



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

AUG 17 1994

PEP - ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM94-7

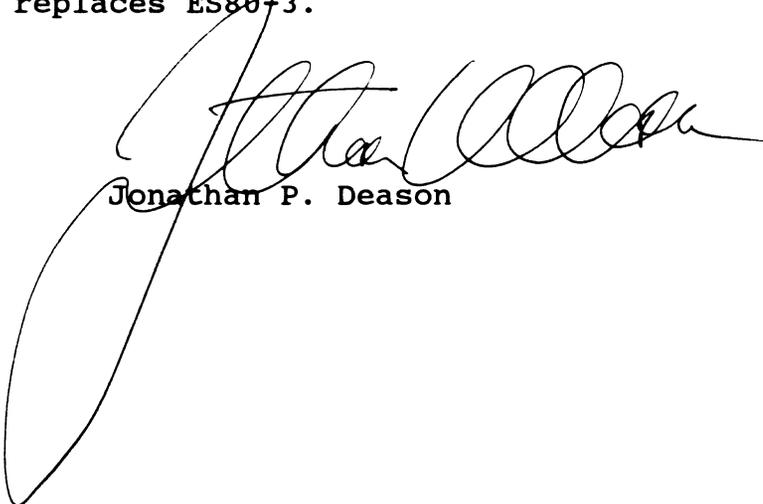
To: Heads of Bureaus and Offices
From: Director, Office of Environmental Policy and Compliance
Subject: Prime and Unique Agricultural Lands

Attached is a CEQ Memorandum of August 11, 1980, concerning the analysis of impacts on prime or unique agricultural lands in implementing NEPA.

Bureaus and offices will analyze impacts on prime or unique farmlands as an integral part of the NEPA process.

Technical data and assistance is available from the Chairperson of the appropriate USDA Land Use Committee, and any draft EISs for actions affecting prime or unique farmlands will be sent to appropriate USDA offices for review and comment.

This memorandum replaces ES80-3.



Jonathan P. Deason

Attachment

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

August 11, 1980

MEMORANDUM FOR HEADS OF AGENCIES

SUBJECT: Analysis of Impacts on Prime or Unique Agricultural Lands in
Implementing the National Environmental Policy Act

Approximately one million acres of prime or unique agricultural lands* are being converted irreversibly to nonagricultural uses each year. Actions by federal agencies such as construction activities, development grants and loans, and federal land management decisions frequently contribute to the loss of prime and unique agricultural lands directly or indirectly. Often these losses are unintentional and are not necessarily related to accomplishing the agency mission.

On August 30, 1976, CEQ, in cooperation with the Department of Agriculture, issued a memorandum to the heads of federal agencies on the need for analysis of prime or unique farmlands in the preparation and review of environmental impact statements. The memorandum also recommended steps for agencies to take in making such analyses. Since that memorandum was issued, federal agencies' environmental impact statements have begun to include references to the presence of prime or unique farmlands that would be affected by the proposed federal action. Moreover, they have clearly indicated that many federal and federally assisted projects have direct and indirect adverse impacts on prime or unique farmlands.

Recent studies by the Council and the General Accounting Office indicate that federal agencies have not adequately accounted for the impacts of their proposed actions on agricultural land through the environmental assessment process. Furthermore, agency project plans and decisions have frequently not reflected the need and opportunities to protect these lands. The purpose of this memorandum is to alert federal agencies to the need and the opportunities to analyze agricultural land impacts more effectively in the project planning process and under the National Environmental Policy Act (NEPA).

Agencies can substantially improve their analysis of impacts on prime or unique agricultural lands by following closely our recently established NEPA regulations (40 C.F.R. 1500-1508, Nov. 29, 1978). The regulations apply to these lands in several specific respects. Determining the effects of a proposed federal agency action on prime or unique

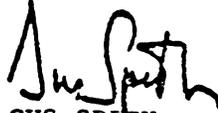
* As used in this memorandum, prime and unique agricultural land is cropland, pastureland, rangeland, forest land or other land, but not urban built-up land, which is capable of being used as prime and unique farmland as defined by the Department of Agriculture (see attachment).

agricultural lands must be an integral part of the environmental assessment process, and must be a factor in deciding whether or not to prepare an environmental impact statement. For example, when an agency begins planning any action, it should, in the development of alternative actions, assess whether the alternatives will affect prime or unique agricultural lands. Then, recognizing the importance of these lands and any significant impacts that might affect them, it must study, develop, and describe appropriate alternative uses of available resources. (Sec. 1501.2(c).)

In determining whether to prepare an environmental impact statement, the regulations note that the "Unique characteristics of the geographic area such as ... prime farmlands ..." (Sec. 1508.27(b)(3)) must be considered, among others. If an agency determines that a proposal may significantly affect the quality of the human environment, it must initiate the scoping process (Sec. 1501.7) to identify those issues, including effects on prime or unique agricultural lands, that will be analyzed and considered, along with the alternatives available to avoid or mitigate adverse effects. An environmental impact statement must include a description of the area that will be affected by the proposed action (Sec. 1502.15) and an analysis of the environmental consequences of the proposal, including a discussion of "natural or depletable resource requirements and conservation potential of various alternative and mitigation measures" (Sec. 1502.16(f)). These resource requirements include prime or unique agricultural lands. The effects to be studied encompass indirect effects that may include "growth inducing effects and other effects related to induced changes in the pattern of land use ..." (Sec. 1508.8(b)). The cumulative effects of a proposal must be studied (Secs. 1508.7, 1508.8(b)), as must any mitigation measures that could be taken to lessen the impact on prime or unique agricultural lands (Secs. 1505.2(c), 1508.20). Agencies must also cooperate with state or local governments in their efforts to help retain these lands. (Secs. 1502.16(c), 1506.2(d).)

Federal agencies with technical data on the occurrence, value, or potential impacts of federal actions on these lands will provide the lead agency with data that may be useful in preparing environmental assessments or impact statements. The U.S. Department of Agriculture will cooperate with all agencies in planning projects or developments, in assessing impacts on prime or unique agricultural lands, and in defining alternatives. Technical data and assistance regarding agricultural land may be obtained by contacting the Chairperson of the USDA Land Use Committee (list attached) or any USDA office. In addition to providing technical data and assistance, the USDA will continue to emphasize the review of EISs on federal actions likely to have significant effects on prime and unique farmlands. Under Section 1504 of the regulations, USDA should refer to CEQ those proposed federal actions which it believes will be environmentally unsatisfactory because of unacceptable effects on prime or unique farmlands. CEQ will review such referrals, and take necessary steps in accordance with Section 1504 of our regulations.

Because prime and unique agricultural lands are a limited and valuable resource, the Council urges all agencies to make a particularly careful effort to apply the goals and policies of the National Environmental Policy Act to their actions and to obtain necessary assistance in their planning processes so that these lands will be maintained to meet our current national needs and the needs of future generations of Americans.



GUS SPEITH
Chairman

Attachments

U.S. Department of Agriculture State Land Use
Committee Chairpersons

Mr. William B. Lingle
State Conservationist
Soil Conservation Service
P.O. Box 311
Auburn, Alabama 36830

Mr. Marvin C. Meier
Director, State and Private Forestry
2221 E. Northern Lights Blvd.
Box 6606
Anchorage, Alaska 99502

Mr. Thomas G. Rockenbaugh
State Conservationist
Soil Conservation Service
Federal Bldg., Rm. 3008
230 N. First Street
Phoenix, Arizona 85025

Mr. M. J. Spears
State Conservationist
Soil Conservation Service
P.O. Box 2323
Little Rock, Arkansas 72203

Mr. James H. Hansen
State Resource Conservationist
Soil Conservation Service
2828 Chiles Road
P.O. Box 1019
Davis, California 95616

Mr. Sheldon G. Boone
State Conservationist
Soil Conservation Service
P.O. Box 17107
Denver, Colorado 80217

Ms. Maria Maiorana Russell
Assistant Director
Community Resource & Staff Dev.
Cooperative Extension Service
University of Connecticut
Storrs, Connecticut 06268

Mr. Otis D. Fincher
State Conservationist
Soil Conservation Service
204 Treadway Towers
9 East Lockerman Street
Dover, Delaware 19901

Mr. William E. Austin
State Conservationist
Soil Conservation Service
P.O. Box 1208
Gainesville, Florida 32601

Mr. Dwight Treadway
State Conservationist
Soil Conservation Service
P.O. Box 832
Athens, Georgia 30601

Mr. Jack P. Kanalz
State Conservationist
Soil Conservation Service
P.O. Box 50004
Honolulu, Hawaii 96850

Mr. Randall Johnson
Farmers Home Administration
U.S. Department of Agriculture
304 North Eighth Street
Boise, Idaho 83702

Mr. Warren J. Fitzgerald
State Conservationist
Soil Conservation Service
P.O. Box 678
Champaign, Illinois 61820

Mr. Robert Bollman
Assistant State Conservationist
Soil Conservation Service
5610 Crawfordsville Road, Suite 2200
Indianapolis, Indiana 46224

Mr. Rollin Swank
 Assistant State Conservationist
 Soil Conservation Service
 693 Federal Bldg.
 210 Walnut Street
 Des Moines, Iowa 50309

Mr. John W. Tippie
 State Conservationist
 760 South Broadway
 P.O. Box 600
 Salina, Kansas 67401

Mr. Glen E. Murray
 State Conservationist
 Soil Conservation Service
 333 Waller Avenue
 Lexington, Kentucky 40504

Dr. Floyd L. Corty
 Ag. Econ. & Agribusiness
 Louisiana State University
 Baton Rouge, Louisiana 70803

Mr. Eddie L. Wood
 State Conservationist
 Soil Conservation Service
 USDA Bldg., Univ. of Maine
 Orono, Maine 04473

Mr. Gerald R. Calhoun
 State Conservationist
 Soil Conservation Service
 Rm. 522, Hartwick Bldg.
 4321 Hartwick Road
 College Park, Maryland 20740

Dr. Gene McMurtry
 Assoc. Dir., Coop. Ext. Service
 Stockbirdge Hall, Rm. 211
 University of Massachusetts
 Amherst, Massachusetts 01003

Dr. Raleigh Barlowe
 323 Natural Resources Bldg.
 Michigan State University
 East Lansing, Michigan 48824

Mr. Harry M. Major
 State Conservationist
 Soil Conservation Service
 316 North Robert Street
 St. Paul, Minnesota 55101

Mr. Billy C. Griffin
 Deputy State Conservationist
 Soil Conservation Service
 P.O. Box 610
 Jackson, Mississippi 39205

Mr. Kenneth G. McManus
 State Conservationist
 Soil Conservation Service
 555 Vandiver Drive
 P.O. Box 459
 Columbia, Missouri 65201

Mr. Van K. Haderlie
 State Conservationist
 Soil Conservation Service
 Federal Bldg.
 P.O. Box 970
 Bozeman, Montana 59715

Mr. Russell Schultz
 Soil Conservation Service
 Federal Bldg.
 U.S. Courthouse, Rm. 345
 Lincoln, Nebraska 68508

Mr. Gerald C. Thola
 State Conservationist
 Soil Conservation Service
 P.O. Box 4850
 Reno, Nevada 89505

Mr. Roger Leighton
James Hall
University of New Hampshire
Durham, New Hampshire 03824

Mr. Plater T. Campbell
State Conservationist
Soil Conservation Service
1370 Hamilton Street
P.O. Box 219
Somerset, New Jersey 08873

Mr. Thomas G. Schmeckpeper
Deputy Regional Forester
U.S. Forest Service
Rm. 5424, Federal Bldg.
517 Gold Avenue, S.W.
Albuquerque, N.M. 87102

Mr. Robert L. Hilliard
State Conservationist
Soil Conservation Service
U.S. Courthouse & Federal Bldg.
100 South Clinton St., Rm. 771
Syracuse, New York 13260

Mr. Mitchell E. Clary
Assistant State Conservationist
Soil Conservation Service
P.O. Box 27307
Raleigh, North Carolina 27611

Mr. Sylvester C. Ekart
Chairman
North Dakota Land Use Comm.
Federal Bldg.
P.O. Box 1453
Bismarck, North Dakota 58501

Mr. Robert R. Shaw
State Conservationist
Soil Conservation Service
Federal Bldg., Rm. 522
200 N. High Street
Columbus, Ohio 43215

Mr. Bobby T. Birdwell
Soil Conservation Service
Agricultural Center Office Bldg.
Farm Road & Brumley Street
Stillwater, Oklahoma 74074

Mr. Guy Nutt
State Conservationist
Soil Conservation Service
Federal Bldg., 16th Floor
1220 SW Third Avenue
Portland, Oregon 97204

Mr. Thomas B. King
Associate Director
Cooperative Extension Service
The Pennsylvania State University
323 Agricultural Admin. Bldg.
University Park, Pennsylvania 16802

Mr. Richard F. Kenyon
State Executive Director
Agricultural Stabilization and
Conservation Service
222 Quaker Lane
West Warwick, Rhode Island 02893

Mr. K.G. Smith
State Director
Farmers Home Administration
240 Stoneridge Drive
Columbia, South Carolina 29210

Mr. Wayne D. Testerman
State Executive Director
Agricultural Stabilization and
Conservation Service
200 Fourth Street, S.W.
Federal Bldg., Rm. 210
Huron, South Dakota 57350

Dr. M. Lloyd Downen
Director, Agricultural Extension
University of Tennessee
P.O. Box 1071
Knoxville, Tennessee 37901

Mr. George C. Marks
State Conservationist
Soil Conservation Service
P.O. Box 648
Temple, Texas 76501

Mr. Reed Page
State Director of the
Farmers Home Administration
125 South State St., Rm. 5434
Salt Lake City, Utah 84138

Mr. Coy Garrett
State Conservationist
Soil Conservation Service
One Burlington Square, Suite 205
Burlington, Vermont 05401

Mr. Manly S. Wilder
State Conservationist
Soil Conservation Service
400 North Eighth Street
P.O. Box 10026
Richmond, Virginia 23240

Mr. Lester N. Liebel
Ext. Rural Development Coord.
Cooperation Extension Service
Washington State University
417, Ag. Phase II
Pullman, Washington 99163

Mr. Craig M. Right
State Conservationist
Soil Conservation Service
P.O. Box 865
Morgantown, West Virginia 26505

Mr. Jerome C. Hytry
State Conservationist
Soil Conservation Service
4601 Hammersley Road
Madison, Wisconsin 53711

Mr. Robert W. Cobb
Assistant State Conservationist
Soil Conservation Service
P.O. Box 2440
Casper, Wyoming 82601

PART 657 - PRIME AND UNIQUE
FARMLANDS
Subpart A - Important Farmlands Inventory

657.5 Identification of important farmlands.

Authority: 16 U.S.C. 590a-f, q; 7 CFR 2.62; Pub. L. 95-87; 42 U.S.C. 4321 et seq.

§ 657.5 Identification of important farmlands.

(a) Prime farmlands.

(1) General. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. Examples of soils that qualify as prime farmland are Palouse silt loam, 0 to 7 percent slopes; Brookston silty clay loam, drained; and Tama silty clay loam, 0 to 5 percent slopes.

(2) Specific criteria. Prime farmlands meet all the following criteria: Terms used in this section are defined in USDA publications: "Soil Taxonomy, Agriculture Handbook 436"; "Soil Survey Manual, Agriculture Handbook 18"; "Rainfall-Erosion Losses from Cropland, Agriculture Handbook 282"; "Wind Erosion Forces in the United States and Their Use in Predicting Soil Loss, Agriculture Handbook 346"; and "Saline and Alkali Soils, Agriculture Handbook 60."

(i) The soils have:

(A) Aquic, udic, ustic, or xeric moisture regimes and sufficient available water capacity within a depth of 40 inches (1 meter), or in the root zone (root zone is the part of the soil that is penetrated or can be penetrated by plant roots) if the root zone is less than 40 inches deep, to produce the commonly grown cultivated crops (cultivated crops include, but are not limited to, grain, forage, fiber, oilseed, sugar beets, sugarcane, vegetables, tobacco, orchard, vineyard, and bush fruit crops) adapted to the region in 7 or more years out of 10; or

(B) Xeric or ustic moisture regimes in which the available water capacity is limited, but the area has a developed irrigation water supply that is dependable (a dependable water supply is one in which enough water is available for irrigation in 8 out of 10 years for the crops commonly grown) and of adequate quality; or,

(C) Aridic or torric moisture regimes and the area has a developed irrigation water supply that is dependable and of adequate quality; and,

(ii) The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50 cm), have a mean annual temperature higher than 32° F (0° C). In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47° F (8° C); in soils that have no O horizon, the mean summer temperature is higher than 59° F (15° C); and,

(iii) The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep; and,

(iv) The soils either have no water table or have a water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and,

(v) The soils can be managed so that, in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep, during part of each year the conductivity of the saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage (ESP) is less than 15; and,

(vi) The soils are not flooded frequently during the growing season (less often than once in 2 years); and,

(vii) The product of K (erodibility factor) x percent slope is less than 2.0, and the product of I (soils erodibility) x C (climatic factor) does not exceed 60; and

(viii) The soils have a permeability rate of at least 0.06 inch (0.15 cm) per hour in the upper 20 inches (50 cm) and the mean annual soil temperature at a depth of 20 inches (50 cm) is less than 59° F (15° C); the permeability rate is not a limiting factor if the mean annual soil temperature is 59° F (15° C) or higher; and,

(ix) Less than 10 percent of the surface layer (upper 6 inches) in these soils consists of rock fragments coarser than 3 inches (7.6 cm).

(b) Unique farmland.

(1) General. Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables.

(2) Specific characteristics of unique farmland.

(i) Is used for a specific high-value food or fiber crop.

(ii) Has a moisture supply that is adequate for the specific crop. The supply is from stored moisture, precipitation, or a developed irrigation system.

(iii) Combines favorable factors of soil quality, growing season, temperature, humidity, air drainage, elevation, aspect, or other conditions, such as nearness to market, that favor the growth of a specific food or fiber crop.

(c) Additional farmland of statewide importance. This is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops. Criteria for defining and delineating this land are to be determined by the appropriate State agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some States, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by State law.

(d) Additional farmland of local importance. In some local areas there is concern for certain additional farmlands for the production of food, feed, fiber, forage, and oilseed crops, even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned. In places, additional farmlands of local importance may include tracts of land that have been designated for agriculture by local ordinance.