Farmland Protection Policy Act (FPPA)

Program Overview

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Topics

• Brief history of FPPA
• Where does it apply
• Requirements and who does what?
• Land evaluation / site assessment (LESA)
• Questions
Farmland Protection Policy Act (FPPA)

- Passed by Congress in 1981 (7 USC 4201 and 7 CFR Ch. VI Part 658)

Purposes: Minimize Federally-aided conversion of Farmland Consider alternative actions Assure that Federal programs are compatible with State and local programs to protect farmland.
How does one “comply with FPPA”? 

• FPPA applies if an activity meets these conditions:
  – Federal funds are involved
  – Irreversible conversion of prime, unique or important farmland to non-agricultural use
  – None of the exemptions to FPPA apply
  – Form (AD-1006 or CPA-106) required
Activity

• Any action taken that affects farmland

Examples:
– Building a housing development
– Building (or widening) a road
– Installing a pipeline
– Expanding a sewage treatment plant
– Developing a landfill
– Etc…

Federal funds

• Money spent by a federal agency (any agency) on the activity
  • Can be any agency (including NRCS)
  • Most common agencies
    • Rural Development (USDA-RD)
    • Housing and Urban Development (HUD)
    • Department of Transportation (DOT)
    • Environmental Protection Agency (EPA)
Farmlands

- Prime farmlands
- Unique farmlands
- State and locally important farmlands
Irreversible conversion

• Land no longer usable for agriculture
• Conversion is “permanent”
  – Nothing lasts forever, but …
  – Land cannot be “restored” at all or at least not without significant time and expense.
• Some judgment is involved
  – NOT NRCS DECISION – depends on funding agency
Exemptions (land)

- Land not considered “farmland” under FPPA
  - Land already “developed” or already irreversibly converted
    - US Census urban areas maps
    - Existing “footprint” including right-of-ways
  - Land already committed to urban development
  - Land committed to water storage
Exemptions (activities)

- Construction of non-farm structures necessary to support ongoing farm operations
  - Barns, manure storage lagoons, access roads, etc.

- Construction / land development for national defense purposes

Federal agency requirements

• Follow the directions!

• The federal agency **must** submit:
  – One original copy of the form (AD-1006 or NRCS – CPA – 106) to NRCS
  – Parts I and III must be completed
  – Must include “appropriately scaled maps” indicating the location of the project site(s)

• Fill out parts VI and VII and return final form to NRCS (after NRCS determination)
NRCS requirements

• Determine whether the site(s) contain prime, unique or important farmland
• If FPPA applies – NRCS will complete parts II, IV and V of the form
• Return the form to the applicant and keep a copy for the record
• Response time requirements:
  – 10 working days (if standard)
  – 30 working days if site visit needed or no LE (must inform applicant)
What else?

• Which form?
  – AD-1006 is default
  – NRCS-CPA-106 for corridor projects

• Data sources
  – SSURGO data for prime and unique farmland
  – eFOTG for farmland of state and local importance
  – State or local Land Evaluation (LE) values
Land Evaluation Criteria

- Land Evaluation Criteria and Points
  - Soils of an area, such as a municipality, are evaluated based on their relative productivity for crops grown locally
  - Land capability classifications are considered
  - Important farmland maps are considered
  - Soils within the local government jurisdiction are examined and given a relative value score from 1 to 100 points
  - This is the Relative Value Rating (Part V) of the Form AD 1006
Site Assessment Criteria

• 7 CFR Chapter VI lists the Site Assessment criteria
• Also included in the FPPA handbook

Site Assessment Criteria

• Site Assessment Criteria and Points Example
  – Percentage nonurban land use within a mile of proposed project (15 points max)
  – Percentage of the site perimeter that borders nonurban land use (10 points max)
  – Percentage of the site that has been managed for a crop in 5 of the past ten years (15 points max)
  – Is the site subject to local farmland protection (20 points)
  – How close is the site to a built-up area (15 points max)
  – How close is the site to urban infrastructure (15 points)
  – Is the site an average size for the area (10 points)
  – Low much land will be made non-farmable (10 points)
Site Assessment Criteria

• Amount of on-farm investment (barns, etc.) (20 points max)
• Are there farm support and markets (5 points max)
• Would removing this farm from production adversely affect other farms and businesses (10 points max)
• Is the proposed land use incompatible with the surrounding agriculture (10 points max)
• Summation is the Site Assessment Points (Part VI and VII) of the AD-1006
• Actual point values are set by the team that makes the LESA in some instances
Need more information -- see the FPPA web site:


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