

INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To: Counties and Cities

Date: November 8, 2016

From: Office of Local Systems

I.M. No. 3.120

Subject: Farmland Protection Policy Act

Contents: This Instructional Memorandum (I.M.) includes guidelines and procedures for a Local Public Agency (LPA) to comply with the provisions of the Farmland Protection Policy Act (FPPA). This I.M. also includes the following attachments:

[Attachment A](#) – Farmland Protection Policy Act Process Flowchart

[Attachment B](#) – Instructions on completing the [Farmland Conversion Impact Rating form](#) (NRCS-CPA-106)

Introduction

LPA federal-aid projects that require acquisition of right-of-way must comply with the provisions of the FPPA. The purpose of the FPPA is to “minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private programs and policies to protect farmland.” (7 U.S.C. 4201(b)).

Applicability

The FPPA governs impacts to farmland only. Farmland, according to the FPPA, is defined as prime farmland, unique farmland, or farmland that is of state or local importance. These terms are further defined in 7 U.S.C. 4201(c)(1) and 7 CFR 658.2(a).

Land that is already in or committed to urban development or water storage does not qualify as farmland and is therefore not subject to the FPPA. As per 7 CFR 658.2(a), land that meets any one the following criteria is considered already committed to urban development or water storage:

1. Land with a density of 30 structures or more per 40 acre area.
2. Land identified as an “urbanized area” (UA) on the Census Bureau Map.
3. Land mapped as an urban area using the tint-overprint on the USGS topographical maps.
4. Land shown as “urban-built-up” on the USDA Important Farmland Maps.
5. Land that receives a combined score of 160 points or less for the Land Evaluation (Part V) and Site Assessment (Part VI) criteria on the Farmland Conversion Impact Rating form shown below.

Farmland Conversion Impact Rating form

The [Farmland Conversion Impact Rating form](#) (NRCS-CPA-106) has been developed by the Iowa DOT, FHWA, and Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), to aid local, state, and federal agencies in documenting impacts to farmland. In an effort to reduce unnecessary paper work, the Iowa Department of Transportation (DOT), the NRCS and the Federal Highway Administration (FHWA) have developed the following thresholds to determine if this form must be submitted:

1. If the project requires five acres or less of new right-of-way per mile or per site, the project does not present a significant impact to farmland and submittal of the [Farmland Conversion Impact Rating form](#) is not required and the FPPA process is complete.
2. If the project requires more than five acres of new right of way per mile or per site, the [Farmland Conversion Impact Rating form](#) must be completed by the LPA or their consultant, and submitted to the NRCS. See Attachment A to this I.M for a flowchart on the process. See Attachment B to this I.M. for instructions on how to complete the Farmland Conversion Impact Rating form.