



United States Department of Agriculture
Rural Development
Pennsylvania

PA AN No. 1260 (1940-G, 1794)
January 25, 2011

SUBJECT: Farmland Analysis including Land Evaluation and Site Assessment (LESA) Procedures

TO: All Employees
Rural Development, Pennsylvania

PURPOSE/INTENDED OUTCOME:

To provide guidance on RD Instruction 1940-G and 7 CFR Part 1794 - Environmental Policies and Procedures; regarding farmland analysis including Land Evaluation and Site Assessment (LESA) procedures.

This will clarify the procedures for farmland analysis and completing the Land Evaluation and Site Assessment (LESA) Form AD-1006 or NRCS-CPA-106, required as part of the Environmental Documentation (ED)/ Environmental Report (ER).

COMPARISON WITH PREVIOUS AN:

This replaces PA AN 1241 (1940-G, 1794) which expired on June 30, 2010.

IMPLEMENTATION RESPONSIBILITIES:

The Rural Development Offices as the Processing Office for an application and/or the preparer of the environmental review documents are responsible for:

1. Analysis and documentation of potential impacts on important farmland,
2. Guidance to the applicants on the agency's farmland protection policies,
3. Ensuring that appropriate information is provided to the review agencies and
4. Complying with the Departmental Policy for farmland protection.

EXPIRATION DATE: January 31, 2012

FILING INSTRUCTIONS:
Preceding RD Instruction 1940-G,
7 CFR 1794 Policies and Procedures

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IMPLEMENTATION PROCESS:

The Rural Development Processing Office will ensure compliance with the following procedures for farmland analysis and for completing the Land Evaluation and Site Assessment (LESA) Form, as part of the Environmental Documentation (ED)/ Environmental Report (ER). Throughout the process keep in mind that the analysis, within reason, should clearly indicate that there is either a potential or no potential for conversion of Important Farmland. If there is potential for conversion, document the reasons why the conversion is necessary and whether it is in compliance with USDA policies and requirements for the protection of farmland.

A. Clearly define the Applicant's proposal and the Agency's Federal Action /Objectives, Scope, and the Project Boundary.

1. Normally, Section 1.0 - Project Description and Need, must include this information. For some projects the potential impact may extend outside the Project Boundary. Identify the program under which the application is being considered. For Categorical Exclusions and Class I reviews, include the information in an exhibit and attach to RD Form 1940-22 or RD Form 1940-21 respectively.
2. The Maps need to match/complement the project description and the project boundary.
3. The request to NRCS and other agencies (SHPO, USFWS, and USACE etc. regarding other environmental concerns) for comments must identify both direct and indirect impact areas within and outside the project boundary. In lieu of showing a line along the road or a dot on the USGS map, the maps sent to other agencies must clearly indicate the project/property boundary and the potential impact areas. For an area that has prime farmland on both sides of a road, the maps must clearly indicate the situation. It should not create the impression that the potential impact is only within the previously disturbed areas along the construction easement or the road rights-of-way. Present all the facts.
4. Identify the areas for both direct impact and indirect impact.
5. For sewer and water lines, the direct impact area could be limited to the construction easement, or approximately 200 feet on both sides of the proposed lines where there is potential for development/infilling along the sides of the road.

6. The indirect impact area includes any area that is identified for development. This includes areas identified in the Act 537 Plan as future development based on the proposed project, and any request to the applicant/local government from the developers or property owners.
7. If the applicant, local government, consultant or RD is not aware of any proposal for development, include a statement in the Environmental Document/ Environmental Report (ED/ER) that the agency is not aware of any proposal for development in the area. Normally, future developments that cannot be identified at the time of preparation of the ED/ER need not be addressed as direct or indirect impact in the ED/ER. However, if such a possibility exists, it should be discussed as part of the Cumulative Impact Analysis (in the Environmental Assessment or Exhibit attached to RD Form 1940-22 or RD Form 1940-21 as applicable). The planning documents and project design should be compatible.

B. Determine presence of Farmland soils, using the NRCS soils classification.

1. Helpful resources are:
 - a. NRCS Web Soil Survey – <http://websoilsurvey.nrcs.usda.gov>
 - b. Soil Survey Maps and Classifications
 - c. NRCS List of four types of Important Farmlands
 - d. Local NRCS office expertise
 - e. County Conservation Districts
 - f. Local Planning Agencies – for soils of State and local importance
 - g. Farmland Protection Policy Act (FPPA) - 7 U.S.C. 3201 et seq.
 - h. Department Regulation 9500-3, Land Use Policy
2. Note the following:
 - a. The terminology “Important Farmland” includes Prime Farmland, Unique Farmland, Farmland of Statewide Importance and Farmland of Local Importance.
 - b. Land does not have to be currently farmed or have ever been farmed to be classified as Important Farmland.
 - c. Based on the Departmental Regulation and Agency policy, the Farmland analysis for the Agency varies from that used by other Agencies using the FPPA.

3. Include supporting soil maps and classification list. If there are no Farmland soils present within the project area, discuss it in the ED/ER and state that no further analysis is necessary; except in the case of Ag-land Preservation Areas in the vicinity of the proposed project (also refer to item F.6. below). Farmland review is complete, as there will be no conversion.
4. Identify any areas in the vicinity of the project that qualify for the Purchase of Agricultural Conservation Easement (PACE) Program, the Clean and Green Program and the Agricultural Security Areas (ASA) Program. Some of these areas may be located outside the project boundary.

C. Determine Eligibility for Exemptions from Farmland Protection Requirements.

1. If Farmland soils are present (it does not have to be farmed to be classified as Important Farmland), determine whether the applicant's proposal qualifies for any of the following exemptions – **in the following order:**
 - a. Already 'Built-up' based on USGS Maps - Review USGS and NRCS Important Farmland maps for the area. The following qualifies for this exemption:
 - (1) Existing facility with no change in land use
 - (2) Farming related structures
 - (3) 'Already in' urban development - urban built-up – Pink colored areas in the USGS maps
 - b. Urban Developed Areas based on the 2000/2010 Census – Review the Cross-hatched (normally) area on the U.S. Census Reference Map (do not use the EPA Enviromapper for this purpose). Make sure the map has the correct “Legend” and proper scale to distinguish from the census blocks, which are of the same color when the scale of the map is not proper.
 - (1) U.S. Census Bureau Reference Maps link:
http://factfinder.census.gov/jsp/saff/SAFFInfo.jsp?_pageId=referencemaps&_submenuId=maps_2&geo_id
 - (2) How to use U.S. Census Reference Maps (Power point):
http://www.rurdev.usda.gov/pa/enviro_review_websites.htm#maps

- c. 30 Structures per 40 Acres – Identify a reasonable boundary to determine the acreage and count the number of structures (residential, commercial, and industrial) within that area. Do not count sheds and garages on the same property as separate structures.
2. Document your analysis in the ED/ER. If eligible to be exempt under any of the above categories, indicate the specific type of exemption, identify the boundaries and explain the method you used to determine boundary and the eligibility; skip steps **D** and **E**.
3. Depending on the existing development, you may be able to use the exemption for some areas; whereas, a corridor (NRCS-CPA-106) or other type of LESA (Form AD-1006) analysis may be required for other undeveloped areas within Important Farmland.

D. Requirements for the Completion of LESA Form.

1. If ‘not eligible’ for the above exemptions, use the following guidelines, which are mostly applicable for water and sewer projects:
 - a. Distribution & collection lines to serve existing structures or customers only – no need to complete NRCS-CPA-106 or Form AD-1006; no LESA analysis required. State your reasons in the ED/ER analysis.
 - b. Distribution & collection lines passing through Prime Farmland (the Prime Farmlands contain areas with no structures). In addition to the existing structures, when there are undeveloped Prime Farmlands that can be identified with potential or current plans for development, LESA analysis is required. It is also required for “infilling” (developing vacant lots with Important Farmland soils) that does not qualify for the 30 structures per 40 acres exemption. Complete NRCS-CPA-106 for the corridor or along the road. Complete Form AD-1006 for the non-corridor type areas.
 - (1) For facility and transmission line locations (where line placement can be flexible) in Important Farmland areas, Form AD-1006 or NRCS-CPA-106, respectively, containing input from the NRCS, is required.
 - (2) This requirement is not applicable for distribution or collection networks where the purpose is to hook up only the existing users and structures.

- c. Distribution & collection and interceptor (main) lines passing through Prime Farmland (no structure or customers); currently there are no plans for development or infilling within the Prime Farmland area; the area will be restored for farmland use. No need for NRCS-CPA-106; no LESA analysis required. **However, Prime Farmlands that have potential for developments far in the future, but that are not specifically identified at the time of preparation of the ED/ER, must be discussed as part of the Cumulative Impact Analysis.**
2. Processing the LESA Form through NRCS:
 - a. For situations where the LESA Form (AD-1006 or CPA 106) is required to be completed, the Preparer/Consultant should complete Parts I and III as part of the Land Evaluation and Site Assessment (LESA) process and transmit to NRCS Office.
 - (1) Include information on project location (site map), direct (i.e., road right-of-ways) and indirect impact area (i.e., acreage, areas outside road right-of-ways).
 - (2) NRCS Office contact: **West PA Soil Resources Office**
Natural Resources Conservation Service, 214 Donahoe Rd, Suite C
Greensburg, PA 15601-9217
PHONE: 724-834-4910 (ext 139) FAX: 724-832-9721
William R. Knight, *Resource Soil Scientist*. rob.knight@pa.usda.gov
 - b. When NRCS returns the form with Parts II, IV and V completed, the Agency, when applicable, will complete (double check consultants points) Parts VI through VIII to determine point scoring for the area. See Federal Register Volume 49, No. 139 to score.
 - (1) For Part VI note that there is a difference in point scoring criteria for corridor-type development/utility line extensions and other areas.
 - (2) If you complete Part VI before sending to NRCS and observe a score of less than 60 points for that part, you are still required to send the form for completion by NRCS.
 - (3) For information on the FPPA and Form AD-1006 and NRCS-CPA-106, including FMIs, check out the following link:
<http://www.nrcs.usda.gov/programs/fppa/>

- c. If score is below 160, no additional protection is needed and no additional sites need to be evaluated; therefore, the farmland review is complete. The analysis (ED/ER) must contain such information and explain that the conversion is in compliance with FPPA and the Departmental policy for the conversion of Important Farmlands.
- d. Determine whether the project is compatible with state, local and private programs to protect farmland. If so, and the LESA score is less than 160, the applicant's proposal will have no effect on farmland. Document accordingly on Form 1940-22 attachment, Class 1 or Class II Assessment, or ER.

E. ED/ER Documentation when the LESA score is 160 or above.

- 1. The Agency must consider alternatives using land that is not identified as important farmland, land identified as farmland having lower score and/or adaptive use of existing structures.
- 2. Additional justification will be necessary as part of the analysis before authorizing financial assistance involving/supporting the proposed conversion of farmland. Discuss the following:
 - a. The effect on Important Farmland, and compatibility with state or local planning requirements; usually there will be potential for conversion.
 - b. Identify reasonable/practicable alternatives including alternative sites, alternative means (use of existing structures), and alternative designs to meet applicant's objectives and No-action (denial of request) alternative;
 - c. If a practicable alternative to the conversion exists, notify the applicant and work with the applicant to amend application/proposal to incorporate the practicable alternatives.
 - d. If there is no practicable alternative to the conversion, explain the reasons why. Then, identify mitigation measures (convert fewer acres of farmland, other farmland that has lower relative value – LESA score). Document findings, and incorporate the mitigating measures in ED/ER, and any agreements, documents, letter of conditions, and contract documents, as applicable.

- e. The **Consolidated Farm and Rural Development Act (CON ACT)**, Section 307 (a)(6)(A) **requires that the interest rate for Essential Community Facility and direct RBS loans be increased by 2% per annum**, if the project being financed will involve the use of, or construction on, Prime or Unique Farmland. The 2% Rule:

- (1) applies to all applicants that are not public bodies
- (2) applies to public body applicants only when a practicable site exists for construction which does not contain Prime or Unique Farmland, but the public body chooses to build on Prime Farmland site
- (3) does not apply to guaranteed loans or grant only projects.

F. **Agricultural Land Preservation Areas/Programs.**

1. This term is collectively used to include the Purchase of Agricultural Conservation Easement (PACE) Program, the Clean and Green Program and the Agricultural Security Areas (ASA) Program.
2. The PACE Program administered by the PA Department of Agriculture (PDA) through the State Agricultural Preservation Board enables state, county and local governments to purchase conservation easements (sometimes called development rights) from the owners of quality farmland.
3. The Clean and Green Program was established to preserve farmland, forestland and open space by taxing land according to its use rather than the prevailing market value. This voluntary program is administered by the county assessment office. Land taken out of the program becomes subject to rollback tax and interest penalty.
4. The ASA Program is a voluntary program for farmers for strengthening and protecting quality farmland from urbanization of rural areas. An ASA designation is a prerequisite for eligibility for the purchase of an agricultural conservation easement. Agricultural security areas are created by local municipalities in cooperation with individual landowners. According to the Pennsylvania Department of Agriculture's ASA Handbook: "No agency of the Commonwealth having or exercising powers of eminent domain shall condemn for any purpose any land within any agricultural security area that is being used for productive agricultural purposes unless prior approval has been obtained from the Agricultural Lands Condemnation Approval Board."

5. Additional information is available at the Pennsylvania Department of Agriculture website or from the Bureau of Farmland Preservation at (717) 783-3167.
6. An applicant's proposal could have an impact on farmland preservation areas even when the area is outside the project boundary, but within a close vicinity of a project. Therefore, discuss the location of such Agland preservation areas present in the vicinity of the project in the ED/ER and include a mitigating measure:
"Applicant and the Township/Borough agree to pass resolutions to require all future developments requiring connection to the system to be in compliance with the Agricultural Land Preservation Programs to protect farmlands within and adjacent to the project boundary."

G. Public Notice procedures.

Refer to PA AN No. 1261 (1940-G, 1794) Public and Private Party Notices:

Preliminary and final notices will apply to all Assessments, and Categorical Exclusions with ER that impact/convert important land resources (farmland, floodplain and wetland) and cultural resources. Plan ahead, to ensure compliance with the required comment period(s). Public notice is not required for Categorical Exclusions that lose status and require a Modified Class I Assessment and Categorical Exclusions that have no impact on such resources.

If you have any questions, please contact the State Environmental Coordinator (SEC) or the Assistant SEC (ASEC).

/s/ Thomas P. Williams

THOMAS P. WILLIAMS
State Director