

The Farm and Ranch Land Protection Program (FRPP) is a voluntary program of Natural Resources Conservation Service whose purpose is to protect agricultural lands by limiting non-agricultural uses. The program is run in partnership with approved state, local and non-profit entities. The entities arrange for the purchase of development rights through conservation easements on private lands, and hold and manage these conservation easements in perpetuity.

Although the state's Farmland Preservation Program is the most well known program that retires development rights here in New Jersey, there are many local and non-profit organizations that also have a history of owning and managing conservation easements. All of these groups are eligible to apply for FRPP funding.

### What Are Agricultural Uses?

For the purposes of the FRPP program in New Jersey, "agricultural uses" are generally defined by the state farmland preservation program. However, NRCS has determined that greater deed restrictions are necessary to protect against the degradation of soils and agricultural productivity.

A 2% limitation on impervious surfaces is standard for easements funded by FRPP. There is a provision to waive this restriction on a parcel-by-parcel basis, up to a 10% maximum impervious surface limitation. Waiver considerations include population density, ratio of open prime and important farmland to the impervious surfaces, impact to water quality, type of agricultural operation, and parcel size. The waiver must be requested at the time of application, and the approved limitation must be stated in the deed.

Impervious surfaces are defined as roofs and pavement (not gravel), including permanent greenhouses, barns, roadways, storage sheds, etc. regardless of where they are located on the easement area. An exception is any conservation practice installed to NRCS standards and used for its original purpose.

Additionally, NRCS prohibits the in-ground installation of solar panels and wind turbines that exceed the energy need of the farm for agricultural production.

NRCS includes the restoration of previously converted wetlands and grasslands as an agricultural use permitted on all easements funded with FRPP dollars.



### What is an Eligible Entity?

Any state or local unit of government or non-profit organization wishing to apply for FRPP funds must demonstrate:

- A commitment to long-term conservation of agricultural lands;
- A capability to acquire, manage, and enforce easements;
- Sufficient staff dedicated to monitoring and easement stewardship; and
- The availability of funds.

Approved entities may enter into an agreement with NRCS for a period of three years, during which they may submit parcels for ranking and funding. NRCS may fund up to 50% of the purchase price of the easement.

Entities may also become certified, in which case the agreement period will be five years. Certified entities are determined by the national program manager, and have:

- Enrolled at least 50 parcels into FRPP; and
- Closed within 18 months of agreement signing on at least 50% of the parcels funded 2003 through 2007.

Approved and certified entities may submit parcels at any time for funding consideration, however NRCS uses ranking periods to determine which parcels receive funding. NRCS in New Jersey has established two ranking periods for parcel enrollment each federal fiscal year; the business day closest to October 31 and January 31.

Entities interested in becoming approved or certified should contact the NRCS Program Manager for FRPP.

For more information, see <http://www.nj.nrcs.usda.gov/programs/frpp>.

## What is Landowner and Land Eligibility?

The eligibility of the land and the landowner for each parcel must be established at the time the parcel is submitted for potential funding. Eligibility criteria are detailed in [http://www.nj.nrcs.usda.gov/programs/Applying\\_for\\_Financial\\_Assistance.pdf](http://www.nj.nrcs.usda.gov/programs/Applying_for_Financial_Assistance.pdf).

Landowner eligibility includes compliance with Highly Erodible and Wetland Conservation provisions of the 1985 Farm Bill, as amended. Landowners must file appropriate documentation with the Farm Service Agency in order to establish their eligibility. NRCS will help landowners develop a conservation plan for any land determined to be Highly Erodible during this process.

Landowners also must meet the current adjusted gross income limitation, earning less than \$1 million in non-farm income for each of the past three years, unless more than 66% of the total gross income was from farm income.

Forest management plans are required on all parcels with forest cover on greater than 10 acres or 10% of the easement area (whichever is greater), except parcels totaling 100 acres or more with less than 10 acres of forest cover. The maximum allowable forest cover is 66% of the easement area.

## How are parcels ranked?

Each parcel submitted is ranked on its own merit. The parcel ranking includes both national criteria and state criteria. No parcel will be ranked unless the landowner and the land have both been determined eligible.

National ranking criteria uses US census data and:

- Percent of prime, unique, and important farmland in the parcel;
- Percent of cropland, pastureland, and grassland in the parcel;
- Ratio of total acres in the parcel to the average farm size in the county;
- Decrease in percentage of the acres of farmland in the county;
- Percent population growth in the county;
- Proximity of the parcel to other preserved farms and military bases;
- Population density of the county; and
- Proximity of the parcel to other agricultural operations and infrastructure.

## What are the United States Responsibilities?

As part of the ranking and eligibility process, NRCS will complete a pre-acquisition database search for hazardous materials on or near the parcel, and conduct an on-site visit to determine the condition of the land. NRCS will also interview the landowner to ensure that all program requirements are understood and that any information collected is accurate and complete.

Once a parcel is selected for funding, NRCS will notify the entity and modify the cooperative agreement to include the specific parcel information and funds. Only approved parcels can be closed using FRPP dollars.

Eligible land:

- Must be privately owned;
- Must contain at least 50% prime, unique, statewide, or locally important farmland, unless located within a pre-approved area exempt from this provision;
- Must be subject of a pending offer to the entity;
- Must be cropland, grassland, pasture land, or forest land that contributes to the economic viability of an agricultural operation;
- Must not include forest land of greater than two-thirds of the easement area (and have a forest management plan, if applicable); and
- Must possess suitable on-site and off-site conditions which will allow the easement to be effective in achieving the purposes of the program.

State criteria include:

- Impervious surface cap;
- History of ownership, conservation and soil health improvements on the farm;
- Location within a state designated important region;
- Proximity to category I waters;
- Quality of the soils to be protected; and
- Percentage of historically farmed prime soils.



## What Rights Are Retained By The United States?

NRCS maintains a "right of enforcement" which is defined as an interest in the land which the United States may exercise under specific circumstances to enforce the terms of

a conservation easement. The purpose is primarily to guard against condemnation of FRPP-funded deeds.

Additionally, to ensure compliance with the conservation plan for Highly Erodible Land, the easement shall grant to the United States, through NRCS and its successor or assigns, a right of access to the easement area.

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