

6. Farmlands

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Farmlands are defined as those agricultural areas considered important and protected by federal, state, and local regulations. Important farmlands include all pasturelands, croplands, and forests (even if zoned for development) considered to be prime, unique, or of statewide or local importance. Farmland does not include land already in or committed to urban development or water storage.^{1,2}

6.1. Regulatory Setting

Exhibit 6-1 lists statutes, regulations, and other guidance regarding farmlands. See Appendix B.5 for more detailed information about these requirements.

¹ Farmland “already in” urban development or water storage includes all such land with a density of 30 structures per 40-acre area.

² Farmland already in urban development also includes lands identified as “urbanized area” (UA) on the Census Bureau Map, or as urban area mapped with a “tint overprint” on the USGS topographical maps, or as “urban-built-up” on the USDA Important Farmland Maps. Areas shown as white on the USDA Important Farmland Maps are not “farmland” and, therefore, are not subject to the Act.

Exhibit 6-1. Statutes, Regulations, and Other Guidance Related to Farmlands

Statute or Guidance	Location in U.S. Code or <i>Federal Register</i>	Implementing Regulation(s)	Oversight Agency^a	Summary^a
Farmland Protection Policy Act	7 U.S.C. §§ 4201-4209	7 CFR parts 657-658	NRCS	Administered by NRCS, the Farmland Protection Policy Act regulates federal actions with the potential to convert important farmland to non-agricultural uses.
CEQ Memorandum on the Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act	45 <i>Federal Register</i> 59189, (September 8, 1980)	Not applicable	CEQ	Urges federal agencies to include analysis of the effects of a proposed federal agency action on prime or unique agricultural lands as an integral part of the NEPA process.
State and local regulations	Not applicable	Not applicable	Applicable state or local agency	State and local agencies adopt and implement planning and land use regulations, such as land use plans and zoning. Under NRCS regulations, federal agencies are to ensure that their programs, to the extent practicable, are compatible with state and local programs and policies to protect farmland (see 7 CFR § 658.1).

^a CEQ = Council on Environmental Quality; CFR = Code of Federal Regulations; NEPA = National Environmental Policy Act; NRCS = Natural Resources Conservation Service; U.S.C. = United States Code.

6.1.1. Consultations, Permits, and Other Approvals

As noted in Exhibit 6-1 above, the Farmland Protection Policy Act regulates federal actions with the potential to convert farmland to non-agricultural uses. Specifically, the Act regulates farmland identified as prime, unique, or of statewide or local importance.

The Federal Aviation Administration (FAA) may determine whether or not the site of the proposed action or alternative(s) is prime, unique, state, or locally important farmland using criteria provided in 7 CFR § 658.5. If the FAA does not make its own determination, the FAA may elect to initiate coordination with the Natural Resources Conservation Service (NRCS) by completing Form AD-1006, a land evaluation and site assessment system used by NRCS to determine a rating score and establish impacts to farmlands. An electronic copy of Form AD-1006, as well as instructions for completing the form, can be obtained from the NRCS website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf.

The process for consultation with NRCS under the Farmland Protection Policy Act is detailed in Exhibit 6-2 below.³ Definitions for common terms used throughout the process are provided in the text box below.

NRCS's Farmland Protection Policy Act and its implementing regulations (7 CFR § 657.5) define prime, unique, statewide, and locally important farmlands:

Prime farmland is land having the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimal use of fuel, fertilizer, pesticides, or products.

Unique farmland is land used for producing high-value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture necessary to produce high quality crops or high yields of crops.

Statewide and locally important farmland is land that has been designated as "important" by either a state government (state Secretary of Agriculture or higher office), by county commissioners or by an equivalent elected body.

Exhibit 6-2. Process for Consulting with the Natural Resources Conservation Service under the Farmland Protection Policy Act

Step	Action
1	The FAA determines whether or not the site of the proposed action or alternative(s) is prime, unique farmland that is determined to be farmland of state, or local importance or the FAA requests that NRCS make the determination (see 7 CFR § 658.4).
2	<p>If the FAA elects not to make its own determination, the FAA or applicant should submit a request to the local NRCS field office on Form AD-1006, the Farmland Conversion Impact Rating Form, for determination of whether the site is farmland subject to the Farmland Protection Policy Act (the Act).</p> <p>If NRCS determines that neither the entire site, nor any part of it, is subject to the Act, the Act does not apply and NRCS will notify the FAA.</p> <p>If the site is determined by NRCS to be subject to the Act, NRCS will measure the relative value of the site as farmland on a scale of 0 to 100. NRCS will respond to the FAA's or an applicant's request within 10 working days of receipt of Form AD-1006 except in such cases where NRCS determines that a site visit or land evaluation system design is needed. In cases where such a visit or evaluation system design is needed, NRCS will respond in 30 working days. In the event that NRCS fails to complete its response within the required period, if further delay would interfere with construction activities, the FAA should proceed as though the site were not farmland</p>
3	After NRCS notifies the FAA or an applicant of the score of a site's relative value and the FAA applies the site assessment criteria in 7 CFR § 658.5, the FAA determines the combined score for the site. This combined score is composed of up to 100 points for relative value and up to 160 points for the site assessment, resulting in a maximum possible score of 260 points. As the point value approaches 260 points, the potential impact severity increases.

³ Note that for major infrastructure projects, the "One Federal Decision" approach under Executive Order 13807 calls for federal agencies to agree to a permitting timetable for all environmental review and authorization decisions, which may include Farmland Protection Policy Act consultations, where applicable. Updated information on "One Federal Decision" is available through DOT's Infrastructure Permitting Improvement Center, available at: <https://www.transportation.gov/PermittingImprovementCenter>.

Step	Action
4	<p>The combined score should aid the FAA in determining the suitability of the site for protection as farmland, and therefore the relative impact of the proposed action or alternative(s) on farmland resources. In general, NRCS recommends that agencies use the following guidelines when considering the impacts of their proposed action or alternative(s) in relation to the combined score:</p> <ul style="list-style-type: none"> • Sites with the highest combined scores will be regarded as most suitable for protection and sites with the lowest scores as least suitable. • Sites receiving a total score of less than 160 need not be given further consideration for protection, and no additional sites need be evaluated. • Sites receiving scores totaling 160 or more will be given increasingly higher levels of consideration for protection. • When making decisions on proposed actions or alternative(s) for sites receiving scores totaling 160 or more the following should be considered: <ul style="list-style-type: none"> o Use of land that is not farmland or use of existing structures; o Alternative sites, locations, and designs that would serve the project purpose but convert either fewer acres of farmland or other farmland that has a lower relative value; and <p>Special siting requirements of the proposed action or alternative(s) and the extent to which an alternative site fails to satisfy the special siting requirements as well as the originally proposed site.</p>
5	<p>The FAA should ensure that all consultation documentation, including Form AD-1006, is appropriately incorporated into the FAA's NEPA documentation (e.g., the appendix).</p>
6	<p>Following the conclusion of the NEPA process, once the FAA has made a final decision on a project, the FAA should return a copy of Form AD-1006 to the local NRCS field office, indicating the FAA's final decision.</p>

6.2. Affected Environment

Typically, the study area for farmlands will be limited to the construction footprint of a project; however, indirect impacts could occur if access to important farmland is lost due to construction of a new airport, runway extension, commercial space launch site, or other facility.

NRCS keeps current an inventory of the prime farmland and unique farmland in the United States. This inventory identifies the extent and location of important rural lands needed to produce food, feed, fiber, forage, and oilseed crops. The FAA may request that NRCS make a determination of whether the site of the proposed action or alternative(s) contains farmland protected under the Farmland Protection Policy Act through the consultation process. This process is detailed in Exhibit 6-2 above.

For additional information on the Farm Protection Policy Act, see <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>.

States may also map farmlands, and state mapping may provide more detail than nation-wide mapping. Farmlands mapping may not be up-to-date in areas that have experienced recent growth and development, so it is important to review recent aerial photographs to ensure that areas are correctly identified in the NEPA document.

6.3. Environmental Consequences

Direct impacts to farmlands typically involve the conversion of farmlands to non-agricultural use. FAA actions that may result in farmland conversion include: construction of a new airport or

commercial space launch site and associated facilities and infrastructure, the expansion of an existing facility, land acquisition for aviation-related use, or new or relocated access roadways and remote parking facilities.

In addition, indirect impacts to farmlands should also be considered. For example, construction or expansion of a facility could indirectly impact farmlands by limiting or negating access to farmable land. Changes in noise exposure should also be considered relative to the land use compatibility guidelines applicable to agriculture and livestock operations. See 14 CFR Part 150, Appendix A, Table 1. New restrictions on adjacent lands as a result of changes in airport uses could potentially restrict agricultural practices, such as those associated with rice farming that might result in bird attraction.

6.3.1. Significance Determination

Exhibit 4-1 of FAA Order 1050.1F provides the FAA's significance threshold for farmlands. A significant impact would occur when: *The total combined score on Form AD-1006, "Farmland Conversion Impact Rating," ranges between 200 and 260 points.*

In addition to the threshold above, Exhibit 4-1 of FAA Order 1050.1F provides additional factors to consider in evaluating the context and intensity of potential environmental impacts for farmlands. Please note that these factors are not intended to be thresholds. If these factors exist, there is not necessarily a significant impact; rather, the FAA must evaluate these factors in light of context and intensity to determine if there are significant impacts.

Factors to consider that may be applicable to farmlands include, but are not limited to, situations in which the proposed action or alternative(s) would have the potential to:

- Convert important farmlands to non-agricultural uses. Important farmlands include pastureland, cropland, and forest considered to be prime, unique, or of state or local importance.

6.4. Mitigation

In identifying potential mitigation measures for farmlands, the FAA should coordinate with NRCS and other applicable federal, state, or local regulatory agencies. In addition, local, state, tribal, or regional agencies may have established a mitigation program for farmland impacts, and it may be possible to provide compensation for farmland conversion through such programs.

Examples of potential measures to mitigate impacts to farmlands could include:

- adjusting the size or location of the proposed action or alternative(s) to reduce the amount of farmland taken out of production or to reduce indirect impacts on agricultural uses off-site;
- working with affected property owners and businesses to appropriately address any construction or operations-related impacts; and
- ensuring that lands temporarily taken out of agriculture are restored to a condition appropriate for agricultural use.

Appendix B. Farmlands

B.5. Farmlands

The following statute governs the protection of farmlands.

B.5.1. Farmland Protection Policy Act

The Farmland Protection Policy Act, administered by the Natural Resource Conservation Service (NRCS), regulates federal actions with the potential to convert farmland to non-agricultural uses. This Act is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to non-agricultural uses. It ensures that, to the extent possible, federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmlands. Please note that any acquisition or use of farmland by a federal agency for the purposes of national defense is considered exempt under the Farmland Protection Policy Act.

This Act requires federal agencies to use NRCS-established criteria to identify and take into account the potential adverse effects of their programs on the preservation of farmland, to consider alternative actions and mitigation, as appropriate, that could lessen adverse effects, and to ensure that their programs, to the extent practicable, are compatible with state and local government and private programs and policies to protect farmland. Federal agencies assess these impacts through completion of Form AD-1006, the *Farmland Conversion Impact Rating* form.

For additional information on NRCS-established criteria, see NRCS Regulations at:
http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1042433.pdf.