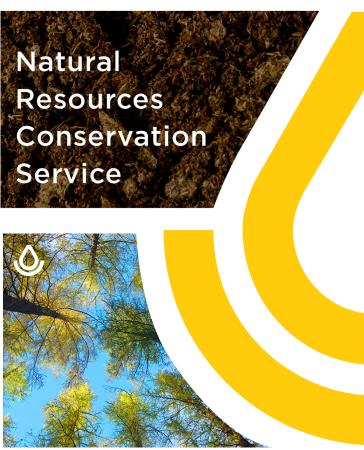


United States Department of Agriculture





Michael Robotham, National Soil Scientist and FPPA Program Manager John Andreoni, Management Analyst Natural Resources Conservation Service

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Topics to be addressed 🔾 🔾 🔾

- Brief history of FPPA
- Where does it apply?
- Requirements and "who does what?"
- Land evaluation / site assessment (LESA)
- Reporting requirements (CPA-2)
- 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
 - Funders consider alternative actions
 - Assure that federal programs are compatible with state and local programs to protect farmland.



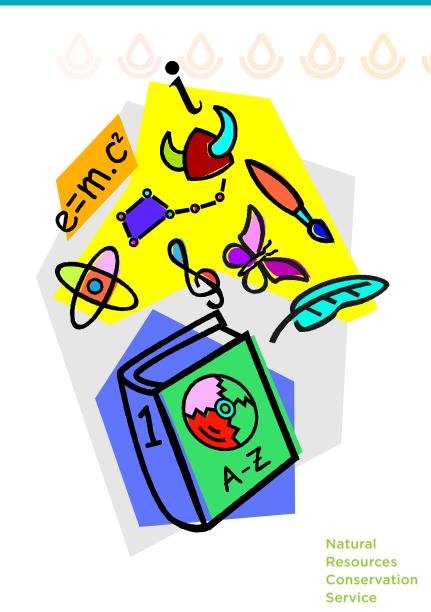
How does one "comply with FPPA"?

- FPPA applies if an activity meets these conditions:
 - Federal funds are involved
 - Irreversible conversion of prime, unique or important farmland to nonagricultural use
 - None of the exemptions to FPPA apply
- If FPPA applies, then form (AD-1006 or CPA-106) required





Key terms and concepts





Activity



- Any action taken that affects farmland
- Examples
 - Building a housing development
 - Building (or widening) a road
 - Expanding an airport
 - Expanding a sewage treatment plant
 - Developing a municipal landfill
 - Etc...







Federal funds

- Money spent by a federal agency on the activity
- Can be any agency (including NRCS)
- Most common agencies in FY2019
 - Rural Development (USDA-RD)
 - Housing and Urban Development (HUD)
 - Department of Transportation (DOT)









Important Farmlands

- Prime farmlands
 - Including prime with modifiers
- Unique farmlands
- State and locally important farmlands



Defined in (7 CFR § 657)



Irreversible conversion 4444

- 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.
- NOT AN NRCS DECISION
 - Funding agency makes the call
 - NRCS CAN (but is not required to) provide input/advice



Exemptions (land)



- Land already "developed" or already irreversibly converted
 - US Census urban areas maps
 - Existing "footprint" including right-ofways
- Land already committed to urban development
- Land committed to water storage

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Exemptions (activities)

- Construction of non-farm structures necessary to support ongoing farm operations
 - Barns, manure storage lagoons, access roads, etc.
 - Virtually all NRCS activities fall under this exemption
- Construction / land development for national defense purposes

 Natural Resource

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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)
- Electronic correspondence is permissible Resources (and usually preferred)

 Resources Conservation Services



- Determine whether FPPA applies
- 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)

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What else?



- Which form?
 - AD-1006 is default
 - NRCS-CPA-106 for corridor projects
- Official data sources
 - SSURGO data (WSS) for prime and unique farmland
 - eFOTG for farmland of state and local importance
 - Many states have this as GIS layer
 - Generally, but not always, included in SSURGO
 - State and local is only "legit" if certified by STC
 - State or Local Land Evaluation (LE) values





The AD-1006 aka THE FORM



FARI	U.S. Departme	nt of Agriculture SION IMPACT RA	ATING				
PART I (To be completed by Federal Agency) Date Of Land Evaluation		Request					
Name of Project		Federal Agency Involved					
Proposed Land Use		County and State					
PART II (To be completed by NRCS)		Date Request Received	Ву	Person Co	ompleting For	mpleting Form:	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		Acres Ir	igated Average Farm Size		Farm Size		
Major Crop(s)	Farmable Land In Govt. Acres:	Jurisdiction %	Amount of Farmland As Defined in FPPA Acres: %			PA	
Name of Land Evaluation System Used	Name of State or Local S	Site Assessment System	Date Land Evaluation Returned by NRCS				
PART III (To be completed by Federal Agency)					Site Rating		
A. Total Acres To Be Converted Directly		Site A	Site B	Site C	Site D		
B. Total Acres To Be Converted Indirectly							
C. Total Acres In Site							
PART IV (To be completed by NRCS) Land Evaluation Information							
A. Total Acres Prime And Unique Farmland							
·							
B. Total Acres Statewide Important or Local Important Farmland							
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted							
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value							
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)							

PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use		(15)				
2. Perimeter In Non-urban Use		(10)				
Percent Of Site Being Farmed		(20)				
4. Protection Provided By State and Local	Government	(20)				
5. Distance From Urban Built-up Area		(15)				
6. Distance To Urban Support Services		(15)				
7. Size Of Present Farm Unit Compared To	o Average	(10)				
8. Creation Of Non-farmable Farmland		(10)				
Availability Of Farm Support Services		(5)				
10. On-Farm Investments		(20)				
11. Effects Of Conversion On Farm Suppor	t Services	(10)				
12. Compatibility With Existing Agricultural Use		(10)				
TOTAL SITE ASSESSMENT POINTS		160	0	0	0	0
PART VII (To be completed by Federal Agency)						
Relative Value Of Farmland (From Part V)		100	0	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0	0	0
			Was A Local Site Assessment Used?			
Site Selected:	Date Of Selection		YE	:s	NO 🗸	
Reason For Selection:						
Name of Federal agency representative completing this form:				Date:		

(See Instructions on reverse side)

Form AD-1006 (03-02)

Details for Part (II () () () ()

- Farmable land: LCC Class 1-4
- Use local if exists

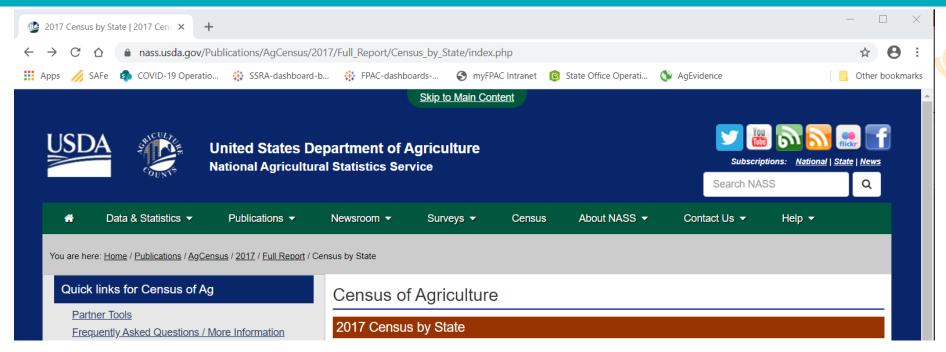
- Use National Ag Census
- Can be state or county basis (be consistent)

PART II (To be completed by NRCS)	•	ate Request Received RCS	By Person Co	ompleting Form:	
Does the site contain Prime, Unique, Statewide or (If no, the FPPA does not apply - do not complete	YES NO	Acres Irrigated	Average Farm Size		
Major Crop(s)	Farmable Land In Govt. Juris Acres:		Amount of Farmland As Defined in FPPA Acres: %		
Name of Land Evaluation System Used	Name of State or Local Site A	Assessment System	Date Land Evaluation Re	eturn ed by NRCS	

- Default: based on normalized NCCPI
- Use legacy system if available

 Prime, unique, STC-approved state/local importance





- National Ag Census data (latest 2017) is available on the web
- Many states have created a stand-alone database or spreadsheet of relevant data for FPPA use and reference



Details for Part IV and V 🛆 👌

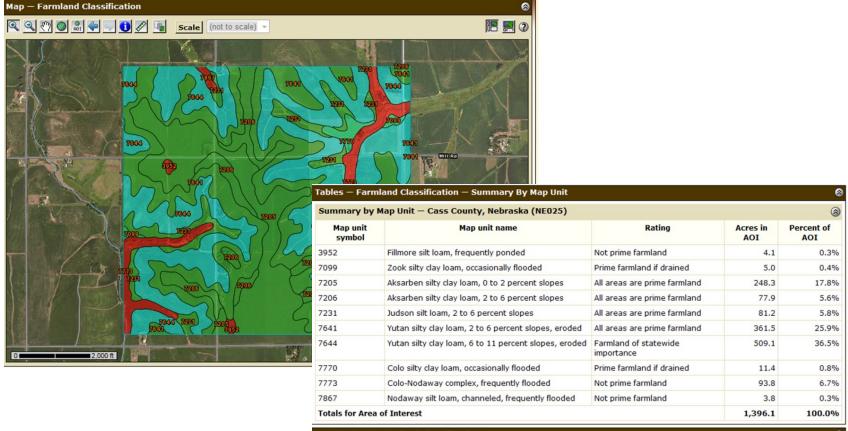
- From WSS and Part III
- State/local caveat

	•		<u> </u>
PART IV (To be completed by NRCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland			
B. Total Acres Statewide Important or Local Important Farmland			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value			
PART V (To be completed by NRCS) Land Evaluation Criterion			

- Default: LE based on normalized NCCPI
- Use legacy system if available
- Use weighted average for multiple LE



Web Soil Survey Farmland Classification Report



Description — Farmland Classification

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Service



What is a "LESA system" anyway?

- Framework to assess the relative affect of conversion of a specific parcel
- Land Evaluation (LE)
 - Relative rating (0-100) of map units in a political jurisdiction
 - Typically county-based
 - Independent of current land use
- Site assessment (SA)
 - Specific piece of land and point in time
 - Criteria in final rule (7CFR658)
- NRCS is responsible for LE







What about my LE? O O O O O

- A LESA system (aka LE ratings) may already exist and simply need to be updated
- May be for a county or an entire state
- Some states put in significant time and effort to develop multi-criteria-based systems (mid-late 80s usually)
- BUT: is that system still appropriate and usable?
 - Updated soil mapping / underlying soils data
 - Do other criteria used still apply?



LE Development Process (full meal deal)

- 0
- Soils of an area, such as a county, are evaluated basis of 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
- Information is concurred by the STC and published in Section II of the eFOTG



What if I don't have a legacy LE (or don't think it is appropriate)?

- Normalized National Crop Productivity Index (NCCPI) is national default
- Or use a widely accepted local crop productivity index (e.g. lowa Corn Suitability Index)
- Be consistent if you use one method for one county, use it for all counties
- You are welcome to work with your local partners to develop and document a more nuanced LE (this is NOT required)

Assistance is available – just ask



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Conservation



What about SA?

- Site Assessment (SA) is time and parcel specific
- SA completed by the submitting agency
- Assessment criteria are spelled out in 7 CFR 658.5(b)
- Criteria are also included in the FPPA handbook
 - http://www.itc.nrcs.usda.gov/wps/ portal/nrcs/main/national/landuse /fppa







Site Assessment Criteria 🔾 🗘 🗘 🗘 🔾

- "Laundry List" of site-related criteria that affect the viability of farming operations
- Range of points are assigned to each criterion
- Minor differences in criteria used for corridor projects
- Some jurisdictions have developed and published more detailed criteria for site assessment points
- Points are documented and tabulated in Section VI



Site Assessment (SA) guidance

- (b) Site Assessment Criteria. Federal agencies are to use the following criteria to assess the suitability of each proposed site or design alternative for protection as farmland along with the score from the land evaluation criterion described in Sec. 658.5(a). Each criterion will be given a score on a scale of 0 to the maximum points shown. Conditions suggesting top, intermediate and bottom scores are indicated for each criterion. The agency would make scoring decisions in the context of each proposed site or alternative action by examining the site, the surrounding area, and the programs and policies of the State or local unit of government in which the site is located. Where one given location has more than one design alternative, each design should be considered as an alternative site. The site assessment criteria are:
 - (1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
 - More than 90 percent 15 points
 - 90 to 20 percent 14 to 1 point(s)
 - Less than 20 percent 0 points
 - (2) How much of the perimeter of the site borders on land in nonurban use?
 - More than 90 percent 10 points
 - 90 to 20 percent 9 to 1 point(s)
 - Less than 20 percent 0 points
 - (3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than 5 of the last 10 years?
 - •More than 90 percent 20 points
 - 90 to 20 percent 19 to 1 points(s)
 - Less than 20 percent 0 points
 - (4) Is the site subject to State or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?





Final Notes

- Total points (Part VII) for a proposed site is the sum of the values from Part V (LE) and Part VI (SA)
 - 160 is designated as the "affect threshold" above which alternatives should be considered
- NRCS provides information; not direction
- Ask that the form be returned when a decision is made
- FPPA is not regulatory (explicitly stated in the statute)











Annual Reporting

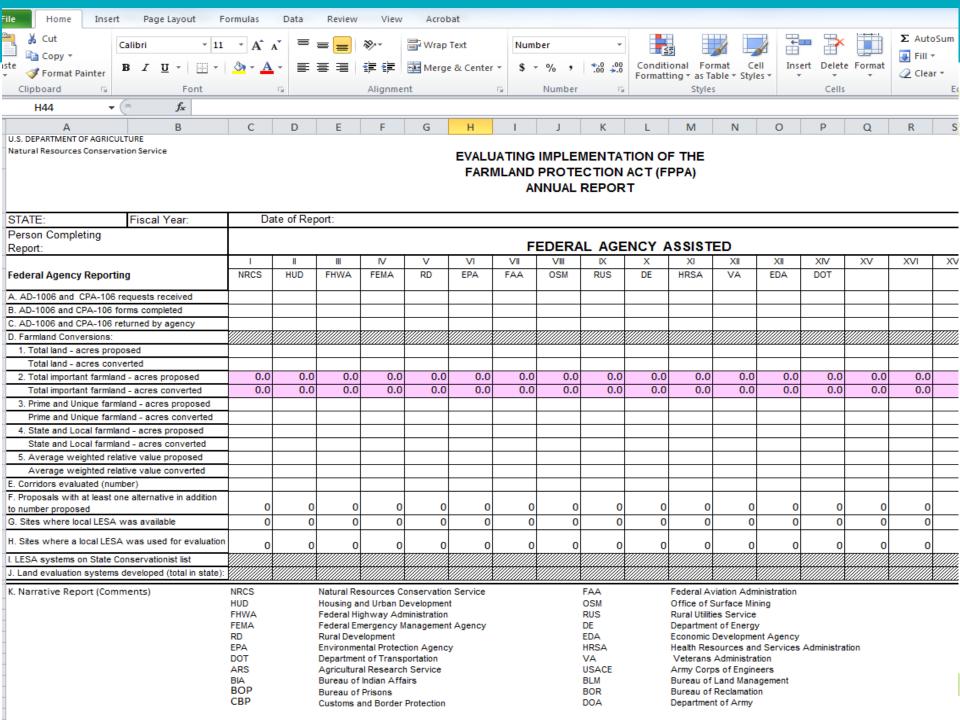


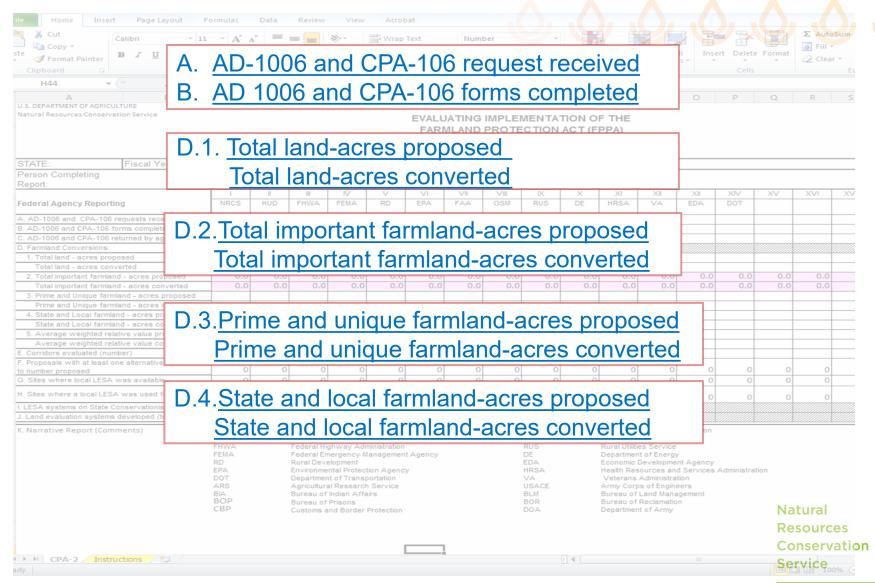
- The FPPA statute specifies that NRCS will provide an annual report to Congress
- The Congressional reporting requirement was administratively eliminated in 2015
 - BUT: the statute was not amended
- We (NRCS) are still required to publicly report FPPA activity on a fiscal year basis
- Official reporting form is the CPA-2
- National Bulletin out <u>now</u> ending on <u>Friday</u>, <u>November 6th</u>



Natural Resources









FPPA Tool development

- Started the effort with a National Bulletin, <u>310-20-2 LNU Solicitation</u> <u>State-Level FPPA Processing and Reporting Tools to Inform</u>
 <u>National Level Tool Development</u>
- OK, TX, MN, WI, WV, and VT responded with tools using ArcGIS, Microsoft Forms, Excel and Access
- Ongoing Process working with State Soil Scientists from these State and staff under the National Soil Scientist
- We appreciate your feedback as you are the primary audience for this tool – please email John Andreoni, <u>john.andreoni@usda.gov</u>, with feedback or if you're willing to have a short conversation.





Other Issues and Questions







Issues not mentioned in the statute or rules

- Conversion of prime farmland to non-prime farmland
- Non-permanent conversion aka How long is "irreversible"?
- How long determinations are valid is there an "expiration date"?
- Minimum size requirements
- Prime and unique range and forest land and range and forest land of state and local importance





Brief note on NRCS Activities 🕒 🗘 🗘







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- NRCS activities (including CTA) are subject to the provisions of FPPA
- Virtually all NRCS activities are exempt from FPPA under the "supports existing agricultural use" exemption
- FPPA is included in the CPA-52
- FPPA could (in theory) apply to some easements but only under very unique circumstances



State Requirements

- Must have a designated lead FPPA contact (usually the SSS or Assistant SSS)
- Must develop and implement a procedure to address FPPA requests in compliance with statutory timelines
 - Can be at the state, area and/or local level
- Must develop, maintain, and make publicly available an LE system (or systems) – official location is the eFOTG, Section II
- Must report annually via the CPA-2





Resources and Assistance

0

(you are NOT on your own)









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Land Use

 □ Cropland Farmland Protection Policy Act

- Range & Pasture

FPPA Forms and Resources

- · Farmland Protection Policy Act
- Farmland Protection Policy Act, Public Law
- FPPA Rule, 7 CFR 658
- Farmland Conversion Impact Rating (Form AD-1006)
- · Farmland Conversion Impact Rating, Corridors (Form NRCS-CPA-106)
- Evaluating Implementation of the Farmland Protection Act (FPPA) Annual Report (for NRCS use only), NRCS-CPA-2

Annual Reports

- Farmland Protection Policy Act 2011 Annual Report IA
- Farmland Protection Policy Act 2010 Annual Report IA
- Farmland Protection Policy Act 2009 Annual Report IA
- Farmland Protection Policy Act 2008 Annual Report IA
- Farmland Protection Policy Act 2007 Annual Report A
- Farmland Protection Policy Act 2006 Annual Report A

Farmland Protection Policy Act

Background



The National Agricultural Land Study of 1980-81 found that millions of acres of farmland were being converted in the United States each year. The 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties, identified the need for Congress to implement programs and policies to protect farmland and combat urban sprawl and the waste of energy and resources that accompanies sprawling development.

The Compact Cities report indicated that much of the sprawl was the result of programs funded by the Federal Government. With this in mind, Congress passed the Agriculture and Food Act of 1981 (Public Law 97-98)

containing the Farmland Protection Policy Act (FPPA) subtitle I of Title XV, Section 1539-1549. The final rules and regulations were published in the Federal Register on June 17, 1994.

Purpose

The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every two years.

The FPPA does not authorize the Federal Government to regulate the use of private or nonfederal land or, in any way, affect the property rights of owners.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Projects and Activities

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

Natural Resources Conservation Service



https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fpp

Other resources



- FPPA Manual
 - Title 310, Part 523 (NRCS eDirectives)
 - Under review in FY2021
 - Goal: publish by the end of the FY
 - Reviewer assistance is welcome
- FPPA National Program Manager
 - Michael Robotham, National Soil Scientist
 - Michael.Robotham@usda.gov, 202-720-5547, Skype or Teams
 - Don't hesitate to ask questions!









© Extra slides

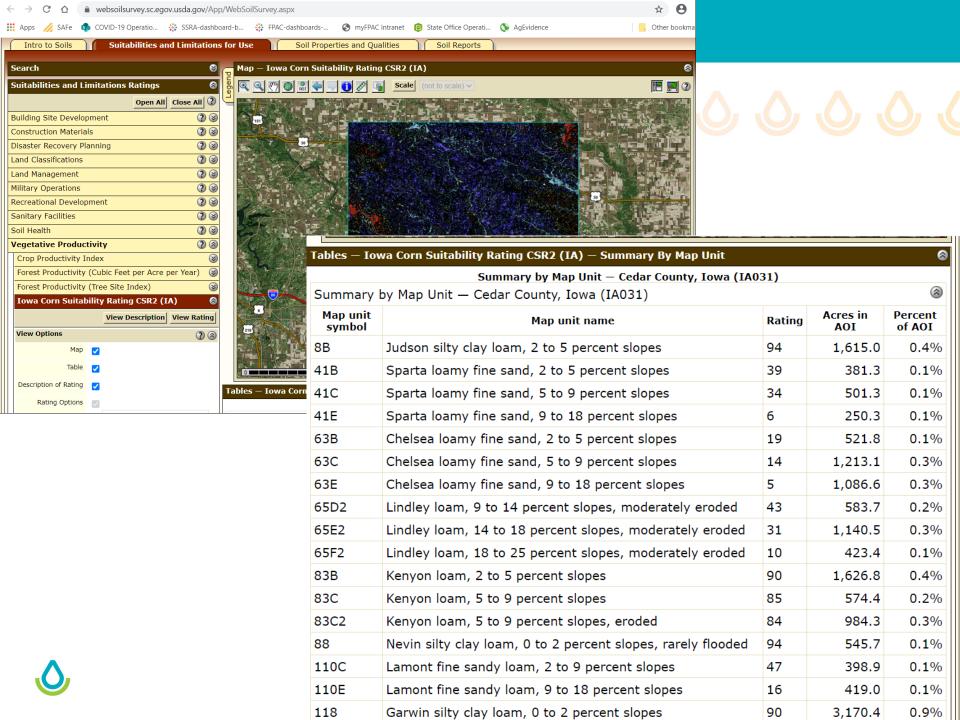




Normalized LE Development

- Using Web Soil Survey, set AOI to county
- Go to the Soil Data Explorer tab
- Under the Land Classification tab (NCCPI)or the Vegetative Productivity tab (e.g. Iowa Corn Suitability Index), select the appropriate report and view the rating
- Highlight the table, copy and paste it into EXCEL





Normalize from 0-100 for the jurisdiction (LE is "relative"

