

## Land Use Eligibility Chart

### Completing a Land Eligibility Determination:

This exhibit includes a chart to help planners determine if the land use for a planning land unit (PLU) is eligible for programs covered by 440-CPM, Part 530. The guidance in this exhibit is specific to land use as a component of land eligibility and does not supersede other program-specific land eligibility requirements. See the program-specific subparts for additional land eligibility criteria including cases when publicly owned land may be enrolled.

When making a land eligibility determination, planners must:

1. Determine the land use of the PLU with the following considerations:
  - a. Base the determination on the site conditions of the PLU and the criteria in the NPPH definitions.
  - b. Refer to the chart below for examples of operation types that may be found on each land use to assist with this determination. While the operation type may assist in determining the land use, eligibility is based on the land use, not the operation type. Some operation types may exist on more than one land use.
  - c. The National Planning Procedures Handbook (NPPH) has flexibility to identify and consider the planned land use for conservation planning purposes. The planned land use may be identified and used for program eligibility purposes, but resource concern/conservation practice or activity eligibility must still be met. Refer to 440-CPM-Part 530, subpart R, section 530.403 for information regarding expected resource concerns.
  - d. Municipality zoning designations do not dictate a PLU's land use designation.
2. Evaluate the criteria in the chart below to determine if the identified land use meets land eligibility as defined by the Statute and Regulations which includes:
  - a. Cropland
  - b. Grassland
  - c. Rangeland
  - d. Pastureland
  - e. Nonindustrial private forestland (NIPF); and
  - f. Other agricultural land (including cropped woodland, marshes, environmentally sensitive areas as identified by NRCS, and agricultural land used for the production of livestock).

**Note:** Associated agricultural land and farmstead may be eligible for enrollment under "other agriculture lands."

**Note:** Permanently submerged land may meet the definition of different NPPH defined land uses depending on the site characteristics and operation type and other factors. Permanently submerged land may be eligible for enrollment if all of the criteria below are met in addition to all program specific land eligibility criteria:

1. The proposed conservation practices and activities will be tied to the submerged land.
2. The proposed conservation practices and activities address an identified natural resource concern.
3. The Farm Service Agency (FSA) has established farm records for the submerged land.

| NPPH Land Use | Typical Production Examples (not all inclusive or exclusive)                                       | NPPH Land Use Definition   | Eligible Land as defined by the Statute and Regulations | Documenting Land Eligibility  |
|---------------|--|--|---|---|
| Crop          | Hay w/in rotation, row crop, vineyards, orchards, rice, high tunnels, elevated/container bed, etc. | Land used primarily for the production and harvest of annual or perennial field, forage, food, fiber, horticultural, orchard, vineyard, or energy crops. | Cropland, grasslands ( <i>permanent haying</i> )        | <b>Land eligibility is met if:</b><br>The crop type produced is identified. |

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|           |   |  |                         |   |
|-----------|---|--|-------------------------|---|
| Farmstead | Concentrated Animal Feeding Operation (CAFO), Animal Feeding Operation (AFO), greenhouses, controlled environment agricultural, high tunnel, elevated/container bed, etc. | Land used for facilities and supporting infrastructure where farming, forestry, animal husbandry, and ranching activities are often initiated. This may include dwellings, equipment storage, plus farm input and output storage and handling facilities. Also includes land dedicated to the facilitation and production of high-intensity animal agriculture in a containment facility where daily nutritional requirements are obtained from other lands or feed sources. | Other agricultural land | <b>Land eligibility is met if:</b><br>The crop or livestock type produced is identified and the operation utilizes agricultural structures on land that supports or allows agricultural production, and the structure has a primary purpose of agricultural production. |
| Pasture   | Grazing operation   | Land composed of introduced or domesticated native forage species that is used primarily for the production of livestock. Pastures receive periodic renovation and cultural treatments, such as tillage, fertilization, mowing, weed control, and may be irrigated. Pastures are not in rotation with crops.   | Pastureland, grassland  | <b>Land eligibility is met if:</b><br>The livestock type produced is identified.<br><i>Note that grassland may be identified as range, pasture, or hayed cropland.</i>  |
| Range     | Grazing operation   | Land on which the historic and/or introduced vegetation is predominantly grasses, grass-like plants, forbs or shrubs managed as natural ecosystem. Range land may include natural grasslands, savannas, shrublands, tundra, alpine communities, marshes and meadows.   | Rangeland, grassland    | <b>Land eligibility is met if:</b><br>The livestock type produced is identified.<br><i>Note that grassland may be identified as range, pasture, or hayed cropland.</i>  |

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|                              |  |  |   |   |
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| Forest                       | Timber management  | Land on which the historic and/or introduced vegetation is predominantly tree cover managed for the production of wood products or non-timber forest products.   | Nonindustrial private forestland (NIPF) | <p><b>Land eligibility is met if:</b><br/>The land has existing tree cover or is capable of growing trees <b>and</b> is owned by any nonindustrial private forest land individual, group, association, corporation, Indian Tribe, or other private entity.<br/><i>Note: Cropped woodlands are included as an eligible use of forest.</i><br/><i>Note: The applicant may be leasing the NIPF owned land.</i></p> |
|                              |  |  | Other agricultural land                 | <p><b>Land eligibility is met if:</b><br/>Publicly owned forestland may be eligible as a component of a participant's operation provided it meets other program specific eligibility requirements.</p>  |
| Associated Agricultural Land | Non-production land correlated to nearby production land. Water feature, banks, etc. | Land associated with farms and ranches that are not purposefully managed for food, forage, or fiber and are typically associated with nearby production or conservation lands. This could include incidental areas, such as idle center pivot corners, odd areas, ditches and watercourses, riparian areas, field edges, seasonal and permanent wetlands, and other similar areas. | Other agricultural land                 | <p><b>Land eligibility is met if:</b><br/>Associated to another eligible land use under control of same applicant.</p>  |
| Water                        | Catfish, crawfish, alligator, oyster beds, fin fish hatchery, etc.                   | Geographic area whose dominant characteristic is open water or permanent ice or snow.  | Other agricultural land                 | <p><b>Land eligibility is met for</b> permanently submerged land meeting the criteria above this chart.</p>   |

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|                |  |  |                             |  |
|----------------|--|--|-----------------------------|--|
| Developed Land | The primary use of the land is not for agricultural production. Greenhouses, shipping containers, rooftop gardens, flowerpots, etc. may be secondary uses. | Land occupied by buildings and related facilities used for residences, commercial sites, public highways, airports, and open space associated with towns and cities.     | Not a defined eligible land | Land meeting this NPPH definition is not eligible. |
| Other          | Unreclaimed strip mine areas   | Land that is barren, sandy, rocky, or that is impacted by the extraction of natural resources, such as minerals, gravel or sand, coal, shale, rock, oil, or natural gas. | Not a defined eligible land | Land meeting this NPPH definition is not eligible. |