

To: All Program Staff and District Conservationists

Purpose: To provide guidance on determining the allowable amount of impervious area on Agricultural Land Easements and an Impervious Area Worksheet

Expiration Date: September 30, 2016

Background For Agricultural Land Easements (ACEP-ALE) 440 Section 528(F)(2) policy states that an “eligible entity may submit a request for waiver of the 2-percent impervious surface limitation for each parcel to the State Conservationist not less than 90 days prior to closing on the easement. The State Conservationist may waive the 2-percent impervious surface limitation on an individual easement basis, provided that no more than 10 percent of the easement area is covered by impervious surfaces.” In addition, “NRCS will not approve blanket waivers or an entity process that approves blanket waivers of the impervious surface limitation.” (See 440 Section 528 (F)(5)).

Explanation Before waiving the 2-percent limitation, NRCS will consider, at a minimum, population density; the ratio of open, prime, and other important farmland versus impervious surfaces on the easement area; the impact to water quality concerns in the area; the type of agricultural operation; parcel size; and the purposes for which the easement was acquired. All approved impervious surface waivers will be documented and the evidence retained in the individual easement case file (See 440 Section 528 (F)(4)).

This bulletin sets forth the criteria NRCS will use during 2016 to determine the allowable impervious surfaces permitted on Agricultural Land Easements (ACEP-ALE) parcels. All ACEP-ALE waiver requests for percent impervious area will be Documented and evaluated using the Worksheet for Impervious Surface Waivers in Attachment A. Eligible entities are encouraged to complete the worksheet prior to submission of their waiver requests to the State Conservationist for review and consideration, with the understanding that NRCS will verify the values and methodology used by the entity

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State Conservationist

Attachment A: Worksheet for Impervious Surface Waivers

NRCS: Perry\VDrew 091615\S\NRCS VT State Office\Bulletins-Actions\FY2015\State Bulletins\440 Programs\440-15-9 ALE Impervious Surface Waivers

**Attachment A
 Worksheet for Impervious Surface Waivers**

2016 NRCS Percent Allowable Impervious Surfaces:

TOTAL WORKSHEET POINTS	PERCENT ALLOWABLE IMPERVIOUS SURFACE
24-25 points	10%
22-23 points	9%
20-21 points	8%
18-19 points	7%
16-17 points	6%
14-15 points	5%
12-13 points	4%
10-11 points	3%
<10 points	2%

**Natural Resources Conservation Service
 Agricultural Land Easements (ACEP-ALE) – 2015 Impervious Surface Waiver Requests**

Vermont NRCS		
Worksheet for 2-Percent Impervious Surface Waiver Determination		
Landowner/Farm name:		
FACTOR	PARCEL INFORMATION AND DATA	POINTS
Type of agricultural operation: 0 points for beef farms and cattle ranches 1 point for fruit and vegetable operations without retail outlets 2 points for dairy farms 3 points for confined swine and poultry operations 4 points for fruit and vegetable operations with retail outlets 5 points for greenhouse operations		
Parcel size in acres: 0 points for greater than 300 acres 1 point for 250-300 acres 2 points for 200-250 acres 3 points for 150-200 acres		

<p>4 points for 100-150 acres 5 points for less than 100 acres</p>		
<p>Population density (persons per square mile): 0 points for less than <50 2.5 point for 50-100 5 points for >100</p>		
<p>Ratio of prime and important farmland acres over acres of impervious area: 0 points for ratio <10/1 1 point for ration 10-30/1 2 points for ratio 30-50/1 3 points for ratio 50-70/1 4 points for ratio 70-90/1 5 points for ratio greater than 90/1</p>		
<p>Impact to water quality concerns in the area: 0 points if runoff is not filtered by buffers before reaching a state water body 2.5 points if runoff is filtered by buffers before reaching a state water body 5 points if no significant runoff occurs from farmstead or runoff does not reach surface waters</p>		
<p>Impact of increased impervious surface to the viability of agricultural operations: 0 points if existing farm structures are adequate to support intended agricultural operations 2.5 points if existing structures are inadequate to support intended agricultural operations 5 points if no structures exist to support agricultural operations</p>		
<p>For Renewable Energy (ReN) Impacts to agricultural use of land (primarily solar farms and wind farms). Please note that practices with an NRCS practice standard do not need to be included in this calculation: 0 points If 100% of the ReN power is for off-farm use – Impervious surface waivers do not apply here - request an easement modification as per existing 527 and 528 policy 0 points if the installation of the ReN project will negatively the agricultural use of the land (i.e.: take the land out of “production”) 1 point if primary purpose of the ReN project is for on-farm use <u>and</u> only residual power is sold back to the grid <u>and</u> installation does not negatively affect the agricultural use of the land 2.5 points if all power is for on-farm use (i.e. – closed off from the grid) <u>and</u> installation does not negatively affect the agricultural use of the land</p>		
TOTAL		