

Strengthening the Farmland Protection Policy Act

This document, focusing on the Farmland Protection Policy Act, is one in a five-part series of transition recommendations from [AFT](#) to the Biden Administration. The full set of recommendations can be [found here](#). Please note that these recommendations are not intended to represent the full breadth of policies supported by AFT. Rather, they were chosen because they could be swiftly implemented without congressional action. AFT recognizes that there are many other challenges facing agriculture and we look forward to working with the Biden Administration, Congress, and other stakeholders to achieve lasting solutions.

SUMMARY

As policymakers look to farmers and ranchers to help combat the climate crisis and foster more resilient local food systems, the land that these producers steward and rely on is under threat. In just the 15-year period from 2001-2016, 11 million acres of agricultural land (equivalent to all US farmland devoted to fruit, nut, and vegetable production in 2017) were paved over or converted to uses that threaten the future of agriculture.¹ One of the largest contributors to this conversion was the federal government – over that same period, 1.3 million acres were proposed for conversion by projects that received federal funding.^{i, 2, 3, 4}

While vitally necessary, new federal investments in infrastructure can and must be made in a way that minimizes the impact on the working farmland and ranchland needed to meet national climate and food security goals. The Biden Administration has an opportunity to show leadership in this arena using the Farmland Protection Policy Act.

BACKGROUND

The Farmland Protection Policy Act (FPPA), enacted in 1980, seeks to minimize the impact that Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It is also intended to assure that, to the extent practicable, federal programs are administered to be compatible with state, local, and private programs and policies that protect farmland.

The statute requires federal agencies, using criteria developed in cooperation with USDA, to:

- Identify the quantity of farmland actually converted by federal programs

ⁱ It is important to note that while farmland conversion records used by Farms Under Threat: State of the States are based on calendar year, FPPA records are based on fiscal year. Thus, the time periods are similar, but not identical.

- Identify and take into account the adverse effects of federal programs on the preservation of farmland
- Consider alternative actions, as appropriate, that could lessen such adverse effects
- Assure that such federal programs, to the extent practicable, are compatible with state, unit of local government, and private programs and policies to protect farmland

Projects are subject to the FPPA if they might irreversibly convert farmland or rangeland (directly or indirectly) to non-agricultural use and are completed by a federal agency, or with assistance from a federal agency.⁵

If a project is subject to FPPA, the sponsoring agency must submit a Farmland Conversion Impact Rating form to USDA-NRCS, which then evaluates whether – and to what degree – the project will convert prime, unique, state, and locally important farmland. That determination is returned to the sponsoring agency which then assesses the potential adverse impacts of the project on farmland and uses its own policy to ensure that the project is consistent with the FPPA. Finally, the sponsoring agency must return the form to USDA-NRCS indicating the final site selected for the project.

Federal agencies are required to develop and review their policies and procedures to implement the FPPA every two years.⁶ While the statute envisions that agencies report annually to USDA on *actual* conversion resulting from their actions, current USDA regulations require only that agencies report to USDA on *proposed* conversion. The statute also requires that USDA provide an annual report to Congress. Since FY 2015, this report has not been delivered to Congress.

RECOMMENDATIONS

Strengthening administration of the FPPA could help to minimize the unnecessary and irreversible loss of our most productive agricultural land as a result of new federal investments in infrastructure. AFT recommends seven steps that could improve program performance:

1. Set a conversion reduction goal.

Goals help to establish accountability. A target for reducing the footprint of federally-funded projects on productive agricultural land could be set government-wide, by agency, or by project. A target could also focus on reducing conversion of just the most productive agricultural land, such as prime and unique farmland. USDA could also use the standard of “nationally significant agricultural land” that has been spatially identified through a collaborative research initiative undertaken by USDA NRCS, American Farmland Trust, and Conservation Science Partners.⁷ An initial goal could be to reduce the loss of nationally significant or prime agricultural land from federally-funded projects by 50% by 2030.

2. Require agencies to revisit and revise internal policies.

Each federal agency has the responsibility to comply with FPPA. Federal agencies should be asked to review their internal policies to ensure that agency programs consider and seek alternative sites or project configurations to minimize, if not eliminate, farmland conversion.

USDA-NRCS should be tasked with assisting agencies in developing policies as needed. The Biden Administration may want to task an agency with reviewing agency policies for conformity with FPPA. This task could be assigned to NRCS or to an independent agency like the Council on Environmental Quality. Federal agencies should also be required to provide USDA with a copy of internal policies related to FPPA.

3. Require agencies to report on actual conversion.

To build accountability and raise awareness, federal agencies should be required to report to USDA on the outcome of each project subject to FPPA. Reporting should include the number and type of farmland acres initially proposed for conversion as well as the figures for actual conversion.

4. Provide an annual report to Congress.

An annual report to the House and Senate Agriculture Committees is required under 7 U.S.C. 4207. The report must describe the effects, if any, of federal programs, authorities, and administrative activities with respect to the protection of US farmland. While USDA has continued to produce [annual FPPA reports](#), these reports are no longer shared with the relevant congressional committees, thereby missing an opportunity to provide greater member and public awareness of this issue.

5. Solicit stakeholder input on what constitutes “conversion.”

The FPPA statute does not define “conversion.” The FPPA rule, promulgated in 1984, states that conversion of farmland to non-agricultural uses does not include the construction of on-farm structures, but has no affirmative definition of conversion other than a reference to “irreversible” conversion.⁸ Greater definition of what constitutes irreversible conversion would provide needed guidance to federal agencies. AFT’s [Farms Under Threat: The State of the States](#) research, which was the first national effort to spatially identify agricultural land that has been converted to low-density residential land use, could inform this definition. Stakeholders should be given an opportunity to weigh in on the definition. Revising the FPPA rule would allow for this type of stakeholder input.

6. Develop a mechanism for identifying state and local programs, policies, and plans around farmland protection.

The FPPA is intended to assure that, to the extent practicable, federal programs are administered to be compatible with state, local, and private programs and policies that protect farmland. However, there is no mechanism for these stakeholders to inform federal agencies of their programs, policies, and – most importantly – their plans around farmland protection. USDA should be tasked with establishing a mechanism for identifying these programs and policies and ensuring that they are reflected in decisions made by federal agencies.

7. Provide additional assistance to state and local units of government and non-profit organizations to develop plans and policies to retain and protect farmland.

The FPPA statute encourages the Secretary of Agriculture to provide technical assistance to any state or unit of local government, or any nonprofit organization, as determined by the Secretary, that desires to develop programs or policies to limit the conversion of farmland to nonagricultural uses. Some technical assistance is currently being provided through the national [Farmland Information Center](#), a collaboration between USDA-NRCS and American Farmland Trust, but demand for assistance is greater than the current level of resources available. Additional assistance, either provided directly through grants to state and local units of government and non-profits, or indirectly through increased technical assistance from the Farmland Information Center, would help to strengthen the capacity of these state and local stakeholders to reduce conversion of agricultural land.

[American Farmland Trust](#) is the only national organization that takes a holistic approach to agriculture, focusing on the land itself, the agricultural practices used on that land, and the farmers and ranchers who do the work. We look forward to serving as a resource to the Biden Administration. For more information about these and other recommendations, contact AFT Policy Director Tim Fink at tfink@farmland.org.

¹ J. Freedgood, M. Hunter, J. Dempsey, and A. Sorensen, “Farms Under Threat: The State of the States.” American Farmland Trust, 2020. <https://farmlandinfo.org/publications/farms-under-threat-the-state-of-the-states/>

² USDA NRCS, “Farmland Protection Policy Act Annual Report for FY-2006.” April 2007. https://www.nrcs.usda.gov/wps/PA_NRCSCConsumption/download?cid=stelprdb1042427&ext=pdf

³ USDA NRCS, “Farmland Protection Policy Act Annual Report for FY-2012.” February 2013. https://www.nrcs.usda.gov/wps/PA_NRCSCConsumption/download?cid=stelprdb1186525&ext=pdf

⁴ USDA NRCS, “Farmland Protection Policy Act Annual Report for FY-2018.” March 2019. https://www.nrcs.usda.gov/wps/PA_NRCSCConsumption/download?cid=nrcseprd1448033&ext=pdf

⁵ USDA NRCS, “Farmland Protection Policy Act.” <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>

⁶ USDA NRCS, “Farmland Protection Policy Act.”

⁷ J. Freedgood et al, “Farms Under Threat: The State of the States.”

⁸ U.S. Congress, “Farmland Protection Policy Act.” *Federal Register* 49, 27724: 473. July 5, 1984. https://www.nrcs.usda.gov/wps/PA_NRCSCConsumption/download?cid=stelprdb1042433&ext=pdf