



Environmental Handbook

Farmland Protection Policy Act

This handbook outlines the process steps necessary to comply with the Farmland Protection Policy Act (FPPA) of 1981.

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1.0 Introduction

This handbook outlines the regulatory background and requirements to prepare the project-specific, National Environmental Policy Act (NEPA) documentation compliant with the Farmland Protection Policy Act (FPPA) of 1981. The Natural Resources Conservation Service's (NRCS), a U.S. Department of Agriculture (USDA) agency, policies govern compliance with the FPPA. Project sponsors can use this handbook to identify what compliance obligations may be triggered by their project in order to scope them appropriately. Anyone with responsibility for developing compliance documentation can use the handbook to identify the general requirements to meet regulatory obligations under the FPPA.

Evaluation of applicability of these regulations is required for NEPA documentation regardless of classification type (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement).

1.1 TxDOT Policy

It is TxDOT policy to comply with the FPPA in accordance with the NRCS policy for implementing the act and for soliciting approval of transportation projects through the NEPA process. However, the NRCS role in the compliance process is procedural. Any recommendations NRCS provides must be considered, but cannot prevent an action approval by TxDOT.

1.2 Review and Approval

The department delegate evaluates compliance with the federal regulations addressed in this handbook during the review of the environmental document and issues approval through the NEPA process. The federal agency funding the project, which is most commonly the Federal Highway Administration (FHWA), is responsible for ensuring compliance with these regulations.

Under Section 3.2.1, of the [Memorandum of Understanding between the Federal Highway Administration and the Texas Department of Transportation Concerning State of Texas' Participation in the Project Delivery Program Pursuant to 23 U.S.C. 327](#), FHWA assigned TxDOT the responsibility for ensuring compliance with FPPA for projects with FHWA as the funding agency.

1.3 Applicable Project Types

All federal projects must address the FPPA. The FPPA does not apply to projects that do not require federal funding or technical assistance, do not require new right of way or permanent easements, or do not intend to use land that meets the criteria to qualify as prime farmland or farmland of state and local importance.

1.4 Helpful Suggestions

TxDOT projects that are federally funded and that require the acquisition of new right of way or permanent easements often trigger FPPA compliance activities. There are several opportunities in the compliance process to coordinate a project with NRCS. Depending on the likelihood of the project area including protected farmland and the extent of the effects caused by the conversion of that farmland, the different coordination options may extend or truncate the compliance process. See Section 1.5 for tools available to determine if protected farmland is present within the project area. These resources can often eliminate the requirement to coordinate with the NRCS. If it is likely that

the effects caused by the conversion are adverse, calculating the site assessment score using an NRCS form is required, as a high score will require additional coordination with NRCS.

1.5 Additional Resources

- USDA NRCS FPPA [Manual](#)
- NRCS [Web Soil Survey](#)
- [US Census Bureau Mapper](#)
- NRCS Farmland Conversion Impact Rating Form ([AD-1006](#))
- NRCS Farmland Conversion Impact Rating Form for Corridor Type Projects ([NRCS-CPA-106](#))
- USDA NRCS [National Soil Survey Handbook](#)
- Agricultural Handbook 18, [Soil Survey Manual](#), 1993, USDA

2.0 Responsible Party

Various documentation, compliance, coordination, and approval responsibilities are assigned to the project sponsor and the department delegate for each project. Refer to the project scope for assignment of these roles and responsibilities.

The project sponsor may be a TxDOT district, division, or local municipality and is responsible for pursuing approval of the project and for providing material for and managing the project file.

The department delegate may be a TxDOT district or the TxDOT Environmental Affairs Division.

3.0 Regulatory Overview

The following section outlines the regulations that drive TxDOT policy for documenting FPPA compliance as part of the NEPA process.

3.1 Farmland Protection Policy Act

The FPPA, as codified in 7 USC [4201](#) through [4209](#), was enacted in 1981 “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 USC 4201\(b\)](#)). The FPPA requires federal agencies “to identify and take into account the adverse effects of their programs on the preservation of farmland, consider alternative actions, as appropriate, that could lessen such adverse effects, and assure that [administered] Federal programs, to the extent practicable, are compatible with State, units of local government, and private programs and policies to protect farmland.”

According to the FPPA, the USDA is the department “primarily responsible for the implementation of federal policy with respect to United States farmland.” USDA granted NRCS the authority to determine the criteria used to designate certain soil units as prime farmland and the responsibility to maintain a nationwide inventory of prime and unique farmland. Under [7 CFR 657](#), NRCS identifies and defines the soil units that qualify as FPPA protected farmland, and protected farmland is evaluated using the criteria and process provided by NRCS in [7 CFR 658](#).

3.2 Paths to Compliance

Projects that are subject to FPPA regulations must fall within one of the following categories, or paths to compliance. The following compliance paths, which are ordered from the level of least to most adverse impact, are appropriate for projects with project areas that include farmland protected by the FPPA. Information for determining which path a project will follow and documenting that path are provided in Section 1.3.

- **Not Applicable – Project not subjected to provisions of the FPPA** – The proposed project includes the acquisition of additional right of way and uses farmland protected by the FPPA, but the project is not subject to the provisions of the FPPA per sections 523.10B and 523.11C of the USDA NRCS FPPA [Manual](#). This type of determination requires documentation in the project file supporting that the project activities meet the FPPA exemption criteria.
- **Conversion Causes Non-Adverse Effects** – The proposed project would convert farmland subject to the FPPA to a non-agricultural, transportation use, but the combined scores of the relative value of the farmland and the site assessment, as documented with the appropriate NRCS form and supporting documentation, are such that the site need not be given further consideration for protection and no additional sites need to be evaluated.
- **Conversion Causes Adverse Effects** – The proposed project would convert farmland subject to the FPPA to non-agricultural, transportation use, and the combined scores of the relative value of the farmland and the site assessment, as documented with the appropriate NRCS form and supporting documentation, are such that the NRCS opinion for reducing the impact must be solicited and alternative actions must be considered.

4.0 Procedural Requirements

The procedural requirement steps outlined below were developed by TxDOT to help practitioners document the extent to which the FPPA applies to a project and the activities required for compliance with the FPPA.

Step One – Determine whether the project activities are subject to FPPA protection. If the project is not subject to FPPA, the process is complete, other than documentation requirements outlined in Section 7.0.

If FPPA does apply, proceed to **Step Two**.

Step Two – Using the online resources listed in Section 1.5 (e.g., web soil survey, US Census maps, etc.), determine whether the proposed project area is comprised solely of unprotected farmland (does not include areas mapped as prime, unique, statewide important or locally important farmland) or is identified as an “urbanized area” by the [US Census Bureau Maps](#). If the project does not propose to convert any protected farmland to a non-agricultural use, the FPPA does not apply to the project. The process is complete, and no further compliance activities are required other than documentation requirements outlined in Section 7.0.

If the project area contains protected farmland, proceed to **Step Three**.

Step Three – Determine whether the project is a corridor or non-corridor project, which determines the type of Farmland Conversion Impact Rating Form to be used ([AD-1006](#) or [NRCS-CPA-106](#)).

Step Four – Complete Parts I, III, and VI of the appropriate NRCS form. If the site assessment score in Part VI is 59 points or less, then the project does not require coordination with the NRCS. Retain the Farmland Conversion Impact Rating Form in the project file as supporting documentation.

Note: The coordination threshold for the FPPA is a combined TxDOT-NRCS value of 160 points or greater on Part VII; a score of less than 60 on the TxDOT rated sections would never result in coordination due to the NRCS rated section having a maximum value of 100 points.

Step Five – If the outcome of **Step Four** results in a score of 60 points or greater in Part VI of the form, then additional coordination with the NRCS is required. TxDOT must submit the completed form and a map of the project area to the appropriate [NRCS state contact](#). The NRCS soil science staff will complete Parts II, IV, and V of the form. The results of their analysis will be recorded in Part V of the form, and the form will be returned to TxDOT.

Step Six – If the outcome of **Step Five** results in a score equal to or greater than 160 on part VI of the appropriate NRCS Form for the alternative selected, return the form to the NRCS. Additional coordination with the NRCS is required and the NRCS will make a determination of adverse impact for your project.

If the effect of the conversion is non-adverse (score < 160), retain the completed NRCS form and supporting documentation in the project file. The compliance process is complete, and no further compliance activities are required other than documentation requirements outlined in Section 7.0. If effect of the conversion is adverse (score ≥ 160), the NRCS response will include a recommendation of ways to minimize the adverse impact.

Step Seven – Consider the NRCS recommendation for minimizing the adverse effects and alternative actions to lessen the conversion's adverse effects to protected farmland. Document what was considered and why or why not measures to minimize the effects were or were not implemented, and retain the documentation in the project file; if requested by the NRCS, respond to their recommendations in writing. When appropriate, a summary of this documentation may be included in the NEPA document. The compliance process is complete.

5.0 Resource Agency Coordination

Aside from the NRCS coordination, there are no requirements for coordination with resource agencies. All FPPA coordination with NRCS must be prepared by the project sponsor and submitted to the TxDOT district environmental contact, and TxDOT is responsible for conducting all coordination with NRCS through the NRCS State Office in Temple, not a local field office. The possible types of NRCS coordination are listed below:

- A request for assistance determining whether the project area contains FPPA protected farmland,
- A request for the relative land value of the site proposed for conversion,
- A request for recommendations to minimize an adverse impact to FPPA protected farmland.

If NRCS does not provide a response within the allocated time (30 days), the project sponsor may proceed as though either there is no protected farmland in the project area, or that the relative land value shows the conversion does not result in an adverse effect to protected farmland and no minimization is recommended.

6.0 Public Participation

The FPPA requires no specific public participation efforts.

7.0 Documentation

Documentation requirements for transportation projects vary, depending on the appropriate FPPA path to compliance for a specific project. All projects require documentation of FPPA consideration in the project file. For environmental assessments (EAs) and environmental impact statements (EISs), this consideration is also documented in the body of the EA or EIS. Projects to which the FPPA applies require some or all of the following types of documentation:

- The required parts of the NRCS form (either [AD-1006](#) or [NRCS-CPA-106](#)) completed without NRCS coordination (Parts I, III, and VI) or with NRCS coordination (Parts I through VII),
- A determination of adverse impact from the NRCS if the score of Part VII is 160 points or greater,
- A justification for the TxDOT alternative selected if a determination of adverse impact is made by the NRCS and the relevant correspondence between TxDOT and the NRCS documenting this finding.

This documentation must be stored in the project file, and for an EA or EIS, referenced in the body of the EA or EIS.

8.0 Glossary

Adverse Effect – The threshold for determining whether a conversion proposed by a project has non-adverse or adverse effects on protected farmland is based on the combined scores for the relative land value (Part V), and the site assessment (Part VI). Sites receiving a total score of 160 points or greater may cause adverse effects to protected farmland.

Conversion – Any type of transportation related acquisition or use of FPPA protected farmland, including right of way acquisition that requires the conversion of that land from agricultural use to transportation use.

Department Delegate – The department delegate is a TxDOT district, office, or division responsible for approving state environmental review documents and other aspects of the state environmental process conducted under [43 TAC 2.8](#). Under the code, the department delegate is responsible for approving environmental documentation and environmental review documents, and for approving local government requests to be designated as project sponsors.

Local Government – A government unit of a county, municipality, town township, village, or other unit of general government below the state level, or a combination of units of local government acting through an area wide agency under state law or an agreement for the formulation of regional development policies and plans.

Non-Adverse Effects – The threshold for determining whether a conversion proposed by a project has non-adverse or adverse effects on protected farmland is based on the combined scores for the relative land value (Part V) and the site assessment (Part VI). Sites receiving a total score of less than 160 cause non-adverse effects to protected farmland.

Project Sponsor – As defined in [43 TAC 2.7](#), the project sponsor accepts the responsibility for preparing the environmental review document or CE documentation and performing any related tasks. A TxDOT district, division, or office or a municipality, county, group of adjoining counties, regional mobility authority, local government corporation, or transportation corporation may be a project sponsor. Private entities and other types of local government entities may not serve as project sponsors.

9.0 Abbreviations and Acronyms

CFR	Code of Federal Regulations
FHWA	Federal Highway Administration
FPPA	Farmland Protection Policy Act
NRCS	Natural Resources Conservation Service
TAC	Texas Administrative Code
TxDOT	Texas Department of Transportation
USC	United States Code
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation

Appendix A: Revision History

The following table shows the revision history for this guidance document.

Revision History	
Effective Date Month, Year	Reason for and Description of Change
May 2018	Version 3 release. Document was updated to reflect changed documentation requirements based on changes to ECOS. All external links were verified and updated.
August 2015	Version 2 release. Updated section on procedural requirements and documentation to be compliant with new guidance from NRCS.
May 2014	Version 1 release