

FARMLAND PROTECTION POLICY ACT

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.

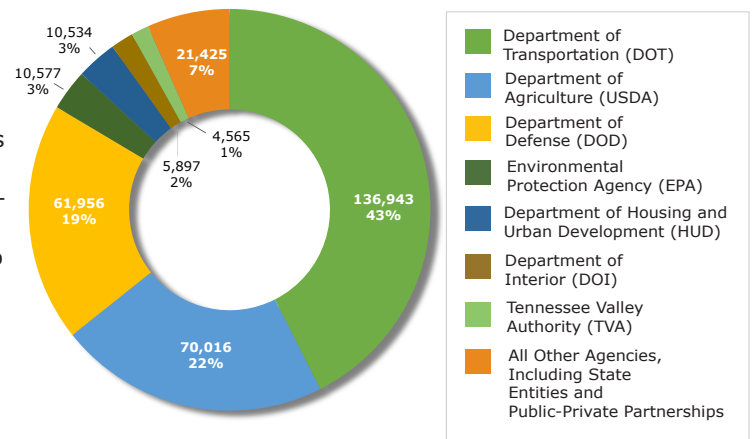
Between 1977, when the first bills focusing on farmland protection were introduced, and the enactment of the FPPA, Congress debated several measures that advocated consideration of the impact of federal activities on farmland.

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. ¹

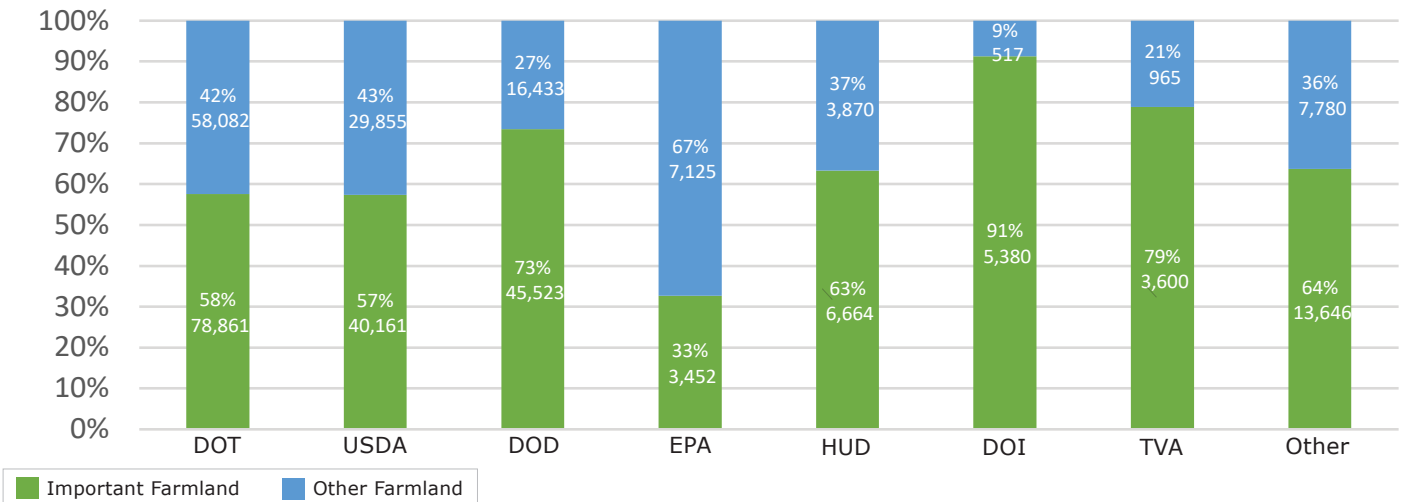
NALS was released in 1981. While its findings were controversial, few disputed the overall trend: Very large areas of farmland were being permanently converted to non-agricultural use. NALS also found that federally sponsored programs contribute to farmland conversion.

In response, Congress enacted the Farmland Protection Policy Act as part of the 1981 Farm Bill and issued an initial rule in 1984. However, Congress made significant changes to the law in 1985. These changes were addressed in a 1987 proposed rule, which was not finalized until 1994, delaying program implementation.

ACRES OF FARMLAND PROPOSED FOR CONVERSION BY FEDERAL AGENCY 2016 - 2020



BREAKDOWN OF ACRES PROPOSED FOR CONVERSION BY FEDERAL AGENCIES 2016-2020



FARMLAND INFORMATION CENTER

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 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 FPPA.

The FPPA created a public education role for USDA. 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 Farmland Information Center was created under this provision.

States with the Most Farmland Proposed for Conversion Due to Federal Projects 2016 to 2020

State	All Farmland	Important Farmland
Texas	36,344	23,449
Arkansas	30,606	11,990
North Dakota	24,608	18,211
North Carolina	20,465	15,503
Louisiana	18,708	5,537
Oklahoma	18,573	10,470
California	17,987	16,416
Kentucky	15,485	7,243
Indiana	12,270	11,339
Mississippi	11,727	6,308
Virginia	11,105	5,307
Illinois	8,807	8,067

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](#) or [NRCS-CPA-106](#) for corridor type projects).

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 often fail to report on actual land converted, as opposed to proposed conversion; thus, NRCS cannot measure law's effectiveness.
- Evaluation of a federal program's impact on farmland relies on site assessments performed by agencies that may not have the expertise, interest, and local staffing to fulfill this role.

¹ Dunford, Richard. *The Development and Current Status of Federal Farmland Retention Policy*. Congressional Research Service, 1984, Report. No.85-21 ENR.

For more information on FPPA, see the [FPPA page](#) on the USDA NRCS website. The Farmland Information Center offers a staffed answer service, online library, program monitoring, fact sheets and other educational materials. The FIC is a clearinghouse for information about farmland protection and stewardship.