

U.S. Department of Agriculture
Natural Resources Conservation Service

**FARMLAND PROTECTION
POLICY ACT
ANNUAL REPORT
FOR
FY 2009**

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

March 2010

TABLE OF CONTENTS

I.	Progress of Federal Agencies in Implementing FPPA	1
II.	Review and Revision of Federal Policies and Procedures Affecting Farmland Conversion	6
III.	Federal, State, and Local Efforts to Protect Farmland	6

**[if edits accepted, edits to Figure and Table titles need to be made here as well]
Figures:**

Figure 1- FY 2009 FRPP Financial Assistance Dollars Obligated	7
Figure 2- FY 2009 FRPP Number of Acres	7

Tables:

Table 1- FPPA and Important Farmland Numbers, 1999-2009	2
Table 2- Top Ten States Acres of Farmland Converted	3
Table 3- Acres of Farmland Proposed for Conversion by State	4
Table 4- Breakdown of Acres and AD-1006 forms received by Federal Agencies in 2009	5

The fiscal year (FY) 2009 Farmland Protection Policy Act (FPPA) Annual Report consists of three components:

- I. Progress of Federal agencies in implementing FPPA;
- 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 FPPA

According to the FPPA final rule, 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 (7 CFR Part 658 and 675). Federal agencies request assistance from the Natural Resources Conservation Service (NRCS) in complying with FPPA by submitting a Farmland Conversion Impact Rating Sheet (Form AD-1006). The 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. In order 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 ordinance adopted by local government. When jurisdictions adopt local LESA systems, Federal agencies use these systems to review activities that may impact farmland. Less than 10 percent of the reviews conducted by NRCS in fiscal year 2009 offered alternative sites or were able to use a local LESA system for the conversion evaluation and site assessment.

According to 2001 USDA National Resources Inventory (NRI) data, in the period 1992–2001, about 6 million acres (28 percent) of the new land developed was prime farmland. During the period 1982–1992, about 4 million acres (29 percent) was prime farmland. Correspondingly, the rate at which prime farmland was developed increased from an average of 400,000 acres per year during the period 1982–1992 to an average of 600,000 acres per year during 1992–2001. For more information about the NRI, visit <http://www.nrcs.usda.gov/technical/NRI/>.

As defined in 7 CFR Section 657, important farmland encompasses prime and unique farmland, as well as additional farmland of statewide and local importance. Table 1 summarizes the proportion and amount of important farmland as a result of Federal projects under FPPA in fiscal years 2000 through 2009.

Table 1 – Important Farmland Evaluated under FPPA 2000–2009 (percent and acres)

	% IMPORTANT FARMLAND (of total land evaluated)	IMPORTANT FARMLAND (within land evaluated)	AGENCIES SUBMITTING REQUESTS
Fiscal Year	% Total Acres	Acres	No. of Agencies
2000	54%	134,975	22
2001	34%	102,604	26
2002	30%	75,151	26
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

In fiscal year 2009, NRCS received 3,129 AD-1006 forms from 23 Federal agencies requesting assistance to evaluate the impact of proposed conversions of lands that would result from their projects. A total of 86,172 acres of land from 44 States were proposed for conversion to nonagricultural uses. Of the acres reviewed, 67 percent (58,106 acres) were identified as important farmland (as defined in 7 CFR Part 657); of these, 47,936 acres were prime or unique farmland and 10,170 acres were State or locally important soils.

Texas and Indiana had the highest number of farmland acres proposed for conversion, with 11,176 and 7,838 acres respectively. Six States reported no

acres, and three States reported less than 100 acres with proposed Federal actions that would result in farmland conversion (Tables 2 and 3).

In fiscal year 2009, the Federal Highway Administration reported the largest amount of important farmland proposed for conversion, with 18,118 acres. The Federal Aviation Administration reported the second largest amount of proposed conversion, 7,259 acres. These two agencies account for 44 percent 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
TX	11,176
IN	7,838
TN	7,156
LA	5,840
AZ	5,196
FL	4,926
NC	4,694
MS	3,773
IL	3,650
AL	3,419

Table 3 - Acres of Farmland Proposed for Conversion by State

State	Total Land Acres Proposed	Percentage Land Acres Proposed	Total Important Farmland Acres proposed	Percentage Important Farmland Acres Proposed	State	Total Land Acres Proposed	Percentage Land Acres Proposed	Total Important Farmland Acres proposed	Percentage Important Farmland Acres Proposed
AK	0	0.00%	0	0.00%	MT	5	0.01%	3	0.01%
AL	3,419	3.97%	1,206	2.08%	NC	4,694	5.45%	2,728	4.69%
AR	2,524	2.93%	1,489	2.56%	ND	1,656	1.92%	1,026	1.77%
AZ	5,196	6.03%	4,854	8.35%	NE	174	0.20%	143	0.25%
CA	2,342	2.72%	1,385	2.38%	NH	102	0.12%	68	0.12%
CO	12	0.01%	0	0.00%	NJ	0	0.00%	0	0.00%
CT	8	0.01%	6	0.01%	NM	110	0.13%	110	0.19%
DE	2,200	2.55%	1,600	2.75%	NV	0	0.00%	0	0.00%
FL	4,926	5.72%	1,927	3.32%	NY	306	0.36%	208	0.36%
GA	1,760	2.04%	1,319	2.27%	OH	1,367	1.59%	395	0.68%
HI	3	0.00%	3	0.01%	OK	2,144	2.49%	967	1.66%
IA	1,396	1.62%	1,279	2.20%	OR	314	0.36%	271	0.47%
ID	15	0.02%	8	0.01%	PA	1,244	1.44%	525	0.90%
IL	3,650	4.24%	3,604	6.20%	RI	5	0.01%	5	0.01%
IN	7,838	9.10%	6,612	11.38%	SC	63	0.07%	55	0.09%
KS	772	0.90%	689	1.19%	SD	2,056	2.39%	1,618	2.78%
KY	705	0.82%	429	0.74%	TN	7,156	8.30%	1,748	3.01%
LA	5,840	6.78%	5,479	9.43%	TX	11,176	12.97%	9,351	16.09%
MA	0	0.00%	0	0.00%	UT	0	0.00%	0	0.00%
MD	1,217	1.41%	753	1.30%	VA	976	1.13%	209	0.36%
ME	458	0.53%	87	0.15%	VT	131	0.15%	78	0.13%
MI	196	0.23%	124	0.21%	WA	1,093	1.27%	1,066	1.83%
MN	1,031	1.20%	896	1.54%	WI	692	0.80%	233	0.40%
MO	1,100	1.28%	618	1.06%	WV	327	0.38%	248	0.43%
MS	3,773	4.38%	2,684	4.62%	WY	0	0.00%	0	0.00%
					Totals	86,172	100.00%	58,106	100.00%

Table 4 - Breakdown of Acres and AD-1006 Forms Received by Federal Agencies in FY 2009

Department	Federal Agency	No. of AD1006 Requests to NRCS	No. of Acres Proposed for Conversion	No. of Acres Identified as Important Farmland	Of which:	
					Prime or Unique	State or Locally Important
DHS	Federal Emergency Management Agency	80	1777	1136	1,126	10
DHS	Customs and Border Protection	12	117	57	27	30
DOA	Army Corps of Engineers	55	8305	6938	6,145	793
DOC	Department of Commerce	11	1151	981	906	75
DOC	Econ Development Administration	20	554	286	186	100
DOD	Department of Defense	13	679	426	125	301
DOE	Department of Energy	9	3028	3019	3,016	3
DOI	Bureau of Indian Affairs	33	457	391	65	326
DOI	Bureau of Land Management	1	107	94	54	40
DOI	Department of Interior	3	60	26	6	20
DOI	Fish & Wildlife Service	0	0	0	0	0
DOI	Indian Housing Authority	0	0	0	0	0
DOI	National Park Service	0	0	0	0	0
DOI	Office of Service Mining	0	0	0	0	0
DOJ	Bureau of Prisons	0	0	0	0	0
DOJ	Dept. of Justice	0	0	0	0	0
DHHS	Dept. of Health & Human Services	1	7	0	0	0
DOT	Dept. of Transportation	135	4514	3011	2,527	484
DOT	Fed Aviation Administration	51	7847	7259	6,623	636
DOE	Fed Energy Regulatory Commission	6	139	105	105	0
DOT	Federal Highway Administration	439	31003	18118	13,717	4,401
DOT	Federal Railroad Administration	0	0	0	0	0
EPA	Environmental Protection Agency	404	1876	1265	1,092	173
HUD	Housing Urban Development	621	3752	2953	2,623	330
HUD	Federal Housing Administration	175	2334	1711	1,688	23
TVA	Tennessee Valley Authority	0	0	0	0	0
USDA	Farm Service Agency	5	214	113	94	19
USDA	Forest Service	1	0	0	0	0
USDA	Natural Resources Conservation Service	167	3099	1278	990	288
USDA	Rural Development	741	12186	6991	5,590	1,401
USDA	Rural Utilities Service	146	2966	1948	1,231	717
VA	Veterans Administration	0	0	0	0	0
	TOTALS	3,129	86,172	58,106	47,936	10,170

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

In order to implement FPPA more efficiently, there is a proposal to update the technology used to accomplish FPPA tasks in a fully automated venue. The fully automated process will replace the current manual completion of farmland assessment forms AD-1006 and NRCS-CPA-106. The process will fully integrate the Farmland Conversion Impact Rating, Web Soil Survey (WSS), and Computer-Aided Land Evaluation System (CALES) computer programs along with information in the Soil Data Mart (SDM). Moreover, the forms could be programmed to assist other Federal agencies with submitting copies to NRCS for use in completing the form NRCS-CPA-2 (Evaluating Implementation of the Farmland Protection Act), the information used to complete the FPPA-Annual Report.

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

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, and 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 1996-2009, over \$741 million in FRPP financial assistance was provided in 49 States to purchase easements on 3,576 farms and ranches, totaling over 723,000 acres. Of the total acreage, almost 506,811 acres are classified as having prime, unique, and State or locally identified important farmland soil on the urban fringe that will be permanently protected from conversion to nonagricultural uses with these easements.

In the near future, 655,270 acres on 3,142 farms, with an estimated cumulative easement value of nearly \$11.9 billion, have closed. Figures 1 and 2 display information on FRPP cooperative agreements in fiscal year 2009 that obligated \$120 million to protect nearly 89,500 acres on 364 farms. Additional information on FRPP can be found at <http://www.nrcs.usda.gov/programs/frpp/>.

Figure 1 – FY 2009 FRPP Financial Assistance Dollars Obligated by State

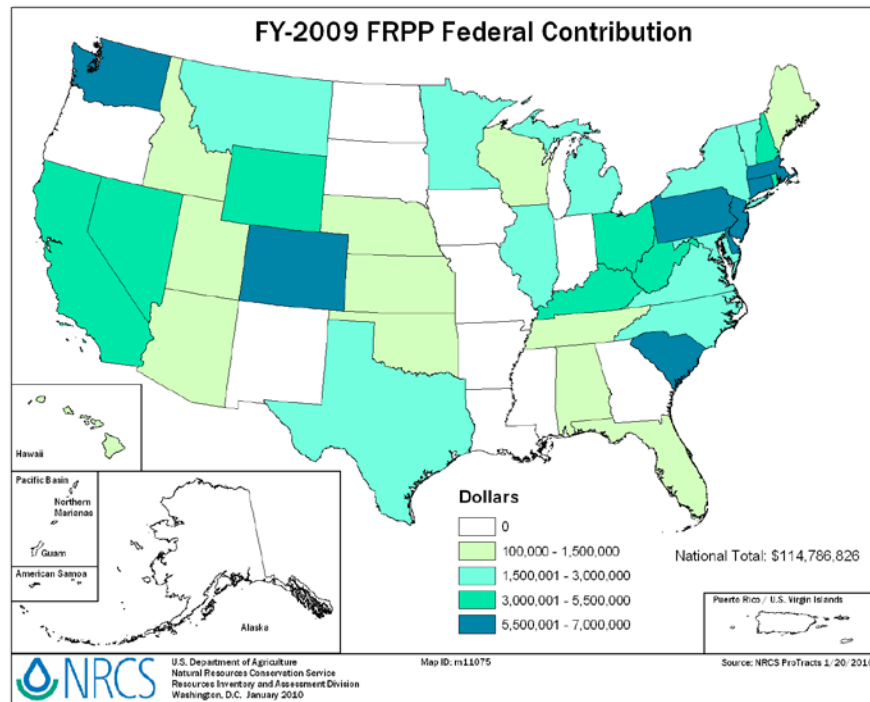
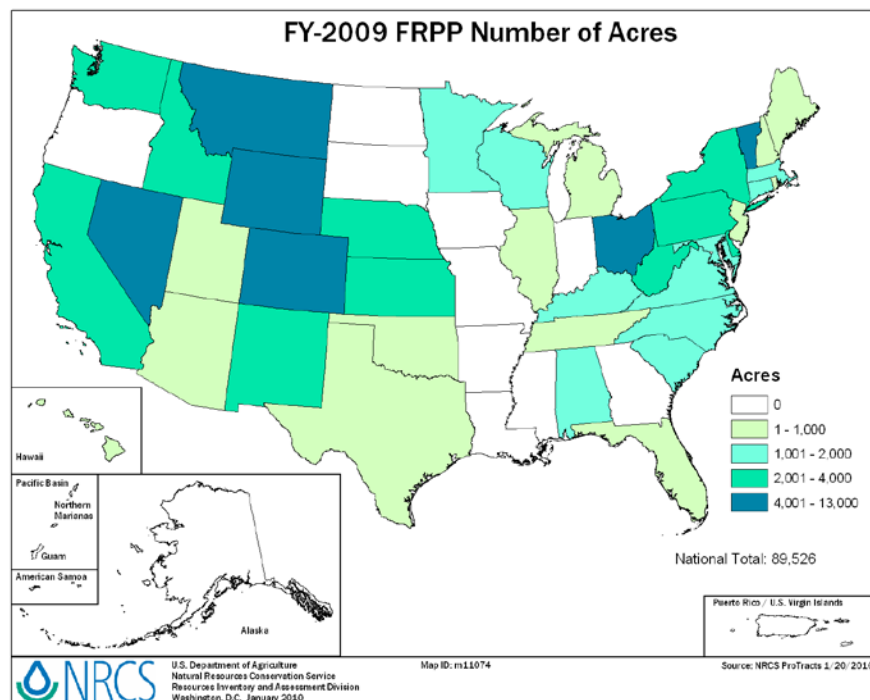


Figure 2 – Number of Acres Protected by FRPP in FY 2009 by State



Under the provisions of the Farmland Protection Policy Act [Section 1544(b), Public Law 97-88], the Farmland Information Center (FIC) provides general information, technical assistance, and targeted research based on inquiries from stakeholders to States and communities trying to protect agricultural land resources from unnecessary conversion to nonagricultural uses. FIC is a public/private partnership between NRCS and the American Farmland Trust. It is an electronic library located on the Web at <http://www.farmlandinfo.org/>. In fiscal year 2009, NRCS and the American Farmland Trust each contributed \$236,000. NRCS and American Farmland Trust FIC staff provided direct technical assistance to 618 people from 50 states, the District of Columbia, Brazil, Canada, and Switzerland.

Fiscal Year 2009 Highlights

- More than 90,000 visitors accessed the FIC Web site.
- FIC press releases on the USDA 2007 Census of Agriculture, results from FIC state and local purchase of agricultural conservation easement (PACE) tables, and FIC staff quotes were included in news stories with a combined reach of more than 4 million.
- Hundreds of entities ranging from the Virginia Department of Consumer Services to the USDA Economic Research Service continue to link to or cite FIC resources. Most recently, New Jersey's Transfer of Development Resources (TDR) Task Force requested permission to use an FIC fact sheet on TDR to brief the new Governor and his advisors.

Examples of Technical Assistance provided by the FIC Answer Service

- Supplied information to the conservation director of the Athens Land Trust about buffer requirements in agricultural conservation easements. She planned to use the information to help her comment on the Georgia Department of Natural Resource's proposed rule related to properties eligible for a state tax credit for donated conservation easements.
- Provided a cost of community services (COCS) report to staff from the Virginia Farm Bureau Federation to help them make the case for farmland protection in Virginia localities.
- Provided information about PACE programs and easement provisions related to wind and solar energy generating infrastructure to a representative from Chevron.

- Provided information about agricultural conservation easements and contact information for state-level programs in Connecticut, New York and Pennsylvania to farmers interested in permanently protecting their land.
- Supplied information about the 2007 Census of Agriculture to a researcher for Here and Now, a radio program produced by WBUR in Boston. The program, which included an interview with Carol House, Deputy Administrator for Programs and Products at the National Agricultural Statistics Service, aired in mid-May.
- Helped staff from the Connecticut Department of Agriculture interpret 2007 Census of Agriculture data.
- Provided information about farmland mitigation ordinances to a researcher from Virginia Cooperative Extension.
- Provided information about communities' efforts to plan for agriculture and encourage development of local markets to local official from Nashville, Tennessee.
- Supplied information from the 2007 Census of Agriculture to a coalition of agricultural and land conservation organizations from the northeast preparing a joint letter to Congress.
- Provided information about sources of farmland conversion data to a planner with the North Jersey Transportation Planning Authority.
- Supplied USDA National Agricultural Statistics Service data on farm prices and cash rents to an academic researcher.

How the FIC Advances Implementation of the Federal FRPP

FIC answer service staff informs landowners about farmland protection options, especially the use of agricultural conservation easements. Staff has developed seven fact sheets about agricultural conservation easements, purchase of agricultural conservation easements, and the federal Farm and Ranch Lands Protection Program. The national FRPP program manager, state FRPP program managers, and NRCS district conservationists refer landowners to FIC.

FIC provides information and materials to concerned citizens and farmland protection advocates, including soil and water conservation district staff, trying to make the case for farmland protection programs. Resources include fiscal and economic analyses of the contribution of agriculture to communities and local economies, surveys of participants in farmland protection programs, and farmland conversion statistics.

FIC staff helps communities and states create new, or improve existing, programs. State and local PACE laws as well as sample documents used to implement these programs are posted to the FIC Web site. Answer service staff are available via an 800 number to help jurisdictions identify the best models and to explain how things work. The national FRPP program manager directs potential financial assistance recipients to the FIC answer service or Web site.