



FARMLAND INFORMATION CENTER

FACT SHEET

FARMLAND PROTECTION POLICY ACT



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DESCRIPTION

Congress enacted the Farmland Protection Policy Act (FPPA) as a subtitle of the 1981 Farm Bill.

The purpose of the law is to "...minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to non-agricultural uses..." (P.L. 97-98, Sec. 1539-1549; 7 U.S.C. 4201, et seq.). The FPPA also stipulates that federal programs be compatible with state, local and private efforts to protect farmland. For the purposes of the law, federal programs include construction projects—such as highways, airports, dams and federal buildings—sponsored or financed in whole or part by the federal government, and the management of federal lands.

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) is charged with oversight of the FPPA.

HISTORY

The FPPA grew out of efforts in both the executive and legislative branches of the federal government. In 1976, USDA issued a policy urging agencies to look at alternatives to activities that lead to the conversion of prime farmland. Later that year, the President's Council on Environmental Quality (CEQ) released a memorandum advocating consideration of farmland conversion in environmental impact statements. Finally, in 1978, the Secretary of Agriculture published a revised memorandum on land use. The memorandum directed each agency within USDA to review and revise policies and rules that cause or encourage farmland conversion. To collect the baseline information needed to implement this policy, the Secretary of Agriculture and Chairman of the CEQ commissioned the National Agricultural Lands Study (NALS), a two-year project to document the extent and causes of the loss of farmland.

Between 1977, when the first bills focusing on farmland protection were introduced, and the enactment of the FPPA, Congress debated several measures that advocated consideration of the impact of federal activities on farmland. Proposed legislation also would have required consistency between federal policies and state and

local farmland protection efforts. However, lawmakers ultimately decided to postpone legislative action until NALS was completed. *

NALS was released in 1981. While its findings were controversial, few disputed the overall trend: Very large areas of farmland were being permanently converted to non-agricultural use. NALS also found that a significant number of federally sponsored programs contribute to farmland conversion. In response, Congress enacted the Farmland Protection Policy Act as part of the Agriculture and Food Act of 1981. The final rule was published in 1994.

FUNCTIONS AND PURPOSES

The Farmland Protection Policy Act is intended to minimize the extent to which federal activities contribute to the unnecessary and irreversible conversion of agricultural land to nonagricultural uses. It also seeks to ensure that federal policies are administered in a manner that will be compatible with state, local and private policies that protect farmland. FPPA does not cover private construction subject to federal permitting and licensing, projects planned and completed without any assistance from a federal agency, federal projects related to national defense during a national emergency and projects proposed on land already committed to urban development. Furthermore, the law cannot be used as the basis of legal actions by state or local governments or private individuals. State governors, however, were given legal standing in 1994 to challenge federal programs that do not comply with the FPPA.

The FPPA created a public education role for USDA. NRCS is encouraged to provide technical assistance to state and local governments and nonprofit organizations in the development of programs and policies to protect farmland. The law directed the Secretary of Agriculture to "...designate one or more farmland information centers to serve as central depositories and distribution points for information on farmland issues, policies, programs, technical principles, and innovative actions or proposals by local and state governments." American Farmland Trust's

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For additional information on farmland protection and stewardship contact the Farmland Information Center. The FIC offers a staffed answer service, online library, program monitoring, fact sheets and other educational materials.

www.farmlandinfo.org

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Farmland Information Center was created under this provision.

IMPLEMENTATION

FPPA requires federal agencies to examine the impact of their programs before they approve any activity that would convert farmland. Agencies have the option of determining whether a site contains farmland—and therefore falls under the act—without input from NRCS. To rate the relative impact of projects on sites subject to the FPPA, federal agencies fill out a Farmland Conversion Impact Rating Form (form AD-1006).

The rating form is based on a Land Evaluation and Site Assessment (LESA) system. LESA is a numerical system that measures the quality of farmland. LESA systems have two components. The Land Evaluation element rates soil quality. The Site Assessment component measures other factors that affect the farm's viability, including but not limited to proximity to water and sewer lines and the size of the parcel. In general, the higher the LESA score, the more appropriate the site is for protection.

Under FPPA, federal agencies sponsoring a project subject to the law complete a site assessment. NRCS is responsible for the land evaluation component. Sites receiving a combined score of less than 160 do not require further evaluation. Alternatives should be proposed for sites with a combined score greater than 160 points. On the basis of this analysis, a federal agency may, but is not required, to deny assistance to private parties and state and local governments undertaking projects that would convert farmland. The only recourse for reviewing agency decisions is litigation brought by state governors.

In addition to project evaluation, FPPA directs federal agencies to review their policies and procedures to determine whether they comply with the law. Agencies must develop proposals and submit annual reports to NRCS until NRCS determines an agency has fully complied.

BENEFITS

- The Farmland Protection Policy Act increases national awareness about farmland protection.
- A federal agency may withhold financial assistance from private parties and state and local governments undertaking projects that would convert farmland.

DRAWBACKS

- The FPPA does not require federal agencies to alter projects to avoid or minimize farmland conversion.
- Federal agencies have the option of determining whether a site contains farmland, and is therefore subject to the FPPA, without input from NRCS.
- Evaluation of a federal program's impact on farmland relies on site assessments performed by agencies that are not concerned with farmland protection and may, in fact, have competing interests.
- Most federal agencies are not represented at the local level and therefore cannot develop a meaningful site assessment system for evaluating the impact of a federal program on farmland.
- Federal agencies often fail to return completed AD-1006 forms to NRCS field staff for reporting purposes; therefore, NRCS has no record of agencies' final decisions and cannot measure the effectiveness of the law.

* Dunford, Richard. *The Development and Current Status of Federal Farmland Retention Policy*. Congressional Research Service, 1984, Report. No.85-21 ENR.