation Ordinances and Policies require developers to permanently protect an equivalent or greater amount of farmland in the event that agricultural land is converted to other uses. Local ordinances may require mitigation as a condition of approval for development projects that change the general plan designation, zoning from agricultural land to nonagricultural land, or for discretionary land-use approvals that would change an agricultural use to a nonagricultural use. They also establish mitigation ratios that require developers to protect a certain amount of farmland for each acre converted. Farmland loss mitigation ties permanent protection to development activity and can provide a supplemental source of funds for farmland protection.

Purchase of Agricultural Conservation Easement (PACE) Programs compensate farmers and ranchers for permanently protecting their land with a conservation easement. Landowners voluntarily sell agricultural conservation easements to government agencies or private conservation organizations, giving them the right to prohibit land uses and activities that could interfere with present or future agricultural use. PACE programs keep threatened farm and ranch lands available for agriculture and provide agricultural landowners with a viable alternative to development.

Transfer of Development Rights (TDR) Programs enable the transfer of development potential from one parcel of land to another and are typically established by local zoning ordinances. Localities often use TDR to shift development from agricultural land (sending areas) to designated growth zones (receiving areas) located closer to municipal services. TDR is most suitable in places where large blocks of land remain in agricultural use. Designated receiving areas must be responsive both to residents' concerns about increased density and to market conditions.

Conclusion

There is evidence that local farmland protection efforts are paying off. From 2002 to 2007, the national average annual conversion rate was 816,060 acres per year, down 29 percent from the 1992–1997 reporting period. The slowdown occurred despite the fact that residential building permits and housing completions reached all-time highs and construction expenditures for private, nonresidential development peaked during this period.

The decline in agricultural land conversion is likely due, in part, to more efficient development. According to the American Housing Survey, single-unit homes built on small lots jumped from 51 to 58 percent between 1997 and 2007 and median lot size dropped from 1.56 acres to 0.36 acre. This outcome underlines the critical role local land-use policies can play in saving agricultural land. The other part of the solution is permanent protection. Permanent protection ensures that, in the face of development, there will be a supply of agricultural land in the future.

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2. Other Resources

The Farmland Information Center's farmland protection fact sheets and technical memos are posted on the FIC website (www.farmland.org). The website also offers a collection of federal, state, and local laws; regulations and policies; sample documents; literature; and statistics related to farmland protection.

Status of State PACE Programs

As of May 2012, 27 states have state-level purchase of agricultural conservation easement (PACE) programs. Four states—Arizona, Georgia, Hawaii and Missouri—have authorized PACE but do not yet have programs. Montana had a state-level program that was discontinued in 2003 when state authorization expired. This table displays the status and summarizes important information about farm and ranch land protection programs in 28 states that have funded easement acquisitions. For a program to be included, the protection of agricultural lands must be one of its core purposes, accomplished primarily by compensating landowners for the value of the easement.

Some programs (e.g., Delaware and Massachusetts) purchase and hold easements directly. Others also have the authority to acquire and co-hold easements with partners (e.g., county governments). A few programs (e.g., New York and Virginia) only provide grants to eligible entities, such as local governments and land trusts, to buy easements. In Alabama and New Mexico, the state’s role is limited to holding and monitoring easements; other entities execute the projects.

EXPLANATION OF COLUMN HEADINGS

Year of Inception/ Year of First Acquisition

“Year of Inception” is the year in which the PACE program was authorized. “Year of First Acquisition” is the year in which the program acquired its first easement.

Easements or Restrictions Acquired

Number of agricultural conservation easements or conservation restrictions acquired through the state program. This number does not necessarily reflect the total number of farms/ranches protected because some programs acquire a property in stages and/or may hold multiple easements on the same farm/ranch. Some state programs do not hold easements but instead provide funds for easement purchases to local governments or land trusts.

Acres Protected

Number of acres protected by the program.

Land in Farms

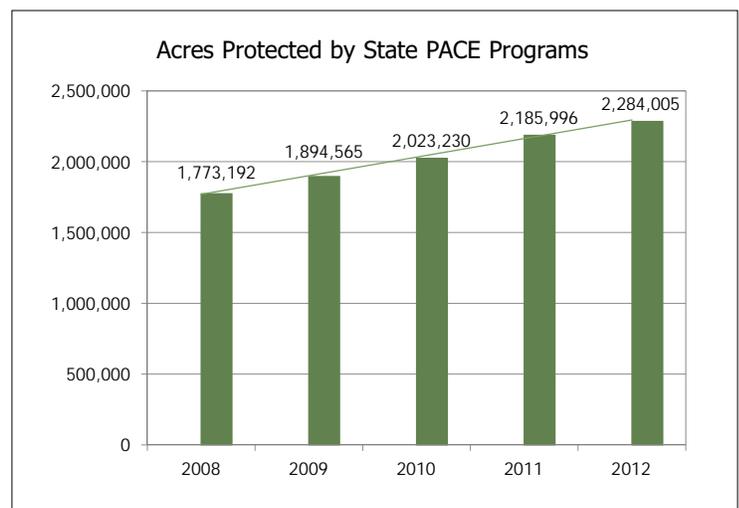
Number of acres of land in farms as reported in the 2007 Census of Agriculture released by the United States Department of Agriculture’s National Agricultural Statistics Service (USDA-NASS). For the purposes of the Census of Agriculture, USDA-NASS defines a “farm” as any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year.

Program Funds Spent to Date

Dollars spent by each program to acquire easements on farms/ranches. This amount may include unspent funds dedicated for installment payments on completed projects. Unless otherwise noted, these figures do not reflect incidental land acquisition costs, such as appraisals, insurance and recording fees, or the administrative costs of running the program. These figures do not include additional funds contributed by federal programs, local governments (counties and municipalities), private land trusts, foundations and/or individuals.

Additional Funds Spent to Date

Funds contributed toward state program acquisitions by federal programs, local governments, private land trusts, foundations and/or individuals (see “Funding Sources Used to Date”).



continued on page 6

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

State		Year of Inception / Year of First Acquisition	Easements or Restrictions Acquired	Acres Protected	Land in Farms (acres)	Program Funds Spent to Date
Alabama						
	Alabama Department of Agriculture and Industries	2004/2005	21	4,591	9,033,537	\$1,636,866
California						
	California Farmland Conservancy Program	1995/1997	151	52,553	25,364,695	\$77,438,707 ^
Colorado						
	Great Outdoors Colorado Δ	1992/1995	353	553,077	31,604,911	\$161,355,483 ^
Connecticut						
	Connecticut Farmland Preservation Program	1978/1979	290	38,025	405,616	\$126,000,000 ^
Delaware						
	Delaware Agricultural Lands Preservation Program	1991/1996	692	105,558	510,253	\$134,106,954
Florida						
	Rural and Family Lands Protection Program ~ (additional funds spent to date reported 2011)	2001/2001	9	5,035	9,231,570	\$10,721,408
Kentucky						
	Purchase of Agricultural Conservation Easement Corporation ~ (2011)	1994/1998	156	31,792	13,993,121	\$13,823,269
Maine						
	Maine Farmland Protection Program ~ (2011)	1999/1990	34	8,104	1,347,566	\$7,500,000 ^
Maryland						
	Maryland Agricultural Land Preservation Foundation	1977/1980	2,059	281,458		\$397,987,555
	Rural Legacy Program	1997/1999	499	72,463		\$226,622,398 ^
Massachusetts						
	Agricultural Preservation Restriction Program	1977/1980	804	67,143	517,879	\$203,834,324 ^
Michigan						
	Farmland and Open Space Preservation Program	1994/1994	110	21,872	10,031,807	\$28,167,178
Montana						
	Montana Agricultural Heritage Program \times	1999/2000	8	9,923	61,388,462	\$888,000
New Hampshire						
	Agricultural Lands Preservation Program ~ (2011)	1979/1980	31	2,864		\$5,000,000
	Land Conservation Investment Program \times	1987/1988	36	6,232		\$5,349,008
	Land and Community Heritage Investment Program	2000/2001	37	4,494		\$5,884,730
New Jersey						
	New Jersey Farmland Preservation Program	1983/1985	2,068	195,470	733,450	\$922,124,957
New Mexico						
	New Mexico Natural Heritage Conservation Program	2010/2010	3	5,930	43,238,049	\$850,000

Note: For explanation of column headings and symbols, please see fact sheet text.

FARMLAND INFORMATION CENTER

STATUS OF STATE PROGRAMS AS OF JANUARY 2012

Additional Funds Spent to Date	Program Funds Available	Program Funds Available Per Capita	Outstanding Applications	Funding Sources Used to Date	State
					Alabama
\$3,273,731	N/A	N/A	N/A	Appropriations, FRPP	
					California
\$55,969,314	\$7,000,000	\$0.19	5	Appropriations, bonds, mitigation fees, private contributions, FRPP	
					Colorado
\$390,399,888	\$6,000,000	\$1.17	0	Local government contributions, lottery proceeds, FRPP	
					Connecticut
\$38,000,000	\$20,000,000	\$5.59	100	Bonds, local government contributions, private contributions, recording fees, FRPP	
					Delaware
\$53,913,583	\$2,000,000	\$2.20	151	Appropriations, bonds, lawsuit settlement funds, local government contributions, private contributions, real estate transfer tax, transportation funding, FRPP	
					Florida
\$1,374,825	\$2,115,974	\$0.11	30	Appropriations, bonds, local government contributions	
					Kentucky
\$7,451,666	N/A	N/A	N/A	Appropriations, bonds, tobacco settlement funds, ACUB, FRPP	
					Maine
\$7,500,000	N/A	N/A	N/A	Appropriations, bonds, credit card royalties, local government contributions, private contributions, FRPP	
\$188,271,829	\$46,531,996 □	\$7.98	133		Maryland
\$176,545,185	\$30,363,603		133	Appropriations, bonds, local government contributions, private contributions, property tax relief program withdrawal penalties, real estate transfer tax, FRPP	
\$11,726,644	\$16,168,393 □		0	Bonds, local government contributions, private contributions, real estate transfer tax, FRPP	
					Massachusetts
\$75,960,239	\$12,600,000	\$1.91	84	Appropriations, bonds, local government contributions, mitigation fees, private contributions, transportation funding, FRPP	
					Michigan
\$7,271,504	N/A	N/A	N/A	Local government contributions, private contributions, property tax relief program withdrawal penalties, FRPP	
					Montana
\$1,420,710	\$0	\$0.00	N/A	Appropriations, FRPP	
\$17,258,218	N/A	N/A	N/A		New Hampshire
\$140,000	N/A		N/A	Appropriations, local government contributions, FRPP	
\$0	\$0		0	Bonds	
\$17,118,218	N/A		N/A	Appropriations, recording fees, FRPP	
					New Jersey
\$532,979,505	\$173,660,000	\$19.69	329	Appropriations, bonds, local government contributions, private contributions, sale of fee-simple purchased properties, state sales and use tax, FRPP	
					New Mexico
\$1,200,000	N/A	N/A	4	Appropriations, FRPP	

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

State		Year of Inception / Year of First Acquisition	Easements or Restrictions Acquired	Acres Protected	Land in Farms (acres)	Program Funds Spent to Date
New York						
	New York State Agricultural and Farmland Protection Program ~ (additional funds spent to date reported 2008)	1996/1998	196	44,606	7,174,743	\$109,315,034 ^
North Carolina						
	Agricultural Development and Farmland Preservation Program	1986/1999	71	11,198	8,474,671	\$11,114,328 ^
Ohio						
	Agricultural Easement Purchase Program ❖	1999/1999	274	49,805	13,956,563	\$34,911,897
Pennsylvania						
	Pennsylvania Agricultural Conservation Easement Purchase Program	1988/1989	4,229	457,537	7,809,244	\$796,000,000 ^
Rhode Island						
	Purchase of Farmland Development Rights Program	1981/1985	91	6,645	67,819	\$30,325,862
South Carolina						
	South Carolina Conservation Bank	2002/2004	30	9,615	4,889,339	\$9,717,604
Texas						
	Texas Farm and Ranch Lands Conservation Program	2005	2	1,700	130,398,753	\$2,200,000
Utah						
	Critical Agricultural Land Conservation Fund	1999/2001	25	15,460		\$456,000
	LeRay McAllister Critical Lands Conservation Fund ~ (2010)	1999/2000	37	63,599		\$12,477,172
Vermont						
	Vermont Housing and Conservation Board, Farmland Preservation Program	1987/1987	567	139,000	1,233,313	\$62,840,000 ^
Virginia						
	Department of Conservation and Recreation, Virginia Land Conservation Foundation	2000/2001	16	7,287		\$3,643,694 ^
	Office of Farmland Preservation, Matching Grant Program	2001/2008	36	5,175		\$4,944,147 ^
Washington						
	Farmland Preservation Program	2007/2008	25	3,048	14,972,789	\$8,249,647 ^
West Virginia						
	West Virginia Agricultural Land Protection Authority	2000/2009	7	2,174	3,697,606	\$586,500
Wisconsin						
	Purchase of Agricultural Conservation Easements Program	2009/2011	3	572	15,190,804	\$425,850
STATE TOTALS			12,970	2,284,005	436,988,852	\$3,416,498,572 ^

Note: For explanation of column headings and symbols, please see fact sheet text.

FARMLAND INFORMATION CENTER

STATUS OF STATE PROGRAMS AS OF JANUARY 2012

Additional Funds Spent to Date	Program Funds Available	Program Funds Available Per Capita	Outstanding Applications	Funding Sources Used to Date	State
					New York
\$44,270,029	\$12,000,000	\$0.62	0	Bonds, bottle bill revenue, license plate fees, local government contributions, real estate transfer tax, FRPP	
					North Carolina
\$50,991,558	\$1,805,323	\$0.19	20	Appropriations, local government contributions, private contributions, FRPP	
					Ohio
\$10,548,555	\$7,580,560	\$0.66	50	Bonds, local government contributions, private contributions, FRPP	
					Pennsylvania
\$450,183,444	\$24,000,000	\$1.88	N/A	Appropriations, bonds, cigarette tax, interest on securities, local government contributions, municipal landfill fees, property tax withdrawal penalties, FRPP	
					Rhode Island
\$43,946,572	\$1,830,277	\$1.74	36	Appropriations, bonds, local government contributions, private contributions, transportation funding, FRPP	
					South Carolina
\$11,924,655	N/A	N/A	N/A	Real estate transfer tax, recording fees	
					Texas
N/A	\$3,800,000	\$0.15	N/A	Appropriations, federal Coastal Impact Assistance Program	
\$176,365,845	N/A	N/A	0		Utah
\$21,687,225	\$0		0	Appropriations, local government contributions, private contributions, FRPP	
\$154,678,620	N/A		N/A	Appropriations, local government contributions, private contributions, FRPP	
					Vermont
\$79,550,000	\$2,700,000	\$4.31	67	Appropriations, bonds, Farms for the Future pilot program, local government contributions, mitigation fees, private contributions, real estate transfer tax, transportation funding, FRPP	
\$8,683,391	\$1,505,853	\$0.19	N/A		Virginia
\$0	N/A		N/A	Appropriations	
\$8,683,391	\$1,505,853		N/A	Appropriations	
					Washington
\$9,000,000	\$4,252,891	\$0.62	0	Bonds, development impact fees, local government contributions, private contributions, real estate transfer tax, FRPP	
					West Virginia
\$0	\$2,106,660	\$1.14	0	Appropriations, deed recording fees	
					Wisconsin
\$306,850	\$4,774,150	\$0.84	12	Bonds, private contributions, FRPP	
\$2,268,015,911	\$336,263,684 ■		1,021		

Status of State PACE Programs

continued from page 1

Program Funds Available

Program funds available for the current fiscal year to acquire easements on agricultural land.

Program Funds Available Per Capita

Program funds available per capita are based on state population estimates for 2011 from the U.S. Census Bureau.

Outstanding Applications

Backlog of applications reported by program administrators.

Funding Sources Used to Date

Sources of funding for each program. "Transportation funding" refers to federal money disbursed under The Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 and its predecessors for "transportation enhancements." Easement acquisitions that protect scenic views and historic sites along transportation routes are eligible for these funds.

The Army Compatible Use Buffer (ACUB) Program provides funds to establish easement-protected buffer areas around military installations.

The federal Coastal Impact Assistance Program authorizes funds to be distributed to oil and gas producing states to mitigate the impacts of oil and gas extraction from the continental shelf.

The federal Farm and Ranch Lands Protection Program (FRPP) provides matching funds to state, local and tribal governments and certain non-governmental organizations to purchase agricultural conservation easements. The 2008 Farm Bill authorized \$743 million for the FRPP through fiscal year 2012.

In addition to these sources of funding, several programs reported contributions from private sources.

NOTES

[^] "Program Funds Spent to Date" includes incidental land acquisition costs and/or personnel costs.

[Δ] Program activity includes fee simple acquisitions of agricultural land. Great Outdoors Colorado grant recipients are required to resell land acquired in fee subject to a conservation easement.

[~] Figure carried forward from previous PACE tables.

[x] Program has terminated or is no longer acquiring agricultural conservation easements.

[✕] "Program Funds Available" includes money for other land conservation purposes.

[❖] Total includes 14 easements, 3,000 acres and \$1.5 million of additional funds spent that were credited to the Southern Ohio Tobacco Agricultural Easement Program (SOTAEP). SOTAEP was a one-time partnership between the Ohio Department of Agriculture, Southern Ohio Agricultural and Community Development Foundation and five local Soil and Water Conservation Districts. The Ohio Department of Agriculture currently administers these easements. In prior years SOTAEP's activity was represented separately on this table.

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Status of Local PACE Programs

As of January 2012, at least 91 independently funded, local purchase of agricultural conservation easement (PACE) programs in 20 states had acquired funding and/or easements. This table displays the status and summarizes important information about these local farm and ranch land protection programs. For a program to be included, the protection of agricultural lands must be one of its core purposes, accomplished primarily by compensating landowners for the value of the easement.

EXPLANATION OF COLUMN HEADINGS

Locality

Name of the locality the program serves. When a land trust or soil and water conservation district administers the program, it is listed next to the locality.

Year of Inception/Year of First Acquisition

"Year of Inception" is the year in which the ordinance creating the PACE program was passed. "Year of First Acquisition" is the year in which the program acquired its first easement.

Total Easements/Restrictions Acquired

Number of agricultural conservation easements or conservation restrictions acquired to date. This number includes joint projects with state and/or county programs and independent projects completed by the local program. This number does not necessarily reflect the total number of farms/ranches protected.

Total Acres Protected

Number of acres protected by the program through independent and joint projects to date.

Independent Easements/Restrictions Acquired

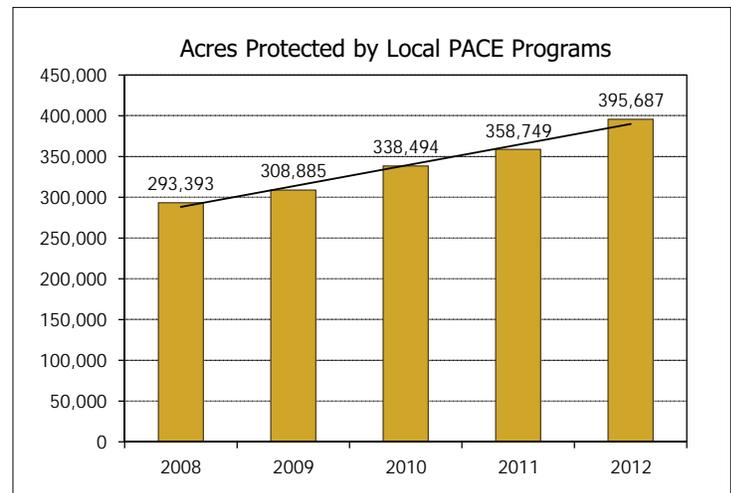
Number of agricultural conservation easements or conservation restrictions acquired through independent projects to date. This number excludes easements/restrictions acquired through joint projects with county and/or state programs, which may represent the majority of local activity, to avoid double counting easements acquired. This number does not necessarily reflect the total number of farms/ranches protected.

Independent Acres Protected

Number of acres protected through independent projects. This number excludes acres protected through joint projects with county and/or state programs, which may represent the majority of local activity, to avoid double counting protected acres.

Independent Program Funds Spent to Date

Dollars spent by each program to acquire easements/restrictions on farms/ranches through independent projects. This number excludes dollars spent on joint projects with county and/or state programs. Amounts may include unspent funds that are encumbered for installment payments on completed projects. Unless otherwise noted, this figure does not include incidental land acquisition costs—such as appraisals, insurance and recording fees—or the administrative cost of running the program. These figures do not include additional funds contributed by federal programs, other localities, private land trusts, foundations and/or individuals.



Additional Funds Spent to Date

Funds contributed by federal programs, other localities, state governments, private land trusts, foundations and/or individuals on Independent Easements/Restrictions Acquired (see "Funding Sources Used to Date" below).

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PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

Locality	Year of Inception/ Year of First Acquisition	Total Easements/ Restrictions Acquired	Total Acres Protected	Independent Easements/ Restrictions Acquired	Independent Acres Protected	Independent Program Funds Spent to Date
California						
Davis, City of	1988/1988	16	3,449	8	983	\$3,819,000 ^
Sonoma Co.	1990/1992	78	34,746	78	34,746	\$81,668,250
Colorado						
Boulder, City of ~ (2010)	1967/1984	17	2,438	17	2,438	\$21,399,732 ^
Douglas Co.	1994/1995	22	38,826	10	13,946	\$16,808,152 ^
Routt Co.	1996/2000	42	27,193	17	9,429	\$7,230,977 ^
Connecticut						
Shelton, Town of	1996/1998	8	395	2	5	\$2
Tolland, Town of	2006/2006	1	155	1	155	\$365,000
Florida						
Broward Co. X	2000/2000	5	64	5	64	\$7,853,997
Indian River Co.	2004/2007	3	2,047	3	2,047	\$23,256,728
Pasco Co.	2005/2009	1	384	1	384	\$1,800,800
Sarasota Co.	1999/2002	5	17,321	2	2,287	\$7,330,271 ^
Volusia Co. ~ (2011)	2000/2003	6	3,905	1	163	\$1,165,173 ^
Illinois						
Kane Co. ~ (2009)	2001/2002	34	4,655	34	4,655	\$18,053,800
Kentucky						
Lexington-Fayette Co.	2000/2002	232	26,233	232	26,233	\$30,142,744
Maryland						
Anne Arundel Co. ♦	1991/1992	123	12,107	52	5,907	\$40,930,000
Baltimore Co.	1979/1981	372	53,969	63	6,802	\$17,359,744
Calvert Co. ♦ ~ (2010)	1992/1993	141	12,165	91	5,881	N/A
Carroll Co. ♦ ‡ ~ (independent program funds spent and additional funds spent reported in 2010)	1979/1980	554	61,807	124	13,561	\$96,169,497 ^
Frederick Co. ♦ ‡	1991/1993	342	47,871	117	17,646	\$47,351,341 ^
Harford Co. ♦	1977/1977	373	42,758	224	27,257	\$99,305,910
Howard Co. ♦	1978/1984	182	18,674	143	14,633	\$236,335,000
Montgomery Co.	1986/1989	121	17,484	70	8,176	\$31,429,623 ^
Prince George's Soil Conservation District	2007/2008	36	3,589	22	2,245	\$16,646,670
Washington Co. ♦	1980/1981	135	25,352	18	1,460	\$7,877,860 ^
Wicomico Co. ♦	1986/2004	63	8,439	8	790	\$1,619,027
Michigan						
Acme Township - Grand Traverse Regional Land Conservancy	2004/2009	3	220	3	220	\$1,070,928
Kent Co.	2002/2005	16	1,987	14	1,691	\$467,800 ^
Peninsula Township ♦	1994/1996	75	4,779	55	3,061	\$15,173,800
Minnesota						
Dakota Co. ♦	2003/2005	40	5,312	40	5,312	\$6,900,000
Montana						
Gallatin Co. ~ (2008)	2000/2000	22	29,694	21	29,107	\$9,300,000 ^
New Hampshire						
Londonderry, Town of	1996/1996	40	786	20	372	\$13,029,600 ^
New Jersey						
Burlington Co. ♦ △	1985/1985	200	24,250	30	3,534	\$29,824,739
Cape May Co. ♦	1989/1991	57	3,046	14	518	\$18,978,678
Gloucester Co.	2000/1989	234	14,205	74	3,277	\$42,118,445
Monmouth Co.♦	1981/1987	181	13,365	4	161	\$1,934,688
Morris Co.	1983/1996	119	7,323	16	491	\$5,093,204
Sussex Co.	1985/1990	163	16,765	38	2,492	\$16,870,767
New York						
East Hampton, Town of	1982/1982	19	360	16	211	N/A
Pittsford, Town of X	1995/1996	9	1,060	7	653	\$6,259,248 ^
Southampton, Town of	1998/1999	40	1,089	39	957	\$118,107,719 ^
Southold, Town of	1984/1986	113	2,367	93	1,911	\$45,636,883
Suffolk Co. + ~ (2011)	1974/1976	338	9,895	311	8,934	\$211,600,000
Warwick, Town of ♦	2001/1997	20	2,666	12	1,433	\$4,165,648 ^

2 NOTE: For explanation of column headings and symbols, please see fact sheet text.

STATUS OF SELECTED LOCAL PROGRAMS AS OF JANUARY 2012

Additional Funds Spent to Date	Program Funds Available	Outstanding Applications	Funding Sources Used to Date	
California				
\$6,697,000	N/A	N/A	Appropriations, mitigation fees, local government contributions, property tax revenue, FRPP	
\$21,824,400	N/A	N/A	Bonds, local government contributions, sales tax, FRPP	
Colorado				
N/A	N/A	N/A	Bonds, private contributions, sales tax	
\$1,829,848	N/A	N/A	Bonds, private contributions, sales and use tax	
\$11,260,233	\$1,867,269	3	Property tax revenue, FRPP	
Connecticut				
\$3,425,524	N/A	N/A	Appropriations, bonds, local government contributions, FRPP	
\$365,000	\$1,334,918	N/A	Bonds, FRPP	
Florida				
\$0	\$0	0	Bonds	
\$0	\$300,000	0	Bonds, property tax revenue	
\$0	N/A	0	Sales tax	
\$0	\$4,595,914	0	Bonds, local government contributions, property tax revenue	
\$0	N/A	N/A	Property tax revenue	
Illinois				
\$8,803,142	N/A	N/A	Gaming revenue, FRPP	
Kentucky				
\$36,272,631	N/A	30	Appropriations, bonds, local government contributions, state tobacco settlement funding, FRPP	
Maryland				
\$400,000	\$1,000,000	N/A	Agricultural transfer tax, appropriations, bonds, local government contributions, FRPP	
N/A	\$2,200,000	13	Agricultural transfer tax, appropriations, bonds, local government contributions, private contributions, real estate transfer tax, transportation funding, FRPP	
\$0	N/A	N/A	Agricultural transfer tax, appropriations, private contributions, property tax revenue, recording fees, transportation funding, FRPP	
\$2,782,842	\$11,300,000	7	Agricultural transfer tax, appropriations, bonds, local government contributions, property tax revenue, FRPP	
\$1,066,500	\$6,800,000	47	Agricultural transfer tax, appropriations, bonds, local government contributions, property tax revenue, recording fees, FRPP, federal transportation funding	
\$402,000	\$5,000,000	25	Agricultural transfer tax, local government contributions, real estate transfer tax, FRPP	
N/A	\$315,000	0	Agricultural transfer tax, bonds, real estate transfer tax, use value assessment withdrawal penalties, FRPP	
N/A	\$14,977,000	N/A	Agricultural transfer tax, appropriations, bonds, investment income, local government contributions, real estate transfer tax, FRPP	
N/A	N/A	N/A	Local government contributions, real estate transfer tax	
\$7,366,156	\$1,380,361	57	Agricultural transfer tax, appropriations, local government contributions, private contributions, real estate transfer tax, recording fees, transportation funding, FRPP	
\$515,331	\$3,800	N/A	Local government contributions, real estate transfer tax, FRPP	
Michigan				
\$356,976	\$1,752,408	N/A	Private contributions, property tax revenue, FRPP	
\$477,290	N/A	N/A	Appropriations, local government contributions, private contributions, FRPP	
\$2,571,950	\$184,000	N/A	Appropriations, bonds, private contributions, property tax revenue, transportation funding, FRPP	
Minnesota				
\$9,134,017	\$3,000,000	16	Bonds, landfill fees, local government contributions, property tax revenue, state grants, tax revenue, FRPP	
Montana				
\$6,315,000	N/A	N/A	Appropriations, bonds, private contributions, property tax revenue, FRPP	
New Hampshire				
\$1,000,000	\$1,119,112	N/A	Appropriations, bonds, use value assessment withdrawal penalty, property tax revenue	
New Jersey				
\$2,164,126	\$12,000,000	15	Bonds, property tax revenue	
\$0	\$290,100	4	Property tax revenue, transient lodging tax	
\$0	N/A	N/A	Appropriations, bonds, local government contributions, property tax revenue, FRPP	
\$267,691	\$15,400,000	20	Appropriations, local government contributions, property tax revenue, FRPP	
\$295,000	N/A	N/A	Bonds, property tax revenue	
N/A	\$1,000,000	9	Property tax revenue, FRPP	
New York				
N/A	N/A	N/A	Bonds, real estate transfer tax	
N/A	\$0	0	Appropriations, bonds, FRPP	
\$0	\$0	N/A	Bonds, real estate transfer tax, property tax revenue	
\$3,875,928	N/A	N/A	Bonds, private contributions, real estate transfer tax, FRPP	
\$53,800,000	N/A	N/A	Appropriations, bonds, local government contributions, sales tax, FRPP	
\$2,689,257	\$2,266,308	15	Bonds, local government contributions, private contributions, real estate transfer tax, FRPP	

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

Locality	Year of Inception/ Year of First Acquisition	Total Easements/ Restrictions Acquired	Total Acres Protected	Independent Easements/ Restrictions Acquired	Independent Acres Protected	Independent Program Funds Spent to Date
New York (continued)						
Watershed Agricultural Council ~ (Program funds reported in 2011)	1998/2001	114	22,015	114	22,015	\$30,100,000
North Carolina						
Buncombe Co.	2001/2005	28	4,455	25	3,519	\$4,265,863 ^
Currituck Co.	2001/----	0	0	0	0	\$0
Forsyth Co. Soil and Water Conservation District	1984/1987	27	1,606	23	1,346	\$2,022,591
Orange Co.	2000/2001	13	1,389	12	1,319	\$2,825,402 ^
Oregon						
Yamhill Co. - Soil and Water Conservation District	2003/2003	4	1,242	4	1,242	\$0
Pennsylvania						
Buckingham Township ~ (Program funds reported in 2010)	1991/1991	50	2,484	40	1,626	N/A
Bucks Co. ♦	1989/1990	150	12,766	24	1,994	\$31,113,006
Chester Co. ♦	1989/1990	336	28,800	102	7,232	\$33,132,451
Lancaster Co. ♦	1980/1984	810	69,580	132	10,450	\$17,092,660
Plumstead Township	1996/1997	57	2,156	46	1,479	\$9,466,707
Solebury Township ~ (2005)	1996/1998	34	1,941	28	1,298	\$17,400,000 ^
Virginia						
Albemarle Co.	2000/2002	39	7,429	34	6,284	\$10,677,885 ^
Chesapeake, City of ♦	2003/2006	5	1,629	5	1,629	\$6,941,977 ^
Clarke Co.	2002/2003	67	4,180	53	3,067	\$751,280
Fauquier Co.	2002/2004	86	12,878	81	11,037	\$9,765,550
Franklin Co.	2007/2008	1	160	0	0	\$0
Goochland Co.	2007/2007	6	935	5	435	\$0
Isle of Wight Co.	2005/2010	8	930	0	0	\$0
James City Co.	2001/2003	7	543	6	440	\$1,687,000
Loudoun Co. X	2000/2002	5	1,007	5	1,007	\$2,670,000
New Kent Co.	2006/2009	1	96	1	96	\$0
Northampton Co.	2006/2009	2	440	0	0	\$0
Rappahannock Co.	2004/2006	2	450	0	0	\$0
Spotsylvania Co.	2005/N/A	0	0	0	0	\$0
Stafford Co.	2007/2009	1	98	0	0	\$0
Virginia Beach, City of ♦ +	1995/1997	162	8,879	157	8,733	\$30,711,903 ^
Washington						
King Co.	1979/1984	207	13,371	206	13,230	\$60,728,211 ^
San Juan Co. △ ~ (2009)	1990/1994	14	1,276	14	1,276	\$2,219,752
Skagit Co.	1996/1998	108	7,764	107	7,563	\$6,815,260
Thurston Co. X	1996/1998	18	942	18	942	\$2,241,122
Whatcom Co.	2001/2002	13	778	12	748	\$2,395,100
West Virginia						
Berkeley Co.	2000/2004	36	3,576	36	3,576	\$8,675,089
Fayette Co.	2005/2007	3	246	3	246	\$414,000
Grant Co.	2003/2007	2	430	1	73	\$400,000
Greenbrier Co.	2004/2007	4	1,515	4	1,515	\$544,000
Hampshire Co.	2004/2006	9	1,286	9	1,286	\$938,303
Hardy Co.	2003/2003	5	839	5	839	\$974,375
Jefferson Co.	2000/2003	37	3,151	37	3,151	\$6,306,640
Mineral Co.	2010/2011	3	236	3	236	\$251,750
Monroe Co.	2002/2005	11	2,173	11	2,173	\$640,023
Morgan Co.	2000/2005	10	696	10	696	\$961,100
Nicholas Co.	2004/2007	2	361	2	361	\$264,000
Pocahontas Co.	2004/2008	6	452	6	452	\$308,820
Preston Co.	2004/2007	2	256	1	89	\$567,800
Wisconsin						
Bayfield, Town of - Bayfield Regional Conservancy	2002/2003	4	193	4	193	\$274,160
Dane Co.	1996/1997	17	1,693	17	1,693	\$928,481
Dunn, Town of	1996/1997	25	2,873	25	2,873	\$2,921,748
LOCAL TOTALS		7,152	837,389	3,578	395,687	\$1,672,845,454

STATUS OF SELECTED LOCAL PROGRAMS AS OF JANUARY 2012

Additional Funds Spent to Date	Program Funds Available	Outstanding Applications	Funding Sources Used to Date	
				New York
\$0	\$5,500,000	N/A	Local government contributions	
				North Carolina
\$17,284,735	\$874,505	10	Local government contributions, private contributions, FRPP	
\$0	\$700,000	N/A	Local government contributions	
\$147,673	\$0	40	Appropriations, FRPP	
\$2,805,140	\$240,000	3	Appropriations, bonds, local government contributions, private contributions, property tax revenue, real estate transfer tax, sales tax, FRPP	
				Oregon
\$50,000	\$0	1	District funds, private contributions	
				Pennsylvania
N/A	N/A	N/A	Bonds, private contributions, property tax revenue, real estate transfer tax, FRPP	
\$12,193,001	\$5,562,094	55	Appropriations, bonds, local government contributions, FRPP	
\$36,736,433	\$13,030,514	124	Appropriations, bonds, local government contributions, private contributions, use value assessment withdrawal penalties, FRPP	
N/A	N/A	N/A	Appropriations, bonds, local government contributions, use value assessment withdrawal penalties, FRPP	
\$239,842	\$3,419,300	3	Bonds, property tax revenue, FRPP	
\$0	N/A	N/A	Appropriations, bonds, private contributions, property tax revenue, FRPP	
				Virginia
\$857,000	\$850,364	5	Appropriations, local government contributions, private contributions, transient lodging tax, FRPP	
\$1,839,250	\$270,000	58	Appropriations, local government contributions, use value assessment withdrawal penalties	
\$511,025	\$1,205,875	5	Appropriations, local government contributions, private contributions, real estate transfer tax, use value assessment withdrawal penalties, FRPP	
\$2,227,499	\$750,424	6	Appropriations, local government contributions, private contributions, property tax revenue, use value assessment withdrawal penalty, FRPP	
\$0	N/A	N/A	Local government contributions, property tax revenue	
\$0	\$0	1	Local government contributions	
\$0	\$210,836	N/A	Local government contributions	
\$0	N/A	N/A	Bonds, local government contributions, FRPP	
\$0	\$0	0	Appropriations, transient lodging tax, FRPP	
\$0	N/A	N/A	Local government contributions, private contributions	
\$0	N/A	N/A	Local government contributions, transient lodging tax, FRPP	
N/A	N/A	N/A	Appropriations, local government contributions, private contributions, use value assessment withdrawal penalty, FRPP	
\$0	\$420,305	2	Mitigation fees, local government contributions, private contributions	
\$0	\$66,063	N/A	Appropriations, sale of surplus property	
\$0	\$14,139,064	9	Appropriations, property tax revenue	
				Washington
\$787,500	\$800,000	2	Appropriations, bonds, local government contributions, private contributions, property tax revenue, FRPP	
N/A	N/A	N/A	Bonds, property tax revenue, real estate transfer tax, timber excise tax	
\$4,647,539	\$1,300,000	17	Local government contributions, private contributions, property tax revenue, timber excise tax, FRPP	
N/A	\$0	0	Property tax revenue	
\$2,395,100	\$1,000,000	4	Property tax revenue, real estate transfer tax, FRPP	
				West Virginia
\$4,659,583	N/A	N/A	Real estate transfer tax, FRPP	
\$100,000	N/A	N/A	Real estate transfer tax, FRPP	
\$200,000	N/A	N/A	Real estate transfer tax, FRPP	
\$544,000	N/A	N/A	Real estate transfer tax, FRPP	
\$1,133,303	N/A	N/A	Real estate transfer tax, FRPP	
\$984,775	N/A	N/A	Real estate transfer tax, FRPP	
\$4,894,591	N/A	N/A	Real estate transfer tax, FRPP	
\$251,750	N/A	N/A	Real estate transfer tax, FRPP	
\$764,343	N/A	N/A	Real estate transfer tax, FRPP	
\$961,100	N/A	N/A	Real estate transfer tax, FRPP	
\$264,000	N/A	N/A	Real estate transfer tax, FRPP	
\$202,908	N/A	N/A	Real estate transfer tax, FRPP	
\$334,000	N/A	N/A	Real estate transfer tax, FRPP	
				Wisconsin
\$588,800	N/A	N/A	Local government contributions, private contributions, property tax revenue, FRPP	
\$5,975,459.00	N/A	N/A	Property tax revenue, FRPP	
\$3,450,353	\$1,000,000	24	Appropriations, bonds, local government contributions, private contributions, property tax revenue, FRPP	
\$293,988,544	\$139,425,534	630		

Status of Local PACE Programs

continued from page 1

Program Funds Available

Program funds available for the current fiscal year to acquire easements on agricultural land.

Outstanding Applications

Backlog of applications reported by program administrators.

Funding Sources Used to Date

Sources of funding for independent projects. "Transportation funding" refers to federal money disbursed under The Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 and its predecessors for "transportation enhancements." Easement acquisitions that protect scenic views and historic sites along transportation routes are eligible for these funds.

The federal Farm and Ranch Lands Protection Program (FRPP) provides matching funds to state, local and tribal governments and certain non-governmental organizations to purchase agricultural conservation easements. The 2008 Farm Bill authorized \$743 million for the FRPP through fiscal year 2012.

In addition to these sources of funding, several programs reported financial contributions from private sources.

NOTES

[^] "Independent Program Funds Spent to Date" includes incidental land acquisition costs and/or personnel costs.

[~] Figure carried forward from previous PACE tables.

[X] Program has terminated or is no longer acquiring agricultural conservation easements.

[♦] Programs enter into installment purchase agreements (IPAs) with landowners. IPAs are structured so that landowners receive semi-annual, tax-exempt interest over a term of years (typically 20 to 30). The principal is due at the end of the term. Landowners can convert IPAs into securities that can be sold to recover the principal at any time. Programs often purchase U.S. zero-coupon bonds to cover the final balloon payment. The interest payments are generally funded by a dedicated revenue source, such as a real estate transfer tax. Therefore, "Program Funds Spent to Date" may appear relatively low for these jurisdictions.

[‡] Maryland's Carroll and Frederick Counties offer "critical farms" programs. The programs allow landowners to sell to the county options to buy their easements for 75 percent of the appraised easement value. In exchange, landowners apply to the state PACE program. If the state approves the application, the landowner must repay the county from the proceeds. If the state application is not approved within five years, the county holds the easement, unless the landowner repays the program, with interest. Figures for Carroll and Frederick Counties may include critical farm projects that have not yet been approved by the state.

[△] Total program activity includes fee simple acquisitions.

[⌘] "Program Funds Available" includes money for other land conservation purposes.

[+] "Total and Independent Easements/Restrictions Acquired" represents the number of parcels protected. Program staff track individual parcels, rather than number of easements or restrictions acquired.

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