

## Contact

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## Farmland Impacts

### Forms

- o [Form AD 1006 - Farmland Conversion Impact Rating – for non-corridor projects](#)
- o [Form NRCS-CPA-106](#) for Corridor Type Projects

### Purpose

Federal and state laws exist to ensure that impacts to agricultural lands and operations are integrated into the decision making process, and that impacts upon agricultural land are minimized to the extent reasonable.

### Threshold Criteria:

#### Federal

The Farmland Preservation Policy Act (FPPA) contains no lower threshold regarding acreage. Any federally funded project which requires the acquisition of any amount of right of way must address the FPPA. It is common that the NRCS is unable to complete the forms required by the FPPA, thereby ending the process. However, this DOES NOT end the assessment of agricultural impacts (number of acres acquired, current land use, severance of operations, etc.). The rules of the CEQ must be adhered to regarding assessments of prime and unique farm impacts on any federal EA or EIS.

Farmland is defined per the FPPA and includes prime farmlands, unique farmlands, and farmlands other than prime or unique that are of statewide or local importance.

Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

- The US Department of Agriculture has a web soil survey that identifies the location of prime farmlands, unique farmlands, and farmlands of statewide or local importance.

## State

The Minnesota law does not require Minnesota Department of Agriculture (MDA) review of the project unless ten acres or more of agricultural land is to be acquired. However, the law defines land in agricultural use very broadly, such that virtually any land outside the limits of a city may be defined as agricultural land. If the proposed action is being reviewed under the rules of the Minnesota Environmental Quality Board [Chapter 116D], or if a political subdivision (e.g. city or county) is required by law to review and approve the action, the law does not require separate review by the MDA Commissioner.

## Prepared Statement

Prepared Statements of No Effect

**Federal:** Contact MnDOT Office of Environmental Stewardship for guidance

**State:** The project is not anticipated to cause any adverse impact to prime farmland, unique farmlands, farmlands of statewide or local importance, agricultural land or operations. No agricultural land will be acquired, no farm will be severed or triangulated. The project will not have a significant effect upon agricultural production in \_\_\_\_\_ County.

## Relationship to the HPDP

Early environmental documents should discuss any potential agricultural impacts. Normally, more detailed information would be developed later in project development, when ROW limits and exact location are better defined. Both the FPPA and the Minnesota Agricultural Lands Preservation and Conservation Policy Act provide that the USDA, NRCS, and the Minnesota Department of Agriculture will have opportunity to review and comment on MnDOT documents for agricultural impacts. As a result, consideration of agricultural impacts should take place as early in project development as practicable.

Where farmland would be impacted, the environmental document should contain a map showing the location of all farmlands in the project impact area, discuss the impacts of the various alternatives and identify measures to avoid or reduce the impacts. Form AD 1006 (Farmland Conversion Impact Rating) should be processed, as appropriate, and a copy included in the environmental document. Where the Land Evaluation and Site Assessment score (from Form AD 1006) is 160 points or greater, the environmental document should discuss alternatives to avoid farmland impacts. If avoidance is not possible, measures to minimize or reduce the impacts should be evaluated and, where appropriate, included in the proposed action.

If a project affects ten or more acres of farmland and does not require preparation of a state EAW or EIS, then the project impacts must be reviewed by the MDA Commissioner, as required by Minn Statutes 17.82. The requirements and format for providing information to the Minnesota Department of Agriculture is given in the Appendix of the [HPDP Minnesota Department of Agriculture page](#).

## Agencies Involved

FHWA, U.S. Department of Agriculture-NRCS, and the Minnesota Department of Agriculture are the primary agencies. Local soil conservation organizations or local governmental entities may be involved from time to time.

## Permits/Approvals

None.

## Legal Basis

In 1980 the Council on Environmental Quality (CEQ) issued a directive that required federal agencies to assess the effects of their proposed actions on prime or unique agricultural land. It further required that this assessment be an integral part of the environmental assessment process, and that it be a factor in deciding whether or not to prepare an environmental impact statement.

In 1981 the Federal Government enacted the Farmland Protection Policy Act (FPPA) and the NRCS promulgated rules ([7 CFR 658](#)) implementing the FPPA.

Minnesota state law also requires the analysis of agricultural impacts, and requires formal review by the Minnesota Department of Agriculture (MINNESOTA AGRICULTURAL LAND PRESERVATION AND CONSERVATION POLICY ACT; Minnesota Statutes 17.80-17.84). For projects requiring review under Minn Chapter 116D (i.e., preparation of a state EAW or EIS), the MDA reviews/comments on the project as part of the environmental document public comment period.

Two additional laws which extend a variety of benefits to Minnesota farmers are relevant to the transportation project manager; the METROPOLITAN AGRICULTURAL PRESERVES law, and the AGRICULTURAL LAND PRESERVATION PROGRAM. These laws extend a variety of protections and benefits to farmers, principally in the areas of taxation. In return for the benefits, the farmer must enter the land into a covenant which prohibits the use of the land for any purpose except agriculture. The covenant runs with the land. While the owner may withdraw the land from such a designation, the withdrawal time is set by statute at eight years. Right of way legal opinion is that this covenant is binding on successive owners, including MnDOT. While this may be more of a right of way issue than a preliminary design issue, the project manager should be aware of the implications these laws could have for project scheduling.

Description	Code
Farmland Protection Policy Act	<a href="#">7 U.S.C. 4201-4209</a>
Minnesota Agricultural Preservation And Conservation Policy Act	<a href="#">Minnesota Statutes 17.80-17.84</a>
Metropolitan Agricultural Preserves Act	<a href="#">Minnesota Statutes Chapter 473H</a>

## Guidelines/Regulations

Creator (Agency/Author)	Subject of guideline/regulation
Council on Environmental Quality	<a href="#">Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act.</a>
FHWA	<a href="#">Environmental Review Toolkit: Ecosystems and Vegetation Management</a>
FHWA	<a href="#">Technical Advisory 6640.8A</a>

NRCS	<a href="#">Farmland Protection Policy Act</a>
NRCS	Farmland Protection Policy Act Rules ( <a href="#">7 CFR 658</a> )

There is no formal guidance regarding the Minnesota Agricultural Lands Preservation and Conservation Policy Act. Generally, if the project manager addressed the issue sufficiently well to meet the federal requirements, the Minnesota Department of Agriculture will be satisfied.

## Glossary

**FPPA** - Farmland Protection Policy Act (1981)

**NRCS** - Natural Resources Conservation Service (part of the US Department of Agriculture)

## Helpful Links

[NRCS Web Site \(USDA\)](#)

[Minnesota NRCS](#)